

# Ordinance No. 00199

[\(Council Minutes 99/03/15\)](#)

## ORDINANCE NO. 199

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Section 8.36.010 of the Lakewood Municipal Code relating to noise control

WHEREAS, the City Council of the City of Lakewood adopted Ordinance No. 44, providing for regulation of noise in connection with its provisions for abatement control; and,

WHEREAS, at the time that Ordinance No. 44 was adopted, it was patterned after sample ordinances that sought to address a wide variety of potential situations where noise could be a public disturbance; and,

WHEREAS, since the time that Ordinance 44, codified as Chapter 8.36 of the Lakewood Municipal Code, has been implemented and enforced, there have been situations that occurred which fall outside of the specific language of the ordinance; and,

WHEREAS, in order to address those areas, it is appropriate to amend the ordinance, specifically clarifying the types of sound equipment that can be subject of public disturbances, and providing a standard that is consistent between instances where sound emanates from mobile equipment or fixed equipment, namely, 50 feet from the source of the sound or from the edge of the property in instances where the sound emanates from property of the operator or persons using the property in the owner's stead.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That section 8.36.010 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

### **8.36.010 Noise Control.**

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. Public Disturbances. The following sounds are public disturbance noises in violation of this article:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.
2. 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 district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.
3. Yelling, shouting, whistling or singing on or near public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.
5. 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 50 feet from the vehicle itself.
6. Sound from ~~portable~~ 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 50 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.

7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason, provided that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

C. Exclusion. This chapter shall not apply to community events such as parades or regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 11:00 p.m. This chapter shall not apply to fireworks lawfully discharged within the City.

D. Penalty. Any person who violates the provisions of this article shall be subject to a civil penalty of up to \$250; provided that the penalty for a second or subsequent violation within a two year period, shall be a civil penalty of up to \$500. (Ord. 44 Â§ 1, 1996.)

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 15th day of March, 1999.

CITY OF LAKEWOOD

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Bill Harrison, Mayor

Attest:

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Alice M. Bush, CMC, City Clerk

Approved as to Form:

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Daniel B. Heid, City Attorney

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