

**Title 9**

**PUBLIC PEACE, MORALS AND WELFARE**

**Chapters:**

- 9.04 Offenses Against Property**
- 9.06 Violation of Restraining Orders**
- 9.08 Weapons**
- 9.12 Alcohol Consumption in Public Place**
- 9.16 Parental Responsibility for Minor Children**
- 9.20 Beekeeping**
- 9.24 False Alarms**
- 9.28 Noise and Public Disturbance**

**Chapter 9.04****OFFENSES AGAINST PROPERTY**

## Sections:

9.04.010 Malicious mischief – Designated –  
Penalty.

**9.04.010 Malicious mischief – Designated –  
Penalty.**

A. A person is guilty of malicious mischief if he knowingly and maliciously:

1. Causes physical damage to the property of another in an amount exceeding \$5.00;
2. Causes an interruption of impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power or communication;
3. Creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof or a public utility or mode of public transportation, power or communication.

B. Any person convicted by a violation of this chapter shall be subject to a fine not exceeding \$500.00 or imprisonment for a term in a jail facility not to exceed six months or both. (Ord. 293 §§ 1, 2, 1981)

**Chapter 9.06****VIOLATION OF RESTRAINING ORDERS**

## Sections:

9.06.010 Violation of restraining orders.  
9.06.020 Violation – Penalty.

**9.06.010 Violation of restraining orders.**

It shall be unlawful for any person to violate the terms of a restraining order issued by a court of competent jurisdiction. For the purposes of this chapter, a “court of competent jurisdiction” shall include courts within the state of Washington and courts outside the state of Washington that, at the time the restraining order was issued, had valid personal jurisdiction over the restrained party. (Ord. 97-525 § 1, 1997)

**9.06.020 Violation – Penalty.**

Any person who wilfully violates this chapter shall be guilty of a misdemeanor. (Ord. 97-525 § 1, 1997)

**Chapter 9.08****WEAPONS**

## Sections:

- 9.08.010 Firearm – Discharge prohibited – Penalty.
- 9.08.020 Firearm – Loaded in vehicle prohibited – Penalty.

**9.08.010 Firearm – Discharge prohibited – Penalty.**

A. No person shall discharge any firearm, air gun, gas operated gun, spring gun, bow and arrows and sling shots in the city; provided, that this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, any citizen to discharge a firearm when lawfully defending his person or property, the discharge of a firearm at a safe, indoor firing range or bow and arrows on an approved range.

B. Any person violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than \$25.00 and not to exceed \$100.00 or by imprisonment not to exceed 30 days or both such fine and imprisonment. (Ord. 172 §§ 1, 2, 1968)

**9.08.020 Firearm – Loaded in vehicle prohibited – Penalty.**

A. It is unlawful for any person to carry, transport or convey or to have in his possession or under his control in any motor-driven or horse-drawn vehicle or in any vehicle propelled by man, any shotgun or rifle containing shells or cartridges therein.

B. All violations of this section shall be punishable by a fine not in excess of \$50.00 or 30 days in jail or by both such fine and imprisonment. (Ord. 196 §§ 1, 2, 1972)

**Chapter 9.12****ALCOHOL CONSUMPTION IN PUBLIC PLACE**

## Sections:

- 9.12.010 Consumption or open container in public – Prohibited.
- 9.12.015 Consumption or open container in city parks.
- 9.12.020 Violation – Penalty.

**9.12.010 Consumption or open container in public – Prohibited.**

It is unlawful for any person to consume any beer or intoxicating liquor or have in his possession any opened containers or receptacles containing any beer or intoxicating liquor on any thoroughfares within the city or in any vehicle parked or moving thereon, or at any other place therein other than a private residence, or upon premises licensed for the sale and consumption of beer or liquor or upon premises whereon beer or intoxicating liquor is sold by a license under the laws of the state. (Ord. 264 § 1, 1978)

**9.12.015 Consumption or open container in city parks.**

A. It is unlawful for any person to consume beer or alcoholic beverages or having in their possession any open containers or receptacles containing any alcoholic beverage within public parks within the corporate limits of the city of Asotin;

B. Exceptions. That the consumption and possession of alcoholic beverages in open containers in city parks shall be permitted by permit obtained from the Washington Liquor Control Board (banquet permit);

**C. Conditions for Exceptions.**

1. A closed private and/or closed private group event in a way to isolate the alcohol distribution in such a manner that minors do not have access;

2. The beverages are not taken outside the boundaries of the event into the remainder of the park;

3. The permittee shall provide a copy of the permit to the Asotin City Hall/police department (during business hours) three work days in advance of the event;

4. All practices are consistent with conditions stipulated by the Washington Liquor Control Board (banquet permit); and

5. There shall be no more than two permits issued for any one day;

D. Failure of the permit holder to abide by subsections (C)(1) through (4) of this section or conditions specified by the Washington Liquor Control Board (banquet permit) shall be in violation of this section and shall not be qualified for exemption;

E. This section shall be deemed written permission from the city pursuant to WAC 314-18-040. (Ord. 10-755 § 1, 2010)

**9.12.020 Violation – Penalty.**

Any person found guilty of violating this chapter shall be subject to a fine of not more than \$250.00. (Ord. 264 § 2, 1978)

## Chapter 9.16

### PARENTAL RESPONSIBILITY FOR MINOR CHILDREN

#### Sections:

- 9.16.010 Statement of purpose.
- 9.16.020 Definitions.
- 9.16.030 General prohibition.
- 9.16.040 Exceptions to general prohibition.
- 9.16.050 Enforcement of chapter.
- 9.16.060 Violations and penalties.

#### **9.16.010 Statement of purpose.**

The city council of the city of Asotin, Washington, has determined that it is generally contrary to the well-being of minor children to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose. (Ord. 95-503 § 1, 1995)

#### **9.16.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply.

“Child” means any unemancipated person, male or female, who is not married and is under the age of 18 years.

“Parent” or “custodian” means the father, mother, guardian, or person having the care, custody or control of a child.

“Returning home” means travelling, walking, biking or otherwise moving from the point of departure to a child’s home or the residence of the person having the care, custody or control of said child for that evening. Said movement shall be directly from the point of departure to the destination to be accomplished within a reasonable period of time.

“School nights” means any night or early morning hours immediately preceding a regular school day as scheduled by the Asotin – Anatone School District. (Ord. 95-503 § 2, 1995)

#### **9.16.030 General prohibition.**

Except as provided in AMC 9.16.040, no parent or custodian shall permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property, other than the child’s usual place of residence, which is unoccupied, vacant, abandoned, or is not otherwise supervised by a responsible adult:

A. From 10:00 p.m. to 5:00 a.m. the following morning on school nights;

B. From 11:00 p.m. to 5:00 a.m. the following morning, Sunday through Thursday nights on non-school nights; and

C. From 12:01 a.m. to 5:00 a.m. on Saturday and Sunday. (Ord. 95-503 § 3, 1995)

#### **9.16.040 Exceptions to general prohibition.**

The parent or custodian of a child shall not be in violation of this chapter or the general prohibition set forth in AMC 9.16.030 when a child is:

A. Engaged in travelling to or from lawful employment;

B. Acting pursuant to directions and permission of his parent or custodian for a specific legitimate, lawful purpose;

C. Seeking emergency assistance; and

D. Returning home from activities supervised by a responsible adult. (Ord. 95-503 § 4, 1995)

#### **9.16.050 Enforcement of chapter.**

Law enforcement officers acting on the authority of the city shall have the authority to momentarily detain and question a child where the law enforcement officer suspects a violation of this chapter and/or to determine whether a specified exception to the general prohibition may apply. Should a law enforcement officer have probable cause to determine that a parent or custodian is in violation of this chapter, said law enforcement officer shall have the authority to direct, accompany or transport the child to his or her residence if reasonably possible or if the circumstances indicate to take custody and place the child in accordance with RCW 13.32A.050(2) and/or RCW 13.32A.060 for the safety and in the best interests of the child’s well-being and welfare. (Ord. 95-503 § 5, 1995)

#### **9.16.060 Violations and penalties.**

A. Should a law enforcement officer determine that a parent or custodian has violated the provisions of this chapter, a written notice/warning thereof shall be given to the parent or custodian if reasonably possible. If the parent or custodian is unavailable, the officer shall mail, or cause to be mailed, the aforementioned notice/warning to the parent or custodian. Said notice/warning shall inform the parent or custodian of the following:

1. The location where the child was found;

2. The date and time the child was found;

3. The location of the residence where the officer took the child for the safety, or, in the case of placement of the child through Child Protective

Services, the telephone number of Child Protective Services; and

4. A warning that the parent or custodian was in violation of this chapter, a copy of which shall be attached to said notice/warning.

B. The law enforcement officer shall:

1. Maintain a record of any violation and the notice/warning given as a result thereof;

2. Make a report of the incident to the Child Protective Services of the State of Washington; and

3. Assist Child Protective Services with respect to any lawful action with which Child Protective Services requests assistance.

C. Any person in violation of this chapter for a second time shall be deemed to have committed such a civil infraction and any such person found to have committed such a civil infraction shall be assessed a monetary penalty, which penalty may not be more than \$500.00 for each offense. (Ord. 95-503 § 6, 1995)

## **Chapter 9.20**

### **BEEKEEPING**

Sections:

9.20.010 Beekeeping prohibited.

9.20.020 Penalty for violations.

#### **9.20.010 Beekeeping prohibited.**

Keeping bees and maintaining apiaries, under such act, within the corporate limits of the city, is declared to be unlawful, as a nuisance and a menace to the public health, welfare and safety. (Ord. 96-513 § 1, 1996)

#### **9.20.020 Penalty for violations.**

Any person, firm or corporation violating any of the provisions of this section shall be subject to the provisions of Chapter 1.12 AMC. (Ord. 96-513 § 1, 1996)

## Chapter 9.24

### FALSE ALARMS

#### Sections:

- 9.24.010 False alarm – Prohibited.
- 9.24.020 Definitions.
- 9.24.030 Alarm system registration.
- 9.24.040 Automatic calling device prohibited.
- 9.24.050 Penalties.
- 9.24.060 Enforcement.
- 9.24.070 Verification process.
- 9.24.080 Penalty schedule.

#### **9.24.010 False alarm – Prohibited.**

A. No person may willfully tamper with, damage, or interfere with any wire, switch, telephone, radio or other equipment or apparatus of any public or private alarm system.

B. No person may willfully and without reasonable grounds give or send any false alarm of fire or other emergency, including shouting in a public place.

C. No person may intentionally activate any alarm system, for the purpose of summoning emergency response personnel, except in the event of an actual or attempted criminal activity or other actual emergency necessitating emergency response personnel response, and no person notifying emergency response services of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system may fail at the same time to notify the emergency response personnel of such apparent malfunction.

D. No alarm system user may cause or allow more than two false alarms to occur within any one-year period. This one-year period shall commence from the date of the first false alarm incurred by the alarm system user and continue for a 12-month period thereafter.

E. No person may provide alarm system monitoring service to the user of an automatic alarm system without maintaining a verification process as provided in AMC 9.24.070.

F. A violation of subsections (A) through (C) of this section, inclusive, is a misdemeanor; a violation of subsection (D) or (E) of this section is a civil infraction. (Ord. 01-594 § 1, 2001)

#### **9.24.020 Definitions.**

For the purposes of this chapter, the following words shall have the same meanings indicated unless the content clearly requires otherwise:

A. “Alarm system” means any assembly of equipment, mechanical or electrical, designed to alert law enforcement agencies, emergency response personnel, the public, or any person of the commission or attempted commission of a crime or of an emergency. “Alarm system” includes, but is not limited to, burglary, robbery, fire, emergency panic, or traffic control alarms whether on public or private premises.

B. “Alarm system monitoring personnel” means any person that engages in the business of monitoring emergency alarm systems and reporting any activation of such alarm systems to the appropriate public safety agency.

C. “Alarm system user” means the person who owns or has control over any premises where an alarm system is maintained. An alarm system user is regarded as the person requesting activation of the emergency alarm response and who is responsible for corrective action under the ordinance codified in this chapter as a result of a false alarm.

D. “Authorized service personnel” means those persons who, by reason of their experience, trade, or occupation, can demonstrate to the chief of police that they are qualified to inspect or repair alarm systems.

E. “Emergency response personnel” means law enforcement, fire fighting or emergency dispatch personnel, or any other person or entity responsible for responding to an alarm system.

F. “False alarm” means the willful, intentional or unintentional activation of any alarm system for the purpose of summoning the police or fire department or other emergency response personnel at a time when there is no evidence of criminal activity having been committed or attempted on the premises, or no fire or other emergency exists. False alarm also includes an alarm activated due to an equipment malfunction, improper installation or maintenance of equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act.

G. “Nonresponse order” means an order given by the sheriff or his/her designate directing the sheriff’s department not to designate a response to an alarm when false alarms generated from that alarm system have exceeded the number permitted under this chapter.

H. “Premises” means any building, structure, enclosure, real property, or vehicle.

I. “Verification process” means an independent method of determining that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. The verification

process must be conducted by the alarm system monitoring personnel and may not take more than five minutes, calculated from the time the alarm signal has been accepted by the alarm system monitoring personnel until a decision is made whether to call for a police dispatch. (Ord. 01-594 § 2, 2001)

#### **9.24.030 Alarm system registration.**

A. No person may have or maintain on any premises, except a vehicle, an alarm system unless the alarm system user has registered the alarm system with the police department. A separate registration is required for each alarm site. The police department shall be authorized to charge a nominal registration fee as set forth by the department's rules and regulations under AMC 9.24.060(A). The information on the registration will be available to notify the emergency dispatching offices of the names and telephone numbers of the alarm system user and of the individuals authorized to enter such premises and turn off the alarm.

B. If the alarm system user has the premises monitored by an alarm system monitoring personnel, the name, contact person and 24-hour telephone number of the personnel shall be listed on the registration form.

C. The individual or individuals authorized to enter the premises and to turn off the alarm will be responsible to respond at all times to the police or fire department's request to come to the premises and turn off the alarm system within a reasonable time after being notified. Failure to respond in a timely and reasonable fashion to deactivate the alarm will be grounds for a nonresponse. (Ord. 01-594 § 3, 2001)

#### **9.24.040 Automatic calling device prohibited.**

No person may use or operate, or attempt to use or operate, or cause to be used or operated, or arrange, adjust, program, or otherwise provide or install any device or combination of devices that will upon activation, either mechanically, electronically, or by any other automatic means, initiate a telephonic or recorded message to the 9-1-1 emergency telephone number, or to any telephone number assigned or any additional telephone numbers assigned to the sheriff's office or fire department. (Ord. 01-594 § 4, 2001)

#### **9.24.050 Penalties.**

A. Criminal Penalty. A violation of AMC 9.24.010(A) through (C), inclusive, is a misdemeanor.

B. First Response. Upon the first two false alarms from an alarm system, the sheriff's department shall send a notice to the alarm system user informing the user of the time and location of the false alarm, the nature of the response and the requirements of this chapter.

C. Civil Infraction.

1. Each false alarm after the first two false alarms from the same alarm system within a one-year period is a civil infraction and subjects the alarm system user to the penalty provided in AMC 9.24.070.

2. The failure of an alarm system monitoring company to comply with the requirements of the verification process is a civil infraction and subjects the company to the penalty provided in AMC 9.24.080.

D. Fifth Violation. Upon the fifth false alarm from the same alarm system within a one-year period the sheriff may impose a nonresponse order directing the department not to designate a response to that location, except that a nonresponse order is not imposed against premises required by law to have an alarm system. (Ord. 01-594 § 5, 2001)

#### **9.24.060 Enforcement.**

A. Rules and Regulations. The sheriff administers and enforces the provisions of this chapter. The sheriff is authorized to make and enforce such rules and regulations as are necessary to implement the ordinance codified in this chapter.

B. Nonresponse.

1. Notice is given to the alarm system user at least 48 hours prior to issuance of a nonresponse order if the name of the alarm system user has been furnished to the department. Failure to furnish the name, address and phone number of the alarm system user constitutes a waiver of this notice provision.

2. The alarm system user may petition the chief to reinstate police response to an alarm. The chief rescinds the nonresponse order if the alarm system user satisfactorily demonstrates that the cause of the previous false alarms has been corrected. In determining whether to rescind a nonresponse order the chief uses criteria set forth in the rules and regulations made pursuant to subsection (A) of this section.

3. When a nonresponse order has been rescinded, the alarm system will be on probationary status for a period of time not to exceed one year. If the repeated instances of false alarms continue during the probationary period, the nonresponse order may be reinstated.

C. Additional Information.

1. On the first false alarm, the department may require the alarm system user to provide information to the department regarding the cause of the false alarm, whether any corrective action has been taken and whether the system has been inspected or repaired by authorized service personnel.

2. Upon the third false alarm, the alarm system user will be given the option of receiving a class three infraction or attending a false alarm prevention training class taught by a representative of the police department. Where the alarm is installed in a commercial establishment, the owner or manager will be the person who will attend the training class in order to qualify for the waiver of the infraction. (Ord. 01-594 § 6, 2001)

**9.24.070 Verification process.**

All alarm system monitoring personnel engaging in business activities in the city must maintain:

A. A current list, accessible to the police department at all times, of all subscribers' names, addresses and telephone numbers and the associated protected premises; and

B. A verification process with those subscribers who have an automatic alarm system to prevent false alarms from resulting in unnecessary emergency dispatch. (Ord. 01-594 § 7, 2001)

**9.24.080 Penalty schedule.**

The third and subsequent false alarms within a one-year period shall constitute a civil infraction subject to a monetary penalty as set forth below:

A. For the third false alarm (Class 3 Infraction), a penalty of \$50.00, plus \$69.00 statutory assessment. (Ord. 01-594 § 8, 2001)

**Chapter 9.28**

**NOISE AND PUBLIC DISTURBANCE**

Sections:

- 9.28.010 Purpose.
- 9.28.020 Definitions.
- 9.28.030 Maximum permissible sound levels.
- 9.28.040 Modifications to maximum permissible sound levels.
- 9.28.050 Public disturbance noise – Prohibited.
- 9.28.060 Public disturbance noise – Defined.
- 9.28.070 Exemptions.
- 9.28.080 Enforcement.
- 9.28.090 Penalty.
- 9.28.100 Response to citation – Methods of response – Right to hearing – Penalty for failure to respond – Penalty for violating order of civil hearings officer.
- 9.28.110 Appeals.
- 9.28.900 Provisions not exclusive.
- 9.28.910 Short title.
- 9.28.920 Severability.
- 9.28.930 Effective date.

**9.28.010 Purpose.**

The purpose of this chapter is to control the level of noise in a manner which promotes the public health, safety, and welfare; the use, value, and enjoyment of property; the quality of the environment; and commerce by establishing maximum environmental noise levels applicable within the city of Asotin and declaring certain noise production activities to be noise disturbances. (Ord. 06-690 § 1, 2006)

**9.28.020 Definitions.**

Specific terms used in this chapter shall have the following meanings. All technical terminology used in this chapter and not defined specifically herein shall be interpreted in conformance with the American National Standards Institute Specifications. All other terms shall be interpreted in conformance with their usual and ordinary meaning.

A. "Civil hearing officer" is that officer or judicial court authorized by law to preside over the civil infraction hearing provided for in this chapter.

B. "Day" or "daytime" means the hours between 6:00 a.m. and 10:00 p.m. on weekdays, and between 7:00 a.m. and 10:00 p.m. on weekends.

C. “db(A)” means the sound level measured in decibels, using the “A” weighting network on a sound level meter.

D. “Emergency work” means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for immediate restoration of necessary utility service.

E. “Noise” means the intensity, duration, and character of sound from any and all sources.

F. “Originating property” means the real property upon which, or within which, the noise originates.

G. “Property boundary” means an imaginary line exterior to any enclosed structure, at ground surface, which separates the real property of one or more persons from that owned by others, and its vertical extension. For structures containing multiple units, such as condominiums, apartment buildings, office buildings, or similar structures, the property boundary shall be coincident with the internal surface of any wall, ceiling, or floor.

H. “Public disturbance noise” means any sound as defined in AMC 9.28.060.

I. “Real property” means an interest or aggregate of rights in land that is guaranteed and protected by law. For the purposes of this chapter, “real property” includes leasehold interests, including interests in a unit of a multiple-unit structure, such as a condominium, apartment building, office building, or other structure, regardless of whether the unit in question is a ground floor unit or not. For the purposes of this chapter, “ground floor” is synonymous with “first floor,” and such term shall be given its usual and ordinary meaning.

J. “Receiving property” means real property within which sound originating from outside the property is received.

K. “Weekday” means any day, Monday through Friday, that is not a legal holiday as defined in RCW 1.16.050.

L. “Weekend” means any Saturday or Sunday or any legal holiday as defined in RCW 1.16.050.

M. “Zone” means the land use zone to which the provisions of this chapter are applied, as such zones are, or may at some future date be, defined in AMC Title 18 and adopted by appropriate ordinance or regulation. For the purpose of this chapter:

1. “Residential” includes zones designated as R1 suburban residential, R2 low-intensity residential, and R3 high-intensity residential.

2. “Commercial” includes zones designated as C1 low-intensity commercial and C2 high-intensity commercial.

3. “Industrial” includes zones designated as industrial. (Ord. 06-690 § 1, 2006)

#### **9.28.030 Maximum permissible sound levels.**

For sound sources located within the city limits, the maximum permissible sound levels are as follows:

Zone of Originating Property	Zone of Receiving Property		
	Residential	Commercial	Industrial
Residential	55 db(A)	57 db(A)	60 db(A)
Commercial	57 db(A)	60 db(A)	65 db(A)
Industrial	60 db(A)	65 db(A)	70 db(A)

(Ord. 06-690 § 1, 2006)

#### **9.28.040 Modifications to maximum permissible sound levels.**

The maximum permissible sound levels established by this chapter shall be reduced or increased by the sum of the following:

A. Between the hours of 10:00 p.m. and 6:00 a.m. during weekdays, and between the hours of 10:00 p.m. and 7:00 a.m. during weekends, the maximum permissible sound levels are reduced by 10 db(A) where the receiving property lies within a residential zone.

B. For any source of sound that is of short duration, the maximum permissible sound levels are increased by:

1. Five db(A) for a total of 15 minutes in any one-hour period; or

2. Ten db(A) for a total of five minutes in any one-hour period; or

3. Fifteen db(A) for a total of 1.5 minutes in any one-hour period. (Ord. 06-690 § 1, 2006)

#### **9.28.050 Public disturbance noise – Prohibited.**

It is unlawful for any person to cause, or for any person in possession or control of real property to allow to originate from such property, sound that is a public disturbance noise. (Ord. 06-690 § 1, 2006)

**9.28.060 Public disturbance noise – Defined.**

A public disturbance noise is:

A. Any sound that exceeds the maximum permissible sound levels defined in this chapter; or

B. Any sound that unreasonably disturbs or interferes with the peace, comfort, and repose of owners or possessors of real property without regard to sound level measurement, including but not limited to the following:

1. The frequent, repetitive, or continuous sounding of any horn, siren, or alarm attached to a motor vehicle, except when used 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, or internal combustion engine within a residential zone;

3. The creation of frequent, repetitive, or continuous sounds emanating from real property, such as sounds from audio/video equipment, musical instruments, band sessions, or social gatherings, which are audible at a distance greater than 50 feet from the source of such sounds at any time;

4. The creation of frequent, repetitive, or continuous sounds which emanate from, are caused by, or are associated with the operation of construction and industrial equipment;

5. Frequent, repetitive, or continuous yelling, shouting, whistling, singing, or other vocal noises on or near public streets;

6. Sound caused by operating or playing of motor vehicle audio equipment such as tape players, radios, or compact disc players, whether portable, stationary, or mounted on or within a motor vehicle, operated at a volume so as to be audible at a distance greater than 50 feet from the motor vehicle itself;

7. Sounds caused by the use of blasting devices without the appropriate permits; or

8. Sounds caused by maintaining any animal which causes frequent, repetitive, or continuous noise. (Ord. 06-690 § 1, 2006)

**9.28.070 Exemptions.**

A. The following sounds are exempt from the prohibitions of this chapter at all times:

1. Sounds created by emergency equipment and vehicles necessary for law enforcement or for the health, safety, and welfare of the community, when used for these purposes;

2. Sounds caused by emergency work or the necessary repair or maintenance of any public facility or utility;

3. Sounds created by fire alarms being used as such;

4. Sounds created by warning devices, provided the devices do not operate continuously for more than five minutes per incident;

5. Sounds created by safety and protective devices, where noise suppression would defeat the safety purpose of the device;

6. Sounds originating from city-sanctioned events; and

7. Sounds created by the normal operation, on public highways, of motor vehicles.

B. The following sounds are exempt from the prohibitions of this chapter during daytime hours:

1. Sounds created by the use of hand or powered equipment used in temporary or periodic maintenance or repair of residential homes, grounds, and appurtenances, including but not limited to hammers, saws, powered hand tools, or equipment with electrical or internal combustion engines such as lawnmowers, snow removal equipment, etc.;

2. Sounds created by bells, chimes, or carillons operating for not more than five minutes in any one hour; and

3. Sounds created by the installation, maintenance, or repair of public facilities or utilities, or by the temporary or periodic maintenance or repair of residential or commercial property. (Ord. 06-690 § 1, 2006)

**9.28.080 Enforcement.**

A. The city of Asotin police department, the Asotin County sheriff, and all duly appointed and commissioned police officers and deputies are authorized and directed to administer and enforce the provisions of this chapter.

B. A civil infraction may be issued whenever an authorized enforcement officer obtains a sound level measurement exceeding the applicable maximum permissible sound level set forth in AMC 9.28.030 and 9.28.040.

C. A civil infraction may be issued whenever an authorized enforcement officer observes a violation of AMC 9.28.050 or upon a sworn complaint by a named person alleging that a violation of AMC 9.28.050 has taken place. (Ord. 06-690 § 1, 2006)

**9.28.090 Penalty.**

Unless a different penalty is provided within a particular section of this chapter, any person found to have violated any provision of this chapter shall be deemed to have committed a civil infraction, which shall be punishable as follows:

A. A violation of AMC 9.28.050 shall be punished by a mandatory fine of \$200.00 upon the first conviction. The court shall not suspend or defer more than 50 percent of such fine.

B. A violation based upon exceeding the applicable maximum permissible sound level set forth in AMC 9.28.030 and 9.28.040 by less than 110 percent of the level allowed shall be punished by a mandatory fine of \$200.00 upon the first conviction. The court shall not suspend or defer more than 50 percent of such fine.

C. A violation based upon exceeding the applicable maximum permissible sound level set forth in AMC 9.28.030 and 9.28.040 by more than 110 percent but less than 150 percent of the level allowed shall be punished by a mandatory fine of \$500.00 upon the first conviction. The court shall not suspend or defer more than 50 percent of such fine.

D. A violation based upon exceeding the applicable maximum permissible sound level set forth in AMC 9.28.030 and 9.28.040 by more than 150 percent of the level allowed shall be punished by a mandatory fine of \$1,000 upon the first conviction. The court shall not suspend or defer more than 50 percent of such fine.

E. Second or subsequent violations shall be punished by a mandatory fine double the amount provided for a first conviction under this section. The court shall not suspend or defer more than 25 percent of such fine. (Ord. 06-690 § 1, 2006)

**9.28.100 Response to citation – Methods of response – Right to hearing – Penalty for failure to respond – Penalty for violating order of civil hearings officer.**

Any person cited for violating the provisions must respond to the notice of infraction within 15 days of issuance.

A. A person may respond by forfeiting the amount of bail printed upon the face of the infraction, or by requesting in writing a hearing before a civil hearings officer.

B. A person requesting a hearing shall be notified of the place, date, and time of such hearing.

C. Any person who fails to respond to the notice of infraction within 15 days of issuance shall

be deemed to have committed the infraction and shall be punished by imposition of the applicable maximum fine set forth in AMC 9.28.090. The court shall not suspend or defer any portion of such fine.

D. Any person who violates or fails to obey any order issued by the civil hearings officer pursuant to this chapter shall be guilty of a misdemeanor punishable by a jail sentence not to exceed 90 days and a fine not to exceed \$1,000. (Ord. 06-690 § 1, 2006)

**9.28.110 Appeals.**

Appeals from a decision of the civil hearings officer shall be as specified for appeals of civil infractions under Chapter 12.36 RCW. (Ord. 06-690 § 1, 2006)

**9.28.900 Provisions not exclusive.**

The provisions of this chapter shall be cumulative and not exclusive, and shall not affect any other claim, cause of action, right, or remedy; nor, unless specifically provided herein, shall this chapter be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise; but shall be deemed additional to existing legislation and common law relating to noise. (Ord. 06-690 § 1, 2006)

**9.28.910 Short title.**

This chapter may be referred to as the “city noise ordinance.” (Ord. 06-690 § 1, 2006)

**9.28.920 Severability.**

If any part of this chapter, or its application to any person or circumstance, is held invalid, the remainder shall not be affected. (Ord. 06-690 § 1, 2006)

**9.28.930 Effective date.**

This chapter shall take effect and be in force five days from and after the passage, approval, and legal publication of the ordinance codified in this chapter. (Ord. 06-690 § 1, 2006)