

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5721

AN ORDINANCE amending section 3.43.260 of the Bellevue City Code in order to achieve consistency with the proposed amendments to section 9.18 of the Bellevue City Code relating to Noise Control, and establishing an effective date.

WHEREAS, the City generally regulates sources of noise through the Noise Control Code, BCC 9.18; and

WHEREAS, BCC 9.18 provides for exemptions to the Noise Control Code for those noises regulated under BCC 3.43.260, the Parks and Recreation Facilities Code; and

WHEREAS, an amendment to BCC 3.43.260 will allow for consistency throughout the Code;

WHEREAS, it is the desire of City Council that City staff submit this ordinance to the Department of Ecology in compliance with the State Noise Control Act (Chapter 70.107 RCW) and Chapter 173-60 WAC; and

WHEREAS, the City has complied with the State Environmental Procedures Act and the City's Environmental Procedures Code, now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 3.43.260 is amended as follows:

BCC 3.43.260 Sound Amplification Equipment Prohibited

- a. It is unlawful for any person to use, operate, or play or permit to be used, operated or played in any park, any radio, tape player, television, musical instrument, record player or any other machine or device producing or reproducing sound at a volume that is audible at a distance over 30 feet therefrom, except pursuant to a permit issued by the city manager or his or her designee.
- b. Subject to park availability, the city manager or his or her designee will grant or grant with conditions a permit for an exception to subsection a above if the use of the sound amplification equipment:
 - i. will not constitute a public nuisance;
 - ii. will not endanger the public health or safety;
 - iii. will not endanger public property; and
 - iv. is associated with an event that is open to the general public.

- c. The city manager or his or her designee may adopt administrative rules pursuant to BCC 3.43.030 to allow for the administration of permits under this section.
- d. Violations of subsection a above and violations of permits issued pursuant to this section shall be considered a Civil Noise Infraction enforced as set forth in BCC 9.18.

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 20th day of February, 2007 and signed in authentication of its passage this 20th day of February, 2007.

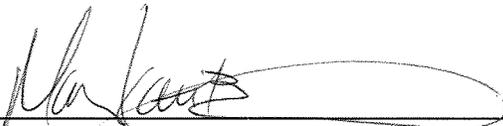
(SEAL)



Grant S. Degginger, Mayor

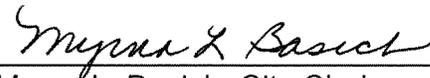
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published 2/23/07