

ORDINANCE NO. 977

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CHAPTER 9.05, NOISE CONTROL, OF THE SHORELINE
MUNICIPAL CODE TO EXEMPT PUBLIC PARKS, PLAYGROUNDS,
SPORTS FIELDS AND COURTS, AND RECREATION AREAS.**

WHEREAS, the City of Shoreline established Shoreline Municipal Code (SMC) Chapter 9.05 Noise Control in conformance with Chapter 70.107 RCW Noise Control, Chapter 173-58 WAC Sound Level Measurement Procedures, and Chapter 173-60 WAC Maximum Environmental Noise Levels; and

WHEREAS, SMC 9.05.060 exempts certain sounds from SMC Chapter 9.05 in their entirety or only during designated hours; and

WHEREAS, the City of Shoreline has numerous public parks, playgrounds, sport fields and courts, and recreation areas that provide for both a variety of active and passive recreational activities during the hours of operation established pursuant to SMC 8.12 Rules for Parks; and

WHEREAS, these activities produce sounds ranging from cheers at both scheduled and unscheduled athletic games to the sounds of children at play which may, at times, intrude into neighboring properties and disturb residents and businesses; and

WHEREAS, as the City of Shoreline continues to grow and densify, there will be a greater demand for the City's parks, playgrounds, sport fields and courts, and recreation areas along with an increase in sounds arising from their use carrying into the surrounding community; and

WHEREAS, the City Council desires to encourage activities at its public parks, playgrounds, sport fields and courts, and recreation areas as they provide for the overall well-being of the Shoreline community while balancing the quality of life for nearby residents and businesses through the setting of reasonable hours of operation for use pursuant to SMC 8.12 Rules for Parks; and

WHEREAS, the City Council discussed the amendment at its January 23, 2023, regular meeting; and

WHEREAS, pursuant to RCW 70A.20.060, noise limiting requirements that are different from those adopted by the Department of Ecology must be approved by Ecology. Ecology has ninety (90) days to approve the exemption set forth in this Ordinance or it is deemed approved;

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

Section 1. Amendments. SMC Chapter 9.05 Noise Control. Section 9.05.060 of Chapter 9.05 Noise Control of the Shoreline Municipal Code is amended as follows:

SMC 9.05.060 Exemptions

Nothing in these exemptions precludes the city from requiring the installation of best available noise abatement technology consistent with economic feasibility.

A. The following sounds are exempt from the provisions of this chapter at any time:

....

B. The following sounds are exempt from the provisions of this chapter between the hours designated:

1. Sounds generated by city-approved or sanctioned events at parks, including but not limited to public address systems for sporting events or concerts, festivals, parades, or outdoor movies between the hours of 9:00 a.m. and 11:00 p.m., weekdays or weekends.

2. Sounds generated between the hours of 7:00 a.m. and 10:00 p.m. weekdays, and 9:00 a.m. and 10:00 p.m. weekends, for the following:

a. Sounds originating from 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.

b. Sounds created by construction and emanating from construction sites.

c. Sounds created by the installation or repair of essential utility services.

d. Sounds created by warning devices, including back-up beepers, bells, chimes, and carillons, not operating continuously for more than five minutes.

3. Sounds originating from use of the following public areas: parks, playgrounds, sport fields and courts, and recreation areas, during the hours the park, playground, sports field, sport court, or recreation area is open for public use as established pursuant to SMC 8.12.030, as the same may be amended from time to time. PROVIDED, that this provision does not prevent the City, at its sole discretion, from limiting or precluding any activity, temporarily or permanently, in a public area where the activity unreasonably burdens the use and enjoyment of properties adjacent to the public area.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local,

state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance 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 Ordinance or its application to any person or situation.

Section 4. Transmittal to Washington Department of Ecology. Pursuant to WAC 173-60-110, the City Attorney, or designee, shall transmit a full and complete copy of this Ordinance to the Department of Ecology via email to sepahelp@ecy.wa.gov. The City Clerk shall record the date of transmittal below the signature lines of this Ordinance.


Section 5. Publication and Effective Dates. A summary of this Ordinance consisting of the title shall be published in the official newspaper. Unless denied by the Department of Ecology, this Ordinance shall take effect ninety (90) days after the transmittal date as provided in Section 4 or the date of the Department of Ecology's approval.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2023.



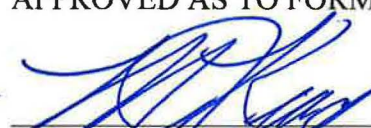
Keith Scully, Mayor

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Margaret King
City Attorney

Date of Publication: *February 16*, 2023
Effective Date: *February 23*, 2023

Date of Transmittal to Ecology *February 14*, 2023

Jessica Simulcik Smith

From: Julie Ainsworth-Taylor
Sent: Thursday, February 23, 2023 10:59 AM
To: Jessica Simulcik Smith
Subject: FW: [EXTERNAL] Noise follow-up for Shoreline Ord. 977
Attachments: Shoreline Ord. 977.pdf

Below is the response from Ecology in regard to Ordinance 977.
As provided in Section 5, the Ordinance was to be effective 90 days after transmittal or on the day of Ecology's approval.
Thus, this Ordinance's effective date is February 23, 2023.
Please include a copy of Ecology's response in the official record for this Ordinance.

Thanks,
Julie

From: Sant, Fran (ECY) <fsan461@ECY.WA.GOV>
Sent: Thursday, February 23, 2023 8:47 AM
To: Julie Ainsworth-Taylor <jainsworth-taylor@shorelinewa.gov>
Subject: [EXTERNAL] Noise follow-up for Shoreline Ord. 977

CAUTION: This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Julie,

Brenden McFarland forwarded me your email dated 2-4-2023 with the attached City of Shoreline ordinance no. 977 for Ecology's review and asked me to reply to you.

As you know the State Noise Control Act requires any local noise ordinance that differs from state noise regulations be submitted to Ecology. Ecology has no comment on the proposed noise ordinance. Therefore Ecology's review period of City of Shoreline ordinance is completed. The City of Shoreline can move ahead and enact this local ordinance.

Additional information about the State Noise Control Act and regulations can be found in the "Frequently Asked Questions on Noise Pollution for Local Government" on the internet at http://www.ecy.wa.gov/laws-rules/noise_local_gov.html.

Should you have questions, comments, or concerns, please do not hesitate to contact me at

Fran Sant
(she/her)
Environmental Reivew
fran.sant@ecy.wa.gov
360-529-6375