

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse
Ritzville, Washington
Regular Meeting

March 17, 2014
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman Jeffrey W. Stevens
Vice-Chairman John N. Marshall
Commissioner Roger L. Hartwig

9:00:03 AM

WSU Office Relocation

WSU Coordinator Aaron Esser reported on his plans for the space that will be leased from the Ritzville Public Development Authority. The Board expressed their intent to share the space with another department.

9:28:57 AM

10:10:00 AM

Public Works

Public Works Director O'Brien provided a general update on road maintenance, solid waste and fairgrounds.

The **Board authorized advertising and filling summer temporary help positions.**

Engineer Yeager provided an update on continuing work at Danekas Road and Cemetery Bridge Road.

Tax Title Properties

Director O'Brien reported the three tax title properties, currently held in a Treasurer Trust account, have been posted with "No Trespassing" signs.

10:25:10 AM

Recess @ 12:00

Reconvene @ 1:00 p.m.

1:31:47 PM

Central Services

Central Services Director Boness met with the Board to discuss a county-wide cell phone upgrade and the possibility of going to another service provider. Sheriff Hunt and Undersheriff Wagner were present to discuss the cell phone needs of the sheriff's department.

1:55:00 PM

1:56:03PM

Radio Towers and Communications

Sheriff Hunt and Emergency Management Director Weise met with the Board to continue the discussion regarding the tower and communication issues.

2:49:38 PM

3:48:38 PM

WSU Cooperative Extension Lease Agreement

Commissioner Hartwig moved, Stevens seconded, to *approve the WSU Cooperative Extension Lease Agreement between Ritzville Public Development Authority and Adams County.* **Motion carried.**

Commissioner Marshall reiterated his previous disclosure on December 23, 2013, wherein he stated that he was a Ritzville PDA member at the time of the RPDA's purchase of the building, however, at this time, he is no longer a member of the board. Commissioner Hartwig thanked Commissioner Marshall for the work he and his family contributed during the remodel process.

Loud Noise Disturbance Ordinance

Commissioner Hartwig moved, Marshall seconded to *approve Ordinance No. O-001-2014: An Ordinance Adopting Standards for the Control of Public Disturbance Noise; and, Establishing Adams County, Washington Code Chapter 9.20.* **Motion carried.**

Commissioner Marshall stated that he appreciated the citizens of Adams County bringing this matter to the attention of the Board of County Commissioners and the citizen involvement during the process. Commissioners Stevens and Hartwig concurred.

Collective Bargaining Agreement By and Between Adams County and City Employees, Council 2 and Local 1374-C, Courthouse Employees

Commissioner Hartwig moved, Marshall seconded to *approve the Collective Bargaining Agreement By and Between Adams County and City Employees, Council 2 and Local 1374-C, Courthouse Employees.* **Motion carried.**

Consent Agenda

Commissioner Hartwig moved, Marshall seconded, to *approve the Consent Agenda.* **Motion carried.**

Approval of Preliminary Minutes of March 10 and 12, 2014

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the Board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	140885 – 140936	\$ 28,335.72
	Hand Pay	\$ 68.00
103	140937 – 140939	\$ 1,144.60
104	140940 – 140951	\$ 7,888.12
112	140952 – 140953	\$ 2,792.50
117	140954 – 140958	\$ 1,482.04
122	140959 – 140960	\$ 31.66
123	140961 – 140962	\$ 1,954.58
166	140963 – 140968	\$ 689.66
108	0397	\$ 98.93
115	0398 – 0406	\$ 10,084.15
401	0407 – 0415	\$ 41,165.18
501	0416 – 0421	\$ 17,881.92
590	0422 – 0440	\$126,952.02
	TOTAL	\$240,569.08

[3:53:35 PM](#)

Permanent Minutes Signed

March 3 and 5, 2014

Correspondence Received

Candice Martin, State Office of Public Defense re: Draft Model
Misdemeanor Case Weighting Policy

Adjournment @ 4:30 p.m.

Submitted:
s/Patricia J. Phillips
Deputy Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jeffrey W. Stevens, Chairman
s/John N. Marshall, Vice-Chairman
s/Roger L. Hartwig, Commissioner

ORDINANCE NO. O-001-2014

**AN ORDINANCE ADOPTING STANDARDS FOR THE CONTROL OF
PUBLIC DISTURBANCE NOISE; AND, ESTABLISHING ADAMS
COUNTY, WASHINGTON CODE CHAPTER 9.20**

SECTION 1: DECLARATION OF POLICY

It is the policy of Adams County to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the health, safety and welfare of the general public. It is the express intent of the county 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. The county recognizes the preferred position of the guarantees of freedom of speech in our society. If those guarantees are to be truly effective, it is necessary that each citizen tolerate unwelcome speech and ideas. Without that, the guarantees of free speech cannot serve their critical role of fostering the exchange of ideas. The county also recognizes the vital role of the right to privacy, the right to be left alone, in an increasingly

clamorous world. Nowhere is that more insistent than in the sanctuary of the home and upon one's real property.

Sound is a principal medium of communication. By its nature, however, it is a potentially intrusive medium to those who do not wish to hear the specific noise or message. The purpose of this chapter is to protect to the greatest extent possible both the right of free speech and the right to privacy within the home and upon real property. The purpose is to guarantee ample channels of communication for ideas, whether welcome or unwelcome by recipients, yet also to secure the private property as a refuge from unwelcome noise.

SECTION 2: DEFINITIONS

"Motorized vehicle" means any self-propelled motor vehicle that has the ability to transport a person over land while operating the vehicle.

SECTION 3: FINDING OF SPECIAL CONDITIONS

The Adams County Sheriff and the Adams County Board of Commissioners are apprised of numerous citizen complaints regarding specialized noise occurrences, such as the playing of amplified music, the reproduction of amplified speech, the operating of motorized vehicles, and the running of either gas or diesel powered generators or other engines at such volume and duration as to unreasonably disturb and interfere with the peace, comfort and repose of others. Such noises constitute a public disturbance. These noise occurrences adversely affect the public health and welfare, the value of property, the quality of the environment and constitute special conditions within the county which make necessary any and all differences between this chapter and regulations adopted by the Department of Ecology.

SECTION 4: PUBLIC DISTURBANCE NOISE

It is unlawful for any person willfully to cause, or any person in possession of property willfully to allow originating from the property, any sound which:

- A. Is caused by the operation of a motorized vehicle upon property, other than a public roadway/right of way, that exceeds seventy (70) dBA between the hours of seven (7) a.m. and ten (10) p.m. and

- fifty-five (55) dBA between the hours of ten (10) p.m. and seven (7) a.m., measured at any adjacent parcel or public right of way; or,
- B. Is caused by the operation of any device designed for sound production or reproduction, such as but not limited to radios, televisions, musical instruments, phonographs, stereos and loudspeakers, that exceeds seventy (70) dBA between the hours of seven (7) a.m. and ten (10) p.m. and fifty-five (55) dBA between the hours of ten (10) p.m. and seven (7) a.m., measured at any adjacent parcel or public right of way; or,
 - C. Is caused by the operation of either a gas or diesel powered generator or other engine, that exceeds seventy (70) dBA between the hours of seven (7) a.m. and ten (10) p.m. and fifty-five (55) dBA between the hours of ten (10) p.m. and seven (7) a.m., measured at any adjacent parcel or public right of way; or
 - D. Is caused by any noise source described in subsections A, B and C of this section, which unreasonably disturbs or interferes with the peace, comfort and repose of owners or possessors of real property determined at any point on the affected property.

For purposes of this chapter, noise complaints may only be initiated by a person who resides or owns the property in the area affected by the noise complaint.

SECTION 5: SOUND LEVEL MEASUREMENT REQUIREMENTS

For the purposes of this chapter, sound measurements shall be conducted in accordance with sound level measurement procedures provided by the State of Washington, Department of Ecology, Chapter 173.58 WAC.

SECTION 6: EXEMPTIONS

The following sounds are exempt from the provisions of this chapter:

- A. Sounds created by fire alarms;
- B. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
- C. Sounds created by off-highway vehicles while being used in officially designated off-road vehicle parks;
- D. Sounds created by warning devices not operated continuously for more than thirty minutes per incident;

- E. Sounds created by yard maintenance equipment utilized for yard maintenance purposes between the hours of seven (7) a.m. and ten (10) p.m.;
- F. Sounds created by uses or activities for which required federal, state and/or local governmental approval has been obtained;
- G. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances between the hours of seven (7) a.m. and ten (10) p.m.;
- H. Sounds originating from temporary construction sites as a result of construction activities between the hours of seven (7) a.m. and ten (10) p.m.;
- I. Sounds created by the use of a generator during power outages;
- J. Sounds from customary agricultural activities;
- K. Sounds created by the installation or repair of essential utility services;
- L. Sounds from the combined activities of starting, servicing, idling, revving or testing motorized vehicles unrelated to use of the vehicle for the purpose of ingress and egress as provided in subsection M of this section.
- M. The operation of motorized vehicles for the purpose of ingress and egress to the property, including idling a vehicle to warm the engine prior to departure from property. This is limited to what is customary for a reasonably prudent resident of Adams County. However, for purposes of warming-up a vehicle, idling is limited to ten (10) minutes for all vehicles except commercial diesel vehicles which are limited to twenty (20) minutes.

SECTION 7: VIOLATION - MISDEMEANOR - PENALTY

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the Adams County Jail for a period of not more than ninety (90) days, or by a fine of not more than one thousand (\$1,000.00) dollars, or by both such imprisonment and fine.

SECTION 8: VIOLATION - CIVIL INFRACTION - PENALTY

- A. In addition to, or as an alternative to, those provisions set forth in Section 7 above, a violation of any of the provisions of this chapter shall constitute a civil infraction, subject to a monetary penalty in the amount of one hundred (\$100.00) dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.
- B. The procedures for issuance of a notice of infraction, hearings, assessment and payment of monetary penalties shall be in accordance with the provisions of RCW Chapter 7.80. Hearings on Notices of Infractions issued pursuant to this section shall be held in Adams County District Court.

SECTION 9: REVIEW HEARING

The Board of Adams County Commissioners shall, within one (1) calendar year of the effective date of this ordinance set a review hearing for public comment and inquiry. The purpose of said hearing will be to review enforcement operations, to consider public comment regarding the effectiveness of this ordinance, and to consider any amendments hereto which would be proper at such time.

SECTION 10: 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 11: ADOPTION OF CODE

This ordinance establishes the Adams County Code designated as Chapter 9.20. This ordinance shall take effect immediately after adoption.

APPROVED this 17th day of March 2014.

**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

s/Jeffrey W. Stevens, Chairman

s/John N. Marshall, Vice-Chairman

s/Roger L. Hartwig, Commissioner

ATTEST:

s/Linda Reimer, MMC

Clerk of the Board

Approved as to Form:

s/Randy J. Flyckt

Prosecutor