ORDINANCE NO. 2005-2

AN ORDINANCE OF PEND OREILLE COUNTY, WASHINGTON, DEFINING PUBLIC DISTURBANCE NOISE, PROHIBITING PUBLIC DISTURBANCE NOISE, PROVIDING EXEMPTIONS FROM THE PUBLIC DISTURBANCE NOISE ORDINANCE AND PROVIDING CRIMINAL SANCTIONS FOR VIOLATION OF THE PUBLIC DISTURBANCE NOISE ORDINANCE.

WHEREAS, the Board of Commissioners of Pend Oreille County have determined that the level of noise must be controlled in a manner which promotes the public heath, safety and welfare; the use, value, and enjoyment of property; the quality of the environment; commerce; and sleep and repose, and

WHEREAS, the Commissioners hereby declare that "public disturbance noise" as defined by this ordinance is a public nuisance,

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PEND OREILLE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

I.
DEFINITIONS

A. A public disturbance noise means: a noise a person causes or permits, which originates from the real or personal property of any person, while the person is in possession or control of such property; and which noise unreasonably disturbs or interferes with the peace, comfort and repose of a reasonable person of ordinary sensitivities, including the owners or possessors of real property. Public disturbance noise includes sound created by use of a radio, television set, musical instrument, sound amplifier or any other device capable of producing or reproducing sound, which emanates frequently, repetitively, continuously or is of such a volume as to shock or startle persons or livestock from any building, structure or property which annoys or disturbs the peace, comfort or repose of a reasonable person of normal sensitivity; and also includes any other sound occurring frequently, repetitively or continuously which annoys or disturbs the peace, comfort or repose of a reasonable person of normal sensitivity. The time of day or night the noise occurs shall be considered in determining the reasonableness of the noise. This section shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way for which a permit has been obtained.

II

EXEMPTIONS.

(A) The following shall not constitute public disturbance noises:

(1) Sounds created by motor vehicles when regulated by WAC Chapter 173-62;

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

(3) Sounds created by surface carrier engaged in commerce or passenger travel by railroad;

(4) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes or carillons;

(5) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;

(6) Sounds created by emergency equipment and work necessary in the interest of law enforcement or for health, safety or welfare of the community;

(7) Sounds originating from motor vehicle racing events at existing authorized facilities;

(8) Sounds originating from officially sanctioned parades and other public events;

(9) Sounds created by watercraft, except to the extent that they are regulated by other county ordinances;

(10) Sounds created by the discharge of firearms in the course of hunting;

(11) Sounds created by motor vehicles licensed or unlicensed when operated off public highways, except when such sounds are made in or adjacent to residential property where human beings reside or sleep;

(12) Sounds originating from existing natural gas transmission and distribution facilities;

(13) Sounds created in conjunction with public work projects or public work maintenance operations executed at the cost of the federal government, state or municipality;

(14) Sounds created in conjunction with the collection of solid wastes;

(15) Sounds created in conjunction with military operations or training;

(16) Sounds originating from activities occurring in public parks, playgrounds, gymnasiums, swimming pools, and other public recreational facilities during hours of operation;

(17) Sounds originating from agricultural activities.

(18) Sounds originating from forest harvesting and silvicultural activity;

(B) The following are not public disturbance noises between the hours of seven a.m. and ten p.m.:

(1) Sounds originating from residential property relating to temporary projects for the repair or maintenance of homes, grounds and appurtenances, including motor vehicles;

(2) Sounds created by the safe discharge of firearms on shooting ranges, whether public or private;

(3) Sounds created by blasting;

(4) Sounds created by the installation or repair of essential utility services.

(C) The following are not public disturbance noises between the hours of seven a.m. and ten p.m., or when conducted beyond one thousand feet of any residence where human beings reside and sleep at any hour:

(1) Sounds originating from temporary construction sites as a result of construction activity;

(2) Sounds originating from the quarrying, blasting and mining of minerals or materials, including, but not limited to, sand, gravel, rock and clay, as well as the primary reduction and processing of minerals or materials for concrete batching, asphalt mixing and rock crushers.

III

VIOLATION--MISDEMEANOR--PENALTY.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the Pend Oreille County Jail for a period of not more than ninety days, or by a fine of not more than one thousand dollars, or by both such imprisonment and fine.

IV

SEVERABILITY

If any provision of this chapter is held invalid or unconstitutional, the remainder of the chapter shall not be affected thereby.

V

EFFECTIVE DATE

This ordinance shall take effect 60 days after its passage and publication.

PASSED by the Board of Commissioners of Pend Oreille County at a regular meeting thereof this 11th day of July, 2005.

BOARD OF COMMISSIONERS
PEND OREILLE COUNTY

MITCH BROWN, Chairman

KEN OLIVER, Vice-Chairman

DEAN CUMMINGS, Member

ATTEST:

CHRIS MYLAR, Clerk

BOARD OF COUNTY COMMISSIONERS STATE OF WASHINGTON SEAL PEND OREILLE COUNTY