

ORDINANCE O-4765

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO NOISE IN PARKS AND AMENDING SECTION 11.80.090 AND SECTION 11.80.100 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, Kirkland Municipal Code ("KMC") Section 11.80.090 relates to certain vocations and loudspeakers, and KMC Section 11.80.100 relates to business activity in parks; and

WHEREAS, Parks and Community Services recommend that KMC Section 11.80.090 be renamed to "Public disturbance noises in parks" and be amended to move the restriction on selling, soliciting, and peddling to KMC Section 11.80.100; and

WHEREAS, eliminating the prohibition on the use of speakers or amplification devices; and

WHEREAS, setting limits for noise, regardless of the source, the proposed code will be more equitable and more easily enforced.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 11.80.090 is amended to read as follows:

**11.80.090 Certain vocations and loudspeakers prohibited
Public disturbance noises in parks.**

It is unlawful to sell, solicit or peddle in any park without first obtaining a written permit from the director. It is also unlawful to operate or use any loudspeaker or sound amplification devices in any park without first obtaining a written permit from the director for any person to cause a sound that is a public disturbance noise so as to unreasonably disturb the peaceful enjoyment of public park space. It is also unlawful to operate or use any loudspeaker or sound amplification devices in any park without first obtaining a written permit from the director. Any noise that can be heard 50 feet or more from the source be considered a public disturbance noise regardless of use of amplification or source. Sources of potentially prohibited noise include, but are not limited to musical instruments, radios, stereos, speakers, bullhorns, amplifiers, horns, sirens, and voice including singing, shouting, yelling and whistling.

Section 2. Kirkland Municipal Code Section 11.80.100 is amended to read as follows:

11.80.100 Business activity in parks.

It is unlawful to sell, solicit or peddle in any park without first obtaining a written permit from the director. It is unlawful to conduct any type of

business activity in any park without first entering into a concession contract according to the rules and regulations of the parks and recreation department therefor with the city. As used in this section, "business activity" shall include, but not be limited to, the following:

- (1) Sale of food, beverages or merchandise;
- (2) Providing classes or other forms of instruction for a fee or other valuable consideration; or
- (3) Use of park facilities for advertising any business, product or service.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

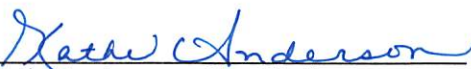
Passed by majority vote of the Kirkland City Council in open meeting this 7 day of September, 2021.

Signed in authentication thereof this 7 day of September, 2021.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 09/13/2021