

**ORDINANCE NO. 778
TOWN OF COUPEVILLE, WASHINGTON**

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING COUPEVILLE TOWN CODE TITLE 8 BY REPEALING CHAPTER 8.16 “NOISE” IN ITS ENTIRETY AND REPLACING WITH A NEW CHAPTER 8.16 “EXCESSIVE NOISE”, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Coupeville previously adopted Coupeville Town Code in 1990 related to individuals disrupting Town approved concerts in Town Park; and

WHEREAS, a general nuisance noise code does not currently exist in the Coupeville Town Code to control and enforce excessive noise created by various sources; and

WHEREAS, pursuant to the authority granted under the Washington State Constitution Art. XI Sec. 11, the Town of Coupeville “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;” and

WHEREAS, the Town of Coupeville wishes to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and our rural environment; and

WHEREAS, on June 14, 2022, during a regular Town Council meeting, the Coupeville Town Council discussed various noise complaints the town has received and reviewed Noise Code from several jurisdictions and instructed staff to draft an Excessive Noise Code for the Town, and

WHEREAS, a public hearing on the proposed Excessive Noise Code was held on July 12, 2022 before the Coupeville Town Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON:

Section 1. Repeal. Chapter 8.16 “Noise” is hereby repealed in its entirety.

Section 2. New Chapter Created. A new Chapter 8.16 “Excessive Noise” is hereby created, attached hereto as **Exhibit A**.

Section 3. Severability. Each and every provision of this ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 4. Effective Date. This Ordinance shall take effect and be in full force after passage and publication.


ADOPTED by the Town Council and APPROVED by the Mayor this 12th day of July, 2022.

Publication date July 13, 2022

TOWN OF COUPEVILLE

By 
Molly Hughes, Mayor

APPROVED AS TO FORM:

By 
Nikki Thompson, Town Attorney

ATTEST:

By 
Kelly Beech, Clerk-Treasurer

EXHIBIT A

Chapter 8.16 EXCESSIVE NOISE

It is the express intent of the Town of Coupeville to control the level of noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment.

8.16.010 Excessive Noise Definitions

- A. The following acts, among others, are declared to be loud, disturbing, unnecessary and excessive noises in violation of this chapter. The following enumeration of prohibited noises shall not be deemed to be exclusive:
1. Frequent, repetitive or continuous sound from any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law.
 2. Frequent, repetitive or continuous sound in connection with the starting, operating, repairing, rebuilding or testing of any motor vehicle, motorcycle, off highway vehicle, or internal combustion engine in any residential zone which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property in the residential zone.
 3. Loud or raucous sound from any activity which unreasonably interferes with the operation of any school, church, hospital, nursing or convalescent facility.
 4. Loud or raucous sound from any activity which unreasonably interferes with a public meeting, performance or other event authorized by the Town.
 5. Frequent, repetitive or continuous sound which emanates from a building, structure or property, and created by musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television or other device capable of reproducing or creating sound, such as sounds originating from a band session, or commercial building which unreasonably interferes with the peace, comfort and repose of owners or occupants of nearby property.
 6. Sound from a motor vehicle audio sound system, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than fifty (50) feet from the vehicle itself.
 7. Sound from carried or transported portable audio sound equipment, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than fifty (50) feet from the source of the sound.
 8. Sound from loudspeakers, amplifiers, sound amplifiers, sound systems, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or service.
 9. Frequent, repetitive or continuous sound caused by the keeping of any animal or bird which unreasonably interferes with the peace, comfort and repose of owners or occupants of neighboring residential properties.

10. Frequent, repetitive or continuous sound which emanates from a residence structure or property, and created by audio sound equipment, musical instruments or social gatherings which unreasonably interferes with the peace, comfort and repose of owners or occupants of neighboring residential properties.
11. Sound originating from a motor vehicle when the vehicle is operated without a muffler in good working order and in accordance with applicable laws and regulations.
12. Sound from yelling, shouting, hooting, whistling or singing on or near the public streets occurring between the hours of 10:00 pm and 9:00 am which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property.
13. Sound originating from residential real property relating to temporary projects for the maintenance or repair of homes, grounds or appurtenances, including sounds from hammering, power hand tools, power lawnmowers, weed whackers, leaf blowers and the like when the same occurs between the hours of 9:00 pm and 7:00 am on weekdays and 9:00 pm and 9:00 am on weekends and legal holidays.
14. Sounds originating from construction sites and activities, including but not limited to sounds from staging, on and near the construction site, and the warming up and operation of heavy construction equipment, power tools, hammering, delivery or unloading of construction supplies, vehicle door slamming, between the hours of 7:00 pm and 7:00 am on weekdays and 9:00 pm and 9:00 am on weekends and legal holidays, except such sounds which arise from emergency construction work to protect public or personal health and safety or when an exemption applies or a variance has been approved.

8.16.020 Excessive Noise Exemptions

A. The following are exempt from the noise restrictions contained in this Chapter:

1. Noise created by fire or security alarms, or noise created by emergency equipment.
2. Noise created by municipal equipment required for regular or emergency maintenance and repair.
3. Noise created by a special event as authorized by the Town so long as the event is in compliance with the terms and conditions of its special event permit.
4. Noise created by the authorized use of town facilities such as the Rec Hall, Town Park Pavilion and Town Park Kitchen so long as the use is in compliance with the terms and conditions of the facility rental agreement.
5. Noise created by an event authorized by a cabaret license or amplified sound permit so long as the sound is in compliance with the terms and conditions of the license or permit.
6. Noise created by public utility facilities.
7. Noise created by bells, chimes or carillon not operated for more than five (5) minutes in any one (1) hour from the hours of 9:00 am to 10:00 pm.
8. Noise originating from construction sites and activities for the Town, County, or other state entity or federal public works or emergency repair project, regardless of the time of day or night.

8.16.030 Reporting and Enforcement

- A. Noise which reasonably causes the annoyance or disturbance of two (2) or more neighbors not residing at the same address, due to the ongoing or repetitive nature of the sounds, shall be determined to be in violation of this code. The two (2) complaints must be reported to the Marshal's office within twenty-four (24) hours from the time the noise occurred in order for an enforcement action to proceed. In this case the enforcement officer is not required to observe the excessive noise.
- B. Excessive noise, as defined in Section 8.16.010 of this code, which occurs in the presence of an enforcement officer shall be presumed to be a violation of this code and may be subject to enforcement action. Separate complaints are not necessary to issue an infraction.
 - 1. The first violation of person within the past year shall be a Class 4 civil infraction carrying a monetary penalty of twenty-five dollars (\$25.00) plus statutory assessments.
 - 2. The second violation of provisions by a person within a one-year period shall be a Class 2 civil infraction carrying a monetary penalty of one hundred twenty-five dollars (\$125.00) plus statutory assessments.
 - 3. A third or subsequent violation of provisions by a person within a one-year period shall constitute a criminal misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00), ninety (90) days in jail, or both.
- C. In any prosecution for a civil infraction or criminal misdemeanor evidence of sound level through the use of a sound level meter reading shall not be necessary to establish the commission of the offense.
- D. Civil infractions under this chapter shall be enforced pursuant to Chapter 7.80 RCW and the court rules. For the purposes of both civil and criminal enforcement the Town of Coupeville Marshal and Deputies and/or Island County Sheriff Deputies shall be enforcement officers.
- E. For enforcement purposes, excessive noise emitted during separate days shall be deemed a separate violation. A day is a twenty-four (24) hour period beginning at 12:01 am.