

CITY OF MONROE
ORDINANCE NO. 011/2018

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING MONROE MUNICIPAL CODE
(MMC) CHAPTER 6.04, NUISANCES, ESTABLISHING AND
DEFINING PUBLIC NUISANCES AFFECTING THE PEACE;
ESTABLISHING REGULATIONS THEREFORE,
INCLUDING AN ADMINISTRATIVE DEPARTURE
PROCESS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the amendments set forth in this ordinance were vetted by the City Council, and were subject to all applicable public noticing, public hearing, SEPA review, and public participation requirements, as part of the City's legislative process.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MMC 6.04.050. Section 6.04.050, Health and Sanitation - Nuisances, of the Monroe Municipal Code is hereby amended as follows:

6.04.050 Public nuisances affecting ~~((peace and))~~safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting ~~((peace and))~~safety, but such enumeration shall not be construed to exclude other nuisances affecting public ~~((peace or))~~safety coming within the provisions of MMC 6.04.020:

- A. All ice not removed from public sidewalks, and all snow not removed from public sidewalks within twelve hours after it has ceased to fall thereon;
- B. All unauthorized signs, signals, markings, or devices which purport to be or may be mistaken as official traffic-control devices placed or maintained upon or in view of any public highway or railway crossing;
- C. All vegetation, signs, or other obstructions; which prevent persons from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- D. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than fourteen feet above the surface of a public street;
- E. All use or display of fireworks; except as provided by the laws of the state and ordinances of the city;

F. All buildings or structures so old, dilapidated, or out of repair, or which have been so damaged by fire as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use;

G. All wires over street, alleys, or public grounds which are strung less than fifteen feet above the surface of the street or ground;

~~((h. adoption by reference. "the washington environmental noise level code," chapters 173-60 and 173-62 was and including all future amendments thereto, are adopted by reference as if set forth in full in this chapter;))~~

H((i)). The keeping or harboring of any animal or fowl which by the emission of offensive odors or by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall unreasonably annoy or disturb the surrounding neighborhood or multiple persons within the city;

I((j)). Allowing vicious animals to run at large;

J((k)). All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose whereof has been accomplished;

K((l)). All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk;

L((m)). All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed, or which are not equipped with a device for opening from the inside;

M((n)). Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk or of a public street, alley, or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the street or sidewalk;

N((o)). Repeated or continuous violations of the ordinances of the city or laws of the state of Washington relating to the storage of flammable liquids;

O((p)). The dismantling, reconstruction, or repair of any vehicle upon any street, alley, or other public place, except minor repairs of an emergency nature;

P((q)). All vehicles, trailers, manufactured homes, boats, or other vehicles or major parts thereof visible from the street of other public or private property:

1. Which are inoperable, or
2. Which are not parked in a lawful manner, or
3. Which are abandoned;

and which are not sheltered for a period of seven consecutive days.

For the purpose of these sections, "inoperable" shall meet the following requirements:

Is damaged. Such damage to include; but not limited to, any of the following:

1. Broken window or windshield,
2. Missing wheels or tires,
4. Missing motor or transmission, or
3. Missing major body parts.

For the purpose of these sections, "sheltered" shall meet the following requirements:

1. Placed inside a garage, or
2. Placed behind a fenced or screened area, and not visible from the street or other public or private property, or
3. Neatly covered with a single or double tarp of an opaque material;

Q((f)). 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 or unsafe condition;

R((s)). The existence upon the sidewalk in front of any premises of any dirt, debris, or litter;

S((t)). All dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;

T((u)). Leading, driving, or riding any horse or other livestock upon or over any sidewalk;

U((v)). Crossing curbs or sidewalks with vehicles where no regular provision has been made for such crossing, without first protecting the same with appropriate risers and planking;

V((w)). All other conditions or things which are liable to cause injury to the person or property of anyone.

Section 2. Amendment of Chapter 6.04 MMC — Adoption of MMC 6.04.055. Chapter 6.04, Health and Sanitation – Nuisances, of the Monroe Municipal Code is hereby amended by the addition of new Section 6.04.055, Public nuisances affecting peace, in its entirety, as follows:

6.04.055 Public nuisances affecting peace.

A. It is hereby declared to be the policy of the city of Monroe to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise. It is the express intent of the city to control the level of noise in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment. Noises prohibited pursuant to this section are therefore designated as public nuisances.

B. No person shall cause or permit the following categories of noise to intrude into the property of another person which noise exceeds the maximum permissible noise level set forth in WAC 173-60-040, which section is hereby adopted by reference:

1. Sounds created by construction activity, including but not limited to, sounds created by special construction equipment (such being any vehicle, tool, or other implement which is designed and used primarily for grading, paving, earthmoving, pumping, and other construction work) and including operation or idling of trucks weighing in excess of 15,000 pounds GVWR between the hours of 8:00 p.m. and 7:00 a. m., Monday through Friday and between the hours of 8:00 p.m. and 9:00 a.m., Saturday, Sunday, and legal holidays per RCW 1.16.050. Exception: construction noise resulting from local, state or national emergencies.

2. Sounds created by powered or hand-operated equipment used in the temporary or periodic maintenance or repair of residential property, including grounds and appurtenances thereof, such as hammers, saws, lawnmowers, powered hand tools, snow removal equipment, and composters between 9:00 p.m. to 7:00.

C. No person shall operate any motor vehicle or any combination of such vehicles upon any public highway in violation of standards specified in WAC 173-62-030(1) through (4), which subsections are hereby adopted by reference. For purposes of this chapter, "public highway" means the entire width between the boundary lines of every road, street, alley, lane, boulevard, parking lot, and every way or place in the city, whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for purposes of vehicular traffic, except as exempted as set forth in WAC 173-62-040, which section is hereby adopted by reference.

D. Administrative departures from any requirement of MMC 6.04.055(B) may be granted by the Community Development Director or his/her designee, if the applicant can demonstrate to the director's satisfaction that granting such administrative departure would reduce the severity of impact on public roadways or utilities.

1. The applicant shall submit the request upon a form approved by the Community Development Director. At a minimum, the application submittal shall include:

- a. The name, address and contact information of the applicant;
- b. The location, site address, parcel number of the affected property;

- c. The city case number of the underlying development permit, if applicable;
 - d. The name, address, telephone number, and e-mail address of the after-hours contact person who shall be on site during extended construction hour periods, if applicable;
 - e. The dates, times and duration of all work periods proposed to occur beyond the construction noise hours as set forth within subsection (B) of this section, if applicable;
 - f. The type of construction work proposed to be performed during the expanded hours period, if applicable;
 - g. The reason the work must occur outside the normal construction noise hours, if applicable; and
 - h. Other information as determined necessary by the community development director to evaluate the request;
2. The application shall be accompanied by a fee as established by the city council resolution; and
3. The director shall have seven (7) calendar days following receipt of a complete construction noise hours expansion request to approve, conditionally approve, or deny the request
4. If a departure is approved by the director, notification to surrounding property owners and residents shall be provided by the applicant as set forth below:
- a. The applicant shall cause to be mailed or hand-delivered to all property owners and all residents within 300 feet of the subject property a postcard or letter stating that the city has authorized an expansion of the allowed construction noise hours;
 - b. The postcard or letter shall contain language, including contact information, as established by the community development director;
 - c. The notice shall be mailed at least 72 hours before expanded construction noise hours commence; and
 - d. Failure to provide timely notice shall result in a delay of the commencement of the expanded construction hours until notification as required herein is provided.
5. A decision of the Community Development Director or his/her designee issued under the authority of this subsection (D) shall be administratively appealable to the hearing examiner pursuant to Chapter 2.34 MMC.

Section 3. Transmittal to Department of Ecology. Pursuant to WAC 173-60-110(2), this ordinance shall be transmitted to the Washington State Department of Ecology.

Section 4. Severability. 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 pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.


PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 1st day of May, 2018.

First Reading: April 17, 2018
Adoption: May 1, 2018
Published: May 4, 2018
Effective: May 9, 2018


(SEAL)

ATTEST:

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas, Mayor

APPROVED AS TO FORM:


Elizabeth M. Adkisson, MMC, City Clerk


J. Zachary Lell, City Attorney