

Chapter 8.28

NOISE

Sections:

- 8.28.010 Noise control.
8.28.020 Violation – Penalty.

8.28.010 Noise control.

A. General Prohibition. It is unlawful for any person to cause, or for any person who owns or occupies property to allow to originate from the property, sound that is a public disturbance noise.

B. Public Disturbances. The following sounds are public disturbance noises in violation of this chapter:

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, so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property;
3. Yelling, shouting, whistling or singing on or near public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property;
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property, 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 not operated upon the property of the operator, and if operated on the property of the operator, then so as to be audible greater than 50 feet from the boundary of the property;
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. Construction noise shall be regulated as follows:
 - a. Except as provided for in subsection (B)(8)(b) of this section, sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering before 7:00 a.m. and after 10:00 p.m. on any day of the week except Sunday and before 9:00 a.m. and after 10:00 p.m. on Sundays;
 - b. For construction on property in the R-1, R-2, R-3, LHR-1, LHR-2, LHR-3 and PUD zones, sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering before 7:00 a.m. and after 7:00 p.m. on weekdays, and before 9:00 a.m. and after 6:00 p.m. on Saturday and Sunday;

c. Construction activity may be permitted outside the hourly limits set forth in subsections (B)(8)(a) and (b) of this section only upon application and approval by the city planning and development director. Criteria for approval shall include project remoteness, undue hardship or other reasonable standards. Approval may only be for specific dates and times and other compelling reasons. In order to be entitled to receive approval, the applicant must show the city that the need for expansion of the hours is caused by circumstances of an unforeseen and emergency nature or circumstances where there are no other reasonable alternatives other than the relief requested. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances;

d. The request for the expansion of the hours for construction related noise shall be made in writing to the planning and development director, on forms available from the planning and development department. Decisions of the planning and development director on such requests may be appealed by a party affected by the decision to the city's hearing examiner. Appeals of decisions of the planning and development director shall be based solely on the above criteria;

e. It is further provided that the mayor or designee shall be entitled to exempt from the provisions of this subsection (B)(8) public agency projects involving work in public rights-of-way, right-of-way agreements and right-of-way permits, where noise is addressed as a condition of approval or agreement;

9. Sounds originating from residential property relating to temporary projects performed by the homeowner for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and any other power motorized equipment before 7:00 a.m. and after 10:00 p.m. on any day of the week except Sunday and before 9:00 a.m. and after 10:00 p.m. on Sundays;

10. Continuing and/or ongoing sounds from nonemergency motor vehicles audible more than 25 feet away from the vehicle located on or in the vicinity of residential property, which sounds reasonably cause the annoyance or disturbance of two or more neighbors not residing at the same address, due to the ongoing or repetitive nature of the sounds, or the very early or very late hours of the sounds. For the purposes hereof, sounds coming from motor vehicles, including but not limited to engine sounds, horn sounds, hydraulic or air break sounds, or other equipment located on the motor vehicle or attached trailer, that are audible more than 25 feet away from the vehicle located on or in the vicinity of residential property, after 10:00 p.m. at night or before 7:00 a.m. on any day of the week except Sunday and after 10:00 p.m. at night or before 9:00 a.m. on Sundays, shall be presumed to be a public disturbance noise. Such presumption shall only be rebutted upon a showing before the adjudicatory body that the noise was caused by circumstances of an unforeseen and emergency nature.

C. It is also unlawful, and a violation of this chapter, for the owner or other person having control or custody of any dog, cat, or other animal to allow such dog, cat, or other animal to habitually howl, yelp, bark, or make other noises which unreasonably disturb another person.

D. Exclusion. This chapter shall not apply to community events such as parades pursuant to Chapter 10.64 ACC, special events pursuant to Chapter 2.23 ACC or 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 11:00 p.m. This chapter shall not apply to fireworks lawfully discharged within the city. This chapter shall also not apply to public safety training activities between the hours of 7:00 a.m. and 11:00 p.m. (Ord. 6557 § 2, 2015; Ord. 6287 § 2, 2010; Ord. 6017 § 1, 2006; Ord. 6010 § 1, 2006; Ord. 5899 § 1, 2005; Ord. 5658 § 1, 2002; 1957 code § 9.10.010.)

8.28.020 Violation – Penalty.

Any person who violates the provisions of this chapter shall be subject to a civil penalty of up to \$250.00; provided, that the penalty for a second or subsequent violation within a two-year period shall be a civil penalty of up to \$500.00; provided, however, that if the same violator is found, in any forums, to have committed violations hereof three or more separate times occurring at the same location within the same 12-month period, any further violation shall constitute a misdemeanor, punishable as provided in ACC 1.24.010. (Ord. 5899 § 1, 2005; Ord. 5837 § 8, 2004; Ord. 5658 § 1, 2002; 1957 code § 9.10.010.)