

CHAPTER 6A.15
PUBLIC NUISANCE **S** NOISE

SECTIONS:

6A.15.010	Declaration of Policy
6A.15.020	Applicability
6A.15.030	Definitions
6A.15.040	Public Nuisance Noise S Unlawful
6A.15.050	Exemptions
6A.15.060	Enforcement
6A.15.070	Violations-Penalties
6A.15.080	Severability
6A.15.090	Effective Date

6A.15.010 DECLARATION OF POLICY. It is the declared policy of the county to minimize the exposure of its citizens to the adverse effects of excessive unwanted public nuisance noise and to protect, promote, and preserve the public health, safety and welfare. It is the express intent of the board of county commissioners to control the level of noise in a manner which: promotes the use, value, and enjoyment of property; does not interfere with commerce, farming or agricultural activities; and promotes the quality of the environment. Nothing in this ordinance is meant to affect in any way any currently existing or future farming, ranching, manufacturing, or commercial activity.
[Ord. 292 (1996) ▪ 1]

6A.15.020 APPLICABILITY. This ordinance shall be applicable to all portions of Benton County and shall be in effect upon the date of adoption.
[Ord. 292 (1996) ▪ 2]

6A.15.030 DEFINITIONS. For the purposes of this ordinance, the following words and phrases shall have the indicated meanings unless the context clearly indicates otherwise:

(a) "Public nuisance noise" means the making, creation or maintenance of excessive, unnecessary or unusually loud noises which are unusual in their time, place, and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the people of the county. Public nuisance noise shall include continuous or repeated barking from a dog which would otherwise fulfill the definition set forth above.

(b) "Plainly audible" means able to be heard, understood or identified.

[Ord. 292 (1996) ▪ 3]

6A.15.040 PUBLIC NUISANCE NOISE--UNLAWFUL. It is unlawful for any person to make, continue, or cause to be made or continued or to allow to originate from his or her personal or real property any public nuisance noise which:

(a) is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred (200) feet of any dwelling; and,

(b) either annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of others.

[Ord. 292 (1996) ▪ 4]

6A.15.050 EXEMPTIONS. The following sounds are exempt from the provisions of this ordinance and are not public nuisance noises:

(a) sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;

(b) sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;

(c) sounds created by fire or burglar alarms;

(d) 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;

- (e) sounds created by the discharge of firearms in the course of lawful hunting or target practice activities;
- (f) sounds created by natural phenomena;
- (g) sounds originating from harvesting, farming, ranching, agricultural, industrial or commercial activities;
- (h) sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
- (i) 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 Chapter 46.09 RCW;
- (j) sounds created by warning devices not operated continuously for more than thirty (30) minutes per incident;
- (k) sounds created by construction or refuse removal equipment;
- (l) sounds originating from officially sanctioned parades and other public events;
- (m) sounds originating from officially sanctioned activities at the Benton-Franklin County Fairgrounds;
- (n) sounds created by motor vehicles while being driven upon public highways. Such motor vehicles are nevertheless subject to the provisions of Chapter 173-62 WAC;
- (o) sounds originating from motor vehicle racing events at authorized facilities;
- (p) sounds created by unamplified human voices from 6:00 a.m. to 10:00 p.m.;
- (q) sounds created by lawn and garden equipment from 6:00 a.m. to 10:00 p.m.;
- (r) sounds created from farm animals.
[Ord. 292 (1996) ■ 5]

6A.15.060 ENFORCEMENT. The county sheriff and other law enforcement officers are authorized and directed to enforce

provisions of this ordinance, and upon observance or reports from witnesses to the occurrence are further authorized to issue a civil infraction notice to any person who violates the provisions of this ordinance. Said infraction notice shall also set forth the misdemeanor penalties for continued violation of the ordinance.
[Ord. 292 (1996) ▪ 6]

6A.15.070 VIOLATIONS-PENALTIES. (a) Upon a finding by the court that any person has violated the provisions of this ordinance, said person shall be punished by a civil penalty not to exceed five hundred dollars (\$500.00) for each violation and shall be ordered to pay restitution for any damages caused by said violation.

(b) Upon the court's finding of a second or subsequent violation of the ordinance, any person shall be found guilty of a misdemeanor.
[Ord. 292 (1996) ▪ 7; Ord. 300 (1997) ▪ 1]

6A.15.080 SEVERABILITY. If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 292 (1996) ▪ 8]

6A.15.090 EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.
[Res. 96-282 (1996); Ord. 292 (1996) ▪ 9]