



# Director's Rule 12-2011

<b>Applicant:</b>  City of Seattle Department of Planning & Development	<b>Page</b> 1 of 3	<b>Supersedes:</b> N/A				
	<b>Publication:</b> 2/25/2011	<b>Effective:</b> 4/11/2011				
<b>Subject:</b>  Nighttime Amplified Sound Rule	<b>Code and Section Reference:</b> SMC 25.08					
	<b>Type of Rule:</b> Code Interpretation & Procedural Rule					
	<b>Ordinance Authority:</b> SMC 3.06.040					
<b>Index:</b> Seattle Noise Control Code	<table border="0"><tr><td><b>Approved</b></td><td><b>Date</b></td></tr><tr><td>(Signature on file) <b>Diane M. Sugimura, Director</b></td><td>4/11/11</td></tr></table>		<b>Approved</b>	<b>Date</b>	(Signature on file) <b>Diane M. Sugimura, Director</b>	4/11/11
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(Signature on file) <b>Diane M. Sugimura, Director</b>	4/11/11					

## I. BACKGROUND

The Seattle City Council has directed that the Administrator promulgate rules establishing standards for amplified noise that are plainly audible to a person of normal hearing, pursuant to Seattle Municipal Code Chapter 25.08.

## II. DEFINITIONS

For purposes of these rules, the following definitions supplement the definitions found in SMC 25.08:

- A. "dB(C)" means the sound level measured in decibels using the C weighting scale.

- B. "Measured inside a dwelling unit" means a sound measurement taken by a sound level meter within the interior of a receiving dwelling unit with all doors and windows closed.
- C. "Measured outside a dwelling unit" means a sound measurement taken by a sound meter at or near any boundary of the property that includes the receiving dwelling unit.
- D. "Plainly audible to a person of normal hearing" means amplified sound that exceeds the standards contained in this rule.

### **III. STANDARDS**

The following levels of amplified noise, when measured by a sound level meter operated by enforcement staff formally trained in proper measurement techniques, will be considered plainly audible to a person of normal hearing:

- A. Measured inside a dwelling unit: 65 dB(C), and more than 1 decibel over ambient noise levels.
- B. Measured outside a dwelling unit: 80 dB(C), and more than 1 decibel over ambient noise levels.

### **IV. SOUND MEASUREMENT**

- A. Sound measurement shall be taken by enforcement staff who are formally trained through a training program approved by the Administrator in the proper techniques using a type 2 sound level meter that has been field calibrated before and after the measurement and professionally calibrated within the preceding 12 months.
- B. To identify which establishment or establishments may be in violation, enforcement staff shall take measurements near the establishment, in addition to measurements inside or outside the receiving dwelling unit.
- C. Sound readings shall be measured inside the receiving dwelling unit, unless the enforcement staff is denied entry, or elects not to enter the dwelling unit for safety reasons. Sound readings measured outside a dwelling unit may be used for purposes of issuing a warning, but such warning shall not count as a written warning pursuant to SMC 25.08.890, and shall not be the basis for issuance of a citation pursuant to SMC 25.08.900.

### **V. ISSUANCE OF VIOLATIONS**

Violations shall only be issued in response to public complaints.

## **VI. VOLUNTARY MITIGATION AND WAIVER OF INITIAL PENALTY**

For purposes of SMC 25.08.915, the Administrator may consider improvements or modifications made to property that includes the receiving dwelling unit(s), in addition to or in combination with improvements or modifications to the respondent's establishment, if the owner of the property consents and the Administrator determines the improvements or modifications are reasonably likely to prevent future violations.

## **VII. ENFORCEMENT DELEGATION**

The Director of the Department of Planning and Development authorizes the Seattle Police Department and the Department of Finance and Administrative Services to enforce SMC Chapter 25.08.501 and 915.