

CITY OF DAYTON WA

ORDINANCE NO. 1858

AN ORDINANCE OF THE CITY OF DAYTON WASHINGTON, AMENDING THE DEFINITION OF NOISE AS A PUBLIC NUISANCE IN CHAPTER 9-26, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that Special Events are enjoyed by the citizens and visitors to the City of Dayton. Such events also provide an economic benefit to the local business community that should be supported by the City.

WHEREAS, the City Council is the appropriate body to determine when an event may be allowed to extend the noise limits past 10 p.m.

WHEREAS, the City Council deems adoption and codification of this ordinance to be in the public interest and will protect the health, safety and welfare of citizens of the City; and

WHEREAS, nothing in this Ordinance is intended nor shall be construed to authorize or approve of any violation of federal or state law;

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

Section 1. Dayton Municipal Code Section 9-26.02 is hereby amended to include the following revisions and additions:

9-26.02. Definitions. As used in this chapter, unless a different meaning is plainly required:

- A. *Abate*. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable official determines is necessary in the interest of the general health, safety and welfare of the community.
- B. *Act*. "Act" means doing or performing something.
- C. *Applicable official*. "Applicable official" means the mayor or department head or any designated alternate empowered by ordinance or by the mayor to enforce the City of Dayton ordinances or regulations.
- D. *Civil violation*. "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs is a separate violation.
- E. *Development*. "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level and all acts authorized by a City of Dayton regulation.
- F. *Emergency*. "Emergency" means a situation where the applicable official determines that immediate action is required to prevent or eliminate threat to the health, welfare or safety of persons or property.

xi. *Noise.* Making, causing, or permitting to be made by means of any speaker or other sound-amplifying device, horn, or other mechanical device, or by outcry, loud speaking, singing, or by any other means of discordant and unnecessary noise of any kind which annoys any significant number of persons lawfully in the immediate area, including but not limited to sounds measured at 45 decibels between the hours of 10:00 p.m. and 7:00 a.m., except for special events when the City Council approves a motion allowing the noise limit to be exceeded between 10 p.m. and 7 a.m., before the event occurs.

xii. *Unpermitted development.* Any building or structure where construction was commenced and the building or structure was left unfinished or any building or structure that has been constructed or modified without applicable permits or which is otherwise in violation of city ordinance, thereby causing a danger to the public safety, health, or welfare;

xiii. *Burning.* Burning or disposal of refuse, sawdust, or other material in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast upon the streets or alleys of the city, or to cause or permit the smoke, ashes, soot, or gases arising from such burning to become annoying or to injure or endanger the health, comfort, or repose of said persons;

xiv. Animal manure or excreta in any quantity which is not securely protected from flies and the elements and which is likely to become putrid, offensive, and injurious to the public health, or which is kept or handled in violation of any city ordinance;

xv. *Abandonment or allowing the abandonment of personal property in any public right-of-way, alley or sidewalk.* Personal property left in the public right-of-way of any road, alley, or sidewalk including but not limited to any personal and household items, furniture, appliances, machinery, equipment, building materials or other items shall be deemed abandoned;

xvi. Excavations or naturally occurring holes, including, but not limited to, privies, vaults, cesspools, sumps, pits, wells, or any other similar conditions, which are not secure and which constitute a concealed danger or other attractive nuisances;

xvii. The discharge of sewage, human excrement, or other wastes in any location or manner, except through systems approved for the conveyance of such, to approved public or private disposal systems and which are constructed and maintained in accordance with the provisions of city's ordinances as now or hereafter amended, and all other adopted laws pertaining to such systems; or

xviii. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.

H. *Omission.* "Omission" means the failure to act.

I. *Person.* "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

J. *Person responsible for the violation.* "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commit any

act or omission that is a civil violation or causes or permits a civil violation to occur or remain upon property in the city; and included but is not limited to the owner(s), leaser(s), tenant(s), contractor performing work on behalf of the owner(s), or other person(s) entitled to control, use and/or occupancy of the property where a civil violation may occur.

K. *Repeat violation.* "Repeat violation" means a violation of the same regulation in any location by the same person within two years.

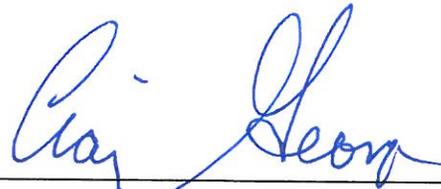
(Ord. No. 1760, § 1, 9-24-2007)

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be published and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Dayton this 27th day of MAY, 2014.



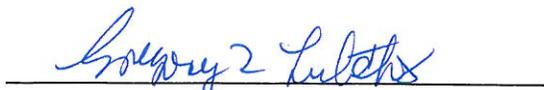
Craig George, Mayor

Attest:



Trina Cole, City Clerk-Treasurer

Approved as to form:



Gregory L. Lutch, City Attorney