

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	<u>August 8, 2016</u>
Subject:	<u>Amendment to EMC Chapter 8.11</u>	Prepared by:	<u>Town Attorney</u>
	<u>Public Noise to Add Clarity and Ease</u>		_____
	<u>Enforcement Efforts</u>	Atty Routing No:	<u>029-14</u>
	_____	Atty Review Date:	<u>August 2, 2016</u>

**Summary:** The Eatonville Municipal Code contains chapters dealing with general nuisances, junk vehicles, and public noise nuisances. The chapters allow for enforcement via the general penalty chapter of the code. Collectively these chapters are considered the Town's nuisance code. The chapters forming the nuisance code were all drafted at different times and are inconsistent in terms of how enforcement is to take place. Law enforcement and Town officials have encountered difficulty in trying to enforce the nuisance code. Changes have been recommended which will clarify the nuisance code for both the public and enforcement officials.

**Recommendation:** Staff recommends adoption of Ordinance 2016-19 regarding amending EMC Chapter 8.11, Public Noise.

**Motion for consideration:** I move to adopt Ordinance 2016-19 regarding amending EMC Chapter 8.11, Public Noise.

**Fiscal Impact:** None

**Attachments:** Proposed Ordinance 2016-19 Regarding Public Noise

**ORDINANCE NO. 2016-19**

**AN ORDINANCE OF THE TOWN OF EATONVILLE,  
WASHINGTON, AMENDING CHAPTER 8.11 OF THE EATONVILLE  
MUNICIPAL CODE REGARDING THE PENALTY FOR A  
VIOLATION OF THE PUBLIC NOISE ORDINANCE**

**WHEREAS**, the Eatonville Municipal Code contains chapters dealing with General Nuisance, Junk Vehicles, Public Noise Nuisances, and a General Penalty (these Chapters are collectively referred to herein as the "Nuisance Code"), which prohibits certain conduct within the Town and provides penalties for violations; and

**WHEREAS**, law enforcement and Town officers charged with enforcing the Nuisance Code have found the Nuisance Code difficult to interpret and therefore difficult to enforce; and

**WHEREAS**, the Eatonville Town Council, in an effort to clarify the Nuisance Code in order to better inform the public and ease enforcement efforts, finds that the public health, safety, and welfare will be served by amending the various chapters of the Eatonville Municipal Code which form the Nuisance Code; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE  
AS FOLLOWS:**

**Section 1.** Eatonville Municipal Code Section 8.11.130 is AMENDED to read as follows:

**8.11.130 Violation – Penalty.**

A. Any person violating any motor vehicle performance standard of this chapter, or who shall create, keep, maintain, or allow to occur any noise related to motor vehicle performance standards, as defined herein, shall be guilty of a misdemeanor.

B. Any person violating any of the provisions of this chapter other than motor vehicle performance standards, or who shall create, keep, maintain, or allow to occur any public disturbance noise or public nuisance noise as defined herein shall be subject to a civil infraction pursuant to the procedures, terms, and conditions set forth in Chapter 1.12 EMC. citation in the amount of:

- ~~1. Fifty dollars for a first offence;~~
- ~~2. One hundred dollars for a second offence;~~
- ~~3. Two hundred fifty dollars for each additional offence.~~

C. Each act herein prohibited of continuing nature shall be considered a separate offense.

**Section 2.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING:

2ND READING: 08/08/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_\_ day of August, 2016.

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Mike Schaub  
Mayor

ATTEST:

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Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney