



CO00045426

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 12-021

RELATING TO NOISE CONTROL, PROHIBITING CERTAIN USES OF
MOTOR VEHICLE HORNS AND SIRENS, CLARIFYING PROHIBITION
OF CERTAIN ANIMAL NOISES, AND AMENDING SCC 10.01.040

WHEREAS, the County's noise control ordinance, Chapter 10.01 SCC, is intended to minimize personal exposure to the physiological and psychological dangers of excessive noise and to protect, promote, and preserve the public health, safety and welfare; and

WHEREAS, the Washington Supreme Court recently determined that a provision of SCC 10.01.040 relating to motor vehicle horns is overbroad in violation of the First Amendment to the United States Constitution; and

WHEREAS, this ordinance is intended to more specifically tailor SCC 10.01.040 so that it will survive judicial scrutiny while continuing to provide meaningful protections to the public;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 10.01.040, adopted by Ordinance No. 97-023 on June 4, 1997, is amended to read:

10.01.040 Public disturbance noise.

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.

(1) Public Disturbance Noises, Day and Night. Sounds resulting from the following activities, occurring at any hour of the day or night, are determined to be public disturbance noises.

(a) Keeping or harboring any animal or animals whose frequent, ((or)) repetitive or continuous noisemaking unreasonably interferes with the peace and comfort of persons in rural or residential districts, except farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors which are in compliance with noise impact mitigation measures designed to meet the standards of SCC 10.01.030(2) and SCC 10.01.040(1) required as a part of a conditional use permit or SEPA determination issued by the Hearing Examiner or Department of Planning and Development Services.

(b) The use of unmuffled exhaust systems on motor vehicles, off-road vehicles and recreational watercraft.

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USES OF MOTOR VEHICLE HORNS AND SIRENS, ETC. - 1

1 (c) Creation of frequent, repetitive or continuous sounds in connection
2 with starting, repairing, operating or testing of motor vehicles, off-road vehicles,
3 or internal combustion engines in a manner that interferes with the peace and
4 comfort of persons in rural or residential districts.

5 (d) The ~~((sounding of vehicle horns for purposes other than public safety))~~
6 frequent, repetitive or continuous sounding of any horn or siren attached to a
7 motor vehicle, except as a warning of danger or as specifically permitted or
8 required by law.

9 (e) The making of any loud and raucous sound within one thousand feet
10 of any school, hospital, sanitarium, nursing or convalescent facility, which
11 unreasonably interferes with the use of such facility, or with the peace, comfort,
12 or repose of persons therein.

13 (f) The use of a sound amplifier on public streets for commercial
14 advertising or for the purpose of attracting attention to the vehicle, except as
15 permitted by law, provided that ice cream vendors whose sole method of sale is
16 from a moving vehicle shall be exempted.

17 (g) The creation, by use of a musical instrument, sound amplifier or other
18 device capable of producing or reproducing sound, of sounds heard as
19 comprehensible music rhythms or felt:

20 ~~((1))~~ (i) Within a residence not originating the noise, or

21 ~~((2))~~ (ii) Outdoors in a commercial, rural or residential district at a
22 distance of 75 feet or more from the noise source. Such sounds include band
23 sessions, automobile sound systems, and electronic sound reproduction
24 equipment whether the source of the sound is stationary, portable, or in a motor
25 vehicle.

26 (2) Public Disturbance Noises, at Night in Rural or Residential Districts.
27 Sounds resulting from the following activities are determined to be public
28 disturbance noises when they occur at night and noise is received on property in
29 a rural or residential district.

30 (a) Operation within a rural or residential district of any mechanically
31 powered saw, drill, sander, grinder, blower, fan, garden tool or similar device,
32 except devices engaged in emergency work exempted under section SCC
33 10.01.050 (1)(g).

34 (b) Operating or permitting someone to operate an internal combustion
35 powered model.

36 (c) Construction activity, including blasting, unless a public disturbance
37 exemption permit pursuant to SCC 10.01.050(6) is obtained.

38 (d) The operation or idling, for more than ten minutes at a time, of
39 stationary trucks weighing in excess of 10,000 pounds GVWR, except vehicles
40 engaged in emergency work exempted under section 10.01.050(1)(g).

41 (e) The sounding of bells, chimes or carillons.

42 (f) The creation by use of a musical instrument, whistle, human voice,
43 sound amplifier, or other device capable of producing or reproducing sound, of
44 loud and raucous sounds which emanate frequently, repetitively or continuously

1 from any building, structure, vehicle or property, such as sounds originating from
2 a band session, automobile sound system or social gathering.

3 (3) Exemptions from SCC 10.01.040. Sounds resulting from activities
4 identified in SCC 10.01.040(1) and 10.01.040(2) shall not be considered public
5 disturbance noises if:

6 (a) The activity which produces the noise is operated in conformance with
7 a valid Conditional Use Permit; and

8 (b) The Conditional Use Permit establishes conditions designed to meet
9 the standards of chapter 10.01 SCC; and

10 (c) Sounds resulting from activities exempt from SCC 10.01.040(1) and
11 (2) pursuant to this section are not exempt from SCC 10.01.030. No sound
12 source specifically exempted from provisions of this chapter by SCC
13 10.01.050(1), 10.01.050(2), 10.01.050(3), 10.01.050(4), 10.01.050(5),
14 10.01.050(6), or 10.01.050(7) may be determined to be a public disturbance
15 noise, to the extent that the particular source is exempted.

16
17 PASSED this 16th day of May, 2012.

18
19 SNOHOMISH COUNTY COUNCIL
20 Snohomish County, Washington

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22
23 Chairperson

24 ATTEST:

25
26 Randy Reed

27 Ass Clerk of the Council

28
29 (✓) APPROVED

30
31 () EMERGENCY

32
33 () VETOED

34
35
36 DATE: 5/21/2012

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38 Randy Reed
39 County Executive

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41 ATTEST:

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43 Approved as to form only:

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45 [Signature]
Deputy Prosecuting Attorney