

ORDINANCE # 276

**AN ORDINANCE OF THE TOWN OF CUSICK TO CONTROL NOISE, PROMOTE PUBLIC HEALTH SAFETY AND WELFARE, 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 Town of Cusick Town Council and Mayor have determined that the level of noise must be controlled in a manner which promotes the public health, safety and welfare. The use, value and enjoyment of property, the quality of the environment, commerce, and sleep and repose, and**

**WHEREAS, The Town of Cusicks Town Council and Mayor declare that "public disturbance noise" as defined by this ordinance is a public nuisance,**

**NOW, THEREFORE, THE TOWN COUNCIL AND MAYOR OF THE TOWN OF CUSICK, WASHINGTON, DO ORDAINE AS FOLLOWS:**

**ARTICLE I. PURPOSE AND DEFINITIONS:**

**Section 1 Definitions: As used in this Ordinance, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this Section.**

- a) Ambient noise is the noise which exists at the point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.**
- b) DBA means sound levels in decibels measured on an "A" scale of standard sound level meter having characteristics defined by the American National Standards Institute, Publication S.4-1970.**
- c) Decibel is defined as the sound pressure level in decibels which is a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty (20) times the logarithm to the base ten (10) of the ration of the sound pressure to the reference newtons/meter squared. By example a doubling of sound pressure, at any magnitude, will result in a six (6) decibel increase in sound pressure level; a tenfold increase will result in a twenty (20) decibel increase in sound pressure level.**
- d) Emergency work is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to danger or potential danger.**
- e) Health means an optimal state of physical, mental and emotional well being and not merely the absence of disease.**

**Section 2 Purpose:** The purpose of this Ordinance is to protect both the inhabitants and visitors of the Town of Cusick against noise of such character, intensity and duration as to be detrimental to the life or health of any individual in the Town.

## **ARTICLE II. EXEMPTIONS:**

**Section 1** The following activities are exempt from this ordinance.

- a) The emission of sound for the purpose of alerting persons to an emergency;
- b) Sound produced by emergency vehicles;
- c) Sound produced by any governmental body in the performance of a governmental function;
- d) Sound generated at a scheduled ball field or sports facility; by parade spectators and participants in the parade route during a permitted parade; by outdoor celebration participants sponsored or cosponsored by the Town for the general welfare of the public;
- e) Amplifiers used on vehicles to attract patrons that are operated by vendors that produce jingles or music from 8:00 A.M. to 7:00 P.M.;
- f) The use and operation of an amplified, mechanical bell system in connection with the use and occupancy of a church structure. However, such system shall not be used or operated in a manner so as to be offensive to the ordinary sensibilities of a reasonable and prudent person; and
- g) The sound produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 A.M. and 8:00 P.M.

## **ARTICLE III. VIOLATION AND ENUMERATION, MISDEMEANOR-PENALTY**

### **Section 1 VIOLATION**

- a) It shall be unlawful for any person to make or cause to be made noise of such character, intensity and duration as to be detrimental to life or health of any individual in the town.
- b) It shall be unlawful for any person to make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the town which is offensive to the ordinary sensibilities of the town's inhabitants, which noise renders the enjoyment of life or property uncomfortable or interferes with peace and comfort.



- c) It shall be unlawful to operate, or to permit or to cause the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at 50 feet from the source if in a public space or public right-of-way. For the purpose of this section, the term "vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation be touch or visual observation of moving objects.

**Section 2 ENUMERATION:** The following acts, among others, are declared to be loud, disturbing and unnecessary noises, in violation of this article, and are declared to be unreasonably loud, disturbing and unnecessary noises offensive to the ordinary sensibilities of the town's inhabitants, rendering the enjoyment of life or property uncomfortable and interfering with the peace and comfort, but such enumeration shall not be deemed to be exclusive:

- a) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle, while not in motion, except as a danger signal, as may be required by state law, if another vehicle is approaching apparently out of control or if another vehicle is backing, starting or turning in such a way as likely to cause a collision.
- b) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while in motion, except as a danger signal, as required by state law.
- c) The playing of any radio, television set, phonograph or musical instrument in such a manner or with such volume as to disturb the peace, quiet comfort, or repose of persons in any dwelling, apartment, hotel or other type of residence.
- d) The keeping of any animal or fowl which emits or makes an unreasonably loud, disturbing and unnecessary noise.
- e) The use of any automobile, motorcycle, streetcar, bus or vehicle so out of repair or so loaded which emits or creates loud and unnecessary grating, grinding or rattling noise.
- f) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- g) The discharge into the open air of the exhaust from any stationary steam engine, stationary internal combustion engine or motorboat engine, except through a muffler or other devise which will effectively and efficiently prevent loud or unusual noises, annoying smoke, and the escape of gas or steam.
- h) The erection, including excavation, demolition, alteration or repair of any building in a residential district other than between the hours of 7:00 a.m. and 9:00 p.m. seven days a week, except for urgent necessity in the interest of public safety.

- i) The creation of any unreasonably loud, disturbing and unnecessary noise on any street adjacent to any school or court, which is in session, or adjacent to any hospital, provided, however, conspicuous signs are located in such streets indicating that schools, hospitals and courts are adjacent thereto.
- j) The creation of any unreasonably loud, disturbing and unnecessary noises in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers or the sounding of any bell or gong attached to any building located on any premises which disturbs the quiet or repose of persons occupying adjoining property or those occupying property across any street or alley and within a 200 foot radius.
- k) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
- l) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, sale or display of merchandise as to attract customers to any place of business.
- m) The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise.
- n) Causing suffering or allowing any air moving, conditioning or cooling equipment of any nature or kind to be so operated or maintained as to cause any unusual or excessive noise which disturbs the comfort, quiet or repose of persons in the vicinity thereof. In this connection, all available and reasonable sound-deadening and muffling devices and practices shall be employed. Such equipment shall be kept in proper operating condition.
- o) For any vehicle to be equipped with or for any person to use upon a vehicle any bell, siren, compression or exhaust whistle, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression or exhaust whistle.
- p) To recklessly operate a motor vehicle on a public road, alley or highway in a manner that causes the vehicle to undergo sustained loss of traction (e.g. spinning and squealing tires).

#### **ARTICLE IV. 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 (90) days, or by a fine or not more than five hundred (\$500) dollars, or by both such imprisonment and fine.

#### **ARTICLE V. SEVERABILITY:**

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

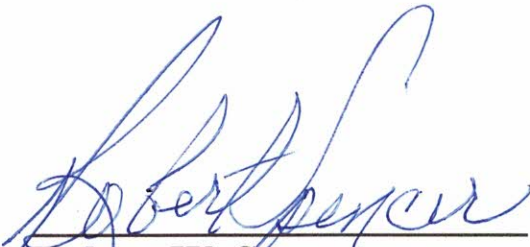





**ARTICLE VI. EFFECTIVE DATE:**

This ordinance, # 276 shall take effect sixty (60) days after its passage and publication.

PASSED by the Cusick Town Council at a regular meeting thereof this 10 day of November, 2008.

**COUNCIL MEMBERS, TOWN OF CUSICK**

  
**Robert W. Spencer**  
**Mayor**

**ATTEST:**

  
**CHARLOTTE YEAGERS**  
**Town Clerk**