

ORDINANCE NO. 2022-04

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING CHAPTER 9.16 OF THE RICHLAND MUNICIPAL
CODE RELATED TO PUBLIC NUISANCE NOISE - PROHIBITED.**

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to eliminate ambiguity and improve effectiveness; and

WHEREAS, certain portions of Chapter 9.16 RMC related to nuisance noise are outdated or ambiguous; and

WHEREAS, Ordinance No. 2022-04 is a housekeeping measure intended to clarify ambiguous language and eliminate antiquated references to outdated technology.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 9.16 of the Richland Municipal Code, entitled Public Nuisance Noise – Prohibited, as first enacted by Ordinance No. 10-86, and last amended by Ordinance No. 18-12, is hereby amended as follows:

**Chapter 9.16
PUBLIC NUISANCE NOISE – PROHIBITED**

Sections:

9.16.010 Purpose.

9.16.045 Public nuisance noise prohibited.

9.16.050 Exceptions.

9.16.055 Exemptions.

9.16.060 Permit allowing noise.

9.16.070 Violations and penalties.

9.16.080 Liability.

9.16.010 Purpose.

It is the express purpose and intention of this chapter to provide for and promote the peace, health and safety of the general public and to minimize the exposure of citizens to the effects of excessive noise and to control the level of noise which inhibits the use, value and enjoyment of property; sleep and repose; and the quality of the environment.

9.16.045 Public nuisance noise prohibited.

No person, whether or not that person is in actual possession of the noise source, shall create, continue, or cause to be created or continued any public disturbance noise. “Public nuisance noise” means any noise which:

A. Is specifically included in, but not limited to, those listed in this section; or

B. That unreasonably disturbs or interferes with the peace, comfort, and repose of another person.

Public disturbance noises for the purposes of this section shall include, but shall not be limited to, the following specified sounds:

1. Any sound made by the use of a musical instrument or other device capable of producing sound when struck by an object, a whistle, or a sound amplifier or other device capable of producing, amplifying or reproducing sound ~~jukebox, radio, television, or other similar device~~ which emanates from a building, structure, or property between the hours of 9:00 p.m. and 7:00 a.m. so as to be audible greater than 50 feet from the building, structure or property.
2. Any sound made by the unamplified human voice that emanates from a building, structure or property between the hours of 9:00 p.m. and 7:00 a.m. so as to be audible greater than 50 feet from the building, structure or property.
3. Any sound made from motor vehicle tires that causes or allows to be emitted squealing, screeching, or other sounds from the tires because of rapid acceleration or excessive speed around corners or other reasons. Sounds resulting from emergency braking to avoid imminent danger are not a violation of this section.
4. Any sound made by the discharge of gases from an internal combustion engine except through an unmodified muffler.
5. Any sound made by the operation of any motorcycle, motorbike, off-road or all-terrain vehicle in the city on any property not a part of the street system of the city when such motorcycle, motorbike, off-road or terrain vehicle does not conform to the muffler standard required for operation on the public streets.
6. Any sound made by a horn or other similar signaling device attached to a motor vehicle which is audible greater than 50 feet from the vehicle except when reasonably necessary to ensure safe operation as permitted in RCW 46.37.380.
7. Any sound made by a loudspeaker or sound amplifier exterior to any building for commercial advertising or sales purposes or for attracting the attention of the public to any performance, show or other event so as to be audible greater than 50 feet from the building, structure, or property.
8. Any sound which is audible greater than 50 feet from any school, other institution of learning, court, hospital, nursing or convalescent facility, or other area where exceptional quiet is necessary; provided signs are displayed in adjacent or contiguous streets indicating that the area is a quiet zone.
9. Any sound made by the construction, excavation, repair, demolition, destruction, or alteration of any building, property or upon any building site between the hours of 9:00 p.m. and 7:00 a.m. which is audible greater than 50 feet from a residential district.
10. Any sound made by operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or air conditioner, fan or blower, or similar device which is audible greater than 50 feet from residential areas between the hours of 9:00 p.m. and 7:00 a.m.

so as to cause a noise disturbance across a boundary.

11. Any sound made by speaker, sound amplifier or motor vehicle audio system exterior to the passenger sitting compartment of a motor vehicle on a public street or highway (anywhere within the right-of-way thereof) of a ~~commercial radio station~~ broadcast, or music ~~from an audio tape cassette, compact disc, or other recording medium~~ so as to be audible at a distance of 50 feet or more from the source of the sound.

12. Any sound 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.

13. Any sound 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.

14. Any sound made by speaker, sound amplifier, audio system, television, or other device capable of producing, amplifying or reproducing sound ~~music from an audio tape cassette, compact disc, or other recording medium~~ emanating from a structure so as to be audible from within an enclosed structure upon the property of another.

15. Any sound made by repeated rapid throttle advance (revving) of an internal combustion engine.

9.16.050 Exceptions.

The following shall be exempt from the provisions of RMC 9.16.045 between the hours of 7:00 a.m. and 9:00 p.m.:

- A. Sounds originating from residential property related to temporary projects for the maintenance, repair or improvement of homes, grounds and/or accessory buildings.
- B. Sounds created by the installation or repair of essential utility services.
- C. Sounds originating from temporary construction sites as a result of construction activity.

9.16.055 Exemptions.

The following shall be exempt from the requirements of RMC 9.16.045 at all times:

- A. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
- B. Sounds or whistles originating from trains in transit which are directly related to train operations.
- C. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

D. Sounds created by work ~~authorized performed~~ by or on behalf of the public works, energy services, parks & public facilities, or development services departments, ~~and/or building and inspection division.~~

E. Sounds created by emergency equipment and work necessary in the interests of public safety.

9.16.060 Permit allowing noise.

Any person who obtains a special permit issued by the city manager or designee which would allow the permittee to exceed the noise level limitations of this chapter for a specified period of time is not in violation of this section. Such permit will provide a date, time, and signature of the responsible party and shall be submitted at least 14 days prior to a planned event taking place. Permit shall be kept on site and available upon request of a city official.

9.16.070 Violations and penalties.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to the penalty provided in RMC 9.02.020(C).

9.16.080 Liability.

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, its officers, employees or agents, for any injury or damage resulting from the failure of anyone to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.


Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of April, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: March 15, 2022
Second Reading: April 5, 2022
Date Published: April 10, 2022