

CB 119277 – Bill Summary

June 13, 2018

Summary: The Council Bill amends the Seattle Municipal Code (SMC) to allow vehicle exhaust noise enforcement when exhaust noises (e.g., mufflers) “can be clearly heard by a person of normal hearing at a distance of 75 feet or more from the vehicle itself,” ([SMC 25.08.430](#)). Current law on this matter has been in effect since 1977 and allows enforcement only through the use of noise meters. The Council has not attempted to change this.

Background: Current law allows for the enforcement of vehicle exhaust noise primarily in two ways: (1) the traffic code ([SMC Chapter 11.84](#)) requires mufflers to be “in good working order... to prevent excessive or unusual noise;” and (2) the noise code ([SMC Chapter 25.08](#)) requires that a motor vehicle's exhaust noise not exceed 95 decibels.

Citing under the Traffic Ordinance: SPD staff have indicated that the challenge with enforcing under 11.84.080 (Mufflers) is the vagueness surrounding the language. A vehicle must be making “excessive or unusual noise” for an officer to issue a citation. SPD usually cites for the second component of the ordinance that disallows muffler alterations, the bypassing of mufflers, or devices other than DOT approved mufflers. SPD Staff have indicated that the challenge of enforcing this provision is the need to inspect a muffler and locate the valid DOT stamp.

Citing under the Noise Ordinance: As shown in Table 1 below, the Department has not issued citations for excessive muffler noise, which require the use of a noise meter for enforcement. The Department has indicated that the use of noise meters is problematic because the instruments are very difficult to use and that the calibration requirements are difficult to teach and operationalize. The Department has indicated that enforcement of SMC 25.08.430 would be easier if the provision allowed officers to enforce vehicle exhaust noise without noise meters, and with the 75-foot rule found in the audio noise provisions under [SMC 25.08.515](#).

Table 1. Vehicle Noise Citations

| Traffic Code | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2016 | Total |
|--|------|------|------|------|------|------|------|------|------|------|-----------|
| Defective Muffler ¹ SMC 11.84.080 | 12 | 17 | 13 | 5 | 6 | 10 | 7 | 3 | 4 | 6 | 83 |
| Noise Code | | | | | | | | | | | |
| Excessive Tire Noise SMC 25.08.460 | 20 | 10 | 10 | 10 | 6 | 3 | 5 | 3 | 3 | 6 | 76 |
| Motor Vehicle Audio Equipment SMC 25.08.515 | 14 | 25 | 17 | 13 | 9 | 6 | 3 | 9 | 2 | 1 | 99 |
| Motor Vehicle Exhaust ² SMC 25.08.430 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

¹ The noise code also allows for enforcement of defective muffler, but SPD normally cites under the traffic code.

² Data is based on the statement that SPD does not write citations for SMC 25.08.430.

Noise concerns in West Seattle and Downtown:³ As a beachside neighborhood and regional destination, the Alki neighborhood and nearby areas face unique public safety and health challenges. Residents, community groups, and visitors have expressed concern about the public health and safety impacts of a growing number of motor vehicle-related issues and behaviors.

The Alki Micro Community Policing Plan has identified crowd behavior and noise levels during the summer months as a community priority. Similar concerns were voiced through recent community surveys.⁴ The Fauntleroy neighborhood near the ferry dock also experiences unusually heavy early-morning vehicle noise; and Belltown faces similar problems of loud vehicle noise. SPD's Alki Micro Community Policing Plan strategies for crowd behavior and noise include involving the Southwest Precinct in strengthening and improving existing Seattle noise ordinances and its enforcement.

Statement of Legislative Intent (SLI): In a memo dated March 16, 2018, SPD responded to Council [SLI 207-1-A-2-2018](#) on vehicle noise and cruising. The Department indicated that vehicle noise issues, particularly from mufflers, have been geographically driven and focused primarily in the Alki neighborhood with some additional areas Downtown. SPD further indicated that the department "has worked to address these issues. However, SPD has also indicated that existing ordinances, technology, and operational prioritization have combined to make effective enforcement difficult."

Future Enforcement: SPD Command staff has indicated that Captain Pierre Davis at the SW Precinct plans to mobilize on overtime emphasis patrols that will maintain public safety in the beach community of Alki. The department has indicated that some of the officers working the emphasis will be on foot and in an ideal situation to enforce against excessive vehicle noise. If SMC 25.08.430 is amended, the department will begin enforcing the vehicle exhaust noise code in situations where the noise is clearly heard within 75 feet and can be easily isolated to one individual. SPD has not indicated if the enforcement would be isolated to Alki or extended citywide.

Questions? Contact Greg Doss, (206) 256-6225 or greg.doss@seattle.gov

³ Narrative obtained from Council Statement of Legislative Intent 207-1-A-2-2018

⁴ The Alki Public Safety and Health Survey developed by Councilmember Herbold and neighborhood residents likewise found that noise from modified vehicle exhaust systems and vehicle sound systems were significant areas of concern, along with cruising.