

Relating to Noise Control of Watercraft.

Ordinance No. 109099

AN ORDINANCE relating to noise control of watercraft; adding new sections 226.5 and 407 to Seattle's Noise Control Ordinance 106360 and amending Sections 215, 232, and 601 as well as the title of Chapter 4 thereof.

*10-3-79 - Amended
5-7-80 P50 J 20 Pass as amended
Pending D.O.E. Approval*

84 B.13

COMPTROLLER
FILE NUMBER _____

Council Bill No. 100719

INTRODUCED: OCT 1 1979	BY: SMITH
REFERRED: OCT 1 1979	TO: PUB. SAFETY & JUSTICE
REFERRED:	
REPORTED: JUN 9 1980	SECOND READING: JUN 9 1980
THIRD READING: JUN 9 1980	SIGNED: JUN 9 1980
PRESENTED TO MAYOR: JUN 10 1980	APPROVED: JUN 18 1980
REFD. TO CITY CLERK: JUN 18 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 109099

AN ORDINANCE relating to noise control of watercraft; adding new sections 226.5 and 407 to Seattle's Noise Control Ordinance 106360 and amending Sections 215, 232, and 601 as well as the title of Chapter 4 thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 215 of Ordinance 106360 is amended to read as follows:

Section 215. Muffler means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas, and which is effective in reducing sound resulting therefrom.

Section 2. Section 232 of Ordinance 106360 is hereby amended to read as follows:

Section 232. Watercraft means any contrivance, including aircraft taxiing but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water, powered by an internal or external combustion engine.

Section 3. The title of Chapter 4 of Ordinance 106360 is hereby amended to read as follows:

Chapter 4. Motor Vehicle and Watercraft Sound Levels.

Section 4. Section 601 of Ordinance 106360 is hereby amended to read as follows:

Section 601. Sounds Exempt at All Times.

(a) The following sounds are exempt from the provisions of this ordinance at all times:

- (1) Sounds originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;
- (2) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
- (3) Sounds created by fire alarms;

- 1 (4) Sounds created by emergency equipment and emergency work
2 necessary in the interests of law enforcement or of the health,
3 safety or welfare of the community;
- 4 (5) Sounds created by the discharge of firearms in the course of
5 lawful hunting activities;
- 6 (6) Sounds caused by natural phenomena and unamplified human
7 voices;
- 8 (7) Sounds originating from forest harvesting and silviculture activity
9 and from commercial agriculture, if the receiving property is
10 located in a commercial or industrial district of the City of Seattle;
- 11 (8) Sounds created by auxiliary equipment on motor vehicles used
12 for highway maintenance; ~~((and))~~
- 13 (9) Sounds created by warning devices not operated continuously
14 for more than 30 minutes per incident; and
- 15 (10) See Section 407(C)(2).

16 (b) The City Council intends to amend this ordinance by enacting specific
17 regulations for the following sounds, each of which shall be exempt from
18 the provisions of this ordinance at all times until a specific amendment
19 applying to that sound has been adopted:

- 20 (1) Sounds created by the operation of equipment or facilities of
21 surface carriers engaged in commerce by railroad;
- 22 (2) Sounds created by float planes; and
- 23 (3) Sounds created by construction equipment, including special
24 construction vehicles, and emanating from temporary construction
25 sites, if the receiving property is located in a commercial or
26 industrial district of the City of Seattle ~~((and~~
27 ~~((4) Sounds created by watercraft)).~~

28 New Section. Section 5. Ordinance 106360 is amended by adding a new
Section 226.5 to read as follows:

Section 226.5 Shoreline means the existing intersection of water with the
ground surface or with any permanent, shore connected facility.

1 New Section. Section 6. Chapter 4 of Ordinance 106360 is amended by
2 adding a new Section 407 to read as follows:

3 Section 407. Watercraft.

4 (A) It is unlawful for any person to operate any watercraft in such a manner
5 as to exceed the following maximum noise limits when measured within
6 fifty (50) feet of the shoreline or anywhere within a receiving property:

7 (1) At any hour of the day or night, the limit for any receiving
8 property shall be 74 dB(A), except that,

9 (2) Between sunset and sunrise the limit for any receiving property
10 within a residential or rural district shall be 64 dB(A). For the
11 purpose of administering and enforcing this section, sunset will be
12 interpreted as 10:00 p.m. and sunrise will be interpreted as 7:00
13 a.m.

14 (B) It is unlawful for any person to operate any watercraft, except aircraft,
15 which is not equipped with a functioning underwater exhaust or a
16 properly installed and adequately maintained muffler. Any of the
17 following defects in the muffling system shall constitute a violation of
18 this subsection:

19 (1) The absence of a muffler;

20 (2) The presence of a muffler cut-out, bypass, or similar device which
21 is not standard or normal equipment for the exhaust system being
22 inspected;

23 (3) Defects in the exhaust system including, but not limited to,
24 pinched outlets, holes, or rusted-through areas of the muffler or
25 pipes; and

26 (4) The presence of equipment which will produce excessive or
27 unusual noise from the exhaust system.

28 Dry stacks or water-injected stacks not containing a series of chambers
or mechanical designs effective in reducing sound shall not be
considered as adequately maintained mufflers.

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- (C) The following exemptions shall apply to sounds created by watercraft or watercraft operations.
 - (1) Normal docking, undocking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from provisions in subsection (A).
 - (2) Sounds created by the operation of commercial, non-recreational watercraft are exempt at all times from provisions of Ordinance 106360. These commercial activities include, but are not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate interstate, or international commerce.
 - (3) Sounds created by boat races and regattas, and trials therefor as sanctioned by the Chief of Police acting as Port Warden pursuant to Section 27 of Ordinance 87983 as amended are exempt from provisions in this section and in Ordinance 106360 between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends.
- (D) Nothing in this section shall be construed to limit the powers of the Chief of Police acting as Port Warden, as enumerated in Section 3 of Ordinance 87983 as amended.

Section 7 . This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 9 day of JUNE, 1980
and signed by me in open session in authentication of its passage this 9 day of JUNE, 1980

[Handwritten Signature]
President of the City Council.

Approved by me this 18 day of June, 1980

[Handwritten Signature]
Mayor.

Filed by me this 18 day of June, 1980

Attest: *[Handwritten Signature]*
City Comptroller and City Clerk.

(SEAL)

Published _____

By *[Handwritten Signature]*
Deputy Clerk.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF ECOLOGY

Olympia, Washington 98504

206/753-2240

Mail Stop PV-11

Wilbur G. Hallauer, Director

May 30, 1980

Councilman Sam Smith
Chairman, Public Safety and
Justice Committee
Seattle City Council
Municipal Building
Seattle, Washington 98104

Dear Councilman Smith:

Your letter of May 14, 1980 has clarified the matters noted in my letter of March 6, 1980. I thank you and your staff for understanding our position in review of the proposed watercraft noise control ordinance.

It is my pleasure to give approval of the Seattle watercraft noise ordinance as amended by your letter of May 14, 1980. Please send a copy of the final version adopted by council for our records. If the department can be of any assistance to you or your staff on future noise control ordinance development, please do not hesitate to contact Dave Saunders, Noise Control Section at 753-6867.

Yours truly,

A handwritten signature in cursive script, appearing to read "Wilbur G. Hallauer".

Wilbur G. Hallauer
Director

WGH:kb

Seattle City Council



May 14, 1980

Paul Kraabel
President of Council
625-2447

George E. Benson
Chair
Parks and Community
Service Committee
625-2441

Michael Hill
Chair
Urban Development and
Housing Committee
625-2443

Randy Revelle
Chair
Energy Committee
625-2445

Norman B. Rice
Chair
Finance Committee
625-2438

Jack N. Richards
Chair
Water and Waste
Management Committee
625-2438

Dolores Sibonga
Chair
Personnel and Property
Management Committee
625-2451

Sam Smith
Chair
Public Safety and
Justice Committee
625-2455

Jeanette Williams
Chair
Transportation
Committee
625-2453

Mr. Wilbur Hallauer, Director
Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

Re: Watercraft Noise Control

Dear Mr. Hallauer:

In January 1980, the Seattle City Council requested your approval of Seattle's proposed watercraft noise ordinance. On March 6, 1980, you approved the City's broader watercraft definition to include float planes, but you denied approval for more restrictive sound level standards and for time periods during which the standards would apply. On April 16, 1980, Councilmember Randy Revelle met with your staff and discussed the reasons for the Department's actions. Based upon that meeting, the City Council's Public Safety and Justice Committee amended its proposed ordinance to conform with the State regulations on watercraft sound levels and the time periods when such levels are applicable.

Based on discussions with your staff, the Committee, however, understands that although Seattle must use the sunrise and sunset provision, Seattle can establish specific times. We are, therefore, notifying you that we intend to use in our ordinance the times of 7:00 a.m. for sunrise and 10:00 p.m. for sunset. The Committee still believes that the City's special conditions as cited in Resolution 26221, justify such action, but since your staff has been concerned about the sunrise provision, we will provide the following information as additional support for using 7:00 a.m. as an administrative interpretation of sunrise.

1. A specific time provides for consistent enforcement throughout the entire year, and thus, avoids making enforcement dependent on the time of the year.

Seattle City Council



May 14, 1980

Paul Kraabel
President of Council
625-2447

George E. Benson
Chair
Parks and Community
Service Committee
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Urban Development and
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Olympia, WA 98504

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Based on discussions with your staff, the Committee, however, understands that although Seattle must use the sunrise and sunset provision, Seattle can establish specific times. We are, therefore, notifying you that we intend to use in our ordinance the times of 7:00 a.m. for sunrise and 10:00 p.m. for sunset. The Committee still believes that the City's special conditions as cited in Resolution 26221, justify such action, but since your staff has been concerned about the sunrise provision, we will provide the following information as additional support for using 7:00 a.m. as an administrative interpretation of sunrise.

1. A specific time provides for consistent enforcement throughout the entire year, and thus, avoids making enforcement dependent on the time of the year.



Seattle City Council

Memorandum

Date: May 2, 1980

To: Members, Public Safety and Justice Committee

From: Peter Moy *PM*

Subject: Watercraft Noise Legislation

In December 1979, the Council passed Resolution 26221 which requested the State Department of Ecology (DOE) to approve the City's more restrictive watercraft sound standards and its broader watercraft definition. On March 6, 1980, DOE approved the broader definition to include taxiing float planes, but denied the request for more restrictive sound standards (see attached letter).

Although DOE said it reviewed the special conditions, the reasons given for denying the City's requests are primarily based on the need for State-wide consistency. DOE did not determine whether the special conditions justify the more restrictive standards proposed by the City. The City requested more restrictive daytime and nighttime standards and specific time periods during which the standards would apply. Concerning the daytime standard, DOE denied the request because boats would not be able to operate under the same conditions that were used to establish the State standard and because there would be a different standard in King County than in the rest of the State. The nighttime standard was denied because it would be impossible to meet and because it would again be different than the rest of the State. For the specific time periods, DOE denied the request because the nighttime standard would apply during the summer even though the sun had already risen and because they would again be different.

Councilmember Revelle met with DOE officials to discuss the denial of the City's requests. Based upon that meeting, it appears that the City will have to meet the State sound level standards, but will be able to define the time periods when the standards will be enforced. According to DOE, the City must still use the sunrise and sunset provision in their regulations, but the City can interpret sunrise and sunset.

Although DOE will allow the City to define the times, the City will now be unable to make a distinction between weekdays and weekends. The proposed ordinance states that the nighttime standard would apply between 10:00 p.m. and 7:00 a.m. on weekdays and between 10:00 p.m. and 9:00 a.m. on weekends. Based on the sunrise and sunset timetables, I would recommend that the legislation be amended to interpret sunrise and sunset as 7:00 a.m. and 10:00 p.m., respectively. About 60 percent of the sunrises during the year will occur before 7:00 a.m. In addition, I would recommend that the proposed ordinance use the State sound standards.

If there are any questions, please contact me.

PM:ho
Attachment



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF ECOLOGY

Olympia, Washington 98504
206/753-2273
Mail Stop PV-11
Wilbur G. Hollauer, Director

March 6, 1980

Copy
[Handwritten signature]

Councilman Sam Smith
Chairman, Public Safety and
Justice Committee
Seattle City Council
Municipal Building
Seattle, Washington 98104

Dear Councilman Smith:

The department has completed review of Council Resolution #26221 requesting approval of Council Bill 100719, which governs noise created by watercraft. The proposed watercraft noise control bill contains several provisions which are broader and more restrictive than Washington Administrative Code Chapter 173-70 as was stated in your letter to me dated January 4, 1980. Our review therefore required an analysis of the special conditions supporting those differences.

The first significant difference concerns the definition of "watercraft." The city ordinance includes aircraft taxiing on water while the WAC exempts all aircraft. Information provided by the City Council, the County Council and staff indicate that the expanded definition is necessary due to special local conditions. The definition of watercraft is hereby approved.

The following amended sections of Ordinance 106360 as contained in Section 6 of proposed Council Bill 100719 were determined to be a variance with WAC 173-70.

(1) Section 407A(1) sets a shoreline noise standard of 70 dBA instead of 74 dBA as set in the state code. Agency review of special conditions provided have resulted in a recommendation to deny approval.

(2) Section 407A(2) sets a shoreline standard of 55 dBA between the hours of 10 p.m. to 7 a.m. on weekdays and 10 p.m. to 9 a.m. on weekends. WAC 173-70 established a level of 64 dBA from sunset to sunrise. Review of the special conditions provided to support this variance resulted in a recommendation to deny approval.

Councilman Sam Smith
March 6, 1980.

Page Two

I am enclosing a staff analysis of the proposed ordinance provisions at variance from MAC 173-70. If you have any questions concerning this denial of approval or need input concerning additional documentation necessary for reconsideration of "special conditions" as required by Chapter 70.107 RCW please do not hesitate to contact me or Dave Saunders, Noise Section at 753-6867 or Scan 234-5867.

Yours truly,



Wilbur G. Hallauer
Director

MGI:kb

Enclosure

Analysis of Seattle Watercraft Noise Ordinance

Two sections of the proposed ordinance were at variance with Chapter 173-70 WAC, the Washington State "Watercraft Noise Performance Standards", but could not be approved. The City of Seattle submitted the following special conditions to justify the variances:

1. The Seattle/King County area is considered to be the "boating capital of the world"; as a result watercraft are a major noise source;
2. The areas surrounding city/county waters are heavily populated;
3. Many lakes are in basins, so that residents living on the hillsides are as affected by noise as shoreline residents;
4. The nighttime limits set by the state for watercraft are higher than the nighttime environmental noise limits; to be compatible the nighttime watercraft limits should be lower than as set by the state.

All of these factors were considered during development of WAC 173-70, and of themselves do not constitute valid special conditions. The following discussion of the two sections of the ordinance which vary from the state law will explain how the state limits are derived, and why Seattle's special conditions are inadequate.

Seattle Section 407A(1)

A restriction of 70 dBA is placed on daytime watercraft noise received at the shoreline, whereas WAC 173-70 sets a 74 dBA limit.

The state's limit derives from the fact that a watercraft which meets 80 DBA when measured at 50 feet under wide-open throttle (WOT) conditions will measure 74 dBA at 100 feet. The distance of 100 feet appeared to be the minimum distance on waters in Washington at which watercraft could operate at WOT; the range of distances was 100-250 feet. Thus, if a watercraft satisfies the 80 dBA @ 50 feet limit, it could safely operate on any waters in the state without violating the shoreline limit. Watercraft which may legally be in excess of 80 dBA @ 50 feet will have to allow a distance greater than 100 feet before operating at WOT.

If a shoreline limit of 70 dBA were applied, then boats which are legal at WOT @ 50 feet could be illegal under shoreline provisions allowing WOT at 100 feet from shore. In addition, there could be no assurance for boaters from outside King County that they would be legal on county waters, which is exactly what the state law was designed to prevent.

Seattle Section 407A(2)

A restriction of 55 dBA between 10 p.m. and 7 a.m. is placed on watercraft noise received at the shoreline, whereas MAC 173-70 sets a limit of 64 dBA from sunset to sunrise.

The 64 dBA limit was derived from measurement data of watercraft operating at nighttime speed limits, typically 5 knots or less. It would be unreasonable to set a limit which is impossible for most watercraft to meet, as would be the case with a 55 dBA limit. Even the slap of waves on a boat's hull can register in the 60-65 dBA range at 50 feet. A watercraft operated according to safe boating rules will have no problems meeting a 64 dBA limit at night. And once again, the problem of statewide consistency appears. A boater who is legal in the rest of the state, would be secure in that he will be legal in King County.

The majority of nighttime watercraft speed reductions are defined as applying from sunset to sunrise. For this reason, the reduced night noise limits also apply from sunset to sunrise. Float planes or fishing boats leaving at 6:00 a.m. in the summer would have to comply with the nighttime limits under the 10 p.m. to 7 a.m. restriction, even though the sun had already risen. Although permitted to operate at WOT, they would violate the night noise limits, and would again be unfairly restricted compared to the rest of the state.

16:06
May 1, 1980

All Interested Persons

Sam Smith, Chairman

Public Safety and Justice Committee

Relating to Noise Control of Water Craft

This is to advise you that the City Council's Public Safety and Justice Committee will consider and vote on an ordinance relating to noise control of water craft, adding new Sections 226.5 and 407 to Seattle's Noise Control Ordinance 106360 and amending Sections 215, 232 and 601 as well as the title of Chapter 4 thereof. The meeting will be held at 9:30 a.m., Wednesday, May 7, in the Council Chambers, 1101 Seattle Municipal Building.

You and/or your representative are invited to be present to participate.

SS:fh:rh



Seattle City Council

Memorandum

Date: May 1, 1980

To: All Interested Persons

From: Sam Smith, Chairman *J.H.S.*
Public Safety and Justice Committee

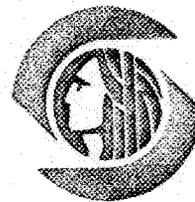
Subject: Relating to Noise Control of Water Craft

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You and/or your representative are invited to be present to participate.

SS:fh

Seattle City Council



May 14, 1980

Paul Kraabel
President of Council
625-2447

George E. Benson
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Parks and Community
Service Committee
625-2441

Michael Hildt
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Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

Re: Watercraft Noise Control

Dear Mr. Hallauer:

In January 1980, the Seattle City Council requested your approval of Seattle's proposed watercraft noise ordinance. On March 6, 1980, you approved the City's broader watercraft definition to include float planes, but you denied approval for more restrictive sound level standards and for time periods during which the standards would apply. On April 16, 1980, Councilmember Randy Revelle met with your staff and discussed the reasons for the Department's actions. Based upon that meeting, the City Council's Public Safety and Justice Committee amended its proposed ordinance to conform with the State regulations on watercraft sound levels and the time periods when such levels are applicable.

Based on discussions with your staff, the Committee, however, understands that although Seattle must use the sunrise and sunset provision, Seattle can establish specific times. We are, therefore, notifying you that we intend to use in our ordinance the times of 7:00 a.m. for sunrise and 10:00 p.m. for sunset. The Committee still believes that the City's special conditions as cited in Resolution 26221, justify such action, but since your staff has been concerned about the sunrise provision, we will provide the following information as additional support for using 7:00 a.m. as an administrative interpretation of sunrise.

1. A specific time provides for consistent enforcement throughout the entire year, and thus, avoids making enforcement dependent on the time of the year.

page 2
Mr. Wilbur Hallauer
May 14, 1980

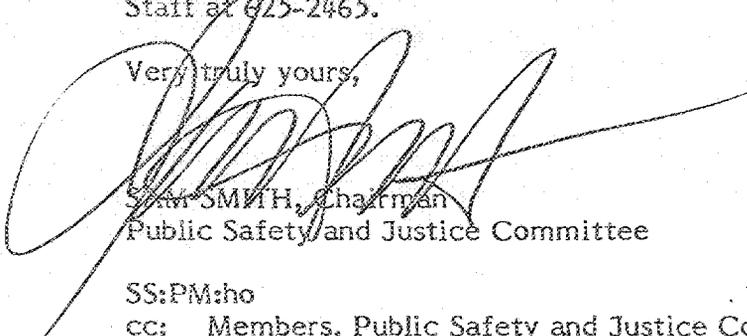
2. The times, 7:00 a.m. and 10:00 p.m., are consistent with the times used in Seattle's Noise Control Ordinance and with the times in the Washington Administrative Code 173-60.
3. An almost equal number of sunrises occur before and after 7:00 a.m. Only about 58 percent of the sunrises will occur before 7:00 a.m.
4. The enforcement of a nighttime standard on watercraft used before 7:00 a.m. will not create an undue hardship on watercraft operators, especially those who fish. Since the City will be using the State's nighttime standard instead of its proposed standard, there is no reason why watercraft cannot meet the sound level standards. In the morning hours before 7:00 a.m., the watercraft operator will just have to go slower or be farther from the shoreline.

Besides amending the daytime sound level standard from 70 dB(A) to 74 dB(A), the Committee made the following change to the ordinance concerning the nighttime standard.

"Between sunset and sunrise, the limit for any receiving property within a residential or rural district shall be 64 dB(A). For the purpose of administering and enforcing this section, sunset will be interpreted as 10:00 p.m. and sunrise will be interpreted as 7:00 a.m."

With these changes and your prior approval of the City's broader watercraft definition, the Committee believes that the proposed watercraft noise ordinance is ready for Department of Ecology approval. We would appreciate notification as soon as possible since the boating season has already begun. If you have any questions, please contact Peter Moy of the City Council's Central Staff at 625-2465.

Very truly yours,



Sam Smith, Chairman
Public Safety and Justice Committee

SS:PM:ho

cc: Members, Public Safety and Justice Committee

1 New Section. Section 6. Chapter 4 of Ordinance 106360 is amended by adding
2 a new Section 407 to read as follows:

3 Section 407. Watercraft.

4 (A) It is unlawful for any person to operate any watercraft in such a manner
5 as to exceed the following maximum noise limits when measured at
6 the shoreline or anywhere within a receiving property:

- 7 (1) At any hour of the day or night, the limit for any receiving property
8 shall be 70 dB(A), except that,
9 (2) Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and
10 between the hours 10:00 p.m. and 9:00 a.m. on weekends, the
11 limit for any receiving property within a residential or rural
12 district shall be 55 dB(A).

13 (B) It is unlawful for any person to operate any watercraft, except aircraft,
14 which is not equipped with a functioning underwater exhaust or a properly
15 installed and adequately maintained muffler. Any of the following
16 defects in the muffling system shall constitute a violation of this sub-
17 section:

- 18 (1) The absence of a muffler;
19 (2) The presence of a muffler cut-out, bypass, or similar device
20 which is not standard or normal equipment for the exhaust system
21 being inspected;
22 (3) Defects in the exhaust system including, but not limited to, pinched
23 outlets, holes, or rusted-through areas of the muffler or pipes;
24 and
25 (4) The presence of equipment which will produce excessive or unusual
26 noise from the exhaust system.

27 Dry stacks or water-injected stacks not containing a series of chambers
28 or mechanical designs effective in reducing sound shall not be considered
as adequately maintained mufflers.

1 New Section. Section 6. Chapter 4 of Ordinance 106360 is amended by adding
2 a new Section 407 to read as follows:

3 Section 407. Watercraft.

4 (A) It is unlawful for any person to operate any watercraft in such a manner
5 as to exceed the following maximum noise limits when measured *at within*
6 *100 feet* the shoreline or anywhere within a receiving property:

7 (1) At any hour of the day or night, the limit for any receiving property
8 shall be ~~70~~⁶⁴ dB(A), except that,

9 (2) Between ~~the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and~~^{*sunset and sunrise*}
10 ~~between the hours 10:00 p.m. and 9:00 a.m. on weekends, the~~^{*the*}

11 limit for any receiving property within a residential or rural

12 district shall be ~~70~~⁶⁴ dB(A). *For the purpose of administration, and*
enforcing this section, sunset will be interpreted as 18:00 p.m. and sunrise will
be interpreted as 7:00 a.m.

13 (B) It is unlawful for any person to operate any watercraft, except aircraft,
14 which is not equipped with a functioning underwater exhaust or a properly
15 installed and adequately maintained muffler. Any of the following
16 defects in the muffling system shall constitute a violation of this sub-
17 section:

18 (1) The absence of a muffler;

19 (2) The presence of a muffler cut-out, bypass, or similar device
20 which is not standard or normal equipment for the exhaust system
21 being inspected;

22 (3) Defects in the exhaust system including, but not limited to, pinched
23 outlets, holes, or rusted-through areas of the muffler or pipes;

24 and

25 (4) The presence of equipment which will produce excessive or unusual
26 noise from the exhaust system.

27 Dry stacks or water-injected stacks not containing a series of chambers
28 or mechanical designs effective in reducing sound shall not be considered
as adequately maintained mufflers.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

PUB. SAFETY & JUSTICE

JUN 9 1980

Your Committee on

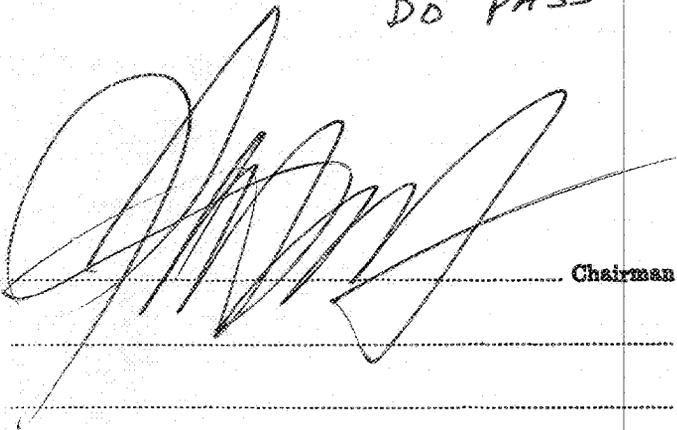
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C.B. 100719

Relating to Noise Control of Watercraft.

Relating to noise control of watercraft; adding new Sections 226.5 and 407 to Seattle's Noise Control Ordinance 106360 and amending Sections 215, 232, and 601 as well as the title of Chapter 4 thereof.

DO PASS as amended



Chairman

Chairman

Committee

Committee

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109099

was published on June 21, 1980

J. Flaw
Subscribed and sworn to before me on

June 21, 1980

J. Mikalys
Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE ISSUES

AN ORDINANCE relating to noise control of watercraft, adding new sections 106358 and 407 to Seattle's Noise Control Ordinance 106358 and amending Sections 215, 232, and 401 as well as the title of Chapter 4 thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 215 of Ordinance 106358 is amended to read as follows:

Section 215. Muffler means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine OR FOR THE PURPOSE OF INTERMIXING WATER TO THE FLOW OF THE EXHAUST GAS, and WHICH IS effective in reducing sound resulting therefrom.

Section 2. Section 232 of Ordinance 106358 is hereby amended to read as follows:

Section 232. Watercraft means any contrivance INCLUDING AIRCRAFT TAKING BUT excluding aircraft IN THE ACT OF ACTUAL LANDING OR TAKEOFF, used or capable of being used as a means of transportation or recreation on water, POWERED BY AN INTERNAL OR EXTERNAL COMBUSTION ENGINE.

Section 3. The title of Chapter 4 of Ordinance 106358 is hereby amended to read as follows:

Chapter 4. Motor Vehicle AND WATERCRAFT Sound Levels.

Section 4. Section 401 of Ordinance 106358 is hereby amended to read as follows:

Section 401. Sounds Exempt at All Times.

(a) The following sounds are exempt from the provisions of this ordinance at all times:

(1) Sounds originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;

(2) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;

(3) Sounds created by fire alarms;

(4) Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;

(5) Sounds created by the discharge of firearms in the course of lawful hunting activities;

(6) Sounds caused by natural phenomena and unamplified human voices;

(7) Sounds originating from forest harvesting and silviculture activity and from commercial agriculture, if the receiving property is located in a commercial or industrial district of the City of Seattle;

(8) Sounds created by auxiliary equipment on motor vehicles used for highway maintenance; (same);

(9) Sounds created by warning devices not operated continuously for more than 30 minutes per incident; AND

(10) SEE SECTION 407(C)(2).

(b) The City Council intends to amend this ordinance by enacting specific regulations for the following sounds, each of which shall be exempt from the provisions of this ordinance at all times until a specific amendment applying to that sound has been adopted:

(1) Sounds created by the operation of equipment or facility.

Section 407. Watercraft.

(A) It is unlawful for any person to operate any watercraft in such a manner as to exceed the following maximum noise limits when measured within fifty (50) feet of the shoreline or anywhere within a receiving property:

(1) At any hour of the day or night, the limit for any receiving property shall be 74 dB(A), except that,

(2) Between sunset and sunrise the limit for any receiving property within a residential or rural district shall be 64 dB(A). For the purpose of administering and enforcing this section, sunset will be interpreted as 10:00 p. m. and sunrise will be interpreted as 7:00 a. m.

(B) It is unlawful for any person to operate any watercraft, except aircraft, which is not equipped with a functioning underwater exhaust or a properly installed and adequately maintained muffler. Any of the following defects in the muffling system shall constitute a violation of this sub-section:

(1) The absence of a muffler;

(2) The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;

(3) Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes; and

(4) The presence of equipment which will produce excessive or unusual noise from the exhaust system.

Dry stacks or water-injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers.

(C) The following exemptions shall apply to sounds created by watercraft or watercraft operations:

(1) Normal docking, undocking, and water skier pick-up and drop-off operations of all watercraft shall be exempt from provisions in subsection (A).

(2) Sounds created by the operation of commercial, non-recreational watercraft are exempt at all times from provisions of Ordinance 106358. These commercial activities include, but are not limited to, tug-boats, fishing boats, ferries, and vessels engaged in intrastate interstate, or international commerce.

(3) Sounds created by boat races and regattas, and trials thereof as sanctioned by the Chief of Police acting as Port Warden pursuant to Section 27 of Ordinance 87222 as amended are exempt from provisions in this section and in Ordinance 106358 between the hours of 7:00 a. m. and 10:00 p. m. on weekdays and between the hours of 9:00 a. m. and 10:00 p. m. on weekends.

(D) Nothing in this section shall be construed to limit the powers of the Chief of Police acting as Port Warden, as enumerated in Section 3 of Ordinance 87222 as amended.

Section 7. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 24th day of June, 1980, and signed by me in open session in authentication of its passage this 8th day of June, 1980.

PAUL KRAABEL,
President of the City Council.

Approved by me this 15th day of June, 1980.