

CITY OF UNION GAP, WASHINGTON

ORDINANCE NO. 2640

An ORDINANCE adding sections to the Union Gap Municipal Code, Chapter 9.08 "Driving Regulations" relating to the operation of sound equipment within motor vehicles; deleting Section 9.08.040 relating to penalties and adding a new section on penalties; providing for severability; and, establishing an effective date.

WHEREAS, audio and stereo equipment installed within motor vehicles have sufficient power and wattage to generate loud volumes of sound, including bass sounds which can be felt and which can travel through walls;

WHEREAS, loud music or other audio and stereo sounds generated from stereo equipment installed within motor vehicles constitutes a traffic hazard, and can cause a public disturbance, which constitutes a nuisance; and,

WHEREAS, the City has received complaints from its residents that motor vehicles operated within the City are generating high volumes of sound that are hazardous, disruptive to the peace and tranquility of neighborhoods, and a public disturbance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. Section 9.08.040 deleted.

9.08.040 Violation - Penalty is hereby deleted.

Section 2. New Sections adopted.

The following new sections to Chapter 9.08 are hereby adopted

9.08.040 Motor Vehicle Stereo/Audio Equipment Noise.

It is unlawful for any person in control of or operating a motor vehicle to permit sound from the motor vehicle sound system, including but not limited to a radio, tape player, compact disc player, MP3 player, or other device designed to project sounds, whether or not affixed to the vehicle, to be operated at a volume so as to be audible and heard at a distance of fifty (50) feet or greater from the motor vehicle.

9.08.050 Violation - Penalties.

Any person violating the provisions of this chapter, unless provided otherwise herein, shall have committed a traffic infraction and a penalty of \$250.00 shall be imposed.

Section 3. Severability/Validity.

The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraph subsections, clauses or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

Section 3. Effective Date:

This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

ORDAINED this 28th day of September 2009.

Jim Lemon
Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn Thompson, CMC
City Clerk

Robert F. Noe
City Attorney