AN ORDINANCE of the City Council of the city of Kent, Washington, amending Section 9.02.200 of the Kent City Code, entitled “Public Disturbance,” to make text clarifications in light of recent case law.

RECITALS

A. The City of Kent’s existing public disturbance ordinance is codified at KCC 9.02.200. This ordinance has not been amended in 11 years.

B. In light of recent case law, the City of Kent believes it is appropriate to revise its code slightly to clarify that a public disturbance is created by those sounds that unreasonable disturb or interfere with the peace, comfort, and repose of a reasonable person. This ordinance makes those clarifications.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

KCC 9.02.200
Public Disturbance
Ordinance
ORDINANCE

SECTION 1. - Amendment. Section 9.02.200 of the Kent City Code, entitled "Public Disturbance," is amended as follows:

Sec. 9.02.200. Public Disturbance.

A. A person is guilty of public disturbance if he or she:

1. Causes a public nuisance disturbance or is in possession and/or control of property on which a public nuisance disturbance occurs. A public disturbance includes the following sounds that unreasonably disturb or interfere with the peace, comfort, and repose of a reasonable person of ordinary sensitivities are determined to be public nuisance disturbances:

   a. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except when used as a warning of danger or as specifically permitted or required by law.

   b. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operating, repairing, 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, comfort, and repose of owners or possessors of real property.

   c. Yelling, shouting, hooting, whistling, or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or
interfere with the peace, comfort, and repose of owners or possessors of real property.

d. The creation of frequent, repetitive, or continuous sounds which emanate from any building, structure, apartment, condominium, or yard adjacent thereto, that unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

e. The creating of frequent, repetitive, or continuous sounds made by any animal, such as barking or howling, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with Chapter 8.03 KCC shall be exempt from this provision.

f. Sound from portable audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the real property of the operator. This provision shall not apply to such sounds emitted from scheduled events or activities at parks and recreational facilities such as public address systems for park or game events or concerts or similar park or recreation activities.

g. The creation of frequent, repetitive, or continuous sounds made in connection with outdoor construction or the movement of construction related materials, including noise made by devices capable of producing sound by either striking or cutting objects, such as hammers, saws, or other equipment with internal combustion engines; provided,
however, such sounds shall be exempt from the provisions of this code under the following circumstances:

i. During the hours of 7:00 a.m. through 8:00 p.m., Monday through Sunday; or

ii. In commercial areas not adjacent to residential areas.

B. The foregoing enumeration of acts and noises shall not be construed as excluding other acts and noises which offend the public peace.

C. Public disturbance is a misdemeanor.

**SECTION 2.** - *Corrections by City Clerk or Code Reviser.* Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

**SECTION 3.** - *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

**SECTION 4.** - *Effective Date.* This ordinance shall take effect and be in force thirty (30) days after its passage and publication, as provided by law.
I hereby certify that this is a true copy of Ordinance No. 4012 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.