

**CITY OF BLACK DIAMOND, WASHINGTON**

**ORDINANCE NO. 07-826**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY WASHINGTON, RELATING TO NOISES WHICH ARE DEEMED TO CREATE A PUBLIC DISTURBANCE AND ADDING A NEW SECTION 8.12.040 TO THE BLACK DIAMOND MUNICIPAL CODE

WHEREAS, the City Council finds that due to the increase in the population, the frequency of noise complaints has increased and it has become necessary to restrict noises, sounds or signals which unreasonably disturb the comfort, peace, or repose of another person or persons, now therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Title 8.12 of the Black Diamond Municipal Code is hereby amended by the addition of a new section 8.12.040 to read as follows:

**8.12.040 Public Disturbance Noises**

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. Public disturbance noise means any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons. The following sounds are declared to be public disturbance noises for the purposes of this section:

(1) Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made by animal shelters, or commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with applicable regulations shall be exempt from this subsection;

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

(3) The creation of frequent, repetitive, or continuous noise in connection with the starting, operation, repair, maintenance, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential or rural area district so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;

(4) The use of a sound amplifier or other device capable of producing or reproducing amplified sounds from the property of a business operation which is intended to either attract the attention of the potential customers to the business or to communicate with employees who are at extended portions of the business property, audible to the human ear beyond any perimeter of the subject business property;

(5) The making of any loud and raucous noise within one hundred feet from any school, church, hospital, sanitarium or nursing or convalescent facility which unreasonably interferes with the use of such school, church, hospital, sanitarium or nursing or convalescent facility;

(6) The creation by use of a musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television, or other device capable of reproducing sound and raucous noises which emanate frequently, repetitively, or continuously from any building, structure, or property, such as sounds originating from a band session, tavern operation or commercial sales lot;

(7) 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 seventy-five feet from the vehicle itself or which causes vibrations to be felt from a distance of greater than seventy-five feet.

(8) Sound from audio equipment, such as loud speakers, amplification equipment, tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, than so as to be audible greater than fifty feet from the boundary of the property. For the purposes hereof, any sound, music or other noise emanating from fixed or portable audio equipment of or in a business shall be presumed to be with the knowledge, permission or consent of the owner or legal

occupant of the property, which presumption may be rebutted by reasonable evidence to the contrary.

(9) Any other frequent, repetitive, or continuous noise, sound or signal within a residential or rural area district which unreasonably disturbs or interferes with the comfort, peace and repose of owners or possessors of real property.

C. Exemptions. This section shall not apply to regularly scheduled events at parks, schools or other public property between the hours of eight a.m. and ten-thirty p.m. nor shall it apply to sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, appurtenances, including but not limited to sounds of lawn mowers, hand power tools, chain saws, snow removal equipment and composters between the hours of seven a.m. and nine p.m. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between seven a.m. and eight p.m. on weekdays, between eight a.m. and six p.m. on Saturdays, and between nine a.m. and six p.m. on Sundays shall also be exempt. This section shall not apply to any public construction projects, emergency construction or repair by public utility agencies, emergency vehicle operation or actions by emergency service providers or any other emergency repair and construction to prevent further damage to persons or property during floods or windstorms or other property or life-threatening emergencies which may occur.


D. Violation—Penalty. Violation of the provisions of Section 8.12.040 shall be a misdemeanor and penalized as set forth in Section 1.12.010.

Section 2. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

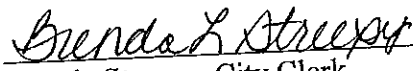
Section 3. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

Introduced the 19th day of April 2007.

Passed by a majority of the City Council at a meeting held on the 19th day of April, 2007.

  
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Mayor Howard Botts

Attest:

  
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Brenda Streepy, City Clerk

APPROVED AS TO FORM:

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Loren D. Combs, City Attorney

Published: 4-24-07  
Posted: 4-30-07  
Effective Date: 4-29-07