

CITY OF GIG HARBOR

ORDINANCE NO. 657

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, DELETING SUBSECTION 9.34.010(4) AND ESTABLISHING A NEW SECTION 9.34.015 DEFINING DISTURBANCE OF THE PUBLIC PEACE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City staff have recommended that the City's code outlining disorderly conduct be amended to provide further definition in order to provide more effective enforcement; and

WHEREAS, City Council finds that this ordinance is necessary to preserve the public health, safety and welfare;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. Subsection 9.34.010(4) of the Gig Harbor Municipal Code is hereby deleted in its entirety, and subsection 9.34.010(5) shall be renumbered to subsection 9.34.010(4).

Section 2. Definition of Disturbance of the Public Peace. Section 9.34.015, entitled "Definition of Disturbance of the Public Peace", is hereby created and added to the Gig Harbor Municipal Code to read as follows:

9.34.015 Definition of Disturbance of the Public Peace. The following are determined to disturb the public peace:

1. The frequent, repetitive or continuous sounding of any horn or siren, 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, watercraft, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, unless otherwise authorized by law;
3. Yelling, shouting, whistling, or other raucous noises, on or near the public streets between the hours of 11:00 p.m. and 7:00 a.m.;
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

5. Sound from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself;
6. Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than thirty (30) feet from the source, unless it occurs within a multi-family unit such as a duplex, apartment or condominium, in which case it shall be a disturbance if it is clearly audible to a neighbor, and disturbs his/her peace as described in subsection (4) above;
7. The repetitive noise created by animals under the control of individuals within the City, such as barking, or yelping dogs, or other such noises from animals, that unreasonably disturb or interferes with the peace, comfort and repose of owners or possessors of real property; and
8. The foregoing provisions shall not apply to regularly scheduled events such as public address systems for baseball games, authorized street dances or other authorized community sponsored events. Safety devices, fire alarms, and emergency vehicles are exempt from these provisions.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 13th day of December, 1993.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST:

Mark Hoppen, City Administrator
Filed with city clerk: 11/22/93
Passed by the city council: 12/13/93
Date published: 12/22/93
Date effective: 12/27/93