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13 October 2004

Rapid City Planning Commission
300 Sixth Street
Rapid City, SD 57702

Dear Planning Commissioners,

Over the past months you have heard complaints of the noise resulting from the AC-DC-AC Tie Interconnector. Although this project is in the County it is within the 3 mile strategic plan for the City. As one of the property owners directly affected by this project, I have joined my neighbors in seeking a resolution to the problem. The managers of this project have tried to reduce the noise, unfortunately, at the time of this writing it remains unabated.

Through out this process we have worked closely with Planning and Zoning staff and were quite surprised to discover that our community does not have a Noise Ordinance in either the City or in the County. In my opinion we need an ordinance to preserve our quality of life as the community continues its growth. The negative health effects of continued exposure to noise are well documented. Please take a moment to read the attached Fact Sheet from the League of Hearing. You will note that noise harms more than our ears. The effects range from annoyance to significant health risks to sleep disturbance. I respectfully request that you create a Noise Ordinance for our community.

I also attach the Noise Ordinances for several different cities. Some of these communities incorporate different sound levels at different times of day from agricultural to commercial to industrial zoned areas with specific decibel readings. Others limit noise to that which can be heard anywhere from 200 feet to 500 feet from the property causing the noise. Suffice it to say, whatever you decide for criterion, any noise ordinance is better than having none.

Thank you for your consideration.

All the best,



Michael L. Gould

CC: Marcia Elkins, Growth Management
Mayor Jim Shaw

**New York:****50 Broadway, 6th Floor, New York, NY 10004****917-305-7700 (Voice) · 917-305-7999 (TTY) · 917-305-7888 (Fax)****Florida:****2800 W. Oakland Park Blvd., Suite 306, Oakland Park, FL 33311****954-731-7200 (Voice) · 954-731-7208 (TTY) · 954-485-6336**

NOISE CENTER OF THE LEAGUE

NOISE & HEALTH FACT SHEET

Noise Harms More Than Our Ears

Continued exposure to loud noise will cause hearing loss. (See Noise Center's Fact Sheet on Noise and Hearing). Exposure to noise, or unwanted sound, however, is far more than just a threat to our ears. William H. Stewart, former U.S. Surgeon General, stated, "Calling noise a nuisance is like calling smog an inconvenience. Noise must be considered a hazard to the health of people everywhere." Studies have correlated noise with physiological changes in sleep, blood pressure and digestion. Studies have also linked noise with a negative impact on the developing fetus.

Noise & Sleep

According to Alice Suter, noise expert, noise is one of the most common forms of sleep disturbance and when sleep disruption becomes chronic, adverse health effects are great. Research shows that intermittent and impulsive noise is more disturbing than continuous noise. The Environmental Protection Agency identified an indoor day-night average sound level (DNL) of 45 dBA (equivalent to a night-time average sound level of 35 dBA) to protect against sleep disturbance.

Noise & Cardiovascular Changes

Studies show that exposure to noise is associated with elevations in blood pressure. There is some disagreement as to whether or not these changes are permanent or temporary. Rehm (1983) reported increased levels of epinephrine and norepinephrine suggesting cardiovascular involvement. Rehm also found a correlation beyond noise annoyance and adverse cardiovascular effects.

Noise & Gastrointestinal Changes

Studies have linked noise exposure with increased gastric emptying (Kaus & Fell, 1984), with increased peristaltic esophageal contraction (Young, 1987), as well as increased anxiety. Another study found an increase in the use of antacids and hypnotics, sedatives and antihypertensives in a noisy community, as compared to a quiet community (Knipschild, 1977).

Noise & Annoyance

Noise is also a significant source of annoyance. In a 1997 study, Arline Bronzaft, Ph.D. et al., found that nearly seventy percent of the residents surveyed living within the flight corridors reported that they were bothered by aircraft noise and that these noises interfered with daily activities. Further, the subjects who were bothered by aircraft noise were more likely to complain of sleep difficulties and more likely to perceive themselves to be in poorer health.

Noise & Mental Health

We all know the stress created by unwanted sound. Even noise that may not be at hazardous levels to our hearing can make us tense and angry. Consider how irritating the simple dripping of a faucet can be in the middle of the night, let alone more intrusive noises. Studies have found noise to be associated with increased aggression (Donnerstein and Wilson, 1976) and less helpful behavior (Mathews and Cannon, 1975). Numerous articles in major newspapers have reported noise disputes leading to violence and in England, (August, 1995) the Daily Mirror reported that in the previous six years, 16 people or more were murdered or committed suicide due to chronic noise.

Beyond the Research

Although more research is necessary, anecdotal reports to the Noise Center indicate that noise has devastating effects on health. People report that noise interferes with the ability to sleep, eat and causes a wide range of health problems which affects the overall quality of life. People not only have the right to peace and quiet, their health depends on it.

Recommended source: Fay, T. H., *Noise and Health*, NY Academy of Medicine, 1991.

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NOISE CENTER OF THE LEAGUE

NOISE & HEARING FACT SHEET

Noise Threatens Hearing

Noise is one of the leading causes of hearing loss in the 28 million people with impaired hearing in the United States, and health statistics suggest a trend that the incidence of hearing loss is occurring at younger and younger ages. Noise-induced hearing loss, though preventable, is permanent.

How Loud is Too Loud?

To know if a sound is loud enough to cause damage to your ears, it is important to know both the level of intensity and the length of exposure to the sound. The unit used to measure environmental sound intensity is the decibel (dBA). Zero decibels is approximately the softest sound the healthy human ear can hear. The scale increases logarithmically; that is, the level of perceived loudness doubles every 10 decibels. Experts agree that continued exposure to noise above 85 dBA, over time, will eventually harm hearing. In general, the louder the sound, the less time required before hearing will be affected.

Noise-Induced Hearing Loss - How the Damage Occurs

Loud noise assaults the delicate hair cells of the inner ear. Noise-induced hearing loss typically occurs gradually and without pain. After exposure to loud noise, a person may experience ringing in the ears or difficulty hearing. This is called a "temporary threshold shift". After a few hours (or in some cases, a few days), this temporary shift in hearing returns to normal. With repeated exposure, however, this temporary shift in hearing can become permanent. Once permanent hearing damage has occurred, it is not possible to restore hearing.

Pay Attention to the Warning Signs

Noise-induced hearing loss is cumulative across the life span. Often, by the time a person realizes that there is hearing loss, it is too late. But there are certain early warning signs to suggest that there may be a problem. If you experience any of the following early warning signs, have your hearing tested by a licensed audiologist, or have your ears examined by an ear doctor.

- A ringing or buzzing (tinnitus) in the ears immediately after exposure to noise.
- A slight muffling of sounds after exposure making it difficult to understand people when you leave a noisy area.
- Difficulty understanding speech; that is, you can hear all the words, but you can't understand all of them.

Protect Your Hearing

To avoid noise-induced hearing loss, pay attention to the noises around you and turn down the volume whenever possible. Avoid or limit time spent in noisy sports events, rock concerts and night clubs. Wear adequate hearing protection, such as foam ear plugs or ear muffs, when you must be in a noisy environment or when using loud equipment.

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City of Huntsville Code of Ordinances

Chapter 12: Environmental Management

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Division 1. Generally

Sec. 12-231. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level means the sound pressure level as measured with the sound level meter using the A weighing network. The standard unit notation is dB(A).

Ambient noise means background noise.

Audible sound means any sound for which the information content of that sound is transferred to the listener, such as but not limited to understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

Commercial premises means any premises where offices, clinics, kennels, shopping and service establishments exist.

Construction means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances, including land clearing, grading, excavating and filling.

Construction equipment means any equipment or devices, such as but not limited to pile drivers, power shovels, derricks, hoist tractors, loaders, rollers, concrete hauling motor vehicles, pavement breakers, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, wagons, pumps, compressors and pneumatic power equipment, or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, street, alley, waterways or appurtenances.

dB(A) means the composite abbreviation for A-weighted sound level in decibels.

Decibel means a logarithmic unit of measure of 10 used in measuring magnitudes of sound. The symbol is dB.

Domestic power equipment means any equipment or device rated at 15 horsepower or less and used for home or building repairs and grounds maintenance.

Emergency work means any activities performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Hard test site means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel or similar reflective material for more than half the distance between the microphone target point and the microphone location point.

Highways means the streets, alleys and highways within the city limits.

Industrial premises means any premises where manufacturing, processing or fabrication of goods or products takes place. For purposes of this article, all railroad rights-of-way are considered to be industrial premises.

Land use category means the actual existing utilization of the land regardless of its designation by the city zoning board.

Microphone line means the unmarked reference line running parallel to the vehicle path and passing through the microphone.

Microphone target point means the unmarked location on the center of the lane of travel that is closest to the microphone.

Motor vehicle means any self-propelled vehicle.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, but excluding a tractor.

Motor-driven cycle means every motorcycle and every motor scooter with a motor which does not exceed five brake horsepower, including every bicycle with a motor attached.

Muffler means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise control officer means the director of the air pollution control office of the city.

Property line means that real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, or separates real property from the public premises.

Public premises means all real property, including appurtenances on the property, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and waterways.

Recreational and educational activity means any game, sport or other activity, whether on public or private property, which a person is pursuing for educational purposes or for the purpose of amusement and enjoyment, but shall not include recreational motorized vehicles or the use of equipment which amplifies sound.

Recreational motorized vehicle means all recreational vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

Residential premises means any premises where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

Soft test site means any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for half or more of the distance between the microphone target point and the microphone location point.

Sound means energy that is transmitted by longitudinal pressure waves in air or other material and is the objective cause of the sensation of hearing.

Sound amplification system means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

Sound level means a measure of the level of a sound with a weighing network in the measurement chain.

Sound level meter means an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 86-297, § 2, 5-8-1986; Ord. No. 88-663, § 1(2), 1-12-1988; Ord. No. 93-312, § 1, 5-27-1993)

Cross references: Definitions generally, § 1-2.

Sec. 12-232. Purpose.

This article is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the city through the reduction, control and prevention of excessive noise. It is the intent of this article to establish standards that will eliminate and reduce unnecessary and excessive vehicle and community noises which are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property, and conduct of business.

(Ord. No. 86-297, § 1, 5-8-1986)

Sec. 12-233. Application exceptions.

This article shall apply to the operation of all motor vehicles, both upon public premises and on other public or private premises; and it shall be unlawful for any person to operate a motor vehicle either upon or off the public streets without complying with this article; except however, the following vehicles are exempt from the operation of this article:

- (1) Any motor vehicle engaged in a professional or amateur sanctioned competitive sports event on public or private property where

such events are otherwise a lawful and permitted use of the property.

(2) Agricultural equipment either on job site or traveling on highways when used and maintained in accordance with manufacturer's specifications.

(3) Any vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

(Ord. No. 86-297, § 7, 5-8-1986; Ord. No. 94-100, § 7, 2-10-1994)

Sec. 12-234. Undue hardship.

Applications for a permit for relief from the sound levels designated in this article, except for motor vehicles operated on a public street or highway, may, on the basis of undue hardship, be made to the noise control officer. Any permit granted by the noise control officer under this article shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The noise control officer may grant the relief as applied for only if he finds that:

- (1) Additional time is reasonably necessary for the applicant to alter or modify his activity or operation to comply with this article; or
- (2) The activity, operation, or noise source will be of a temporary duration, and cannot be done in a manner that would comply with this article; and
- (3) No other reasonable alternative is available to the applicant; and
- (4) The applicant represents that the noise source as permitted will not violate recognized safety standards. The noise control officer may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. No. 86-297, § 8, 5-8-1986; Ord. No. 94-100, § 8, 2-10-1994)

Sec. 12-235. Instrumentation.

Equipment used in making sound level measurements shall meet the following requirements:

- (1) *Sound level meter.* Sound level meters shall be of type 1, 2 or S2A, meeting the requirements of the American National Standards Institute, Inc., or its successor bodies.
- (2) *Sound level calibrator.* An acoustic calibrator of the coupler type, accurate to within ± 0.5 dB, shall be utilized for the calibration of sound level meters.
- 3) *Windscreen.* A properly installed windscreen recommended by the manufacturer of the sound level meter shall be used.
- (4) *Calibration.* Each sound measuring instrument shall be returned to the manufacturer or its authorized service center or other qualified laboratory for calibration once every three years. Calibrations shall be to standards traceable to the National Bureau of Standards.

(Ord. No. 86-297, § 5, 5-8-1986; Ord. No. 94-100, § 5, 2-10-1994)

Sec. 12-236. Instrument operator training.

Persons conducting sound level measurements under the provisions of this article shall be trained by a recognized school or a person whose qualifications have been approved by the noise control officer. This training shall include but is not limited to techniques of sound measurements and operation of sound measuring instruments.

(Ord. No. 86-297, § 6, 5-8-1986; Ord. No. 94-100, § 6, 2-10-1994)

Secs. 12-237--12-260. Reserved.

Division 2. Community Noise Level Standards (Vehicles on Public Premises Excepted)

Sec. 12-261. Exceptions.

The provisions of this division do not apply to vehicles located on public premises.

(Ord. No. 94-100, § 3, 2-10-1994)

Sec. 12-262. Exemptions.

The sound levels in section 12-265 shall not apply to sounds emitted from the following:

(1) Any bell or chime from any clock, school or church.

(2) Any siren, whistle, horn or bell used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, burglary, police activity or imminent danger; however, no burglar alarm shall remain activated for more than 15 minutes after being activated and further provided that no burglar alarm shall be allowed to produce alarm sounds in excess of those specified in section 12-265 for more than 15 minutes in any two-hour period.

(3) Any activity of a temporary duration which is permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts and firework displays.

(4) Any construction equipment operated upon residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m.; however, operation of construction equipment between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in section 12-265, and further provided that such equipment shall be equipped with a properly installed muffler in good working order.

(5) Any domestic power equipment operated upon any residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound level of 80 dB(A) when measured at a minimum of 25 feet from the noise source, and further provided that between the hours of 10:00 p.m. and 7:00 a.m. such equipment does not exceed the maximum sound levels specified in section 12-265.

(6) Any emergency work.

(7) Any detonation of explosives used to fragment rock for mining, quarrying, excavation and construction.

(8) Any recreational and educational activity, including but not limited to school bands and neighborhood ball games, provided that between the hours of 10:00 p.m. and 7:00 a.m. such activity does not exceed the maximum sound levels specified in section 12-265.

(9) Licensed refuse collection vehicles operated during the time period between 7:00 a.m. and 10:00 p.m.; however, sounds emitted from licensed refuse collection vehicles operated upon or within 150 feet of any residential premises between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in section 12-265.

(10) Aircraft.

(11) Animals.

(12) Motor vehicles operated on public premises.

(13) Noise sources within multifamily dwellings, office and apartment complexes, condominiums and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, complex or building.

(Ord. No. 86-297, § 3.2, 5-8-1986; Ord. No. 88-663, § 1(3.2), 1-12-1988; Ord. No. 94-100, § 3.2, 2-10-1994)

Sec. 12-263. Method of enforcement.

(a) The noise control officer, or any sworn peace officer, shall be responsible for enforcing all of the provisions of this division. Where a violation of any provision of this article is found, the noise control officer and any person acting under his supervision are authorized to:

(1) Appear before a municipal court magistrate to make an affidavit under oath and request that a summons be issued for a person where there is probable cause for believing that the person is in violation of this article, requiring the person to appear in municipal court to answer charges of the violation.

(2) Serve as a witness, and to provide evidence of the violation, at the request of a person who has registered a noise complaint and wish to appear before a municipal court magistrate for the purpose of making an affidavit under oath and requesting that a summons be issued for the person where there is probable cause to believe that the person is in violation of this article, requesting the person to appear in the municipal court to answer charges of the violation.

(b) Where the provisions of this division are enforced by a sworn peace officer, the peace officer shall proceed with enforcement under any method available to him pursuant to the laws of the state.

(Ord. No. 86-297, § 3.4, 5-8-1986; Ord. No. 88-663, § 1(3.4), 1-12-1988; Ord. No. 99-766, 9-23-1999)

Sec. 12-264. Measurement procedure.

The sound level meter shall be operated in accordance with the instrument manufacturer's instructions and as follows:

(1) *Microphone orientation.* The microphone shall be pointed towards the allegedly offensive noise source unless the instrument manufacturer's instructions specifically indicate otherwise.

(2) *Meter setting.* The meter shall be set for the A-weighted network and slow response mode.

(3) *Calibration.* An external calibration check and battery check shall be made before and after each use.

(4) *Meter readings.* The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.

(5) *Ambient conditions.* Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least ten dB(A) lower than the sound level of the noise source being measured; however, no source shall emit noise in excess of 86 dB(A) when measured 25 feet or more from the source.

(6) *Sound level measurement.* Sound levels shall be measured at the approximate location of the property line or the boundary of the public premises, at a height of at least four feet above the immediate surrounding surface.

(7) *System distance.* In no case shall the operator or observer be closer than two feet from the system's microphone, nor shall he locate himself between the microphone and the noise source being measured.

(Ord. No. 86-297, § 3.3, 5-8-1986; Ord. No. 88-663, § 1(3.3), 1-12-1988; Ord. No. 94-100, § 3.3, 2-10-1994)

Sec. 12-265. Sound levels by receiving land use.

(a) No person shall operate, cause to be operated or generate any source of sound in such a manner as to create a sound level which

exceeds the following limits when measured at or within the property line of the receiving land use:

Sound Levels by Receiving Land Use

Receiving Land Use Category	Time	Sound Level Limit dB(A)
Residential, public space open space, agricultural, institutional property	7:00 a.m.--10:00 p.m.	55
	10:00 p.m.--7:00 a.m.	50
Commercial or business	At all times	62
Industrial	At all times	70

When a noise source can be identified and its sound measured in more than one land use category, the sound level limits of the most restrictive land use category shall apply.

(b) No person shall operate, cause to be operated, or generate any source of sound which is electronically amplified, or permit to be operated any sound amplification system such that the audible sound is discernible by the human ear at or within the property boundary of any adjoining or nearby residential premises between the hours of 10:00 p.m. and 7:00 a.m., except that the operation or generation of any electronically amplified sound originating from any commercial or industrial establishment used to page or notify individuals or to announce information shall not be permitted at any time if the audible sound is discernible by the human ear at or within the property boundary of any residential premises.

(Ord. No. 86-297, § 3.1, 5-8-1986; Ord. No. 88-663, § 1(3.1), 1-12-1988; Ord. No. 93-312, § 2, 5-27-1993; Ord. No. 94-100, § 3.1, 2-10-1994)

Secs. 12-266--12-290. Reserved.

Division 3. Motor Vehicles and Sound Amplification Systems on Public Premises

Cross references: Traffic and vehicles, ch. 25.

State law references: Mufflers, Code of Ala. 1975, § 32-5-216.

Sec. 12-291. Method of enforcement.

The chief of police, and officers under his supervision, shall enforce all of the provisions of this division. Violations shall subject persons to citation to appear in municipal court, or other lawful enforcement action.

(Ord. No. 86-297, § 4.3, 5-8-1986; Ord. No. 94-100, § 4.3, 2-10-1994)

Sec. 12-292. Measurement procedure.

(a) *Sound level meter operation.* The sound level meter shall be operated in accordance with the instrument manufacturer's instructions and as follows:

(1) The microphone shall be located at a height of not less than two feet (0.6m) nor more than six feet (1.8m) above the plane of the roadway surface and not less than 3 1/2 feet (1.1m) and not more than 4 1/2 feet (1.4m) above the surface on which the microphone stands.

(2)a. When the sound level measurement system is handheld or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.

b. In no case shall the holder or observer be closer than two feet (0.6m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(3) The microphone shall be oriented toward the measurement area consistent with the recommendation of the sound level instrument's manufacturer. If the manufacturer does not recommend an orientation for its microphone, the microphone shall be pointed towards the vehicle being measured.

(4) The meter shall be set for the A-weighted network and fast response mode.

(5) An external calibration check and battery check shall be made before and after each period of use and at intervals not exceeding two hours when the instrument is used longer than a two-hour period.

(6) Measurements shall be made of the sound level generated by the motor vehicle regardless of the highway grade, load, acceleration or deceleration.

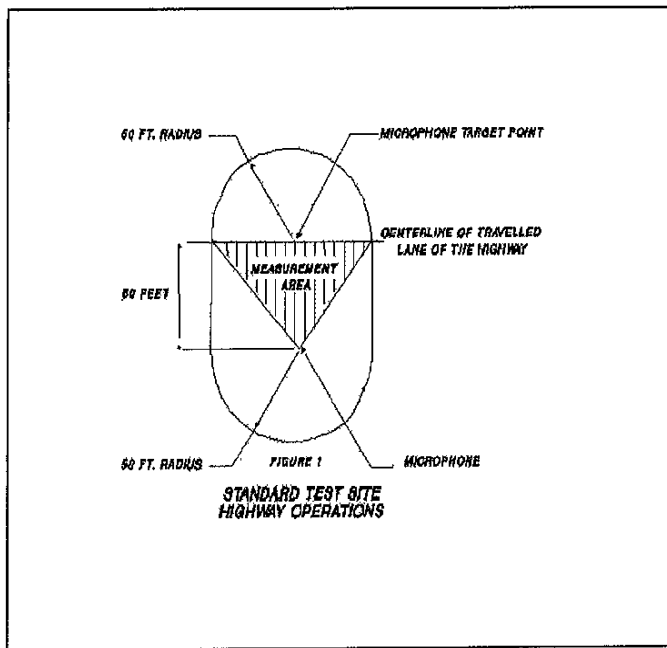
(7) The sound level generated by the motor vehicle is the highest reading observed on the sound level meter as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in subsection (c) of this section. The sound level of the vehicle being measured must be observed to rise at least six dB(A) before the maximum sound level occurs and to fall at least six dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

(b) Test site measurement area requirements.

(1) Standard test sites.

a. Measurements shall be made at a test site which is adjacent to and includes a portion of a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7m) or more than 83 feet (25.3m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2m) radius of both the microphone target point and the microphone location point, is shown in figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subsection (b)(2).

Figure 1



b. The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

1. Small cylindrical objects such as fire hydrants or telephone or utility poles;
2. Mailboxes;
3. Traffic railings of any type of construction except solid concrete barriers (see subsection (c)(3)d. of this section); or
4. One or more curbs having a vertical height of one foot (0.3m) or less.

c. The following objects may be within the test site if they are outside of the triangular measurement area of the site:

1. Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6m) higher than the surface of the traveled lane of the highway;
2. Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal;
3. Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6m) above the surface of the traveled lane of the highway.

d. The surface of the ground within the measurement area must be relatively flat. The test site shall be a soft test site. However, if the test site is determined to be hard, the correction factor specified in subsection (c)(2) of this section shall be applied to the measurement.

e. The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of the following:

1. Holes or other defects which would cause a motor vehicle to emit irregular tire, body or chassis impact noise; and
2. Loose material such as gravel or sand.

f. The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass

located within 200 feet (16m) of that point.

(2) *Nonstandard sites.*

a. If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

b. Plan view diagrams on nonstandard test sites are shown in figures 2 and 3. Figure 2 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3m) distance between the microphone location point and the microphone target point. Figure 3 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7m) distance between the microphone location point and the microphone target point.

Figure 2

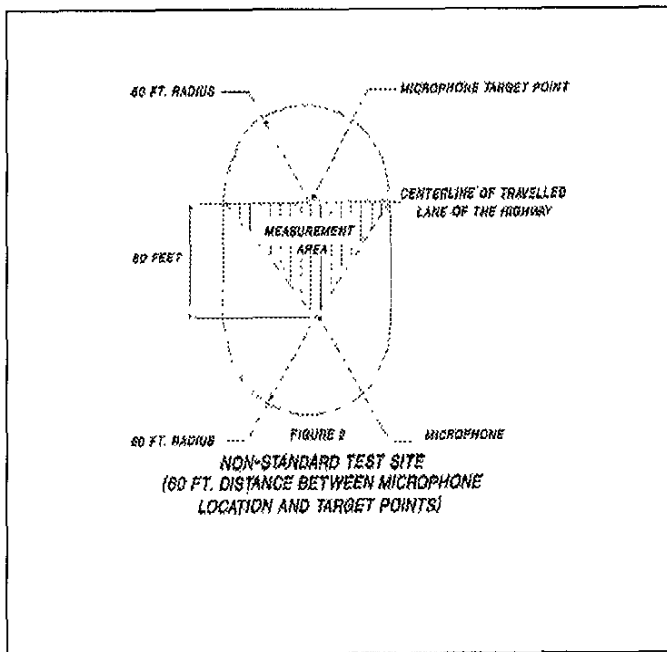
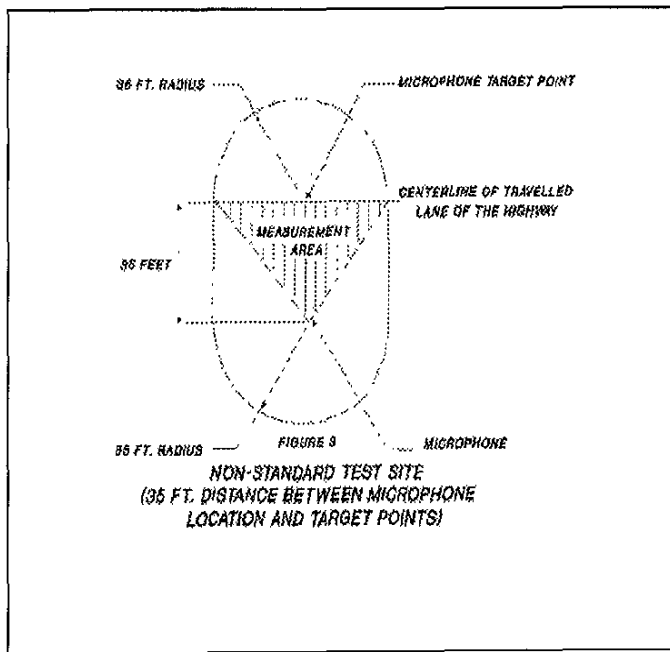


Figure 3



(c) *Correction factors.* The rules in this subsection specify correction factors which are added to or subtracted from the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site. The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

(1) *Distance correction factors.* If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2m), the maximum observed sound level reading generated by the motor vehicle shall be corrected as specified in the following table:

Distance Correction Factors

Distance Between the Microphone Location Point and the Microphone Target Point Is:	Value dB(A) To Be Applied to the Observed Sound Level Reading:
35 feet (10.7m) or more but less than 39 feet (11.9m)	-3
39 feet (11.9m) or more but less than 43 feet (13.1m)	-2
43 feet (13.1m) or more but less than 48 feet (14.6m)	-1
48 feet (14.6m) or more but less than 58 feet (17.7m)	0
58 feet (17.7m) or more but less than 70 feet (21.3m)	+1
70 feet (21.3m) or more but less than 83 feet (25.3m)	+2

(2) *Ground surface correction factors.* When measurements are made at a test site which is hard, a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle.

(3) *Sound-reflecting surface correction factors.* The distances between the microphone line and its nearest sound-reflecting surface and between the centerline of the lane of travel and its nearest sound-reflecting surface shall be measured. These distances shall be located on the nomogram in figure 4 on their respective axis, and the two marks shall be connected by a straight line. The point on the central axis that is intersected by the straight line indicates the dB correction factor that shall be applied to the sound level reading obtained from such vehicle passing through the site. (The dotted line in figure 4 illustrates a -2 dB(A) correction for sound-reflecting surfaces at 52 feet from the center of the lane of travel and 25 feet from the microphone line.)

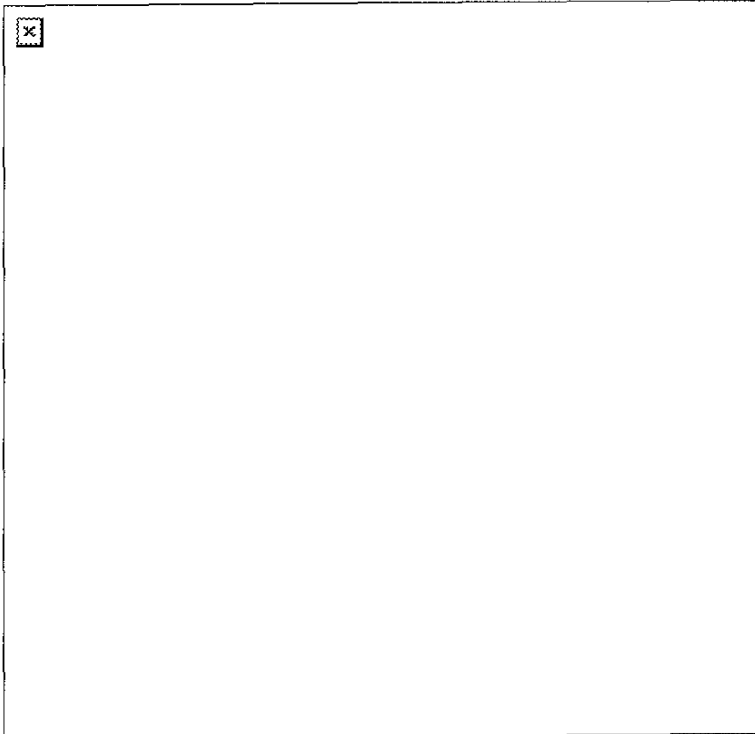
a. The correction factors determined by the nomogram in figure 4 shall be used only for sound-reflecting surfaces that are parallel to the lane of travel.

b. Basically parallel surfaces may have irregularities or projections of not more than two feet, measured perpendicular to the lane of travel, with the distance shown in figures 1, 2 and 3 measured from the nearest projecting surfaces.

c. Sound-reflecting surfaces not basically parallel to the lane of travel shall be a distance as specified in subsections (a)(1) and (a)(2) of this section. This restriction does not apply to surfaces that are perpendicular to the lane of travel and behind the parallel surface for which corrections are made, such as a fence, or the sidewalls of a building.

d. Distance measurements from smooth embankments covered with vegetation, concrete, asphalt, dirt, or other relatively smooth cover shall be made from the point where the slope begins to exceed 45 degrees above horizontal. Measurements from nonsmooth embankments shall be made from the point where the irregularity begins.

(d) *Application of correction factors.* If two correction factors apply to a measurement, they are applied cumulatively.



(Ord. No. 86-297, § 4.2, 5-8-1986)

Sec. 12-293. Sound levels by vehicle type.

No person shall operate a motor vehicle upon any public premises, or be permitted to operate a motor vehicle upon any public premises at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limits for the category of motor vehicle and applicable speed under measurement procedures established in this division:

		Sound Levels by Vehicle Type	
	Type of Vehicles	Speed Limit Zone 35 mph or Less	Speed Limit Zone Over 35 mph
(1)	Motorcycles and motor-driven cycles	82 dB(A)	86 dB(A)
(2)	Vehicles with gross weight of 10,000 pounds or over	86 dB(A)	90 dB(A)
(3)	Vehicles with gross weight under 10,000 pounds	80 dB(A)	84 dB(A)

(Ord. No. 86-297, § 4.1.1, 5-8-1986; Ord. No. 93-312, § 3, 5-27-1993; Ord. No. 94-100, § 4.1.1, 2-10-1994)

Sec. 12-294. Standing motor vehicles.

No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than ten minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, within 150 feet (46m) of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(Ord. No. 86-297, § 4.1.2, 5-8-1986; Ord. No. 94-100, § 4.1.2, 2-10-1994)

Sec. 12-295. Licensed refuse collection vehicles.

The maximum permissible sound level as specified in section 12-293 shall not apply to sounds emitted from refuse collection vehicles operated on public premises during the time period between 7:00 a.m. and 10:00 p.m.; however, sounds emitted from refuse collection vehicles operated within 150 feet of residential premises between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels as specified in section 12-293.

(Ord. No. 86-297, § 4.1.3, 5-8-1986; Ord. No. 94-100, § 4.1.3, 2-10-1994)

Sec. 12-296. Horns and signaling devices.

No person shall sound any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or highway, except as a danger warning, and then only for a reasonable period of time.

(Ord. No. 86-297, § 4.1.4, 5-8-1986; Ord. No. 94-100, § 4.1.4, 2-10-1994;)

Sec. 12-297. Sound amplification systems.

(a) No person shall operate or cause to be operated any sound amplification system, either in a motor vehicle or separate from a vehicle, on any public premises so as to produce an audible sound measured at least 25 feet from the system. Measurement of the

audible sound shall be by the auditory senses, based upon direct line of sight.

(b) This section shall make no distinction between stopped, standing, parked or moving motor vehicles.

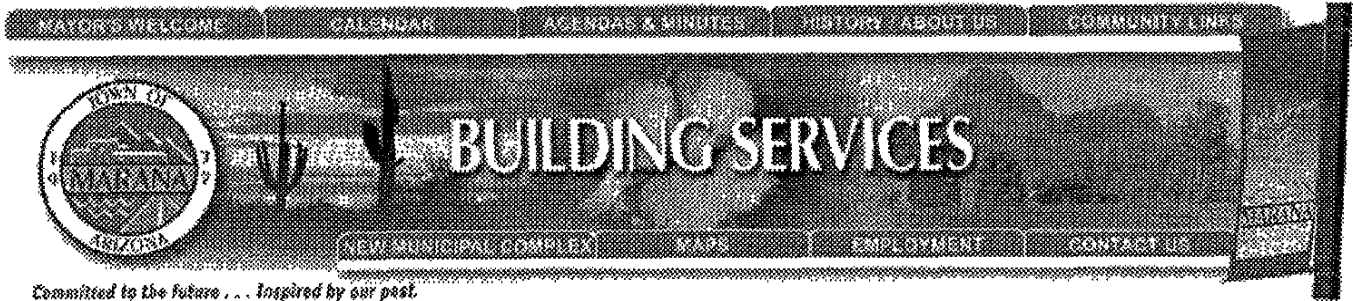
(c) Possession by a person of the sound amplification system in subsection (a) of this section shall be prima facie evidence that the person operated the system.

(d) Exemptions (1), (2), (3), (6) and (8) of section 12-262 shall apply to this section.

(Ord. No. 86-297, § 4.1.5, 5-8-1986; Ord. No. 93-312, § 4, 5-27-1993; Ord. No. 94-100, § 4.1.5, 2-10-1994)

Secs. 12-298--12-330. Reserved.

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NOISE ORDINANCE

The Town of Marana has a Construction Noise Ordinance that limits the times that noise from construction may occur.

Residential Areas

No noise from construction activities may be generated within 500 feet of residences prior to 6:00 a.m. or after 7:00 p.m. without a special permit. On weekends, the hours are 7:00 a.m. to 7:00 p.m.

Industrial Commercial Areas

When greater than 500 feet from residences, construction activities that generate noise may begin at 5:00 a.m. and end at 8:00 p.m.

Grading or Roadwork

No noise from construction activities may be generated within 500 feet of residences prior to 6:00 a.m. or after 7:00 p.m. without a special permit. On weekends, the hours are 7:00 a.m. to 7:00 p.m. The Town Engineer will issue special permits for this type of work.

Special Permits

When construction requires early starts due to weather or other considerations a special permit to start early may be obtained. The builder must notify all residences within 500 feet in writing notifying them of the intent to start at a certain time. The Building Official or Town Engineer will issue the permit if the majority of residents do not wish to contest the early start. The notification must be posted at least 24 hours prior to the work. As an example, if you want to work Friday morning at 4:00 am you must post your notifications on Wednesday to receive your permit Thursday afternoon from the Building Official or from the Town Engineer.

This ordinance is enforced by the Police Department so please help us maintain our quality of life by strictly observing our noise ordinance.

Your may submit an online request for a special permit to start work early by filling out the form below, and click on the submit button.

[FrontPage Save Results Component]

CONTRACTORS NOTIFICATION FORM

Company or Builder's Name:

Builders plan to start work at: (A.M./P.M.)

Date of work:

Location of work site:

Reason for early start time:

Contact Person:

Phone Number:

If you have questions or wish deny the request to start early please contact:

**Building Official
(520) 297-2920**

For mass grading or roadwork, please contact:

**Town Engineer
(520) 297-2920**

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Noise Ordinance

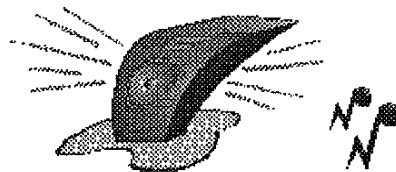


Up

Gainesville Police Department

NOISE

COMPLAINTS



INFORMATION FOR CITIZENS

- What is the Noise Ordinance?
- How do you Report a Noise Violation?

NOISE ORDINANCE:

The purpose of the City of Gainesville Noise Ordinance, Chapter 15 of the Code of Ordinances, is to protect the quality of life for the citizens of Gainesville. The Ordinance states that "Excessive sound within the limits of the city is a condition which has existed for some time and the amount and intensity of such sound is increasing. Such excessive sound is detrimental to the public health, safety, welfare and quality of life of the residents of the city".

The Gainesville Police Department has the responsibility of enforcing the Noise Ordinance. This is being accomplished through *education of the public* and *strict enforcement* of the ordinance.

The Ordinance defines a Noise Disturbance as any sound that:

1. Disturbs a reasonable person of normal sensitivities, or

2. Exceeds the sound level limit set forth in the ordinance, as measured by a sound level meter, or
3. Is *plainly audible*, which is defined as noise that can be heard a minimum of 200 feet from the property line of the source of the noise. This type of noise includes amplified music, musical instruments, televisions, radios and non-amplified human voices ("yelling, shouting, whistling, hooting, or generally creating a racket").

ENFORCEMENT:

Officers enforce the Noise Ordinance by issuing a Warning Notice or a Civil Citation to the violator. If an Officer determines that there is a noise violation, a Warning Notice is issued to the violator for the first incident. The warning remains in effect for 90 days. If another noise violation occurs within 90 days, the violator is issued a Civil Citation, and a new 90-day period begins. Warning Notices and Civil Citations are recorded at the Police Department. Fines for noise violations are:

1st Offense: Warning Notice, in effect for 90 days, no fine

2nd Offense: within 90 days of a Warning Notice, issue a Civil Citation with a \$50.00 fine

3rd Offense: within 90 days of the first Civil Citation, issue a Civil Citation with a \$100.00 fine

4th Offense: within 90 days of the second Civil Citation, issue a Civil Citation with a mandatory court appearance, and a fine to be determined up to \$500.00

PLEASE NOTE: Warning Notices and Civil Citations are issued to *people* or *business names*, not locations.

WHEN CALLING IN A NOISE COMPLAINT

1. Call GPD at 955-1818.
2. Give the call taker the following information:
 - Your name, address, and phone number. You may wish to remain anonymous, but this information is helpful in successful enforcement of the ordinance. It is required to enforce a noise violation based solely on disturbing a reasonable person of normal sensitivities.
 - Location of the source of the noise disturbance, an address if possible.
 - Description of the type of noise, such as loud music, a barking dog, a loud party, etc. How long has the disturbance been going on?
 - Be as descriptive as possible. Is there also a large crowd or a parking problem? Is there an alcohol related problem, such as people with open

containers of alcohol on public streets, or underage drinking?

3. Due to other calls for officer assistance it may take awhile for an officer to respond. Please be patient, your call is important.

EXAMPLES OF COMMON NOISE VIOLATIONS:

LOUD PARTY:

An Officer will determine if the noise (loud music, instruments or non-amplified human voices - yelling, shouting) can be heard 200 feet from the property line of the source of the noise.

BARKING DOG:

An officer will determine if the animal creates a noise disturbance across a residential property line, during any time of the day. Enforcement will be taken if an officer hears the barking for 10 consecutive minutes or 30 intermittent minutes.

CONSTRUCTION:

Prohibited between 9:00 PM and 6:00 AM if an officer determines that a noise disturbance is occurring across property lines.

DOMESTIC POWER TOOLS:

Prohibited outdoors between 10:00 PM and 8:00 AM if an officer determines that a noise disturbance is occurring.

APARTMENTS:

Loud stereos or noise that does not violate other provisions of the ordinance, but "disturbs a reasonable person of normal sensitivities", is also prohibited.

LOUD CAR STEREO:

On public roads officers can issue a Florida Uniform Traffic Citation if the music is audible 100 feet away. On private property an officer will enforce the city Noise Ordinance and use the plainly audible 200-foot rule.

**For further questions or additional information please contact our
Community Resource Officers at
334-2441**

Enforcement of the Noise Ordinance by GPD is done in partnership with the citizens of Gainesville to improve the quality of life for everyone.

**TO REPORT A NOISE VIOLATION IN THE CITY OF
GAINESVILLE CALL
955-1818**

Seattle Municipal Code

Chapter 25.08

NOISE CONTROL

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- 25.08.010 Declaration of policy.
- 25.08.020 Findings of special conditions.
- 25.08.030 Chapter additional to other law.

Subchapter II Definitions

- 25.08.040 Definitions generally—Gender.
- 25.08.050 Administrative Code.
- 25.08.060 Administrator.
- 25.08.070 Commercial agriculture.
- 25.08.080 Construction.
- 25.08.090 dB(A).
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25.08.010 **NOISE CONTROL**

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- 25.08.820 Penalties cumulative.

Statutory Reference: For statutory provisions on noise control, see RCW Ch. 70.107.

Severability: Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or its application to any other person or situation.
(Ord. 106360 § 1002, 1977.)

Subchapter I General Provisions

25.08.010 Declaration of policy.

It is the policy of the City to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the City Council to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment.
(Ord. 106360 § 101, 1977.)

25.08.020 Findings of special conditions.

The problem of noise in the City has been studied since 1974 by the City Council. On the basis of this experience and knowledge of conditions within the City, the City Council finds that special conditions exist within the City which make necessary any and all differences between this chapter and the regulations adopted by the Department of Ecology.
(Ord. 106360 § 102, 1977.)

25.08.030 Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.
(Ord. 106360 § 1001, 1977.)

Subchapter II Definitions

25.08.040 Definitions generally—Gender.

All technical terminology used in this chapter, not defined in this subchapter, shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1960 and Section 1.4-1971. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine. For the purposes of this chapter the words and phrases used herein shall have the meanings set forth in the following sections of this subchapter.
(Ord. 106360 § 200, 1977.)

25.08.050 **NOISE CONTROL**

25.08.050 Administrative Code.

“Administrative Code” means the Administrative Code of The City of Seattle (Ordinance 102228)¹ as now or hereafter amended.
(Ord. 106360 § 201, 1977.)

1. Editor’s Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.08.060 Administrator.

“Administrator” means the Director of the Department of Construction and Land Use or his or her authorized representative, except that the Director of the Seattle-King County Department of Public Health or his or her authorized representative shall continue to be the “Administrator” of Subchapter VII Variances through December 31, 1993.
(Ord. 116621 § 1, 1993; Ord. 106360 § 202, 1977.)

25.08.070 Commercial agriculture.

“Commercial agriculture” means the production of livestock or agricultural commodities on lands defined as “farm and agricultural” by RCW 84.34.020(2) and the offering of the livestock and agricultural commodities for sale.
(Ord. 112976 § 5, 1986; Ord. 106360 § 203, 1977.)

25.08.080 Construction.

“Construction” means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.
(Ord. 112976 § 5, 1986; Ord. 111458 § 5, 1983; Ord. 106360 § 204, 1977.)

25.08.090 dB(A).

“dB(A)” means the sound level measured in decibels, using the “A” weighting network.
(Ord. 106360 § 205, 1977.)

25.08.100 Districts.

“District” means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter:

A. “Rural District” includes zones designated in the King County Zoning Code as A, F-R, F-P, S-E, G, and S-R greater than thirty-five thousand (35,000) square feet.

B. “Residential District” includes zones designated in the King County Zoning Code as R-S, R-D, R-M, B-N, and S-R less than thirty-five thousand (35,000) square feet, and zones defined as residential zones and NC1 zones in The Seattle Land Use Code, Title 23.

C. “Commercial District” includes zones designated in the King County Zoning Code as B-C, C-G, M-L, and M-P, and zones designated as NC2, NC3, C1, C2, DOC1, DOC2, DRC, DMC, PSM, IDM, DH1, DH2, PMM, and IB in the Seattle Land Use Code, Title 23.

D. “Industrial District” includes zones designated in the King County Zoning Code as M-H, Q-M, and unclassified uses and zones designated as IG1, IG2, and IC in the Seattle Land Use Code, Title 23.
(Ord 115041 § 1, 1990; Ord. 106360 § 206, 1977.)

25.08.110 Emergency work.

“Emergency work” means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.
(Ord. 115041 § 1, 1990; Ord. 106360 § 207, 1977.)

25.08.120 Equipment.

“Equipment” means any stationary or portable device or any part thereof capable of generating sound. (Ord. 106360 § 208, 1977.)

25.08.130 Gross combination weight rating (GCWR).

“Gross combination weight rating” (GCWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle. (Ord. 106360 § 209, 1977.)

25.08.140 Gross vehicle weight rating (GVWR).

“Gross vehicle weight rating” (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle. (Ord. 106360 § 210, 1977.)

25.08.150 Impulsive sound.

“Impulsive sound” means sound having the following qualities: the peak of the sound level is less than one (1) second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the peak value exceeds the ambient level by more than ten (10) dB(A). (Ord. 106360 § 211, 1977.)

25.08.160 L eq.

“L eq” means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. The time period applicable must be specified. (Ord. 108552 § 1, 1979; Ord. 106360 § 211.5, 1977.)

25.08.170 Motorcycle.

“Motorcycle” means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground; except that farm tractors and vehicles powered by engines of less than five (5) horsepower shall not be included. (Ord. 106360 § 214, 1977.)

25.08.180 Motor vehicle.

“Motor vehicle” means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010. (Aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used in this chapter.) (Ord. 106360 § 212, 1977.)

25.08.190 Motor vehicle racing event.

“Motor vehicle racing event” means any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body recognized by the Administrator under rules adopted in accordance with the Administrative Code.¹ (Ord. 106360 § 213, 1977.)

1. Editor’s Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.08.200 Muffler.

“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. (Ord. 109099 § 1, 1980; Ord. 106360 § 215, 1977.)

25.08.210 **NOISE CONTROL**

25.08.210 New motor vehicle.

“New motor vehicle” means a motor vehicle manufactured after December 31, 1975, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale.
(Ord. 106360 § 216, 1977.)

25.08.220 Noise.

“Noise” means the intensity, duration and character of sounds from any and all sources.
(Ord. 106360 § 217, 1977.)

25.08.225 Residential disturbance.

“Residential disturbance” means a gathering of more than one (1) person at a residential property located in a single family or multifamily zone, as defined in SMC Section 23.84.048 between the hours of ten (10:00) p.m. (eleven (11:00) p.m. on Friday and Saturday nights) and seven (7:00) a.m. at which noise associated with the gathering is frequent, repetitive or continuous and is audible to a person of normal hearing at a distance of seventy-five (75) feet or more from the property.
(Ord. 121192 § 2, 2003.)

25.08.230 Off-highway vehicle.

“Off-highway vehicle” means any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010. The term “off-highway vehicle” shall not include special construction vehicles.
(Ord. 106360 § 218, 1977.)

25.08.240 Periodic sound.

“Periodic sound” means sound having the following qualities: the sound level varies repetitively, with a period of one (1) minute or less, and the peak value is more than five (5) dB(A) above the minimum value.
(Ord. 106360 § 219, 1977.)

25.08.250 Person.

“Person” means any individual, firm, association, partnership, corporation or any other entity, public or private.
(Ord. 106360 § 220, 1977.)

25.08.260 Property boundary.

“Property boundary” means an imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one (1) or more persons from that owned by others, and its vertical extension.
(Ord. 106360 § 221, 1977.)

25.08.270 Public highway.

“Public highway” means the entire width between the boundary lines of every way publicly maintained by the Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.
(Ord. 106360 § 222, 1977.)

25.08.280 Public nuisance noise.

“Public nuisance noise” means any unreasonable sound which either annoys, injures, interferes with or endangers the comfort, repose, health or safety of an entire community or neighborhood, although the extent of damage may be unequal.
(Ord. 110047 § 1, 1981; Ord. 106360 § 223, 1977.)

25.08.290 Pure tone component.

“Pure tone component” means a sound having the following qualities: a one-third ($1/3$) octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third ($1/3$) octave bands by five (5) decibels for center frequencies of five hundred (500) Hz and above, by eight (8) decibels for center frequencies between one hundred sixty (160) and four hundred (400) Hz, and by fifteen (15) decibels for center frequencies less than or equal to one hundred twenty-five (125) Hz.
(Ord. 106360 § 224, 1977.)

25.08.300 Real property.

“Real property” means an interest or aggregate of rights in land which is guaranteed and protected by law; for purposes of this chapter, the term “real property” includes a leasehold interest.
(Ord. 106360 § 225, 1977.)

25.08.310 Receiving property.

“Receiving property” means real property within which sound originating from sources outside the property is received.
(Ord. 106360 § 226, 1977.)

25.08.315 Shoreline.

“Shoreline” means the existing intersection of water with the ground surface or with any permanent, shore-connected facility.
(Ord. 109099 § 5, 1980; Ord. 106360 § 226.5, 1977.)

25.08.320 Sound level.

“Sound level” means the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971. The sound pressure level of a sound expressed in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to the reference sound pressure of twenty (20) micropascals. In the absence of any specific modifier, the level is understood to be that of a mean-square pressure.
(Ord. 106360 § 227, 1977.)

25.08.330 Sound level meter.

“Sound level meter” means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.
(Ord. 106360 § 228, 1977.)

25.08.340 Special construction vehicle.

“Special construction vehicle” means any vehicle which is designed and used primarily for grading, paving, earth moving, and other construction work; and which is not designed or used primarily for the transportation of persons or property on a public highway; and which is only incidentally operated or moved over the highway.
(Ord. 106360 § 229, 1977.)

25.08.350 Use.

“Use” means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.
(Ord. 106360 § 230, 1977.)

25.08.360 NOISE CONTROL

25.08.360 Warning device.

“Warning device” means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle back-up signal, but not including any fire alarm.

(Ord. 106360 § 231, 1977.)

25.08.370 Watercraft.

“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.

(Ord. 109099 § 2, 1980; Ord. 106360 § 232, 1977.)

25.08.380 Weekday.

“Weekday” means any day Monday through Friday which is not a legal holiday.

(Ord. 106360 § 233, 1977.)

25.08.390 Weekend.

“Weekend” means Saturday and Sunday or any legal holiday.

(Ord. 106360 § 234, 1977.)

Subchapter III Environmental Sound Levels

25.08.400 Unlawful sounds.

It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the maximum permissible sound levels established by this subchapter.

(Ord. 106360 § 301, 1977.)

25.08.410 Maximum permissible sound levels.

For sound sources located within the City or King County, the maximum permissible sound levels are as follows:

District of Sound Source	District of Receiving Property Within The City of Seattle		
	Residential (dB(A))	Commercial (Db(A))	Industrial (dB(A))
Rural	52	55	57
Residential	55	57	60
Commercial	57	60	65
Industrial	60	65	70

(Ord. 106360 § 302, 1977.)

25.08.420 Modifications to maximum permissible sound levels.

The maximum permissible sound levels established by this subchapter shall be reduced or increased by the sum of the following:

A. Between the hours of ten (10:00) p.m. and seven (7:00) a.m. during weekdays, and between the hours of ten (10:00) p.m. and nine (9:00) a.m. on weekends, the levels established by Section 25.08.410 are reduced by ten (10) dB(A) where the receiving property lies within a residential district of the City.

B. For any source of sound which is periodic, which has a pure tone component, or which is impulsive and is not measured with an impulse sound level meter, the levels established by this subchapter shall be reduced by five (5) Db(A); provided, however, that this five (5) dB(A) penalty for the emission of sound having a pure tone component shall not be imposed on any electrical substation, whether existing or new.

C. For any source of sound which is of short duration, the levels established by this subchapter are increased by:

1. Five (5) dB(A) for a total of fifteen (15) minutes in any one (1) hour period; or
2. Ten (10) dB(A) for a total of five (5) minutes in any one (1) hour period; or
3. Fifteen (15) dB(A) for a total of 1.5 minutes in any one (1) hour period.

(Ord. 106360 § 303, 1977.)

25.08.425 Construction and equipment operations.

A. The maximum permissible sound levels established by Sections 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of fifty (50) feet from the equipment, whichever is greater, may be exceeded between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends by no more than the following dB(A)'s for the following types of equipment:

1. Twenty-five (25) dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic-powered equipment;
2. Twenty (20) dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chainsaws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or
3. Fifteen (15) dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawnmowers, powered handtools, snow-removal equipment, and composters.

B. Sounds created by impact types of construction equipment, including but not limited to pavement breakers, piledrivers, jackhammers, sandblasting tools, or by other types of equipment or devices which create impulse noise or impact noise or are used as impact equipment, as measured at the property line or fifty (50) feet from the equipment, whichever is greater, may exceed the maximum permissible sound levels established in subsection A of this section in anyone (1) hour period between the hours of eight (8:00) a.m. and five (5:00) p.m. on weekdays and nine (9:00) a.m. and five (5:00) p.m. on weekends, but in no event to exceed the following:

1. L eq ninety (90) dB(A) continuously;
2. L eq ninety-three (93) dB(A) for thirty (30) minutes;
3. L eq ninety-six (96) dB(A) for fifteen (15) minutes; or
4. L eq ninety-nine (99) dB(A) for seven and one-half (7¹/₂) minutes; provided that sound levels in excess of L eq ninety-nine (99) dB(A) are prohibited unless authorized by variance obtained from the Administrator; and provided further that sources producing sound levels less than ninety (90) dB(A) shall comply with subsection A of this section during those hours not covered by this subsection B.

a. The standard of measurement shall be a one (1) hour L eq. L eq may be measured for times not less than one (1) minute to project an hourly L eq. Reference to one (1) hour is for measurement purposes only and shall not be construed as limiting construction to a one (1) hour period.

b. These subsections A and B shall be reviewed periodically by the City to assure that the sound level limits are technically feasible.

C. Construction activity that exceeds the maximum permissible sound levels established by Section 25.08.410, when measured from the interior of buildings within a commercial district, is prohibited between the hours of eight (8:00) a.m. and five (5:00) p.m. For purposes of this subsection C, interior sound levels shall be measured only after every reasonable effort, including but not limited to closing windows and doors, is taken to reduce the impact of the exterior construction noise.

(Ord. 115041 § 2, 1990: Ord. 112976 § 1, 1986: Ord. 111458 § 1, 1983.)

25.08.426 Plan review fee.

Whenever any project or proposal is submitted to the Administrator for review and/or commenting relating to any special noise studies and mitigation measures proposed as part of a mitigated DNS or EIS under any of the following:

1. Chapter 43.21C of the Revised Code of Washington, the State Environmental Policy Act (“SEPA”);
2. Chapter 197-11 of the Washington Administrative Code, the State SEPA Rules; or
3. Chapter 25.05 of the Seattle Municipal Code, the City’s SEPA rules; the request for review shall be accompanied by a plan review fee of Fifty Dollars (\$50); provided, that such fee shall not be required for any such review and/or commenting wherein the Administrator determines that the reasonable amount of time necessary to accomplish the same is less than one (1) hour. This fee shall be nonrefundable, and shall accompany each such request for comment by the Administrator. (Ord. 114832 § 2, 1989.)

Subchapter IV Motor Vehicle Sound Levels

25.08.430 Sounds created by operation of motor vehicles.

It is unlawful for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner so that the motor vehicle’s exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). (Ord. 120481 § 9, 2001; Ord. 106360 § 401, 1977.)

25.08.450 Modification to motor vehicles.

No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase, the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by Sections 11.84.060 and 11.84.080 or which has been amplified as prohibited by this section so that the vehicle’s exhaust noise exceeds ninety-five (95) decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). (RCW 46.37.390(3)) (Ord. 120481 § 10, 2001; Ord. 106360 § 403, 1977.)

25.08.460 Tire noise.

It is unlawful for any person to operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, provided that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section. (Ord. 106360 § 404, 1977.)

25.08.470 Sale of new motor vehicles which exceed limits.

It is unlawful for any person to sell or offer for sale a new motor vehicle, except an off-highway vehicle, which produces a maximum sound level exceeding the following maximum permissible sound levels at a distance of fifty (50) feet, by acceleration test procedures established by the State Commission on Equipment:

Vehicle Category	dB(A)
Motorcycles manufactured after 1975	83
Any motor vehicle over 10,000 pounds GVWR manufactured after 1975 and prior to 1978	86
Any motor vehicle over 10,000 pounds GVWR manufactured after 1978	83
All other motor vehicles	80

(Ord. 106360 § 405, 1977.)

25.08.480 Motor vehicle exemptions.

Sounds created by motor vehicles are exempt from the maximum permissible sound levels of Subchapter III, except that sounds created by any motor vehicle operated off public highways shall be subject to the sound levels of Subchapter III when the sounds are received within a residential district of the City. (Ord. 106360 § 406, 1977.)

25.08.485 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 seventy-four (74) dB(A), except that;

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

1. The absence of a muffler;

2. The presence of a muffler cutout, 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, nonrecreational watercraft are exempt at all times for provisions of this chapter. 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 87983¹ as amended are exempt from provisions in this section and in this chapter between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (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 87983² as amended. (Ord. 109099 § 6, 1980; Ord. 106360 § 407, 1977.)

1. Editor's Note: Section 27 of Ord. 87983 is codified in Section 16.20.160 of this Code.

2. Editor's Note: Section 3 of Ord. 87983 is codified in Section 16.12.010 of this Code.

Subchapter V Public Nuisance Noises**25.08.490 Prohibited.**

Pursuant to the notice and order procedure set forth in Subchapter IX, the Administrator may determine that a sound constitutes a public nuisance noise as defined in this chapter. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which has been determined a public nuisance noise. (Ord. 106360 § 501, 1977.)

25.08.500 Public disturbance noises.

It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer or, pursuant to subsection A of this section, when ordered to do so by a police officer or animal control officer. "Unreasonable noise" shall include the following sounds or combination of sounds:

A. Loud and raucous, and frequent, repetitive, or continuous sounds made by any animal, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with Chapter 10.72 of this Code shall be exempt from this subsection; provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded by the poundmaster, subject to redemption in the manner provided by Chapter 9.08 of this Code;

B. Loud and raucous, and frequent, repetitive, or continuous sounds made by any horn or siren attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law;

C. Loud and raucous, and frequent, repetitive, or continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine;

D. Loud or raucous, and frequent, repetitive, or continuous sounds created by use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, or a sound amplifier or other device capable of producing, amplifying, or reproducing sound;

E. Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified or unamplified human voice between the hours of ten (10:00) p.m. and seven (7:00) a.m. The content of the speech shall not be considered against any person in determining a violation of this subsection; and

F. Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified human voice within the Pike Place Market Historical District, as designated in Chapter 25.24 of the Seattle Municipal Code, between the hours of ten (10:00) a.m. and five (5:00) p.m. The content of the speech shall not be considered against any person in determining a violation of this subsection.

(Ord. 114656 § 2, 1989; Ord. 110047 § 2, 1981; Ord. 106360 § 502, 1977.)

25.08.505 Residential disturbance violation.

It is unlawful for any person to knowingly allow real property under one's possession or control to be used for a residential disturbance, as defined in Section 25.08.225.

(Ord. 121192 § 3, 2003.)

25.08.508 Abatement of chronic violations.

A. A residential property at which three (3) or more violations of SMC Section 25.08.505 occur within any twelve (12) month period constitutes a nuisance and is subject to an action for abatement pursuant to this section; provided that the person or persons responsible for such violations were residents of the same housing unit, as defined in SMC Section 22.204.090.

B. The City Attorney shall notify the owner and tenant(s) of any property when a tenant or other person has been found to be in violation of Section 25.08.505 at the owner's property. All notices pursuant to this subsection shall include notification that an action for abatement under this section may be commenced if three (3) or more violations of Section 25.08.505 occur at the property within a twelve (12) month period and the person or persons responsible were residents of the same housing unit as defined in SMC Section 22.204.090.

C. In addition to any other remedies provided by this chapter or any other law, an action to abate chronic violations of Section 25.08.505, may be commenced by the City Attorney against the owner and/or tenant(s) of a property following a third or subsequent violation of SMC Section 25.08.505 at the property within a twelve (12) month period where the person or persons responsible for such violations were resi-

dents of the same housing unit as defined in SMC Section 22.204.090. An action shall not be commenced under this section until at least thirty (30) days after the mailing of a notice of a finding of a third violation which occurs within a twelve (12) month period. If during this thirty (30) day period an owner provides written notice to the City Attorney that the owner has filed a legal proceeding to evict the person or persons responsible for three (3) or more violations of Section 25.08.505 and the City Attorney is satisfied the owner will diligently prosecute such eviction action, an action against the owner under this section shall not be filed. If the court determines that three (3) or more violations of Section 25.08.505 have occurred at a property within any twelve (12) month period, the court may order any remedy that is reasonably likely to abate future violations, providing that the court should not enter an order prohibiting the rental of a housing unit or units unless other remedies have failed to abate future violations.

D. Notices required by this section shall be in writing. Notice to an owner is sufficient if sent to the address of the owner listed in the records of the King County Recorder. If the City Attorney knows that a property is managed by a third party property manager, notices required by the section may be sent to such third party property manager. No inference shall be drawn in a private dispute between a landlord and a tenant or tenants solely because of the lack of a notice from the City Attorney as contemplated by this section. (Ord. 121192 § 4, 2003.)

25.08.510 Exempted sources.

No sound source specifically exempted from a maximum permissible sound level by this chapter shall be a public nuisance noise or public disturbance noise, insofar as the particular source is exempted. (Ord. 106360 § 503, 1977.)

25.08.515 Public disturbance noise from portable or motor vehicle audio equipment.

A. While in park areas, residential or commercial zones, or any area where residences, schools, human service facilities or commercial establishments are in obvious proximity to the source of the sound, 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 the following:

1. Sound from a motor vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of seventy-five (75) feet or more from the vehicle itself; or

2. Sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of seventy-five (75) feet or more from the source of the sound.

B. This section shall not apply to persons operating portable audio equipment upon their own premises, such as an owner or a tenant, or to persons operating such equipment within a public park pursuant to an event under a permit issued under SMC Section 18.12.042, in which event other provisions of the Noise Code shall apply, including SMC Sections 25.08.500 and 25.08.520, respectively.

C. The content of the sound will not be considered in determining a violation of this section. (Ord. 114656 § 1, 1989.)

25.08.520 Noise in public parks and places.

A. It is unlawful for any person to cause, or for any person in charge of a group of persons to allow sound from an officially sanctioned musical event to originate in a public park, public place, as defined in the Street Use Ordinance No. 90047,¹ public market or civic center which exceeds an L eq of ninety-five (95) dB(A) for one (1) minute as measured fifty feet (50') (approximately fifteen (15) meters) from the source or sources, whether or not the sounds are live or recorded. Provided, that this section shall not apply to indoor events.

B. Each violation of this section which occurs after notice to the person (designated on the permit as the agent to receive notices of violations in the case of events with permits) that he or she is in violation of this section shall constitute a separate offense. At the time of application the applicant shall designate an on-premises agent who will accept notices of violations of this chapter during the event. The absence of the designated on-premises agent from the event or the inability of the serving agency to locate the on-premises

agent or the refusal of an on-premises agent or responsible official of a group to accept notice of a violation shall not affect the validity of the initial or successive violations.

C. The Administrator, the Director of Seattle Center, the Superintendent of Parks, the Director of Transportation, the Chief of Police, or an authorized representative of any of them may terminate a performance as a public nuisance after following the notice requirements of subsection B of this section if the decibel level exceeds one hundred five (105) dB(A) for a total of five (5) minutes in any thirty (30) minute period as measured fifty feet (50') (approximately fifteen (15) meters) from the source or sources.

D. Before any permit or other authorizing document is issued for any event which will produce sounds which may violate this section, the application shall be circulated to the Administrator. The Department of Construction and Land Use is authorized to attach any conditions consistent with this chapter and reasonably calculated to prevent annoying sounds.

E. 1. In any permit for use of a public park, public market, civic center, or other public place, the Superintendent of Parks and Recreation, the Director of Transportation or the Director of the Seattle Center or the designee of any of them, respectively, shall stipulate that the Department of Construction and Land Use provide sound-control monitoring services whenever:

a. Amplified sound will be used at the proposed event; and

b. The Administrator or his designee finds that, unless monitored, the sound level originating at the proposed event may exceed the sound level in SMC Section 25.08.520 A. The Administrator shall be guided principally by the expected power and type of amplification and, for those with a record of prior usage, by past events held on City property within the last two (2) years.

2. The Administrator, in his or her discretion, may perform the service directly, delegate performance to the authority issuing the permit, or retain an acoustician.

F. This section does not limit or diminish the management authority of the Superintendent of Parks and Recreation, the Director of Transportation or the Director of the Seattle Center to require a performance bond or cash deposit for the use and occupancy of a public park, a public place or public market, or the Seattle Center, respectively, as security for payment of costs and expenses related thereto, damages or cleanup costs that may arise from a proposed event, and/or taxes and other amounts that may become payable; nor does this section limit or diminish their management authority to grant or deny such permits for causes independent of the Noise Ordinance codified in this chapter.

G. A copy or digest of this section on noise in public parks and public places shall be delivered to every person applying for a permit or other authorizing document which involves the production of sounds which may violate this section and the permittee shall sign a receipt signifying that he or she has received the same.

(Ord. 118409 § 219, 1996; Ord. 116621 § 2, 1993; Ord. 112379 §§ 1 and 2, 1985; Ord. 108552 § 2, 1979; Ord. 106360 § 504, 1977.)

1. Editor's Note: The Street Use Ordinance is codified in Title 15 of this Code.

Subchapter VI Exemptions

25.08.530 Sounds exempt at all times.

A. The following sounds are exempt from the provisions of this chapter 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 created by natural phenomena;

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;
8. Sounds created by auxiliary equipment on motor vehicles used for maintenance; and
9. Sounds created by warning devices or alarms not operated continuously for more than thirty (30) minutes per incident.
(Ord. 112976 § 2, 1986; Ord. 111458 § 2, 1983; Ord. 110047 § 3, 1981; Ord. 109099 § 4, 1980; Ord. 106360 § 601, 1977.)

25.08.535 Sound exemptions for prior construction projects.

Sounds created by equipment used in any construction project for which the call for bids has commenced prior to the effective date of the ordinance from which this section derives¹ are exempt from the provisions of this chapter:

- A. At all times if the receiving property is located in a nonresidential district of the City; or
- B. Between the hours of seven a.m. (7:00 a.m.) and ten p.m. (10:00 p.m.) on weekdays and between the hours of nine a.m. (9:00 a.m.) and ten p.m. (10:00 p.m.) on weekends if the receiving property is located in a residential district of the City.
(Ord. 112976 § 3, 1986; Ord. 111458 § 3, 1983.)

1. Editor's Note: Ord. 111458 was passed December 12, 1983. Ord. 112976 was passed July 28, 1986.

25.08.540 Sounds exempt during daytime hours—Generally.

A. The following sounds are exempt from the provisions of this chapter between the hours of seven a.m. (7:00 a.m.) and ten p.m. (10:00 p.m.) on weekdays and between the hours of nine a.m. (9:00 a.m.) and ten p.m. (10:00 p.m.) on weekends:

1. Sounds created by bells, chimes, or carillons not operating for more than five (5) minutes in any one (1) hour;
2. Unamplified sounds originating from officially sanctioned parades and other public events;
3. Sounds created by the discharge of firearms on legally established shooting ranges;
4. Sounds created by blasting; and
5. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture, if the receiving property is located in a residential district of the City. The Administrator is authorized to promulgate regulations which extend the hours during which this exemption shall be in effect to conform with operating laws designated by the Washington State Department of Natural Resources in directing an official fire closure.
(Ord. 112976 § 4, 1986; Ord. 112379 § 3, 1985; Ord. 111458 § 4, 1983; Ord. 108498 § 1, 1981; Ord. 106360 § 602, 1977.)

25.08.545 Sounds exempt during daytime hours—Aircraft testing and maintenance.

Sounds created by the testing or maintenance of aircraft, or of components of aircraft, are exempt from the provisions of this chapter between the hours of seven a.m. (7:00 a.m.) and ten p.m. (10:00 p.m.) on weekdays and between nine a.m. (9:00 a.m.) and ten p.m. (10:00 p.m.) on weekends, when performed according to the following instructions:

A. Testing and maintenance for any aircraft or component not connected thereto shall be performed at an airport designated as such by the Federal Aviation Administration prior to April 1, 1979, or designated as such by the Administrator at any time.

B. If the testing or maintenance is performed at the King County International Airport, the aircraft or component shall be entirely within the ultimate airport property line as shown on the map entitled "King County International Airport—Airport Layout Plan" (prepared December 1, 1976, revised October 10, 1978), and at areas designated by the Airport Manager: It is intended that this map be the reference map regardless of any future changes, provided that the Administrator may grant exceptions to this subsection for good cause shown. A copy of the King County International Airport Layout Plan Map is on file in the

City Clerk's office (C.F. 288269), at the office of the Airport Manager of the King County International Airport, and at the Planning and Research Department of the Port of Seattle.
(Ord. 108498 § 2, 1981; Ord. 106360 § 604, 1977.)

25.08.550 Sounds exempt from nighttime reduction.

The following sounds are exempt from the provisions of Section 25.08.420 A:

- A. Sounds created by existing stationary equipment used in the conveyance of water by a utility;
- B. Sounds created by existing electrical substations;
- C. Sounds created by sources in industrial districts which, over the previous three (3) years, have consistently operated in excess of fifteen (15) hours per day as a demonstrated routine or as a consequence of process necessity; provided that such exemption shall only extend to five (5) years after the effective date of the ordinance codified in this chapter.¹ Changes in working hours or activity which would increase the noise emitted under this exemption require the approval of the Administrator, given under rules adopted in accordance with the Administrative Code.²
(Ord. 106360 § 603, 1977.)

- 1. Editor's Note: Ord. 106360 became effective on May 13, 1977.
- 2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

Subchapter VII Variances

25.08.560 Application—Generally.

Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the Administrator for relief from the requirements of any provision of this chapter other than Section 25.08.500 or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the Administrator may require. In accordance with the Administrative Code,¹ the Administrator shall promulgate rules and regulations governing application for and granting of such variances, including hearings and notice.
(Ord. 110047 § 4, 1981; Ord. 107377 § 1(part), 1978; Ord. 106360 § 701(a), 1977.)

- 1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.08.580 Discretion of Administrator.

A variance or its renewal shall not be a right of the applicant or holder thereof but shall be at the reasonable discretion of the Administrator.
(Ord. 107377 § 1(part), 1978; Ord. 106360 § 701(c), 1977.)

25.08.590 Granting of variance.

No variance shall be granted pursuant to Sections 25.08.560 through 25.08.620 until the Administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic variance may be granted only after a public hearing on due notice. The Administrator may grant a variance, if he finds that:

- A. The noise occurring or proposed to occur does not endanger public health or safety; and
- B. The applicant demonstrates that the criteria required for temporary, technical or economic variance under Sections 25.08.610 through 25.08.630 are met.
(Ord. 107377 § 1(part), 1978; Ord. 106360 § 701(d), 1977.)

25.08.600 Renewal of variance.

Variances, except temporary variances, granted pursuant to this chapter may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a variance. No renewal shall be granted except on application made at least sixty (60) days prior to the expiration of the variance.
(Ord. 107377 § 1(part), 1978; Ord. 106360 § 701(e), 1977.)

25.08.610 Appeal procedure.

Any person aggrieved by the denial, grant, or the terms and conditions on the grant of an application for a variance or renewal of a variance by the Administrator may appeal such decision to the Hearing Examiner under procedures contained in Subchapter IX.

(Ord. 107377 § 1(part), 1978: Ord. 106360 § 701(f), 1977.)

25.08.620 Exemption.

Any person or source granted a variance pursuant to the procedures of this subchapter or an appeal shall be exempt from the maximum permissible sound levels established by this chapter to the extent provided in the variance.

(Ord. 107377 § 1(part), 1978: Ord. 106360 § 701(g), 1977.)

25.08.630 Temporary variance.

The Administrator may grant a temporary variance, not to exceed fourteen (14) days, for any activity, use, process or equipment which the Administrator determines, in accordance with rules and regulations, does not annoy a substantial number of the people and does not endanger public health or safety.

(Ord. 106360 § 702(a), 1977.)

25.08.640 Technical variance.

A technical variance may be granted by the Administrator on the ground that there is no practical means known or available for the adequate prevention, abatement or control of the noise involved. Any technical variance shall be subject to the holder's taking of any alternative measures that the Administrator may prescribe. The duration of each technical variance shall be until such practical means for prevention, abatement or control become known or available. The holder of a technical variance, as required by the Administrator, shall make reports to the Administrator detailing actions taken to develop a means of noise control or to reduce the noise involved and must relate these actions to pertinent current technology.

(Ord. 106360 § 702(b), 1977.)

25.08.650 Economic variance.

An economic variance may be granted by the Administrator on the ground that compliance with the particular requirement or requirements from which the variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a period of time. The duration of an economic variance shall be for a period not to exceed such reasonable time as is required in the view of the Administrator for the taking of the necessary measures. An economic variance shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to the timetable.

(Ord. 106360 § 702(c), 1977.)

Subchapter VIII Administration and Noise Measurement

25.08.660 Authority of Administrator and Chief of Police.

Unless provided otherwise by this chapter, the Chief of Police shall be responsible for enforcing Sections 25.08.500, 25.08.505 and 25.08.515, the Chief of Police and the Administrator shall be responsible for enforcing Subchapter IV of this chapter, and the Administrator shall be responsible for enforcing the remaining provisions of this chapter. Upon request by the Administrator or the Chief of Police, all other City departments and divisions are authorized to assist them in enforcing this chapter.

(Ord. 121192 § 5, 2003: Ord. 114656 § 3, 1989: Ord. 110047 § 5, 1981: Ord. 106360 § 801, 1977.)

25.08.670 Duties of Administrator.

The duties of the Administrator shall include, but are not limited to:

- A. Obtaining assistance from other appropriate City departments and divisions;
- B. Training field inspectors;

25.08.680 **NOISE CONTROL**

- C. Purchasing measuring instruments and training inspectors in their calibration and use;
 - D. Promulgating and publishing rules and procedures, in accordance with the Administrative Code,¹ to establish techniques for measuring or reducing noise and to provide for clarification, interpretation, and implementation of this chapter;
 - E. Investigating citizens' noise complaints;
 - F. Issuing orders for the reduction or elimination of noise in accordance with Subchapter IX;
 - G. Assisting citizens and City departments in evaluating and reducing the noise impact of their activities;
 - H. Assisting City planning officials in evaluating the noise component in planning and zoning actions;
 - I. Instituting a public education program on noise; and
 - J. Reviewing at least every three (3) years the provisions of this chapter and recommending revisions consistent with technology to reduce noise.
- (Ord. 106360 § 802, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code

25.08.680 Measurement of sound.

If the measurements of sound are made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirements for a Type I or Type II instrument, as described in American National Standards Institute Specifications, Section 1.4-1971. If the measurements are made with other instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in Section 1.4-1971 for Type II instruments.

(Ord. 106360 § 803, 1977.)

25.08.690 Technical corrections.

When the location, distance or technique prescribed in this chapter for measurement of sound is impractical or would yield misleading or inaccurate results, measurements shall be taken at other locations or distances using appropriate correction factors, as specified in the rules promulgated by the Administrator.

(Ord. 106360 § 804, 1977.)

25.08.700 Receiving properties within more than one district.

Where a receiving property lies within more than one district, the maximum permissible sound level shall be determined by the district within which the measurement is made.

(Ord. 106360 § 805, 1977.)

Subchapter IX Enforcement

25.08.710 Right of entry—Administrator.

Upon presentation of proper credentials, the Administrator, with the consent of the occupant, or with the consent of the owner of any unoccupied building, structure, property or portion thereof, or pursuant to a lawfully issued warrant may enter at all reasonable times, any building, structure, property or portion thereof to inspect the same whenever necessary to make an inspection to enforce or determine compliance with the provisions of this chapter over which he has enforcement responsibility or whenever he has cause to believe that a violation of any provision of this chapter other than Section 25.08.500 has been or is being committed; provided, if the building, structure, property or portion thereof is unoccupied, the Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the Administrator is unable to locate the owner or such other persons and he has reason to believe that conditions therein create an immediate and irreparable health hazard, then he shall make entry.

(Ord. 10047 § 6, 1981; Ord. 106360 § 901, 1977.)

25.08.730 Notice and order.

A. Unless provided otherwise by this chapter, whenever the Administrator has reason to believe that a maximum permissible sound level of Subchapter III is being exceeded, that a public nuisance noise is being emitted, or that the terms of a variance have not been met, he may initiate an administrative proceeding as provided by Subchapter IX, and serve a written notice and order directed to the owner or operator of the source, or to the holder of the variance. One (1) copy shall also be posted on the property or source, if reasonably possible, and another copy shall be mailed to each complainant (if any) about the noise; additional copies may be mailed by the Administrator to such other interested or affected persons as the Administrator deems appropriate.

B. The notice shall contain a brief and concise description of the conditions alleged to be in violation or to be a public nuisance noise, the provision(s) of this Chapter alleged to have been violated, the sound level readings, if taken, including the time and place of their recording.

C. The order shall contain a statement of the corrective action required and shall specify a reasonable time within which the action must be accomplished.
(Ord. 110047 § 7, 1981: Ord. 106360 § 903(a), 1977.)

25.08.740 Method of service.

Service of the notice and order shall be made upon the persons named in the notice and order, either personally or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested, to each person at his last known address. If the whereabouts of the persons is unknown and cannot be ascertained by the Administrator in the exercise of reasonable diligence, and the Administrator shall make affidavit to that effect, then the service of the notice and order upon the persons may be made by publishing them once each week for two (2) consecutive weeks in the City official newspaper. The failure of any such person to receive the notice and order shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of mailing.

(Ord. 106360 § 903(b), 1977.)

25.08.750 Final orders.

Any order issued by the Administrator pursuant to this chapter shall become final unless, no later than ten (10) days after the order is served, a person named in the notice and order requests a hearing before the Hearing Examiner in accordance with Section 25.08.770.

(Ord. 106360 § 903(c), 1977.)

25.08.760 Administrative conferences.

An informal administrative conference may be conducted at any time by the Administrator for the purpose of bringing out all the facts and circumstances relating to an alleged violation, promoting communication between concerned parties, and providing a forum for efficient resolution of a violation. The Administrator may call a conference in response to a request from any person aggrieved by an order of the Administrator or the Administrator may call a conference on his own motion. Attendance at the conference shall be determined by the Administrator and need not be limited to those named in a notice and order. As a result of information developed at the conference, the Administrator may affirm, modify or revoke his order. The holding of an administrative conference shall not be a prerequisite to use of any other enforcement provisions contained in this chapter.

(Ord. 106360 § 903(d), 1977.)

25.08.770 Right to appeal.

Any person aggrieved by an order issued by the Administrator, including a variance decision, may file an appeal in writing with the Hearing Examiner within a period extending to five (5:00) p.m. of the tenth day following the date of service of the order.

(Ord. 108647 § 2(part), 1979: Ord. 106360 § 904(a), 1977.)

25.08.780 Form of appeal.

The written appeal shall contain the following information:

- A. A heading in the words: "Before the Hearing Examiner of the City of Seattle";
 - B. A caption reading: "Appeal of " giving the names of all appellants participating in the appeal;
 - C. A brief statement setting forth any legal interest of each of the appellants in the property or equipment involved in the order or variance decision;
 - D. A brief statement in concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant;
 - E. A brief statement of the relief sought, and the reason why it is claimed the protested action should be reversed, modified, or otherwise set aside;
 - F. The signatures of all parties named as appellants and their mailing addresses; and
 - G. The verification (by declaration under penalty of perjury) of at least one (1) appellant as to the truth of the matters stated in the appeal.
- (Ord. 108647 § 2(part), 1979; Ord. 106360 § 904(b), 1977.)

25.08.790 Hearing Examiner's consideration.

The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases under the Administrative Code,¹ and within thirty (30) days of the conclusion of the hearing, shall render his decision and mail his final order to the Administrator and the appellant. The ruling or interpretation of the Administrator may be affirmed, reversed or modified in the Hearing Examiner's final order. If the ruling or interpretation of the Administrator is reversed or substantially modified, the Hearing Examiner shall direct that the filing fee be returned to the appellant. The decision of the Hearing Examiner shall be final, and the appellant and the administrator bound thereby.

(Ord. 108647 § 2(part), 1979; Ord. 106360 § 904(c), 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.08.800 Punishment.

- A. Conduct made unlawful by Subchapter IV, Section 25.08.515 and Section 25.08.520 of this chapter shall constitute a violation subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted of a violation of Subchapter IV or Section 25.08.520 shall be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500); conduct made unlawful by Section 25.08.515 shall be punished by a civil fine or forfeiture not to exceed Fifty Dollars (\$50).
 - B. Conduct made unlawful by Section 25.08.500 of this chapter shall constitute a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500), or by imprisonment in the City Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.
- (Ord. 114656 § 4, 1989; Ord. 110047 § 8, 1981; Ord. 106360 § 905(a), 1977.)

25.08.805 Residential disturbance penalties.

- A. Except as provided in subsection B of this section, conduct made unlawful by Section 25.08.505 shall be a Class 1 civil infraction as contemplated by RCW Chapter 7.80 and is subject to a monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250), plus any statutory assessments. A civil infraction under this section shall be processed in the manner set forth in RCW Chapter 7.80.
 - B. A person who continues to be in violation of Section 25.08.505 after receiving a notice of infraction pursuant to subsection A of this section, or who again violates Section 25.08.505 within twenty-four (24) hours after receiving a notice of infraction pursuant to subsection A of this section commits a misdemeanor and any person who is convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500), or by imprisonment in the City Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.
- (Ord. 121192 § 6, 2003.)

25.08.810 Penalty for failure to comply with final orders.

Failure to comply with a final order issued by the Administrator or a Hearing Examiner shall constitute a crime subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and any person convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a term not to exceed six (6) months, or by both such fine and imprisonment. Each day of failure to comply with a final order issued by the Administrator or a Hearing Examiner shall constitute a separate offense.

(Ord. 110047 § 9, 1981; Ord. 106360 § 905(b), 1977.)

25.08.820 Penalties cumulative.

The penalties imposed by Sections 25.08.800, 25.08.805 and 25.08.810 shall be in addition to any other sanction or remedial injunctive procedure which may be available at law or equity.