Legislation Details (With Text)

File #:	CB 119277 **Version:** 2	**Name:**	CB 119277
Type:	Ordinance (Ord)	**Status:**	Passed
		In control:	City Clerk
On agenda:	6/18/2018		
Final Action:	6/22/2018	**Ord. No.**	Ord 125602
Title:	AN ORDINANCE relating to noise control; establishing an alternative enforcement 75-foot standard for determining excessive vehicle noise; and amending Section 25.08.430 of the Seattle Municipal Code.		
Sponsors:	Lisa Herbold		
Indexes:			
Attachments:	1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Proposed Amendment 1 (added; 6/18/18), 4. Signed Ordinance 125602, 5. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
6/22/2018	2	City Clerk	attested by City Clerk	
6/22/2018	2	Mayor	returned	
6/22/2018	2	Mayor	Signed	
6/20/2018	2	City Clerk	submitted for Mayor's signature	
6/18/2018	1	City Council	passed as amended	Pass
6/13/2018	1	Gender Equity, Safe Communities, New Americans, and Education Committee	pass	Pass
6/11/2018	1	City Council	referred	
6/6/2018	1	Council President's Office	sent for review	
6/5/2018	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to noise control; establishing an alternative enforcement 75-foot standard for determining excessive vehicle noise; and amending Section 25.08.430 of the Seattle Municipal Code.

WHEREAS, excessive noise is a form of pollution that has direct and harmful effects upon the health and welfare of persons exposed to such sound and generally adversely affects the livability, peace, and comfort of the impacted neighborhoods and the City as a whole; and

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WHEREAS, excessive noise is especially disruptive from motor vehicles, particularly when occurring in or near vehicular traffic, because it presents a distraction and danger to traffic safety; and

WHEREAS, excessive noise from motor vehicles occurring within the City's park system hinders the use and enjoyment of park areas by other park users, discourages many from utilizing certain park areas, and has caused said noise pollution harmful effects upon adjacent private properties, persons, and neighborhoods; and

WHEREAS, noise from motor vehicle audio equipment that can be clearly heard 75 feet or more from the source of the sound is in excess of the maximum permissible sound levels allowed to be generated or received in either residential or commercial areas of the City; and

WHEREAS, the City Council in 1989 passed Ordinance 114656, which enacted a 75-foot sound standard to address technology that had allowed the proliferation of commercially accessible types of audio equipment, both portable and installed in motor vehicles; and

WHEREAS, the Seattle Police Department (SPD) indicated in a memo dated March 16, 2018 that existing ordinances, technology, and operational prioritization have combined to make effective enforcement of excessive motor vehicle sound difficult; and

WHEREAS, Seattle Municipal Code Section 25.08.430 makes it unlawful for motor vehicle exhaust noise to exceed 95 decibels, but the noise must be measured by a standard procedure that employs a noise meter; and

WHEREAS, SPD has indicated that police officers do not carry noise meters, noise meters require proof of calibration and that the time necessary to properly use noise meters would make it difficult to enforce given other law enforcement priorities; and

WHEREAS, the City Council desires to provide more tools to law enforcement to combat motor vehicle noise pollution by expanding the situations where law enforcement may use distance-based noise measurement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.08.430 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.430 Sounds created by operation of motor vehicles

It is unlawful for any person to operate upon any highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration, or deceleration in such a manner that the motor vehicle's exhaust noise or engine noise:

A. ((~~exceeds~~)) Exceeds 95 decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May 1998); or

B. Can be clearly heard by a person of normal hearing at least 75 feet away from the vehicle.

Section 2. The Seattle Police Department shall report to the City Council on the locations of citations, demographic information regarding citations, and disposition of citations. Reporting shall occur on at least a quarterly basis to the Chair and membership of the committee with oversight of public safety, beginning no later than January 31, 2019.

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

Passed by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

_____

Monica Martinez Simmons, City Clerk

(Seal)