

ORDINANCE 913  
CITY OF LACEY

AN ORDINANCE PROHIBITING THE MAKING OF SOUND OF SUCH LOUDNESS, FREQUENCY OR DURATION AS TO UNREASONABLY DISTURB THE PEACE AND COMFORT OF OWNERS OR POSSESSORS OF DWELLING UNITS WITHIN THE CITY AND ADDING NEW SECTIONS 9.24.080 AND 10.04.025 TO THE LACEY MUNICIPAL CODE.

WHEREAS, the council finds upon the basis of numerous complaints received from citizens within the city both by council members and by staff of the city and from testimony of residents and upon the basis of personal experience of council members as residents of the city that there exists within the city sounds emanating from the playing of amplified music both from residences and from portable amplification instruments either carried or mounted on or within a motor vehicle, from the use of compression brakes and from other sources such as heavy equipment which sources do not involve speech; and

WHEREAS, the council finds that said described sounds are from time to time of such loudness, frequency or duration as to unreasonably disturb the peace and comfort of residents within dwelling units located within the city; and

WHEREAS, the city council determines upon the basis of these findings that noise occurrences within the city which effect the public health and welfare of its residents and the quality of environment within the city constitute special conditions within the city which make necessary any and all differences between sound

regulations adopted by this ordinance and regulations adopted by the Washington State Department of Ecology; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1: There is hereby added to the Lacey Municipal Code a new Section 9.24.080 to read as follows:

"It is unlawful for any person willfully to cause, or, being in possession of real property, a motor vehicle, equipment or other source of sound willfully to allow sound to emanate from such property, vehicle or equipment which is plainly audible within any dwelling unit located within a residentially zoned district of the city and which sound is of such loudness, frequency, duration, or unreasonable time of the day as to unreasonably disturb the peace and comfort of owners or possessors of dwelling units within such residential district when such owners or possessors are within such dwelling units. Provided, however, that this prohibition shall not apply to sounds created by emergency equipment operated by law enforcement, fire department or medical emergency personnel. A violation of this section shall constitute a misdemeanor."

Section 2: There is hereby added to the Lacey Municipal Code a new Section 10.04.025 to read as follows:

"In addition to the codes adopted by this chapter by reference, it shall, in addition, be unlawful within the city for any person to operate brakes upon a motor vehicle which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. Provided, however, that it

shall be a defense to such a violation if said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property. Provided, further, that this section shall not apply to the operation of emergency equipment by public fire personnel operating emergency equipment within the city nor to persons operating vehicles for public conveyance within the city."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 8th day of August, 1991.

CITY COUNCIL

BY

Gene Carque Fiddell  
Mayor

Attest:

Charlotte M Taylor  
City Clerk

Approved as to form:

[Signature]  
City Attorney

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