

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-18-647

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING SECTION 9.05.430 OF THE MAPLE VALLEY MUNICIPAL CODE ENTITLED “NOISE” BY REDUCING THE HOURS OF COMMERCIAL CONSTRUCTION NOISE DURING WEEKDAYS, WEEKENDS AND HOLIDAYS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND REVISIONS BY THE CITY CLERK OR CODE REVISER.

WHEREAS, the City Council of the City of Maple Valley adopted a criminal code in February, 1998; and

WHEREAS, the City Council now desires to amend the criminal code to modify construction noise hours; and

WHEREAS, inclusion of construction noise hours within the criminal code is necessary for residents to maintain a high quality of life;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 9.05.480 of the Maple Valley Municipal Code entitled “Noise” shall be amended as follows (deleted text in ~~strikethrough~~ and added text in underline):

9.05.480 Noise.

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. Illustrative Enumeration. The following sounds are public disturbance noises in violations of this section:

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 the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m., or at any time and place so 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 may emanate from any building, structure, automobile, 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, from 10:00 p.m. until 7:00 a.m. on weekdays, and from 10:00 p.m. until 8:00 a.m. on weekends.

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 tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

7. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of ~~6:00~~ ~~10:00~~ p.m. and 7:00 a.m. on weekdays, and between the hours of ~~5:00~~ ~~10:00~~ p.m. and ~~9:00~~ ~~8:00~~ a.m. on Saturdays. Sound originating from construction sites is prohibited on Sundays and holidays. ~~weekends~~

8. 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 between the hours of

10:00 p.m. and 8:00 a.m. on weekends; provided, however, that this subsection shall not apply to lawnmowers operating on public or private golf courses within the City limits.

9. Any domesticated animal, which howls, yelps, whines, barks, or makes other noises, in such manner as to disturb any person or neighborhood to an unreasonable degree.

C. Exclusion. This section shall not apply to 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 10:30 p.m.

D. The use of engine compression brakes, or “jake braking”, is prohibited within the City limits of Maple Valley, except when necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. For purposes of this subsection, “compression brakes” and “jake braking” shall mean motor vehicle brakes which are activated or worked by the compression of the engine of a motor vehicle.

E. Penalty. Any person who violates any provision of subsections (A) through (D) of this section shall be subject to a civil fine not to exceed \$71.00 for a first offense. Any person who violates any provision of this section for a second time within a one-year period shall be subject to a civil fine not to exceed \$250.00. For third and subsequent offenses within a one-year period, the person shall be guilty of a misdemeanor.

F. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference:

KCC

- 12.86 Declaration of policy and finding of special conditions. (Entire chapter.)
- 12.87 Definitions. (Entire chapter.)
- 12.88 Environmental sound levels. (Entire chapter.)
- 12.90 Motor vehicle sound levels. (Entire chapter.)
- 12.91 Watercraft sound levels. (Entire chapter.)
- 12.92 Public nuisance and disturbance noises. (Entire chapter.)
- 12.94 Exemptions. (Entire chapter.)
- 12.96 Variances. (Entire chapter.)
- 12.98 Administration and noise measurement. (Entire chapter.)

12.99 Enforcement and appeals. (Entire chapter.)

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, should be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING
THEREOF ON THIS 8TH DAY OF OCTOBER, 2018.**

Sean P. Kelly, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Advertised Date: October 12, 2018

Effective Date: October 17, 2018