

ORDINANCE 2013 - 09



**AN ORDINANCE OF THE CITY OF SUNNYSIDE
AMENDING SECTION 9.34.060 OF THE SUNNYSIDE
MUNICIPAL CODE PERTAINING TO NUISANCES
(Unnecessary Noise Prohibited)**

WHEREAS, pursuant to Chapter 35A.12 of the Revised Code of Washington, the City Council is charged with the legislative authority to the City of Sunnyside; and

WHEREAS, Chapter 9.34.060 to the City of Sunnyside Municipal Code Prohibits unnecessary noise which poses an immediate threat to the health, safety and welfare, or adversely affects the value of the property or the quality of the environment of the citizens of the City of Sunnyside; and

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City of Sunnyside, and will promote the general health, safety and welfare to revise Title 9 of the Sunnyside Municipal Code to revise the hours that construction noise is exempt from the provisions of section 9.34.060

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN as follows:

Section 1. Section 9.34.060 A. of the Sunnyside Municipal Code which reads as follows:

A. No person shall make or continue, or cause to be made or continued, nor shall any person in possession or control of property, including motor vehicles or other vehicles, make, continue or cause to be made or continued, or to allow to originate from the property or vehicle, any sound which:

1. Is of such volume to be plainly audible within any dwelling unit which is not the source of the sound, or is generated within 50 feet of any dwelling unit; or

2. Is generated from a motor vehicle audio system, such as tape players, radios and compact disc players, operated at a volume and

under conditions so as to be audible greater than 50 feet from the vehicle itself; or

3. The creation of frequent, repetitive, 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; or

4. Is generated from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume so as to be audible at a distance of 50 feet or more from the source of the sound; and

5. The noise disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Sound which is plainly audible is sound that can be understood and identified. Volume of noise which exceeds the standards provided above constitutes noise which disturbs, injures or endangers the comfort, repose, health, peace and safety of others, and thereby constitutes a public nuisance in violation of this section, unless specifically exempted in subsection (B) of this section.

B. Exemptions the following sounds are exempt from the provisions of this section:

8. Sounds created by construction or refuse removal equipment

Is hereby amended to read as follows:

A. No person shall make or continue, or cause to be made or continued, nor shall any person in possession or control of property, including motor vehicles or other vehicles, make, continue or cause to be made or continued, or to allow to originate from the property or vehicle, any sound which:

1. Is of such volume to be plainly audible within any dwelling unit which is not the source of the sound, or is generated within 50 feet of any dwelling unit; or

2. Is generated from a motor vehicle audio system, such as tape players, radios and compact disc players, operated at a volume and

under conditions so as to be audible greater than 50 feet from the vehicle itself; or

3. The creation of frequent, repetitive, 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; or

4. Is generated from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume so as to be audible at a distance of 50 feet or more from the source of the sound; and

5. The noise disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Sound which is plainly audible is sound that can be understood and identified. Volume of noise which exceeds the standards provided above constitutes noise which disturbs, injures or endangers the comfort, repose, health, peace and safety of others, and thereby constitutes a public nuisance in violation of this section, unless specifically exempted in subsection (B) of this section; or

6. Any construction activity, including excavation and land-clearing work, or erection, demolition, alteration, repair, or relocation of any building or structure, but excluding emergency repairs or city public works activities, which uses powered equipment such as backhoes, trucks, tractors, earth-moving equipment, compressors, motorized or power hand tools, or equipment of a similar nature at any location which produces noise clearly audible from another location in a residential district or at a dwelling in any district, other than between 7:00 a.m. and 9:00 p.m. The building department may, in writing, grant exceptions to these provisions when the work is of urgent necessity in the interest of public safety and convenience.

B. Exemptions the following sounds are exempt from the provisions of this section:

8. Sounds created by refuse removal equipment

Section 2. Except as amended herein, Title 9 of the Sunnyside Municipal Code shall remain unchanged.

First Reading: August 26, 2013

Section 3. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 9th day of September, 2013.



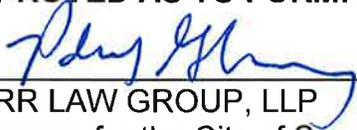
JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, LLP
Attorneys for the City of Sunnyside