

ORDINANCE NO. 07 - 14

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, REPEALING CHAPTERS 8.04, 8.16 AND 8.20 OF THE BUCKLEY MUNICIPAL CODE AND AMENDING CHAPTERS 8.12, 8.18 AND 8.30 OF THE BUCKLEY MUNICIPAL CODE ALL REGARDING "HEALTH AND SANITATION."

WHEREAS, the City performed a legal analysis of the Municipal Code in July, 2004 to identify code sections that were outdated and/or in conflict with current conditions; and

WHEREAS, when complete this analysis was submitted to the City in the form of a 69 page report entitled "Buckley Municipal Code Legal Analysis"; and

WHEREAS, the report identifies conflicts and ambiguities in Title 8 of the Buckley Municipal Code all related to "Health and Sanitation"; and

WHEREAS, since the current Health and Sanitation code was adopted changes have taken place in the overall code relating to code enforcement, violations and penalties that conflict with the provisions in this Title 8; and

WHEREAS, the City Council has made it a goal and priority to continue to update the code provisions identified in the legal analysis and have indicated that updates should consider and consolidate code provisions where possible to make it more user friendly; and

WHEREAS, in response to this analysis City staff along with the City Admin and Finance Committee have developed and reviewed proposed amendments governing the regulation of garbage collection and disposal, public nuisances and noise in the City and have forwarded the new provisions to the City Council for consideration; and

WHEREAS, based on the City Admin and Finance Committee's recommendation and the City Council desires to repeal outdated chapters pertaining to "Contagious Disease", "Weeds and Obstructing Vegetation" and "Animal Slaughtering and Slaughterhouses" and amend regulations concerning garbage collection and disposal, public nuisances and noise;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.04 of the Buckley Municipal Code entitled “Contagious Disease” is hereby repealed in its entirety.

Section 2. Chapter 8.16 of the Buckley Municipal Code entitled “Weeds and Obstructing Vegetation” is hereby repealed in its entirety.

Section 3. Chapter 8.20 of the Buckley Municipal Code entitled “Animal Slaughtering and Slaughterhouses” is hereby repealed in its entirety.

Section 4. Chapter 8.12 of the Buckley Municipal Code entitled “Garbage Collection and Disposal” is hereby amended to read as follows;

8.12.010 Purpose.

The purpose of this chapter is to make the collection and disposal of garbage in the city universal, fair and compulsory, to encourage recycling and to prevent litter.

8.12.020 Definitions.

As used in this chapter unless the context indicates otherwise:

“Commercial” means any establishment or business which is not residential in nature. This would include hotels/motels, churches, nonprofit organizations, federal, state and local government-owned facilities.

“Contractor” means the company with which the city has contracted to collect, haul or dispose of solid waste.

“Disposal container” means all garbage containers, including cans and dumpsters.

“Garbage and refuse” means all waste and discarded materials from dwellings, flats, rooming houses, apartment houses, clubs, restaurants, boardinghouses, eating places, shops and places of business, including rubbish and debris, waste and discarded food, animal and vegetable matter, brush, grass, weeds, wastepaper, cans, glass, ashes, night soil, offal, boxes, and cuttings from trees, lawns and gardens. “Waste” shall not include materials subject to manufacture into by-products.

“Hazardous or dangerous wastes” means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology under Chapters 70.105 and 70.105A RCW.

“Litter” means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, fanning or manufacturing.

“Litter receptacles” means a city-owned receptacle placed in the public right-of-way adjacent to a sidewalk or trail for the purpose of depositing litter.

“Micro can” means a 10-gallon garbage container.

“Mini can” means a 20-gallon garbage container.

“Public works director” means the director of public works for the city and authorized employees.

“Putrescible Waste” means solid waste which contains material capable of being readily decomposed by microorganisms.

“Recycling drop site” means a site designated by the public works director for the drop-off of paper, including newspaper, cardboard, magazines, catalogues and phone books; cans, including tin and aluminum cans and glass of any color.

“Recyclables materials” means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan (RCW 70.95.030(15)).

“Roadside can” means a standard 32-gallon garbage container.

“Rubbish” means all nonputrescible wastes from all buildings and residences.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. RCW 70.95.030(22).

“Walk-in” means collection service which includes the garbage collector walking into the residence or business to collect the garbage from a garbage can rather than picking up the can from the designated alley or street pickup location.

“Yard waste” includes leaves, brush, tree trimmings, grass clippings, weeds, shrubs, garden waste and other compostable organic materials resulting from landscape maintenance. Branches or roots must be smaller than four inches in diameter and shorter than four feet in length. Yard waste does not include stumps, demolition wood, large amounts of dirt, rocks, glass, plastics, metal, concrete, sheet rock, asphalt, food or any other nonorganic land-clearing debris.

8.12.025 Unlawful garbage or refuse disposal.

(1) Compliance With Chapter: It is unlawful for any person to deposit, throw, keep or place, bury, burn, dump, collect, remove, or in any manner dispose of solid waste upon any street, alley, public place or private property within the city except in garbage containers, except that recycling materials may be placed in labeled recycling material containers at a site designated for that purpose by the public works director and litter may be disposed of in litter receptacles as otherwise provided herein.

(2) Composting Allowed: Yard debris, ashes, and other organic debris may be composted on private premises provided the compost site is maintained so as not to create odors, expose food waste, allow debris to become scattered, or increase the risk from pests or rodents. Composting any waste that creates a public nuisance or health hazard is prohibited.

(3) Compliance with State Statute: Any outdoor burning must be in compliance with all state laws, including RCW 70.94 and applicable administrative regulations adopted thereunder, together with any amendments thereto which are hereby adopted by reference.

(4) **Burning Restrictions; Permit Required:** It is unlawful for any person to burn any type of solid waste materials approved by the state for burning, including brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs, and gardens, upon any street, alley, or public place, and any burning of such materials in outside fireplaces, private incinerators, or in open fires on private property may be done only upon first obtaining a burn permit from the fire chief.

(5) **Burial of Solid Wastes.** It shall be unlawful to bury solid waste on any land, regardless of ownership, within the city. This provision does not, however, prohibit a person from composting yard wastes on his or her property in compliance with BMC 8.12.025(2).

(6) **Disposal into Water.** It is unlawful for any person to dump, throw or otherwise deposit any type of waste into the waters of the city.

(7) **Disposal into a Container Owned by Another Person.** It shall be unlawful to dispose of refuse or other solid waste by placing such waste into a collection container which another person owns or pays for the use of without that person's express consent.

(8) **Disposal Only into Approved Containers – No Dumping.** It shall be unlawful to deposit, throw, or place any refuse or other solid waste in any land, alley, street or other public place, or to deposit, throw or place any refuse or other solid waste on any private property, regardless of ownership, unless the refuse or other solid waste is placed in solid waste cans or solid waste containers, the covers of which shall not be removed except when necessary for the depositing or removing of waste.

8.12.030 Container requirements.

Garbage containers shall be watertight and fly-tight, and shall be sized according to the requirements of the city or its duly authorized collection contractor. The minimum level of service shall be at least a micro-can. Such containers shall not be opened except when necessary to place garbage and refuse in such containers or to take same therefrom. When garbage and refuse are placed therein or taken therefrom, such containers shall be closed by the person placing the same therein or taking the same therefrom. Such containers shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing material. Each such container shall be kept in a place accessible to the collection of garbage and refuse.

Large suitable containers for bulk collection of garbage and refuse may, with the approval of the public works director or the city's duly authorized collection contractor, be used by restaurants, boardinghouses, eating places, apartment houses, schools, parks and in the business districts.

8.12.040 Unlawful garbage hauling.

It is unlawful for any person to store, transport, haul, or dispose of garbage except as authorized in this chapter. Occasional hauling by single-family residential customers of garbage to an approved solid waste disposal site is allowed. Such customers shall still be required to pay the applicable charge for garbage collection services. This section shall not apply to the hauling by customers of recyclable material or yard debris to an approved recycling or yard debris disposal site.

8.12.045 Materials requiring special disposal, handling, equipment, or other precautions.

(1) Conformance to Local, State, and Federal Requirements. All waste which is generated and/or placed for collection and collected within the city for disposal shall be in compliance with the Resource Conservation Recovery Act as amended (42 U.S.C. 6901, et seq.), Chapter 70.95 RCW, Pierce County board of health rules and regulations, the requirements of this chapter, and all other applicable federal, state, and local environmental health laws, rules, or regulations.

(2) Hot Ashes or Other Hot Materials, Dirt, Sand, Rocks, Gasoline, Solvents, Oil, Paint or Dangerous or Hazardous Wastes. No hot ashes or other hot materials, dirt, sand, rocks, gasoline, solvents, oil, paint, or dangerous or hazardous wastes shall be placed in any refuse can or container for collection or removal.

As used in this section, "dangerous or hazardous waste" means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology under Chapters 70.105 and 70.105A RCW. Hauler is not responsible for collecting or disposing of any hazardous or dangerous wastes. The generator of hazardous or dangerous wastes is responsible for disposing of such wastes in compliance with Washington Department of Ecology rules and regulations.

(3) Infectious Wastes. Customers must make special arrangements for the collection of infectious wastes. Such arrangements shall not interfere with the city's franchise obligations. It is unlawful to deposit infectious wastes into regular refuse containers.

(4) Testing. When a hauler or disposal facility determines that testing and/or analysis of any solid waste is required to determine whether hazardous, prohibited, or other dangerous wastes are present, the actual costs for such testing and/or analysis will be paid by the customer.

8.12.060 Unlawful disposal container use.

(1) It is unlawful for anyone other than the owner, or one authorized by him or her, to deposit any material in any garbage can or detached container; and

(2) It is unlawful for any person other than the disposal container owner, except for the purposes of collection as provided in this chapter, to interfere with, willfully damage or deface disposal containers.

8.12.065 Litter prohibited and use of litter receptacles.

(1) It is unlawful for anyone to throw, drop, deposit, discard or otherwise dispose of litter upon any public place in the city or upon any private property not owned by him or her, or in any waters within the jurisdiction of the city whether from a vehicle or otherwise, including but not limited to any sidewalk, street, alley, highway, or park, except in a litter receptacle or other disposal container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any public or private property.

(2) Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business. Garbage, refuse, swill or trash transported from outside the vicinity of the park or public place and not associated with normal uses of the park or public place shall not be deposited in litter receptacles.

8.12.070 Payment of fees.

The charges of refuse collection and disposal shall be compulsory.

All charges and/or fees for refuse collection and disposal are due and payable at the office of the city administrator by the fifteenth of every month (due date). If payment is not received within five days of the due date, the account shall become delinquent. On or about the first of every month a notice shall be sent to the customer noting the balance due, including any penalties and interest. After the city sends a notice of delinquency on the account, the customer must pay any delinquent amounts within 15 days or unpaid amounts shall become a lien against the property as authorized under RCW 35.21.130. Any account that has been deemed delinquent shall be assessed a late penalty of five percent of the delinquent amount.

8.12.075 Recycling mandatory.

All single-family residential dwellings, all multifamily residential dwellings, and all commercial establishments within the city shall participate in recycling of solid waste by setting aside recyclable solid waste and depositing it in special containers provided by the city or its solid waste hauling contractor. The recyclables shall be collected by the city's contractor once every two weeks, or on some other schedule adopted by the city by resolution.

8.12.080 Rates designated.

Garbage rates shall be listed within the fees, fines and rate schedule established by resolution of the city council.

8.12.090 Enforcement, violations and penalties.

Any person violating or failing to comply with any of the provisions of this title shall be subject to the notice requirements, enforcement, violations and/or penalty provisions of Chapter 1.12 BMC as well as any remedies concerning abatement authorized by state law.

Section 5. Chapter 8.18 of the Buckley Municipal Code entitled "Nuisances" is hereby amended to read as follows;

8.18.010 Purpose.

The purpose of this chapter is to define what constitutes a nuisance; to set forth an efficient system to abate such nuisances; to provide for the general welfare of the citizens and to declare all actions which endanger the citizens of Buckley as nuisances.

8.18.020 Declaration of nuisance.

All violations of development, land use, and public health ordinances are found and declared to be detrimental to the public health, safety, and welfare, and further found and declared to be nuisances. Such nuisances create conditions conducive to public harm. Prevention and correction of nuisances is necessary to prevent public harm.

8.18.030 Definitions.

The words and phrases in this chapter shall have the following meanings, unless the context otherwise indicates:

- (1) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition that constitutes a civil violation by such means, in such manner, and to such an extent as the code enforcement officer or the Buckley board of adjustment determines is necessary in the interest of the general health, safety and welfare of the community.

- (2) “Building materials” means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
- (3) “City administrator” means the individual appointed by the mayor to oversee day-to-day operations of the city.
- (4) “Enforcement officer” means the city’s code enforcement officer(s) or any other person or persons assigned or directed by the city administrator, or his or her designee, to enforce the regulations subject to the provisions of this chapter.
- (5) “Fire hazard” means vegetation which is dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, and other combustible vegetative materials, but specifically excluding small logs and kindling used for firewood, vegetative materials used as compost for fertilizer and decaying vegetation in wetlands and fish and wildlife habitat areas. For purposes of this chapter, weeds, grass, or other dead or dying vegetation which is greater than twelve inches in height and located within 20 feet of any building shall be considered a menace to the public health, safety and welfare.
- (6) “Health hazard” means any of the following:
- (a) Vegetation or refuse which provides a harborage for rats or other pests;
 - (b) Vegetation which is poisonous, including but not limited to poison ivy, poison oak, poison hemlock, poison sumac, and nightshade;
 - (c) Vegetation which is noxious, including gorse, Japanese knotweed, purple loosestrife, giant hogweed, tansy ragwort, knapweed, Dalmatian toadflax, and any other plant which may be determined to be noxious, in accordance with RCW Title 17; and
 - (d) Vegetation, refuse or feces which create a danger of contamination or disease.
 - (e) Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition.
- (7) “Infestation” means a situation where a structure or undeveloped area is overrun in large numbers with harmful or unpleasant animals, including common vermin such as mice and rats, or insects, including termites.
- (8) “Property” or “premises” means any building, lot, parcel, real estate or land or portion of land, whether improved or unimproved, including adjacent sidewalks, public rights-of-way, and parking strips and any lake, river, stream, drainage way or wetland
- (9) “Public nuisance” and “nuisance” each mean and consist of doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
- (a) Unreasonably injures or endangers the comfort, repose, health or safety of others;
 - (b) Offends public decency; or
 - (c) Is offensive to the sense of reasonable persons; or
 - (d) In any way renders other persons insecure in life or use of property.
- (10) “Responsible person” means any owner, tenant, agent, lessee, purchaser or other person occupying or having charge or control, or having the right to control, any premises.
- (11) “Safety Hazard” means anything with the potential to cause personal injury or illness. In addition to injuring humans, a hazard poses potential of damage to property or the environment.

(12) "Vegetation" means trees, shrubs, grass, weeds, bushes, vines and other plant materials, including but not limited to clippings, fallen leaves, fruit or branches.

8.18.040 Public nuisances declared.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance:

(1) Erecting, continuing or using any building or other place in the city for the exercise of any trade, employment or manufacturing operation, which by occasioning noxious exhalation, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public;

(2) Keeping or maintaining any dangerous, decaying, falling, or damaged dwelling, or other structure;

(3) Keeping, using or maintaining any pen, stable, lot, place or premises in which any animal may be confined or kept, in such a manner to be noxious, foul or offensive to individuals or the public;

(4) Obstructing or encroaching upon or rendering unsafe for passage any public highway, private street, street, alley, sidewalk, crossing, park, square, driveway, lake, or stream in the city; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the city;

(5) Any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated condition causing an unsafe condition on the public street or sidewalk.

(6) Making or keeping any explosive or combustible substance in the city, or carrying it through the streets thereof, in a quantity or manner prohibited by Chapter 70.74 RCW and any explosive or flammable substances, stored in any manner or in any amount other than as provided by Washington State statute or city fire code; or poisons, acids, caustic substances located in areas open to the public; provided, nothing prevents storing poisons, acids or caustics in closed containers in buildings open to the public for purposes of retail sales.

(7) Placing, depositing, keeping, having or leaving in or upon any private lot, building, structure or premises or in or upon any street, avenue, park, sidewalk, waterway, parkway or public or private place in the city any one or more of the following conditions, places or things:

(a) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles;

(b) Privies, vaults, drains, sewer and septic tanks, cesspools, sumps, pits or like places which are not securely protected from flies or rats, or which are noxious, foul, malodorous or injurious to the public health;

(c) Any vegetation which:

- (i) harbor rats, skunks or other animals to the detriment of adjoining property;
 - (ii) constitutes a fire hazard or a health hazard;
 - (iii) overhangs a street, sidewalk or alley in such a way as to impede the free and full use of said street, sidewalk or alley, and vegetation which obstructs the vision of drivers such that traffic regulation signs or view of an intersection is obstructed from a position of 30 feet or closer to the intersection, and vegetation which creates injury to or other opportunity or risk of injury to passersby of the general public;
 - (iv) is growing into or over any street, public hydrant, pole or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto, or obstruct or interfere with the proper diffusion of the light from any street lamp;
 - (v) is climbing or growing onto adjoining property where such climbing or growth unreasonably interferes with the adjoining landowners' peaceful use and enjoyment of their property.
- (d) Any dead, diseased, infested or dying tree that may constitute a danger to property or persons by breaking or by harboring disease that could be transmitted to other trees;
- (e) Any poison oak, poison ivy, deadly nightshade or any other noxious or toxic weed upon or within five feet of public property;
- (f) Refuse or feces which constitute a health hazard;
- (g) Animal manure in any quantity which is not securely protected from flies and/or the elements, or which is kept or handled in violation of any ordinances of the city. Spreading of manure on agricultural lands is permitted if done in compliance with all applicable laws;
- (h) An accumulation of material, including but not limited to tin cans, bottles, glass, plastic, scrap metal, ashes, wire, bric-a-brac, broken crockery, broken glass, broken plaster, trash, litter, weeds, grass, rags, garbage, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, or other packing materials or building materials which are not properly stored or neatly piled, and all such trash or abandoned material unless the same be kept in covered bins or galvanized iron receptacles approved by the enforcement officer; provided, however, this section shall exclude residential composting piles not greater than 25 square yards in area;
- (i) Broken or discarded furniture, furnishings, appliances, household equipment and other similar items, in any front yard, back yard, side yard or vacant lot;
- (j) Any abandoned, unattended or discarded icebox, refrigerator, freezer or other container having an air-tight door or lid and a snap lock or other locking device which may not be easily released from the inside when such lid or door is in a closed position;
- (k) In a place accessible to children, any attractive nuisance dangerous to children, including but not limited to any abandoned, broken or neglected equipment, machinery, refrigerator, freezer or other large appliance;

- (l) Any unfenced excavation adjacent to a street, sidewalk, alley, trail or public right-of-way;
- (m) Any abandoned or unused well, pit, shaft, cistern, or storage tank without first demolishing or removing from the premises such storage tanks, or securely closing and barring any entrance or trapdoor thereto, or without filling any well, pit, shaft or cistern or capping the same with sufficient security to prevent access thereto.
- (8) Discharging directly or indirectly into the City's storm drain system or into the waters of any stream, lake, or wetland or similar area within the City any material that shall cause or tend to cause a polluted condition or contribute to the violation of applicable water quality standards. Utility maintenance and firefighting activities by City personnel shall not be considered nuisances.
- (9) Allowing or causing flooding to occur on private property that is likely to or does result in damage to persons or property;
- (10) Failure to Maintain Community Property. The failure to maintain, repair or replace open space, drainage systems, private roads, recreational facilities or any other community facilities required or approved for a development permit such that the facility becomes nonfunctional or otherwise can no longer serve its purpose, or creates a safety, fire or health hazard (including a breeding ground for mosquitoes) or aesthetic blight. Any person with an ownership interest in the community facility shall be subject to this subsection.

8.18.050 Prohibited conduct.

It is a violation of this chapter for any responsible person to create, permit, maintain, suffer, carry on or allow any of the acts or things, as defined in BMC 8.18.030(9) or 8.18.040 to be a public nuisance.

8.18.060 Chapter not to exempt individual from obtaining necessary licenses.

Nothing in this chapter relieves a responsible person from the duty to procure all licenses necessary to abate a nuisance.

8.18.070 Liability for continuing nuisance.

Every successive owner or occupant of property who neglects to abate a continuing nuisance upon or in the use of such property caused by a former owner is liable in the same manner as the owner who created it.

8.18.080 Enforcement, violations and penalties.

Any person violating or failing to comply with any of the provisions of this title shall be subject to the notice requirements, enforcement, violations and/or penalty provisions of Chapter 1.12 BMC.

Section 6. Chapter 8.30 of the Buckley Municipal Code entitled "Noise Control" is hereby amended to read as follows;

8.30.010 Purpose.

The purpose of this chapter is to minimize the exposure of citizens to the harmful physiological effects of excessive noise. The intent of the city council is to control the level of noise pollution in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment by declaring certain noise producing activities to be noise disturbances.

8.30.020 Public disturbance noises.

- (1) It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.
- (2) The following sources of sound shall be public disturbance noises:
 - (a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except those from a police, fire or medical emergency vehicle, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
 - (b) 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 district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
 - (c) Yelling or shouting which is audible on the public streets or public grounds between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
 - (d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium and which unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property, such as sounds from band sessions or social gatherings;
 - (e) The creation of sound from any motor vehicle audio sound system, operated at a volume so as to be audible at least 50 feet from the source;
 - (f) The creation of sound from any audio equipment, such as a tape player, radio or compact disc player, television, musical instrument, or similar device, whether portable or stationary, operated at a volume as to be audible at least 50 feet from the source, except that sound created by children practicing musical instruments shall not be a public disturbance noise;
 - (g) The creation of squealing, screeching or other similar sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section;
 - (h) The creation of sounds originating from residential real property relating to temporary projects for the maintenance or repair of grounds and appurtenances, including, but not limited to, sounds from lawnmowers, powered hand tools, snow removal equipment and composters, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between the hours of 10:00 p.m. and 9:00 a.m. on weekends;
 - (i) Sounds emanating from construction, pumping or dewatering activity which are audible on residential property; provided, that such sounds shall not constitute a disturbance between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and between the hours of 8:00 a.m. and 8:00 p.m. on weekends. For the purposes of this section, sounds emanating from construction, pumping or dewatering activity shall include, but not be limited to, sounds resulting from the

operation of tractors, backhoes, excavators, dump trucks, combustion engine pumps, hammers, drills and saws, except during emergency situations.

(3) The prohibitions set forth in this section shall not apply to a civic event or gathering approved in advance by the city administrator or his/her designee; and provided that the city shall approve the activities and hours of operation for which the noise level shall be exempt.

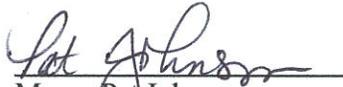
8.30.030 Enforcement, violations and penalties.

Any person violating or failing to comply with any of the provisions of this title shall be subject to enforcement, violations and/or penalty provisions of Chapter 1.12 BMC. Except that any person who violates the provisions of this chapter shall be subject to a civil penalty of up to \$250.00; provided, that the penalty for a second or subsequent violation within a two-year period shall be a civil penalty of up to \$500.00; provided, however, that if the same violator is found, in any forums, to have committed violations hereof three or more separate times occurring at the same location within the same 12-month period, any further violation shall constitute a misdemeanor, punishable as provided in BMC 1.04.020.

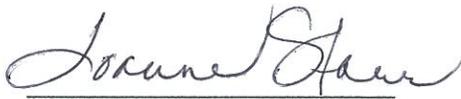
Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

APPROVED by the Buckley City Council this 26th day of August, 2014.


Mayor Pat Johnson

ATTEST:


Joanne Starr, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: September 3, 2014
EFFECTIVE: September 8, 2014