

ORDINANCE NO. 2312**AN ORDINANCE REGULATING NOISE WITHIN THE CITY OF WOODBURN; PROVIDING FOR ENFORCEMENT OF NOISE REGULATIONS; AND DECLARING AN EMERGENCY.****THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

Section 1. Purpose. This ordinance is enacted to protect, preserve, and promote the health, safety, and welfare of the residents of the City of Woodburn through the reduction, control, and prevention of loud raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

Section 2. Findings.

A. Loud and raucous noise degrades the environment of the City of Woodburn because it is harmful to the health, welfare, and safety of its inhabitants and visitors; it interferes with the comfortable enjoyment of life and property; it interferes with the well-being, tranquility, and privacy of the home; and it can cause and aggravate health problems.

B. The effective control and elimination of loud and raucous noise are essential to the health and welfare of the City of Woodburn's inhabitants and visitors to conduct the normal pursuits of life, including recreation, work, and communications.

C. The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and in a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of the inhabitants and visitors to the City of Woodburn.

D. Some flexibility in noise restrictions is essential in order to allow for the construction and the maintenance of structures, infrastructure, and other elements necessary for the physical and commercial well-being of the City of Woodburn.

Section 3. Scope. This Ordinance shall be known as the Woodburn Noise Ordinance and will apply to control all sound originating within the jurisdictional limits of the City of Woodburn.

Section 4. Definitions. For the purposes of this ordinance, the following definitions apply:

A. A-SCALE (dBA). The sound level in decibels measured using the A-weighted network as specified in the American National Standard Specification for Sound Level Meters.

B. DECIBEL (dB). The unit for measuring the volume of a sound.

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C. NOISE SENSITIVE UNIT Any authorized land use of a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit (single-family dwelling, duplex, triplex, multi-family dwelling, or mobile home) or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

D. SOUND LEVEL METER. A sound measuring device, either Type 1 or Type 2, as defined by American National Standard Specification for Sound Level Meters.

E. SOUND PRODUCING DEVICE. A sound producing device includes, but is not limited to, the following:

- (1) Loudspeakers;
- (2) Radios, tape players, compact disc players, phonographs, boom boxes, television sets, or stereo systems, including those installed in a vehicle;
- (3) Musical instruments;
- (4) Sirens, bells or whistles;
- (5) Engines or motors;
- (6) Air, electrical, or gas-driven tools, including, but not limited to, drills, chainsaws, lawn mowers, saws, hammers or similar tools;
- (7) Motor vehicles, including automobiles, motorcycles, motorbikes, trucks, buses, snowmobiles, boats or any similar piece of equipment equipped with a propelling device;
- (8) Persons or animals causing sound to emanate.

Section 5. Sound Measurements.

A. When sound measurements are made for the enforcement of this Ordinance, they shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter and shall contain at least an A-weighted scale, and both fast and slow meter response capability.

B. If sound measurements are made, the person making those measurements shall have completed training in the use of the sound level meter, and shall use measurement procedures consistent with that training

C. Measurements may be made at or within the boundary of the property on which a noise sensitive unit is located which is not the source of the sound.

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Section 6. Noises Prohibited.

A. It shall be unlawful for any person to produce or permit to be produced, with any sound producing device which when measured at or within the boundary of the property on which a noise sensitive unit is located which is not the source of the sound, which sound exceeds the following levels:

(1) 55 dBA at any time between 9:00 p.m. and 7:00 a.m. of the following day where the property receiving the noise has a residential zoning designation.

(2) 65 dBA at any time between 7:00 a.m. and 9:00 p.m. of the same day where the property receiving the noise has a residential zoning designation.

(3) 60 dBA at any time between 9:00 p.m. and 7:00 a.m. of the following day where the property receiving the noise has a zoning designation which is not residential.

(4) 75 dBA at any time between 7:00 a.m. and 9:00 p.m. of the same day where the property receiving the noise has zoning designation which is not residential.

[Section 6A amended by Ordinance No. 2380, passed February 28, 2005.]

B. In addition to Section 6A, any person producing or permitting to be produced the following noise disturbances, shall be found in violation of this Ordinance, regardless of the decibel level of the disturbance:

(1) Repair and testing of a motor vehicle or other engine which is plainly audible within a noise sensitive unit between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

(2) The operation of any gong, bell or siren upon any vehicle, other than police, fire or other emergency vehicle.

(3) The sounding of any motor vehicle audible anti-theft alarm system for a period of more than 20 minutes.

(4) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled.

(5) The detonation of a blasting or explosive device, except as allowed under a permit issued by the appropriate governmental authority.

(6) The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.

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(7) The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. except in the case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the City Administrator for a period not to exceed ten (10) days.

Section 7. Exceptions. The following constitute exceptions to this Ordinance and shall not be construed as violations:

A. Sounds created by organized athletic or other group activities, when such activities are conducted on public property generally used for such purposes, such as stadiums, schools, and athletic fields.

B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus.

C. Sounds caused by bona fide use of emergency warning devices and properly functioning alarm systems.

D. Sounds regulated by federal law, including but not limited to, sounds caused by railroads or aircraft.

E. Sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities.

F. Sounds caused by construction activity during the hours of 7:00 a.m. to 9:00 p.m. of the same day.

G. Sounds caused by regular vehicular traffic upon premises open to the public.

H. Sounds caused by air, electrical or gas-driven domestic tools, including but not limited to, lawn mowers, lawn edgers, saws, drills, blowers, and or other similar lawn or construction tools, during the hours of 7:00 a.m. to 9:00 p.m. of the same day.

I. Bells, chimes and carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays.

J. Parades for which a City permit has been issued.

K. Sounds resulting from an event conducted in a City park where a park use permit has been issued and the conditions of that permit and this Ordinance have been complied with.

L. Any noise resulting from activities of a temporary duration which is otherwise permitted by law.

Section 8. Sound Amplification Permits

A. No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound outside of an enclosed building without first having obtained a sound amplification permit.

B. Any person desiring to obtain a sound amplification permit shall submit a written application to the Police Chief no later than 30 days prior to proposed date for commencement of the amplified sound. The application shall include the following:

(1) A description of the activity proposed to be conducted for which the sound amplification permit is requested;

(2) A description of the amplification equipment or devices to be used;

(3) A statement of the measures that the applicant will take to insure that the sound amplification will not unreasonably disturb other people in the vicinity;

(4) The exact time periods and location where the sound amplification will take place;

(5) The name of the person who shall be responsible for monitoring and insuring compliance with the terms of any permit that is granted;

(6) Any City fee for processing the application; and

(7) Any other information that the Police Chief determines is reasonably needed to assure compliance with the provisions of this Ordinance.

C. The Police Chief may grant the sound amplification permit if he or she determines that the sound amplification will not occur within a residential zone and that it will be conducted in such a manner as not to unreasonably disturb the neighbors of other persons in the vicinity of the site and that the measures, if implemented, will be adequate. In granting a permit, the Police Chief may impose such conditions as may be appropriate or necessary to protect the public peace, safety, and welfare.

D. Any permit granted pursuant to this Ordinance shall be revocable at any time by the Police Chief for good cause.

E. Any person aggrieved by any decision rendered by the Police Chief pursuant to this Ordinance shall have the right to appeal the decision to the City Council. Any appeal shall be in writing and shall be submitted no later than ten (10) calendar days following the date of the decision.

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Section 9. Sound Amplification in City Parks. Notwithstanding any other provisions of this Ordinance, the Director of Recreation and Parks is authorized to allow amplified sound in a City park by the issuance of a park use permit where a sound level of 80 dBA is not exceeded.

Section 10. Authority for Enforcement. This Ordinance shall be enforced by the Woodburn Police Department.

Section 11. Civil Infraction Assessment. Each violation of any provision of this Ordinance constitutes a class 1 civil infraction and shall be dealt with according to the procedures established by City ordinance.

Section 12. Institution of Legal Proceedings. The City Attorney, acting in the name of the City, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Ordinance as additional remedy.

Section 13. Ordinance Additional to Other Law. The provisions of this Ordinance shall be cumulative and non-exclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

Section 14. Severability Clause. If a portion of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

Section 15. Repeal. Section 3 (Unnecessary Noise) of Ordinance 1900 is hereby repealed.

Section 16. Saving Clause. The repeal of any ordinance by this Ordinance shall not preclude any action against any person who violated the ordinance prior to the effective date of this Ordinance.

Section 17. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council April 8, 2002 and approved by the Mayor April 9, 2002.