

ORDINANCE NO. 1595

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to public disturbance noises, adding a new DMMC 7.36.005 entitled "Purpose" to chapter 7.36 DMMC, amending chapter 7.36 DMMC, and codifying a new section in chapter 7.36 DMMC.

WHEREAS, it is the policy of the City to minimize the exposure of its citizens to the physiological and psychological dangers of excessive noise and to protect, promote, and preserve the public health, safety, and welfare, and

WHEREAS, it is the express intent of the City Council to control 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, and

WHEREAS, it is the intent of the City Council that noise be prohibited when it unreasonably disturbs the peace, comfort, and repose of others; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. A new section is added to chapter 7.36 DMMC as DMMC 7.36.005, entitled "Purpose", to read as follows:

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.

Sec. 2. DMMC 7.36.010 and section 1 of Ordinance No. 1072 is amended to read as follows:

Definitions--Use of words and phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Specific public disturbance noises" means:

(1) The creation of frequent, repetitive, or continuous noise or sound that unreasonably disturbs, annoys, or interferes with peace and comfort of the owners or possessors of real property, including but not limited to, sounds from musical instruments, audio sound systems, band sessions, yelling, or social gatherings;

(2) Sound from motor vehicle audio sound systems, operated at volumes so as to be audible greater than 100 feet from the vehicle itself;

(3) Sound from portable audio equipment, operated at a volume so as to be audible greater than 100 feet from the source, and if not operated upon the property of the operator.

Sec. 3. DMMC 7.36.020 and section 2 of Ordinance No. 1072 are amended to read as follows:

Public disturbance noises--Prohibition--Exceptions.

(1) No person shall cause, and no person in possession of real property, a motor vehicle, or portable audio equipment shall allow specific public disturbance noises as defined in this Ordinance to originate from such sources.

(2) The provisions of this section shall not apply to:

(a) Sounds from public safety or emergency vehicles or equipment, including, but not limited to, police, fire protection, and ambulances;

(b) Sounds resulting from City-approved community events.

(3) The content of the sound or noise will not be considered in determining a violation of this chapter.

Sec. 4. DMMC 7.36.030 and section 3 of Ordinance No. 1072 are amended to read as follows:

Penalty. A violation of or failure to comply with this chapter is punished as follows:

(1) A first violation within a 12-calendar-month period is a class 3 civil infraction.

(2) A second violation within a 12-calendar-month period is a class 1 civil infraction.

(3) A third or subsequent violation within a 12-calendar-month period is a misdemeanor.

Sec. 5. Codification. Section 1 of this Ordinance shall be codified as DMMC 7.36.005, entitled "Purpose".

Sec. 6. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

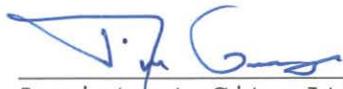
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 10th day of April, 2014 and signed in authentication thereof this 10th day of April, 2014.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: April 15, 2014

Effective Date: May 10, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1595, Adopted April 10, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to public disturbance noises, adds a new DMMC 7.36.005 entitled "Purpose" to chapter 7.36 DMMC, amends chapter 7.36 DMMC, and codifies a new section in chapter 7.36 DMMC.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: April 15, 2014