

TO: Thurston County Commissioners
FROM: Coalition Against ORV Nuisances (CORVN)
DATE: 6.Nov.2004
RE: Revised Noise Ordinance

We strongly support the new noise ordinance amending Thurston County Public Disturbance Noise Ordinance, chapter 10.36 Thurston County Code, sections 10.36.010, 10.36.014, 10.36.020, 10.36.030, and 10.36.040, and adopting new section 10.36.035. This ordinance is necessary, clear, enforceable, and serves all Thurston County citizens fairly.

Proper enforcement of this ordinance can address problems that have been severe, ongoing, and unresolved in Thurston County for years. Our Coalition Against ORV Nuisances (CORVN) was formed in an effort to secure relief from noise and other problems due to illegal use of off-road vehicles. We represent many families in Thurston County whose neighborhoods have been greatly disturbed by these activities. Typical ORV operation exceeds the decibel limits in the current noise ordinances. Many ORV riders use unauthorized backyard tracks in residential neighborhoods and operate the vehicles for hours at a time, day after day, all year long. This seriously compromises the peace, comfort, and repose of neighbors, and adversely affects the public health and welfare, the value of property, and the quality of the environment. Attempts to resolve these problems by communicating directly with neighbors, or with mediation, has in some cases resulted in vandalism, trespassing, and threats of violence on the part of defiant ORV riders, and has split once-peaceful neighborhoods with feuds.

Attempts to resolve these problems by enforcement of existing noise ordinances have met with little success. The Thurston County Sheriff's Office has adopted the position that existing noise ordinances are vague and unenforceable, and that sheriff's deputies can use their own discretion on whether or not to enforce existing ordinances even when they are clear. Different deputies articulate different interpretations of the noise ordinances, and their unwillingness to enforce these laws is supported at the highest levels. For example, some deputies claim that noise levels are excessive only when measured indoors with all doors and windows closed, which appears nowhere in the ordinances. Even when complainants have documented violations of this overly strict interpretation, with decibel meters and videotape, deputies have still not enforced the ordinances.

Thurston County courts have ruled that our evidence does document real violations of existing noise ordinances, and have granted at least one permanent injunction against the offending ORV activities (attached). Taking neighbors to court, however, is a last-resort measure that peace-loving citizens prefer to avoid, and that many cannot afford. A more reasonable solution is to have law enforcement officers enforce existing ordinances.

The proposed ordinance is clear and enforceable. It is fair to ORV riders as well as to peaceful citizens, since it allows limited periods of operation to maintain ORVs and to load them onto trailers, so they can be transported to designated recreation areas.

Proper enforcement of the new ordinance can solve noise problems without unduly burdening the court system. Proper enforcement of the new ordinance can nip neighborhood disputes in the bud and restore a measure of peace to Thurston County. Though the Thurston County Commissioners may not have jurisdiction over the Sheriff's Office, we greatly appreciate the Commissioners' efforts to make the ordinances more readily enforceable.

We sincerely thank the Commissioners and their staff for their many hours and thoughtful cooperation with citizens, attorneys, and the Sheriff's Office, in rewriting this ordinance to try to improve peace and quality of life in Thurston County. Sincerely:

Nancy Armstrong and E.J. Zita, co-chairs, CORVN