

**6.04.180 Public disturbance noise.**

A. Findings and Declaration of Necessity. The causing, making or maintenance of noises which unreasonably disturb the comfort, peace and repose of others, or the allowing of such noises to emanate from property, are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the people of the city of Yakima. The necessity in the public interest for the provisions, controls and prohibitions of this section is declared to be a matter of legislative determination and public policy; and it is further declared that the provisions, controls and prohibitions of this section are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city of Yakima and its inhabitants.

B. Public Disturbance Noise. It is unlawful for any person to knowingly cause or make, or for any person in possession of property to knowingly cause, permit or allow to emanate therefrom, any sound that is a public disturbance noise.

C. Public Disturbance Noise Defined. A public disturbance noise is a sound which by its intensity, volume, frequency, duration or character unreasonably disturbs or interferes with the peace, comfort and repose of others.

D. Specific Noises Prohibited. The following sounds are determined to be public disturbance noises in violation of this section; however, the following enumeration shall not be deemed to be exclusive:

1. Motor Vehicle Horns, Etc. The frequent, repetitive, continuous or unnecessary sounding of any horn, siren or signaling device attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
2. Engine Noises in Residential Areas. 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 area so as to unreasonably disturb or interfere with the peace, comfort and repose of residential occupants within the area;
3. Yelling, Shouting, Etc. Loud and raucous yelling, shouting, hooting, whistling, or singing at a place so as to unreasonably disturb or interfere with the peace, comfort and repose of occupants of real property;
4. Musical Instruments, Sound Systems, Etc. The creation or allowing of frequent, repetitive or continuous sounds which emanate from any building, structure, residence, apartment or condominium which unreasonably disturbs or interferes with the peace, comfort and repose of others, or which is plainly audible greater than fifty feet from the edge of the source's property line, such as sounds from musical instruments, audio sound systems, television sounds, band sessions or social gatherings. "Plainly audible" means a sound easily understood or identified;
5. Motor Vehicle Sound Systems. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be plainly audible greater than fifty feet from the vehicle itself. "Plainly audible" means a sound easily understood or identified;
6. Portable Audio Equipment. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated on property open to the public at a volume so as to be plainly audible fifty feet or more from the source; however, if operated upon the property of the operator or other private property, at a volume so as to be plainly audible greater than fifty feet from the property. "Plainly audible" means a sound easily understood or identified.

E. Disturbing Noise Factors. Included among the factors which may be considered in determining whether any sound is unreasonably disturbing, but not limited thereto, are:

1. Time of day;
2. Whether the day is a weekday, Sunday or holiday;
3. Nature and character of the sound;

4. Volume of the sound;
5. Duration of the sound;
6. Frequency or continuity of the sound;
7. Degree of necessity of the sound in relation to the activity producing or generating it;
8. Degree of necessity of the activity producing or generating the sound in relation to the affected area;
9. Legal character of the affected area; and
10. Actual character of the affected area.

F. Exemptions. The following sounds are exempt from the provisions of this chapter:

1. Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;
2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by the fire alarms;
4. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
5. Sounds created by the discharge of firearms in the course of lawful hunting or lawful target practice activities;
6. Sounds originating from forest harvesting and silviculture activity, and from commercial agriculture;
7. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
8. Sounds created by off-highway vehicles while being used in officially designated off-road vehicle parks. Such off-road vehicles are nevertheless subject to the provisions of RCW 46.09;
9. Sounds created by warning devices not operated continuously for more than thirty minutes per incident;
10. Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by operating on the railroad;
11. Sounds created by refuse removal equipment;
12. Sounds originated from officially sanctioned parades and other public events;
13. Sounds created by motor vehicles while being driven upon public highways. Such motor vehicles are nevertheless subject to the provisions of WAC Chapter 173-62;
14. Sounds originating from motor vehicle racing events at authorized facilities;
15. Sounds created by construction or lawn and garden equipment from six a.m. to ten p.m. weekdays and from eight a.m. to ten p.m. Sundays and legal holidays;
16. Sounds created by lawfully established commercial and industrial uses;
17. Sounds originating from regularly scheduled events at parks, such as public address systems for baseball games or park concerts; and

18. Sounds permitted under noise and parade permits issued under the provision herein provided.

G. Noise Permit and Parade Permit as Exceptions.

1. Noise Permit. The office of code administration may grant a permit to make noise or perform acts otherwise controlled or prohibited by this section upon application by a person specifying the nature and extent of noise to be made or continued, or the act to be performed, upon a determination by the office of code administration that to deny the permit under the circumstances surrounding the making of the application would create an undue hardship upon the applicant and upon a further determination by the office of code administration that to grant the permit would not create an undue or prolonged hardship on others for whose benefit and protection the noise or act is prohibited by this section. Any permit so granted may contain conditions or requirements upon which it is granted as the office of code administration deems necessary to minimize the adverse effect upon the people of the community or surrounding neighborhood which may be affected by granting the permit, and the permit shall specify a reasonable time for which it is to be effective. In addition to the basis of undue hardship as a standard for granting such a permit, the office of code administration may grant such a permit upon his determination that:

- (a) The granting of the permit is necessary to allow applicant to modify his customary activities so as to comply with this section, if the office of code administration determines that such customary activity of applicant was not originally undertaken or performed under circumstances and in a manner evidencing a total disregard for the rights of others;
- (b) The activity, operation or noise source will be of a temporary duration and cannot reasonably be performed or controlled in such a manner so as to comply with the provisions of this section; or
- (c) The activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

2. Offenses. It is unlawful for any person to knowingly join or participate in any activity conducted in violation of any term of any permit granted by this chapter.

3. Parade and Motorcade Permits. The provisions, controls and prohibitions of this section shall not apply to noise made and acts performed by bona fide participants in a parade or motorcade authorized by a permit issued pursuant to the provisions of Section 9.70.010 et seq.

H. Public disturbance noise is a misdemeanor. (Ord. 2004-15 § 4, 2004; Ord. 94-22 § 13, 1994; Ord. 3385 § 1, 1991; Ord. 2159 § 1, 1978; Ord. 1329 § 1, 1971; Ord. A-236 § 1(33), 1917).