

ENVIRONMENTAL NOISE DISTURBANCE

6.750 Environmental Noise Disturbance – Specific Prohibitions. Unless exempted by section 6.755 of this code, the following acts are declared to be noise disturbances, as that term is defined in section 4.080 of this code; however this enumeration shall not be deemed an exclusive list of the violations of this section, nor shall the recitation of specific prohibitions below be deemed the exclusive and entire listing of unlawful noise disturbances for each subcategory:

- (a) **Exhausts.** Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, motor vehicle, or any mechanical device operated by compressed air or steam without a muffler or other device which will effectively prevent the emission of loud or explosive noises except where such discharge is from vehicles used for participation in vehicle spectator sports activities between the hours of 7 a.m. and 10 p.m., and the activities are properly licensed by the city and consistent with its zoning ordinance.
- (b) **Idling engines.** Operating for more than 15 consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between 10 p.m. and 7 a.m. the following day.
- (c) **Loading, unloading, opening boxes.** Loading or unloading any vehicle or opening, closing or destroying bales, boxes, crates and containers, between the hours of 10 p.m. and 7 a.m. the following day, so as to create a noise disturbance.
- (d) **Construction or repair of buildings, streets, etc.** Constructing (including excavating), demolishing, altering, or repairing any building, street, sidewalk, driveway, sewer or utility line between the hours of 7 p.m. and 7 a.m. the following day.
- (e) **Pile drivers, hammers, leaf blowers lawnmowers, etc.** Operating any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, leaf blower, or lawnmower between the hours of 9 p.m. and 7 a.m. the following day. No single powered leaf blower shall produce a noise level exceeding 70dBA measured at a distance of 50 feet. No powered leaf blower shall be operated within a 100-foot radius of another powered leaf blower simultaneously. On a single-family residential property, the 70 dBA at 50 feet restriction shall not apply if operated for fewer than 10 minutes during any consecutive sixty minute period.
- (f) **Residential pumps, fans and air conditioners.** Operating any heat pumps, residential fans, air conditioners, stationary pumps, stationary cooling towers, stationary compressors, or similar mechanical device or any combination thereof installed after [the effective date of this ordinance] so as to create any noise which would cause the maximum noise level to exceed 60 dBA at any point on the property line of the affected residential property.

- (g) Commercial and industrial noise. Operating any equipment and conducting activities so as to create any noise which would cause the maximum noise level to exceed a one-hour equivalent sound pressure level of 60 dBA at any point on the property line of an affected residential property zoned R-1, R-2, R-3 or R-4.
- (h) Steam whistles, sirens, and other aural warning devices. Operating or permitting the operation of a steam whistle, siren, or other aural warning device except where necessary to provide a warning of fire or danger.
- (i) Other. Any sound source exceeding the standards set out in section 9.2530(20) of this code and not otherwise exempt therefrom.

(Section 6.750 adopted by Ordinance No. 20378, enacted February 26, 2007, effective April 4, 2007.

6.755 Environmental Noise Disturbance – Exemptions, Variances.

- (1) Exemptions. The following sounds are exempted from the provisions of section 6.750 of this code:
 - (a) Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.
 - (b) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than fifteen minutes.
 - (c) Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.
 - (d) Sounds made by current employment of land and buildings for farm uses, i.e., for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or honeybees, or the produce thereof, or for dairying and the sale of dairy products or any other agricultural or horticultural operations or any combination thereof including the preparation and storage of the products raised for man's use and animal use and disposal by marketing or otherwise by a farmer on such farm.
 - (e) Sounds produced by work performed by the city, county or state, and persons under contract with them for repairs or maintenance of roads, water wells, water service lines, trees and landscape, as well as street sweeping, garbage removal, and similar activities.
 - (f) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission, or by the city manager or hearings official under subsection (2) of this section.
 - (g) Sounds caused by sources regulated as to sound production by federal law or sounds caused by sources the regulation of which is preempted by state law.

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- (h) Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events or fireworks displays.
 - (i) Electronically amplified announcements at athletic events other than motor vehicle racing events.
 - (j) The sounding of any horn or signaling device on an automobile, motorcycle, or other vehicle reasonably required by the exigencies of vehicular or pedestrian traffic.
 - (k) Sounds specifically authorized under a permit or license issued by the city.
 - (l) Sounds produced by leaf blowers and street sweepers being used to clean parking lots and adjacent areas in commercial or employment and industrial zones.
- (2) Variances. Any person who owns, controls, or operates any sound source which does not comply with section 6.750 of this code may apply to the city manager for a variance. As used herein, "city manager" includes a designee of the city manager.
- (a) Application. An application for a variance shall be in writing on a form provided by the city, contain the information required by the city manager, and be accompanied by a fee in an amount set under section 2.020 of this code. No application shall be considered received until all required information and the fee have been submitted.
 - (b) Public notification. The city shall give written notice of the application to any officially recognized neighborhood association in whose boundaries the sound source is located. The city shall also post written notice at the sound source location and provide copies of the notice to owners and occupants of properties located within 300 feet of the sound source location. The notice shall state the date by which the application will be considered, the nature of the variance to be considered, and where persons may file written comments regarding the application.
 - (c) Decision.
 1. The city manager shall grant or deny the variance within 14 days of receiving a complete variance application. The time for decision may be extended to 30 days if a public hearing on the application is held.
 2. The city manager may, on the city's manager's own motion, hold a public hearing on the application before deciding to grant or deny the variance.
 3. The city manager may grant a variance after considering the written application for variance, any written comments, and the applicant's compliance with variance conditions previously imposed. The variance may be granted by the city manager when it appears that compliance with the standards from which the variance is sought will produce

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unnecessary hardship to the applicant without equal or greater benefit to the public or that the purposes of the noise disturbance provisions can be served without a strict application thereof.

4. The city manager may impose limitations and conditions granting the variance in order to protect affected persons from the noise disturbance. A violation of any such condition or limitation shall constitute a violation of section 6.075 of this code and grounds for revocation of the variance.
5. A decision to grant or deny a variance shall be in writing and shall state the reasons for such decision. The city manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.
6. The city manager may revoke a variance without a hearing upon finding that:
 - a. The applicant has provided false or misleading information, or omitted disclosure of a material fact, on the application or related material;
 - b. The applicant is operating the sound source in violation of this code or applicable local, state or federal law;
 - c. The applicant has violated a condition of variance approval; or,
 - d. New information shows that the permitted activity or device would endanger property or the public health or safety.
7. The action of the city manager in denying a variance application or in revoking an issued variance may be appealed in the manner provided by section 2.021 of this code. The decision of a hearings official on any such appeal is final. The action of the city manager in approving a variance may be appealed under the same procedures if such appeal can be decided in a timely way.

(Section 6.755 adopted by Ordinance No. 20378, enacted February 26, 2007, effective April 4, 2007; clerically corrected May 1, 2008; and amended by Ordinance No. 20528, enacted May 14, 2014, effective June 23, 2014.)