

**CITY OF LANGLEY
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON,
relating to the regulation of noise disturbances, and adding a new
Chapter 8.10 to Langley Municipal Code entitled “Public Disturbance
Noise.”**

WHEREAS, the City Council of the City of Langley finds that noise can unreasonably disturb and interfere with the peace and quiet of citizens and visitors, and that it is reasonable and appropriate to balance the rights of citizens who are disturbed by excessive noise with the rights of citizens to free expression and not be subject to unreasonable governmental regulation; and

WHEREAS, the intent of the City Council is to regulate the level of noise in a manner that promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment, recognizing that expression associated with sounds must be protected as long as the manner of expression does not unreasonably interfere with the peace, comfort and repose of others; and

WHEREAS, the City’s commercial district is associated with uses and places where music, celebrations, theater and social gatherings occur that are highlights of the community experience. These same actions also benefit tourism and the livelihood of the city’s merchants. The Council intends that such activities should be accommodated and the intent of this chapter is to promote such activities with reasonable limitations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 8.10 entitled “Public Disturbance Noise” is hereby added to Title 8 of the Langley Municipal Code to read as follows:

**Chapter 8.10
Public Disturbance Noise**

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| 8.10.010 | Purpose |
| 8.10.020 | Unlawful Conduct |
| 8.10.030 | Exemptions |
| 8.10.040 | Content of sound not considered |
| 8.10.050 | Penalty |

8.10.010 Purpose.

The purpose of this chapter is to control noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment.

8.10.020 Unlawful conduct.

It is unlawful for any person to cause, or for any person in possession of property to allow sound originating from the property that is a public disturbance noise. Except as otherwise provided in this chapter, the following sounds are determined to be a public disturbance:

a. Sound from motor vehicle audio sound equipment, such as radios, tape players, compact disc players, and MP3 players, installed in the vehicle or merely carried therein, to be operated at a volume so as to be plainly audible by the human ear at a distance of seventy-five feet or more from the vehicle itself;

b. The frequent or repetitive sounding or any horn or alarm attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

c. The creation of frequent or repetitive 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 area or near any human service facilities;

d. 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 plainly audible by the human ear at a distance of seventy-five feet or more from the source of the sound;

e. The creation of frequent or repetitive sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interferes with the peace, comfort, and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound equipment, band sessions, or social gatherings which can be heard seventy-five feet from its source in a residential zone or one hundred fifty feet from its source in a business or commercial zone between the hours of nine p.m. to nine a.m.;

f. Yelling, shouting, hooting, whistling, or singing on or near the public streets, between the hours of ten p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property; and

g. Sounds originating from property relating to temporary projects for the construction, maintenance or repair of buildings, grounds and appurtenances, including but not limited to sounds from lawnmowers, power or hand tools, snow removal equipment and composters between the hours of eight p.m. and seven a.m. on weekdays and eight p.m. and eight a.m. on weekends.

8.10.030 Exemptions.

The following shall be exempt from the provisions of this chapter:

a. Sounds from emergency vehicles as defined in RCW 46.04.040;

b. Noises originating from emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety and/or welfare of the community;

c. Sounds created by properly functioning and used warning, safety and protective devices;

d. Noise originating from generators during power outages, however, this does not preclude the operator from being responsible to mitigate the noise to the degree possible;

- e. Sounds originating from parades and special events permitted or authorized by the City of Langley;
- f. Noises originating from the Island County Fairgrounds between the hours of eight a.m. to nine p.m. or as long as the use is authorized pursuant to a special events permit authorized by the City;
- g. Non-amplified sound within a public park between the hours of seven a.m. and nine p.m.;
- h. Noises originating from schools and daycares in the normal course of daytime operations;
- i. Noises created by the lawful discharge of fireworks in accordance with LMC Chapter 9.05;
- j. Except as prohibited under LMC 8.10.020(g), noises created by the operation of snow removal equipment;
- k. Sounds originating from delivery and refrigeration vehicles which require idling for no more than 30 minutes; and
- l. Live amplified and non-amplified sounds originating from outdoor music/entertainment in a business or commercial zone within the city of Langley between the hours of nine a.m. and nine p.m. Amplified sounds that comply and are in accordance with a permit issued by Island County, the City of Langley or by a public agency of the State of Washington.

8.10.040 Content of sound not considered.

The content of the sound will not be considered in determining a violation of this chapter.

8.10.050 Penalty.

Any person who violates the provisions of this chapter shall be subject to a civil infraction fine not to exceed \$500.00 for the first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.010(2).

Section 2. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title of this ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ___ day of _____, 2010.

ATTEST:

PAUL O. SAMUELSON, Mayor

DEBBIE L. MAHLER, Director of Finance/City Clerk

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

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