

Article 7.20

NOISE CONTROL CODE

Sections:

- 7.20.010 [Noise Control.](#)
- 7.20.020 [Policy.](#)
- 7.20.030 [Definitions.](#)
- 7.20.040 [Prohibitions.](#)
- 7.20.050 [Exceptions.](#)
- 7.20.060 [Enforcement.](#)

7.20.010 Noise Control.

GRC Article 7.20 of the code may be cited as the Gresham Noise Control Code.

7.20.020 Policy.

Certain activities essential to the economic, social, political, educational, and technical advancements of the citizens of the city necessarily require the production of sounds that may offend, disrupt, intrude, or otherwise create hardship among the citizenry. The time or manner of sound may constitute a hazard to the health, safety, welfare, and quality of life of residents of the city.

It is the policy of the city to limit and regulate sound deemed to be harmful to the health, safety, welfare, and quality of life of the citizens of the city, and this code shall be liberally construed to effectuate that purpose.

7.20.030 Definitions.

In addition to the definitions set forth in GRC 1.05.010, for purposes of the Gresham Noise Control Code, the following mean:

Audio or Visual Equipment. Includes, but is not limited to, audio disc players, phonographs, radios, stereo systems, televisions, and video players.

Noise Sensitive Unit. Real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property

used in industrial or agricultural activity is not noise sensitive property unless it meets the above criteria in more than an incidental manner.

Plainly Audible Sound. Unambiguously communicated sound that is:

- (1) spoken speech;
- (2) music; or
- (3) mechanical or electronic noise.

Premises Open to the Public. Street, parking lot, or other premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

Residential Party. A party held in a place of residence, which is a building regularly or intermittently occupied by a person for dwelling, lodging, or sleeping purposes, whether or not the resident is actually present.

Sound Producing Source. Anything that is capable of making sounds that can be measured by a sound level meter as provided in GRC 7.20.040(1). "Sound producing source" includes, but is not limited to, the following:

- (1) air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles), and swimming pool or hot tub pumps;
- (2) air horns, bells, or sirens;
- (3) audio or visual equipment;
- (4) domestic tools, including chain saws, electric drills, electric saws, hammers, lawn mowers, leaf/snow blowers, and similar tools;
- (5) loudspeakers or public address systems;
- (6) musical instruments;
- (7) spoken speech;

(8) vehicle engines or exhaust systems, other than regular traffic upon a highway, road or street;

(9) vehicle tires, when caused to squeal by excessive speed or acceleration;

(10) residential parties in a place of residence that are plainly audible to noise sensitive units that are not the source of the party.

Vehicle. Any device in, upon, or by which any person, animal, or property is or may be transported or drawn upon a highway and includes vehicles that are propelled or powered by any means.

Vibration Sensitive Unit. Real property normally used for sleeping, or normally used for schools, churches, hospitals or public libraries. Property used as industrial is not a vibration sensitive unit unless it is conducting vibration sensitive research or manufacturing operations. Agricultural use property is not a vibration sensitive unit unless it meets the following criteria in more than an incidental manner. Vibration Sensitive Units shall be categorized as follows:

Category 1 - Real property normally used for special uses, such as concert halls, television studios, recording studios, vibration sensitive research or manufacturing operations, and hospitals with vibration sensitive equipment.

Category 2 - Real property normally used for residences and buildings where people normally sleep, such as hospitals, hotels and nursing homes.

Category 3 - Real property normally used for institutional uses with primarily daytime use, such as offices, clinics, public libraries, schools and churches. Buildings that are intended for industrial use that also contain offices are not intended to be included in this category.

Wind Energy System. Equipment that converts kinetic energy from the wind to usable forms of energy such as electricity. This equipment includes any foundation, base, blade, vane, rotor,

turbine, nose cone, wind generator, tower, transformer, wire, inverter, batteries, mounting hardware, vibration isolators, or other components used in the system that are essential to the energy generation function. A wind energy system may be a single system which only serves the site on which it is located or may be connected to the grid. Meteorological or wind monitoring towers are not part of this definition.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1726, Amended, 07/18/2013; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1268, Amended, 12/17/1992)

7.20.040 Prohibitions.

No person or person in charge of property shall produce or permit to be produced, with a sound producing source, sound that:

(1) When measured at or within the boundary of property on which a noise sensitive unit which is not the source of the sound is located:

(a) exceeds 50 dBA at any time between 10:00 p.m. and 7:00 a.m. the following day; or

(b) exceeds 60 dBA at any time between 7:00 a.m. and 10:00 p.m. the same day; or

(c) is plainly audible at any time between 7:00 a.m. and 10:00 p.m. the same day at a distance of at least 100 feet from the source of the sound.

(2) Is plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day:

(a) within a noise sensitive unit that is not the source of the sound; or

(b) on a public right-of-way at a distance of at least 50 feet from the source of the sound.

(3) Wind Energy Systems.

(a) In addition to the applicable provisions of the Noise Control Code, the applicable limits specified in ORS Chapter 467 and OAR Chapter 340, Division 35 are hereby adopted as part of the Noise Control

Code for all residential, commercial and industrial wind energy systems, and shall only apply to wind energy systems, and no other sound producing sources. GRC 7.20.040(1) and (2) shall not apply to wind energy systems.

(b) A wind energy system shall not produce vibration levels that exceed the criteria described below when measured at the property line of a property containing a vibration sensitive unit. The measurement will be taken at the vibration sensitive unit property line closest to the wind energy system. The vibration criteria are chosen based on the vibration sensitivity category of the most sensitive category on the property receiving the vibration. All vibration limits are presented in terms of overall root mean square (rms) velocity in VdB (decibels relative to one micro-inch per second). The vibration criteria for the various vibration sensitive units are:

(i) Industrial properties – no vibration level requirements unless adjacent to vibration sensitive unit

(ii) Category 1 - 65 VdB

(iii) Category 2 - 72 VdB

(iv) Category 3 - 75 VdB

(c) Upon written request from the owner or controller of a wind energy system, the manager may authorize an exception to GRC 7.20.040(3)(a) or (b) pursuant to GRC 7.20.050(9) for wind energy systems established in the city prior to the adoption of this code section.

(4) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of \$1,000.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1726, Amended, 07/18/2013; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 10/19/2000; Ord. No. 1268, Amended, 12/17/1992)

7.20.050 Exceptions.

The following are exceptions to the prohibitions of GRC 7.20.040:

(1) Sounds caused by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools, churches, and athletic fields. This exception shall not impair the manager's power to declare such event or activity in violation of other laws, ordinances or regulations.

(2) Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles, and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property.

(3) Sounds caused by bona fide use of emergency warning devices and alarm systems.

(4) Sounds regulated by federal law, including, but not limited to, sounds caused by railroad, aircraft, or commercially licensed watercraft operations.

(5) Sounds caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 9:00 a.m. and 4:00 p.m. of the same day, excluding weekends.

(6) Sounds caused by industrial, agricultural, or construction activities during the hours of 7:00 a.m. and 10:00 p.m. of the same day.

(7) Sounds caused by regular vehicular traffic upon premises open to the public.

(8) Sounds caused by domestic tools during the hours of 7:00 a.m. and 10:00 p.m.

(9) Sounds caused by a source that has applied for, and received, a variance from the manager. The variance may be issued if the manager determines that granting the variance is consistent with the criteria and procedures established by the manager and GRC 7.20.020. The variance may be

subject to such conditions as deemed reasonable by the manager.

(10) Sounds caused by activities associated with the collection of garbage, recyclables, and yard debris, subject to the provisions of GRC 7.25.205.

(11) The noise level produced by a wind energy system may exceed the limits specified in GRC 7.20.040(3)(a) during short-term events such as utility outages and/or severe storms. The wind energy system noise levels exceeding the limits specified in GRC 7.20.040(3)(a) during such events shall not be allowed for a cumulative total of more than one hour of time between 10:00 p.m. and 7:00 a.m. and no more than 50 minutes out of an hour during any hour between 7:00 a.m. and 10:00 p.m.

During an exception condition, the facility owner shall disengage the wind energy system from the grid or power, engage the braking system, turn off the wind generator, and/or redirect the wind energy to a resistive load if batteries are full, if the noise levels exceed the limits specified in GRC 7.20.040(3)(a) for more time than is allowed under this exception.

(Ord. No. 1750, Amended, 05/07/2015; Ord. No. 1726, Amended, 07/18/2013; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1561, Amended, 01/02/2003)

7.20.060. Enforcement.

(1) If the manager reasonably believes that the instrument causing the sound deemed to be a violation likely may be used to persist in causing additional violations of this article, a public safety officer may seize the instrument and impound it.

(2) If property seized in connection with the issuance of a citation or civil penalty is not needed for evidentiary purposes, and if a person having a rightful claim establishes identity and right to possession beyond a reasonable doubt to the satisfaction of the seizing officer, the officer may summarily return the property seized to the rightful possessor.

(3) If the property seized in connection with the issuance of a citation or civil penalty is needed

for evidentiary purposes, the court or hearings officer, upon disposition of the issued citation or civil penalty, shall determine whether the property shall be returned to the person having a rightful claim, or deemed contraband subject to GRC 7.50.330(3).

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1561, Amended, 01/02/2003; Ord. No. 1268, Amended, 12/17/1992)