

Ordinance No. ~~12422~~ 124225

Council Bill No. 117817

AN ORDINANCE related to the enforcement of watercraft noise on Seattle waterways by adding a section to 25.08.485 of the Seattle Municipal Code to authorize the Seattle Police Department to regulate noise from audio systems.

CF No. _____

Date Introduced:	7.1.13	
Date 1st Referred:	7.1.13	To: (committee) Full Council <i>Referred to the Council</i>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	7/8/13	Full Council Vote: 9-0
Date Presented to Mayor:	7/9/13	Date Approved: 7/16/13
Date Returned to City Clerk:	7/17/13	Date Published: <input checked="" type="checkbox"/> T.O. <input type="checkbox"/> F.T.
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin
Councilmember

Committee Action:

Full Council July 8, 2013 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

CITY OF SEATTLE
ORDINANCE / 24225
COUNCIL BILL 117817

AN ORDINANCE related to the regulation of watercraft noise on Seattle waterways; amending by adding a section to 25.08.485 of the Seattle Municipal Code to authorize the Seattle Police Department to regulate noise from audio systems.

WHEREAS, every year in the summer months residents call the Seattle Police Department to report excessive noise that results from watercraft operated on Seattle waterways; and

WHEREAS, Section 25.08.485 of the Seattle Municipal Code only addresses the operation of watercraft and engine noise, not noise that results from audio equipment intended to amplify music and sound on watercraft; and

WHEREAS, SMC 25.08.485 requires a specific noise meter reading before enforcement action may be taken against excessive noise from the operation of watercraft, unlike the automobile counterpart section in SMC 25.08.515; and

WHEREAS, there is currently no effective way for Seattle Police Harbor Patrol to regulate noise that results from audio equipment on watercraft operated on Seattle waterways; and

WHEREAS, implementing a clearly audible ordinance for watercraft noise will streamline enforcement of audio systems and allow Seattle Police Department to effectively regulate excessive noise violations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.08.485 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

A. It is unlawful for any person to negligently cause, make or allow to be made from audio equipment under such person's control or ownership sound from a watercraft that can be clearly heard by a person of normal hearing at a distance of three hundred (300) feet or more from the watercraft itself.



1 B. It is unlawful for any person to operate any watercraft in such a manner as to exceed
2 the following exterior sound level limits when measured within 50 feet of the shoreline or
3 anywhere within a receiving property:

4 1. At any hour of the day or night, the limit for any receiving property is 74
5 dB(A), except that;

6 2. Between 10 p.m. and 7 a.m. the limit for any receiving property within a
7 residential district is 64 dB(A).

8 ~~((B))~~C. It is unlawful for any person to operate any watercraft, except aircraft, that is not
9 equipped with a functioning underwater exhaust or a properly installed and adequately
10 maintained muffler. Any of the following defects in the muffling system is a violation of this
11 subsection:

12 1. The absence of a muffler;

13 2. The presence of a muffler cutout, bypass, or similar device that is not standard
14 or normal equipment for the exhaust system being inspected;

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

17 4. The presence of equipment that will produce excessive or unusual noise from
18 the exhaust system. Dry stacks or water-injected stacks not containing a series of chambers or
19 mechanical designs effective in reducing sound shall not be considered as adequately maintained
20 mufflers.

21 ~~((C))~~D. The following exemptions apply to sounds created by watercraft or watercraft
22 operations:

23 1. Normal docking, undocking, and water skier pick-up and drop-off operations
24 of all watercraft are exempt from the provisions in subsection 25.08.485.~~((A))~~ B;

25 2. Sounds created by the operation of commercial, nonrecreational watercraft are
26 exempt at all times from provisions of this chapter. These commercial activities include, but are
27



1 not limited to, tugboats, fishing boats, ferries, and vessels engaged in intrastate, interstate, or
2 international commerce;

3 3. Sounds created by boat races and regattas, and trials sanctioned by the Chief of
4 Police acting as Port Warden pursuant to Section 16.20.160 as amended, are exempt from
5 provisions in this section and in this chapter between the hours of 7 a.m. and 10 p.m. on
6 weekdays and between the hours of 9 a.m. and 10 p.m. on weekends and legal holidays.

7 4. Sounds created by authorized watercraft participating in city sanctioned or
8 permitted events.

9 5. Sounds created by vocal narration during a sightseeing tour.

10 ((D))E. Nothing in this section shall be construed to limit the powers of the Chief of
11 Police enumerated in Section 16.12.010



1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4
5 Passed by the City Council the 8th day of July, 2013, and
6 signed by me in open session in authentication of its passage this
7 8th day of July, 2013.

8
9 

10 President _____ of the City Council

11
12 Approved by me this 16th day of July, 2013.

13
14 

15 Michael McGinn, Mayor

16
17 Filed by me this 17th day of July, 2013.

18
19 
20 for Monica Martinez Simmons, City Clerk

21 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Law	Jana Jorgensen 206-684-7765	

Legislation Title:

AN ORDINANCE related to the regulation of watercraft noise on Seattle waterways; amending by adding a section to 25.08.485 of the Seattle Municipal Code to authorize the Seattle Police Department to regulate noise from audio systems.

Summary of the Legislation:

During the summer months residents regularly call Seattle Police and other city agencies to file complaints about excessive noise from watercrafts operated on Seattle waterways. Seattle Harbor Patrol has been unable to properly respond to these complaints because the Seattle Municipal Code lacks an applicable statute under which to cite for these noise violations. A review of the watercraft regulations under SMC 25.08.485 highlighted the lack of an applicable section that regulates audio equipment on watercrafts.

Background:

This proposal expands the waterways noise ordinance to include noise from audio systems. As it currently reads SMC 25.08.485 only addresses noise from the operation of watercrafts, such as engine noise, and requires a noise meter reading before a citation may be issued. This proposal has been modeled after SMC 25.08.515, which addresses disturbance noise from motor vehicles, for uniformity and enforceability. Further, sound does not decay on water as it does on land so a greater distance than is provided under SMC 25.08.515 (seventy five feet) is needed for a reasonable measure of sound from a watercraft. A review of similar ordinances, specifically Kirkland's Public Disturbance Code 11.84A.070(5), was the source for the three hundred (300) feet distance. A clearly audible standard allows Seattle police to effectively and efficiently enforce this statute without the use of a noise meter.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	2013 Appropriation	2014 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
TOTAL				

Revenue/Reimbursement Notes:

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2013 Positions	2013 FTE	2014 Positions*	2014 FTE*
TOTAL							

* 2014 positions and FTE are total 2014 position changes resulting from this legislation, not incremental changes. Therefore, under 2014, please be sure to include any continuing positions from 2013.

Position Notes:

Do positions sunset in the future?

(If yes, identify sunset date)

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2013 Expenditures	2014 Anticipated Expenditures
TOTAL				



* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes. Revenue may be generated if violators are cited and pay the fine.

b) What is the financial cost of not implementing the legislation?

The City will need to purchase additional noise meters for Seattle Harbor Patrol Officers to properly enforce SMC 25.08.485 as it currently exists prior to amendment. Each noise meter costs \$2,500. Each noise meter must be calibrated and certificated separate from purchase at the cost of \$750 annually. The noise meter needs to be calibrated every time prior to and after use and certificated as such which costs \$250. Additionally, Seattle Police Harbor Patrol Officers must be trained and certified to use the noise meter. There is one training course in the United States for this purpose and it held annually at Rutgers College in New Jersey. This course is three days and costs \$2000 per person. This course's certification is good for three years. Currently there are three City employees certified to use a noise meter. This information was provided courtesy of Bill Reddy, a certified noise technician with Finance and Administrative Services.

If Seattle Police Harbor Patrol Officers were not trained, one to two of these three employees would need to be permanently assigned to the Harbor Patrol unit and available 24 hours a day so that they could accompany officers on every noise complaint call.

c) Does this legislation affect any departments besides the originating department?

The Seattle Police Department will be affected by this legislature as they will be required to enforce the ordinance. Seattle Police Harbor Patrol Lieutenant Marc Olson has been consulted on this legislation and is in favor its implementation.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

One to two of the three employees trained and certified on a noise meter could be permanently assigned as a civilian counterpart to the Harbor Patrol unit so that they could accompany officers on every noise complaint call.

e) Is a public hearing required for this legislation?

No

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No



g) Does this legislation affect a piece of property?
No

h) Other Issues:

List attachments to the fiscal note below:

No attachments.



STATE OF WASHINGTON -- KING COUNTY

--SS.

300885
CITY OF SEATTLE, CLERKS OFFICE

No. 124217,218,219,224,225,26

Affidavit of Publication

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.

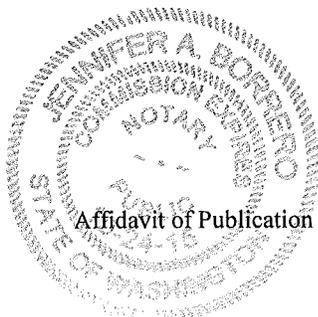
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT; TITLE ONLY ORDINANCES

was published on

08/02/13

The amount of the fee charged for the foregoing publication is the sum of \$132.00 which amount has been paid in full.



Affidavit of Publication

Ranella Colubry

Subscribed and sworn to before me on
08/02/2013 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on July 8, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124217

AN ORDINANCE relating to the City of Seattle archives and records management activities; combining the duties and responsibilities for archives and records management in one division of the Office of the City Clerk; creating a Seattle Archives and Records Management Program; amending Seattle Municipal Code (SMC) Chapter 3.122; repealing SMC Chapter 3.123; amending SMC Chapter 3.42.040; repealing SMC Chapter 3.42.050; and amending SMC Chapter 3.125.

ORDINANCE NO. 124218

AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of approximately 1,972 square feet of real property commonly called the Wood Property located at 1054 South Elmgrove Street; authorizing the Director of Seattle Public Utilities to execute any necessary documents and agreements, accept or deliver any necessary deeds, and take any other actions reasonably necessary on behalf of the City.

ORDINANCE NO. 124219

AN ORDINANCE authorizing Seattle Public Utilities to establish institutional controls relating to the long-term protection of the environmental remediation of Slip 4 of the Lower Duwamish Waterway consisting of development and execution of an environmental covenant with U.S. Environmental Protection Agency that will place restrictions on City of Seattle real property; negotiate and execute a lot line adjustment with 1st South Properties, L.L.C.; negotiate and execute a nonexclusive storm water drainage outfall facility easement with 1st South Properties, L.L.C.; and pursue and establish a permanent Regulated Navigation Area within Slip 4 through coordination with the U.S. Department of Homeland Security.

ORDINANCE NO. 124224

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the amendment of certain lease agreements with the Washington State Department of Transportation, to clarify that the City's indemnity obligations are limited to funds that have been appropriated and are available at the time an indemnity claim is made, and to specify the resources available to meet such obligations.

ORDINANCE NO. 124225

AN ORDINANCE related to the regulation of watercraft noise on Seattle waterways; amending by adding a section to 25.08.485 of the Seattle Municipal Code to authorize the Seattle Police Department to regulate noise from audio systems.

ORDINANCE NO. 124226

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, August 2, 2013.

8/2(300885)