

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 316

An Ordinance for the purpose of regulating excessive sound; establishing standards therefor; imposing penalties for violations; and repealing prior regulations.

Multnomah county ordains as follows:

Section 1. Title and Scope. This Ordinance shall be known as the Multnomah County Sound Control Ordinance and shall apply within the unincorporated areas of Multnomah County, Oregon.

Section 2. Declaration of Findings and Policy. The Board of Commissioners for Multnomah County finds that excessive sound can and does constitute a hazard to the health, safety, welfare and quality of life of residents of the County, and

That while certain activities essential to the economic, social, political, educational and technical advancements of the citizens of the County necessarily require the production of sounds which may offend, disrupt, intrude or otherwise create hardship among the citizenry, the Board is obliged to impose some limitation and regulation upon the production of excessive sound as will reduce the deleterious effects thereof.

Now, therefore, it is the policy of this Board to prevent and regulate excessive sound wherever it is deemed to be harmful to the health, safety, welfare and quality of life of the citizens of Multnomah County. This Ordinance shall be liberally construed to effectuate that purpose.

Section 3. Terminology and Definitions. The following terms and definitions shall apply herein unless the context requires otherwise:

(A) Director: Director of the Division of Public Safety for Multnomah County, Oregon.

(B) Idling speed: That speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.

(C) Noise Sensitive Unit: Any building or portion thereof, vehicle, boat or other structure adapted or used for the overnight accomodation of persons, including, but not limited to individual residential units, individual apartments, trailers, hospitals, and nursing homes.

(D) Person: Includes, in addition to any individual, any public or private corporation, association, partnership, or other legally recognized public or private entity.

(E) Plainly Audible Sound: Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

(F) Sound Producing Device: Includes:

- (1) loudspeakers, public address systems,
- (2) radios, tape recorders and/or tape players, phonographs, television sets, stereo systems including those installed in a vehicle,
- (3) musical instruments, amplified or unamplified,
- (4) sirens, bells,

- (5) vehicle engines or exhausts, when the vehicle is not on a public right-of-way, particularly when the engine is operated above idling speed,
- (6) vehicle tires, when caused to squeal by excessive speed or acceleration,
- (7) domestic tools, including electric drills, chain saws, lawn mowers, electric saws, hammers, and similar tools, but only between 10 P.M. and 7 A.M. of the following day,
- (8) heat pumps, air conditioning units, and refrigeration units, including those mounted on vehicles.

(G) Vehicle: Includes automobiles, motorcycles, motorbikes, trucks, buses, and snowmobiles.

Section 4. Sound Measurement.

(A) If measurements are made, 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, as specified in ANSI Standard 1.4-1971. For purposes of this Ordinance, a sound level meter shall contain at least an A weighted scale, and both fast and slow meter response capability.

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

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

(D) All measurements made pursuant to this Ordinance shall comply with the provisions of this Section.

Section 5. Prohibitions. It shall be unlawful for any person to produce or permit to be produced, with a sound producing device, sound which:

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

(1) 50 dBA at any time between 10 P.M. and 7 A.M. the following day, or

(2) 60 dBA at any time between 7 A.M. and 10 P.M. the same day, or

(B) is plainly audible at any time between 10 P.M. and 7 A.M. the following day

(1) within a noise sensitive unit which is not the source of the sound, or

(2) on a public right of way at a distance of 50 feet or more from the source of the sound.

(C) If a measurement of the sound is made, Section 5(A) shall supersede Section 5(B) and shall be used to determine if a violation exists.

Section 6. Exceptions. Notwithstanding Section 5 herein, the following exceptions from this Ordinance are permitted when conditions therefor are met:

(A) Sounds caused by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, including stadiums, parks, schools, churches, athletic fields, race tracks, airports and waterways, provided, however, that said exception shall not impair the Director's power to declare such event or activities otherwise to violate other laws, ordinances or regulations.

(B) Sound caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, whether or not such work is performed by a public or private agency, upon public or private property.

(C) Sounds caused by sources regulated as to sound production by federal law, including, but not limited to, sounds caused by railroad, aircraft or commercially licensed watercraft operations.

(D) Sound caused by bona fide use of emergency warning devices and alarm systems authorized by MCC 7.50.

(E) Sound caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 9 A.M. and 4 P.M., excluding weekends, unless such permit expressly authorizes otherwise.

(F) Sounds caused by industrial, agricultural or construction organizations or workers during their normal operations.

Section 7. Variances. Any person who is planning the use of a sound producing device which may violate any provision of this Ordinance may apply to the Director for a variance from such provision.

(A) Application. The application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought and any other supporting information which the Director may reasonable require.

(B) Review Considerations. The Director shall consider:

- (1) The nature and duration of the sound emitted.
- (2) Whether the public health, safety or welfare is endangered.
- (3) Whether compliance with the provision would produce no benefit to the public.
- (4) Whether previous permits have been issued and the applicant's record of compliance.

(C) Time Duration of Variance. A variance may be granted for a specific time interval only.

(D) The Director shall within ten days, deny the application, approve it, or approve it subject to conditions.

(E) The Director's decision may be appealed to the Board of County Commissioners. Notice of appeal should be delivered to the Clerk of the Board. The Board shall review the application de novo, and within 15 days, deny the application, approve it, or approve it subject to conditions.

(F) The Director may at any time before or during the operation of a variance granted by the Director revoke the variance for good cause. The Board may at any time before or during the operation of any variance, revoke the variance for good cause.

Section 8. 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 9. Administration and Enforcement.

(A) The Director of the Division of Public Safety for Multnomah County shall administer, supervise and perform all acts necessary to enforce this Ordinance.

(B) Persons appointed or assigned by the Director, as he deems necessary to accomplish effective enforcement of this Ordinance, may be peace officers or not, but if unsworn persons are selected and empowered to issue citations for violation of this Ordinance, the Director shall exercise powers under ORS 204.635.

(C) Upon citation of a person for a violation of this Ordinance, the person issuing the citation may seize the sound producing device which was the source of the sound as evidence. The sound producing device, if seized, shall be impounded subject to disposition of the issued citation and determination by the Court whether the sound producing device shall be returned to the cited person or deemed contraband, subject to Section 10(B) of this Ordinance. It is the intent of this Ordinance to avoid such seizures except where the person being cited has received two previous citations within the previous six months for the use of the same or similar sound producing device. The previous citations may, but need not, occur on the same date as the citation which prompts the seizure.

(D) Citation forms authorized pursuant to ORS 153.110 - .310 may be used for any violations of Section 5 of this Ordinance.

(E) In addition to any other enforcement procedures, the Board of County Commissioners may, upon its own motion, or upon receipt of a petition requesting hearing by the Board signed by no fewer than 10 persons residing in the vicinity of a property upon which is located an alleged violation of this Ordinance, issue its order to the person producing or permitting to be produced the sound which allegedly violates this Ordinance, to appear before the Board and show cause why the Board should not declare the sound a violation of this Ordinance and order the violation abated. Noncompliance with the order may result in the Board referring the order to the County Counsel for injunctive enforcement, or alternatively to the District Attorney for appropriate action.

Section 10. Penalties.

(A) Violation of any provision of Section 5 shall constitute a Class A Infraction, maximum penalty upon conviction being a fine not exceeding \$500.00, pursuant to ORS 153.310.

(B) In addition to the penalties prescribed herein, the court may order any sound producing device found to have been used to violate this Ordinance seized, confiscated, and destroyed as contraband, or sold with the proceeds of sale to be deposited in the County general fund.

Section 11. Emergency. This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on July 6, 1982.

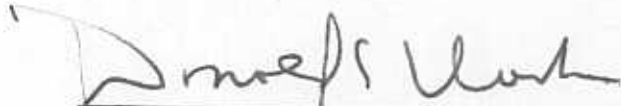
ADOPTED this 10th day of June, 1982, being
the date of its second reading before the Board of County Commis-
ioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(SEAL)

By 
Presiding Officer

AUTHENTICATED this 11th day of June, 1982.


County Executive
Multnomah County, Oregon

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By 