

ORDINANCE NO. 121

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON PROHIBITING PUBLIC DISTURBANCE NOISE; PROVIDING THAT THE FIRST VIOLATION OF THIS ORDINANCE SHALL BE A CIVIL INFRACTION PUNISHABLE BY A FINE OF UP TO TWO HUNDRED FIFTY DOLLARS; PROVIDING THAT SECOND AND SUBSEQUENT VIOLATIONS OF THIS ORDINANCE SHALL CONSTITUTE A MISDEMEANOR

WHEREAS, excessive public disturbance noise interferes with the health, safety and welfare of residents of the City; and

WHEREAS, regulating and prohibiting excessive public disturbance noise is a necessary exercise of the police power to protect the general health and safety and comfort of residents of the City;

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

Section 1. Noise.

(a) General Prohibition. 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.

(b) Definition. For purposes of this ordinance, a public disturbance noise is any noise which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property.

(c) Illustrative enumeration. The following sounds are public disturbance noises in violation of this article:

(1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

(2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district.

(3) Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m.

(4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

(5) Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

(6) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

(7) The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason, provided that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

(8) Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

(9) Sounds originating from residential property relating to temporary projects for the maintenance or repair of horns, grounds and appurtenances, including but not limited to sounds from lawnmowers, power hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

(c) Exclusion. This article shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.

Section 2. Penalty. Any person who violates the provisions of this article shall be subject to a civil fine not to exceed \$250.00 for the first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.010(2).

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective date and publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL ON MARCH 24, 1997



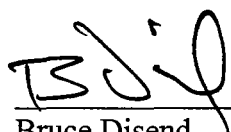
Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce Disend
City Attorney

Date of Publication: March 28, 1997
Effective Date: April 2, 1997