

## Chapter 8.08

### NOISE REGULATIONS

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**8.08.010** **Declaration of Policy.** It is the declared policy of the City of Benton City to minimize the exposure of its citizens to the adverse effects of excessive unwanted public nuisance noise and to protect, promote, and preserve the public health, safety and welfare. It is the express intent of the City to control the level of noise in a manner which: promotes the use, value, and enjoyment of property; does not interfere with commerce, farming or agricultural activities; and promotes the quality of the environment. Nothing in this ordinance is meant to affect in any way any currently existing or future farming, ranching, manufacturing, or commercial activity. (Ord 1002, 2019)

**8.08.020** **Definitions.** For the purposes of this ordinance, the following words and phrases shall have the indicated meanings unless the context clearly indicates otherwise:

- A. "Plainly audible" means able to be heard, understood or identified.
- B. "Public nuisance noise" means the making, creation or maintenance of excessive, unnecessary or unusually loud noises which are unusual in their time, place, and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the people of the county. Public nuisance noise shall include continuous or repeated barking from a dog which would otherwise fulfill the definition set forth above. (Ord 1002, 2019)

**8.08.030** **Public Nuisance Noise Unlawful.** It is unlawful for any person to make, continue, or cause to be made or continued or to allow to originate from his or her personal or real property any public nuisance noise which:

- A. Is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred (200) feet of any dwelling; and,
- B. Either annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of others. (Ord 1002, 2019)

**8.08.040** **Exemptions.** The following sounds are exempt from the provisions of this Ordinance and are not public nuisance noises:

- A. Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;
- B. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
- C. Sounds created by fire or burglar alarms;
- D. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
- E. *[Reserved]*;
- F. Sounds created by natural phenomena;
- G. Sounds originating from harvesting, farming, ranching, agricultural, industrial or commercial activities;
- H. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
- I. Sounds created by off-highway vehicles while being used in officially designated off-road vehicle parks. Such off-road vehicles are nevertheless subject to the provisions of Chapter 46.09 RCW;
- J. Sounds created by warning devices not operated continuously for more than thirty (30) minutes per incident;
- K. Sounds created by construction or refuse removal equipment;
- L. Sounds originating from officially sanctioned parades and other public events;
- M. Sounds originating from officially sanctioned activities at City parks;
- N. Sounds created by motor vehicles while being driven upon public highways. Such motor vehicles are nevertheless subject to the provisions of Chapter 173-62 WAC;
- O. Sounds originating from motor vehicle racing events at authorized facilities;
- P. Sounds created by unamplified human voices from 6:00 a.m. to 10:00 p.m.;

- Q. Sounds created by lawn and garden equipment from 6:00 a.m. to 10:00 p.m.;
- R. Sounds created from farm animals. (Ord 1002, 2019)

**8.08.050** **Enforcement.** The County sheriff and City code enforcement officers are authorized and directed to enforce provisions of this ordinance, and upon observance or reports from witnesses to the occurrence are further authorized to issue a Notice of Infraction to any person who violates the provisions of this ordinance. (Ord 1002, 2019)

**8.08.060** **Violations-Penalties.** Any person found to be in violation of the provisions of this Chapter shall be deemed to have committed a civil infraction and for each violation shall be subject to a civil penalty of one hundred dollars (\$100.00). (Ord 1002, 2019)

**8.08.070** **Severability.** If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby. (Ord 1002, 2019)