

AN ORDINANCE RELATING TO CERTAIN PUBLIC NUISANCES, DEFINING AND PROHIBITING THE SAME, PROVIDING PENALTIES, AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

THE CITY COUNCIL OF THE CITY OF HARRINGTON DO ORDAIN AS FOLLOWS:

Section 1. Provisions herein in addition to those defined by Ordinance No. 222.

Those public nuisances defined and prohibited herein are in addition to those public nuisances defined in and prohibited by Ordinance No. 222 of the City of Harrington.

Section 2. Public nuisance prohibited.

No person, firm or corporation, being the owner, possessor, occupant or person in possession or control of any premises within the City, or being the person in possession or control of any machine, vehicle or equipment within the City, shall keep, maintain, use, suffer or allow to exist on said premises or on any public rights of way adjacent to such premises, or suffer or allow the use of any machine, vehicle or equipment within the City any public nuisance as defined in this ordinance. No person, firm or corporation shall commit any act defined in this ordinance as a public nuisance.

Section 3. Public nuisance, certain activities from 10 P.M to 7 A.M., residential areas.

Between the hours of 10 P.M. and 7 A.M. within residential areas of the city, it shall be a public nuisance for any person, firm or corporation to:

A. Engage in any building activity, structure repair, construction, reconstruction, remodelling or demolition activity, excavating activity, or use any tool or machine or engage in any other activity, the noise of which shall annoy or disturb any person or persons residing in the vicinity;

B. Operate any power lawn mower or power snow remover or blower, or any chain saw.

Section 4. Public nuisances, certain activities, 10 P.M to 7 A.M.

Between the hours of 10 P.M. and 7 A.M. in the City it shall be a public nuisance for any person, firm or corporation to commit or suffer to be committed the following acts:

A. On privately owned premises and in residential areas of publicly owned premises in the city, to sponsor, suffer or allow any meeting, party, or gathering of persons, the noise of which shall disturb or annoy any person or persons residing in the vicinity.

B. In any place within the City, to play any musical instrument, radio, television set, or any sound reproducing device, the noise of which shall annoy or disturb any person or persons residing in the vicinity.

C. To engage in any sport or contest, the noise of which shall disturb or annoy any person or persons residing in the vicinity.

Section 5. Muffler, motorcycles, motorbikes, terrain vehicles.

The operation of any motorcycle, motorbike or terrain vehicle in the City on any property not a part of the street system of the City when such motorcycle, motorbike or terrain vehicle does not conform to the muffler standards required for operation on the public streets shall be a public nuisance.

Section 6. Exempted acts.

A. Section 3 of this act shall not apply to the United States, the State of Washington, Lincoln County, the City of Harrington, the Burlington Northern Railroad, or any of their respective officers, employees or contractors when engaged in snow removal, street cleaning, emergency repair to any street, building, structure, right-of-way or trackage, fire suppression, or any other emergency for the preservation of life or property.

B. Sections 4B and 4C of this ordinance shall not apply to any activity sponsored by any public school or the Park Department of the City.

Section 7. Variance.

The City Council or a committee thereof designated by the City Council may, upon written application filed with the City Clerk, grant a variance from any of the provisions of this ordinance and authorize the issuance of a special permit for any activity when it finds that such activity will have a substantial public participation or when it finds that such variance is in the public interest, provided however:

A. A variance shall be granted only after public hearing by the City Council, or by such designated committee thereof.

B. Upon the filing of an application for variance from the terms of this ordinance, the City Clerk shall give notice of the application and notice of the time, date and place of hearing of the application. Such notice shall be posted in three of the places regularly provided for the posting of public notices and ordinances, and at least in two places in the area likely to be affected by the variance.

C. Any person may appear at such public hearing and be heard, either for or against the application.

D. Any variance granted and any special permit issued thereunder shall state the nature of the activity and the date, times and place for which the variance is granted, and shall state any special provisions or limitations applicable to exercise thereof.

E. Upon granting of a variance the City Marshall shall issue a special permit to the applicant to conduct the activity for which a variance has been granted.

G. Any activity conducted under a variance and special permit shall conform strictly to the terms and provisions thereof.

Section 8. Penalty.

Any person, firm or corporation who violates the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed five hundred dollars.

Section 9. Saving provision.

If any provision of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 10. Effective date.

This ordinance shall be in full force and effect five (5) days after its passage and publication by posting as required by law and approval by the Department of Ecology of the State of Washington.

PASSED by the City Council of the City of Harrington the 13th day of October, 1982.

APPROVED:

Paul M. Billiland  
MAYOR

ATTEST:

Loretta Haugan  
CITY CLERK

APPROVED AS TO FORM:

Robert L. Lunt  
CITY ATTORNEY