

Noise Code Amendment  
SMC 9.05 Public Disturbance Noise  
Ordinance No.818

April 16, 2018



# Council Concerns from April 2<sup>nd</sup> Meeting

- *Decibel Level thresholds too low?*
- *Confusion with Time parameters and definitions of Daytime & Nighttime.*
- *Proposed changes to Public Nuisance Noise, from a suggestive listing, to a finite listing.*
- *Amplified/Unamplified human voice as Public Nuisance Noise?*

# Decibel Level Thresholds

- *Proposed decibel levels consistent with WA State regulations in WAC 173-60.*
- *City is prohibited from imposing requirements differing from those adopted by WAC unless approved by Ecology and necessitated by special conditions.*
- *No recommendation by staff to change the decibel levels.*

# Time Parameters

- *Previous proposal defined “Daytime” and “Nighttime.”*
- *Amend proposal to delete daytime & nighttime and replace with weekday and weekend, then insert applicable times.*

EDNA of Noise Source	EDNA of Receiving Property			
	Class A (dBA)		Class B (dBA)	Class C (dBA)
	Daytime Hours <u>7 a.m.-10 p.m.</u> <u>Weekdays</u> <u>9 a.m.-10 p.m.</u> <u>Weekends</u>	Nighttime hours <u>10 p.m.-7 a.m.</u> <u>Weekdays</u> <u>10 p.m.- 9 a.m.</u> <u>Weekends</u>		
Class A	55	45	57	60
Class B	57	47	60	65
Class C	60	50	65	70



# Public Nuisance Noise

- *Concerns re. change in language for Public Nuisance Noise from a suggestive listing to finite listing.*
- *Current regulations provide a listing of types of sounds that may, depending upon location, be public disturbance noises.*
- *Proposed regulations state that the listed sounds are defined to be public nuisance noise.*

# Public Nuisance Noise

- *Review of other city codes show consistency with proposal.*
- *Laws should be written so people know what conduct is expected of them - the use of “are” creates a clear expectation for conduct.*
- *Staff recommends not changing the proposed language and proposes that it remain as presented to Council on April 2<sup>nd</sup>.*

# Amplified/Unamplified human voice

- *Concerns were raised about reference to amplified and unamplified human voices during particular hours.*
- *Staff looked at codes from cities around the State and found differences.*
- *Amend proposal to remove modifier “amplified and unamplified”, but retain hours for emphasis and also include “or anytime.”*



# 9.05.070 Public Nuisance Noise

*4. The amplified or unamplified human voice, such as yelling, shouting, whistling, and singing, which unreasonably interferes with the peace, comfort and repose of property owners or possessors, particularly during the hours of 10:00 p.m. to 7:00 a.m.*

*4. Yelling, shouting, whistling, and singing, which unreasonably interferes with the peace, comfort and repose of property owners or possessors, particularly during the hours of 10:00 p.m. to 7:00 a.m. Weekdays and 10:00 p.m. to 9:00 a.m. Weekends, or at any time and place so as to unreasonably disturb or interfere with peace, comfort and repose of owners or possessors of real property.*

# Recommendation

Staff recommends adoption of Ordinance No.818, as revised, with the effective date of August 1, 2018.

