

ORDINANCE NO. 250

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING SHORELINE MUNICIPAL CODE SECTION 9.05.010
DEFINING PUBLIC DISTURBANCE NOISE TO EXEMPT CERTAIN
EMERGENCY ACTIVITIES AND ACTIVITIES WITHIN THE CITY
RIGHT-OF-WAY**

WHEREAS, the City Council adopted Ordinance No. 62 on December 11, 1995 regulating Public Disturbance Noise and re-adopted that regulation by Ordinance No. 121 on March 24, 1997; and

WHEREAS, it is in the public interest to allow construction activities to occur in the City right-of-way at night in order to protect worker and public safety and to minimize traffic impacts; and

WHEREAS, some activities in the right-of-way, bypass pumping for example, that were prohibited due to the creation of Public Disturbance Noise, are necessary to allow for the maintenance or improvement of essential utility infrastructure; and

WHEREAS, it is in the public interest for emergency response vehicles and emergency response activities to remain free from restrictions due to Public Disturbance Noise; and

WHEREAS, it is in the public interest to amend SMC 9.05.010 to exempt emergency activities and activities within the city right-of-way from strict regulation related to Public Disturbance Noise;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DOES ORDAIN AS FOLLOWS:**

Section 1. Amendment. Section 9.05.010 of the Shoreline Municipal Code is amended as follows:

9.05.10 Noise.

- A. General Prohibition.** It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.
- B. Definition.** For purposes of this chapter, a "public disturbance noise" is any noise which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property.

C. Illustrative Enumeration. The following sounds may, depending upon location, be are public disturbance noises in violation of this chapter:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district.

3. Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m.

4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

5. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

6. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, power hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

D. Exclusion. This chapter shall not apply to the following:

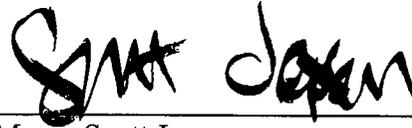
1. R-regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.

2. Construction or maintenance activities in the City's right-of-way that have been conditioned by the City Manager or designee to minimize the impact on adjacent property owners.

3. Construction noise under Section .010 C (8) or other noise generated in response to emergency situations; that is times when unexpected and uncontrollable events result in an imminent risk of physical harm or property damage. [Ord. 121 § 1, 1997]

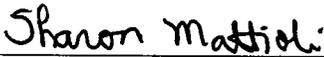
Section 2. Effective Date, Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 23, 2000



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: October 26, 2000

Effective Date: October 31, 2000