

Chapter 8.24 NOISE CONTROL

8.24.010 Findings.

The board of county commissioners for Washington County finds that:

- A. The making, creation and maintenance of noise that is loud, unnecessary, unnatural or unusual can affect and be considered a detriment to the comfort, convenience, welfare and prosperity of the residents of the county and may be immediately abated.
- B. The necessity in the public interest for the provisions and prohibitions hereinafter declared contained and enacted are in pursuance of and for the purpose of securing and promoting the comfort, convenience, welfare and prosperity and the peace and quiet of the county and its inhabitants.

8.24.020 Definitions.

As used in this chapter:

- A. "Building code" means a code of the county, adopted by ordinance, which regulates the construction of buildings and structures in the county.
- B. "Construction" shall mean building or demolition work and shall include all activities thereto such as clearing of land, earthmoving and landscaping, but shall not include the production of construction materials.
- C. "County" means Washington County, Oregon.
- D. "County Administrator" means the county administrator or designee.
- E. "dBA or decibel" means the weighted sound pressure level, measured by the use of an A-weighted sound level meter.
- F. "Dynamic braking device" means a braking device (i.e. "jake" brakes, exhaust brakes) used primarily on trucks and buses to convert a motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- G. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in an effort to protect, maintain, provide or restore safe conditions in the community or for citizenry, or work by private or public utilities when restoring utility service.
- H. "Noise nuisance" means an unreasonable sound which disturbs, injures or endangers the comfort, repose, peace or safety of others including, but not limited to, noise produced by voice, vehicle, musical instrument, radio, television, loudspeaker, tool or other equipment.
- I. "Noise sensitive unit" means any building or portion thereof, vehicle, boat or other structure used as a church, day care center, hospital, adult care center, school, or place used for overnight accommodations of persons, including, but not limited to, individual homes, individual apartments, trailers, nursing homes, and hotels and motels. Property used in industrial or agricultural activities is not a noise sensitive unit unless it meets the above criteria in more than an incidental manner.
- J. "Park area" means a parcel of land, or reservoir or water impoundment area owned, leased or by other agreement, administered by the county, for recreation or open space purposes and designated

by the board as a park area. Such designation may also apply to such properties or areas held for future recreational development.

- K. "Person" means any individual, public or private corporation, business, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.
- L. "Plainly audible" means any sound of sufficient volume where the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.
- M. "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- N. "Vehicle" includes, but is not limited to, automobiles, motorcycles, motorbikes, go-karts, trucks, buses and snowmobiles.
- O. "Public Project" means any project funded, contracted, or executed by a government agency or public utility for the benefit of the public.

[insert number] Administration responsibility.

The county administrator shall be responsible for the policies of administration and enforcement of this chapter. The county administrator shall administer the day-to-day activities undertaken in connection with this chapter and the rules and regulations adopted pursuant thereto.

[insert number] Authority.

The county administrator shall have the authority to do all things necessary to administer the provisions of this chapter and the rules and regulations adopted pursuant thereto.

[insert number] Promulgation of rules and regulations.

The county administrator shall promulgate rules and regulations pertaining to the administration and enforcement of this chapter and to carry out the purposes thereof, including, but not limited to, adoption of rules related to application standards and procedures to obtain a variance from the noise ordinance.

8.24.025 Prohibition.

- A. It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any noise nuisance that, when measured:
 - 1. Exceeds sixty (60) dBA between the hours of seven a.m. and ten p.m. the same day, or
 - 2. Exceeds fifty (50) dBA between the hours of ten p.m. and seven a.m. the following day, or
 - 3. Is plainly audible at any time between ten p.m. and seven a.m. the following day within a noise sensitive unit which is not the source of the noise.
- B. To the extent permitted by federal or state law, no person shall utilize a dynamic brake system (commonly referred to as a "Jake" or "Jacob" brake) or otherwise discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable federal or state laws.

- C. The sounding of any unmuffled dynamic braking device, horn or signal device or any other device on any vehicle while in motion, except as a danger signal or to avoid imminent danger to persons or property, is prima facie evidence of a violation of this chapter, but said enumeration shall not be deemed to be exclusive.

8.24.030 Exemptions.

Nothing in this chapter is intended to unreasonably restrict or regulate:

- A. Agriculture and Industry. Sounds caused by industrial, agricultural or forestry practices arising from the normal use of such land.
- B. Alarms, Warning Devices. Sounds caused by bona fide use of emergency warning devices and alarm systems.
- C. Blasting. Sounds caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of nine a.m. and four p.m. of the same day, excluding weekends and legal holidays.
- D. Community Events. Sounds determined by the county administrator to be community events such as parades, public fireworks displays, street fairs and festivals.
- E. Construction. The excavation, land clearing of property, or erection, demolition, alteration or repair of any building in a residential or commercial district between the hours of seven a.m. and seven p.m. Monday through Saturday, excluding legal holidays.
- F. Emergencies. 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, upon public or private property to restore property to a safe condition following a public calamity or to protect persons or property from imminent exposure to danger.
- G. Fireworks. Sounds made by legal fireworks on the Fourth of July from seven a.m. to eleven p.m. and on December 31st midnight to one a.m. January 1st.
- H. Lawn, Garden and Household Equipment. Lawn, garden or household equipment associated with the normal repair, upkeep or maintenance of property between the hours of seven a.m. and ten p.m., and sounds caused by air conditioning, heating units, heat pumps, refrigeration units (including those mounted on vehicles) and swimming pool or hot tub pumps in good repair and installed in accordance with county building codes.
- I. Motor Vehicles. Sounds caused by regular vehicular traffic upon any highway or right of way or upon premises open to the public.
- J. Normal Business Operations. Noise associated with normal business activity between the hours of seven a.m. and ten p.m..
- K. Organized Group Activities. Sounds caused by organized athletic or other group activities, when those activities are conducted on property generally used for those purposes, including stadiums, parks, schools, churches, airports and athletic fields. These exceptions do not prohibit the county from declaring a specific event or activity in violation of this chapter, or other laws, ordinances or regulations.
- L. Regulated Sound. Sounds regulated by federal or state law including, but not limited to, sounds caused by railroads, aircraft and commercially licensed watercraft operations.

M. Voices. Voices between the hours of seven a.m. and ten p.m.

8.24.035 Sound measurement.

While sound measurements are not required for the enforcement of this ordinance, if measurements are made, they shall be made with an approved sound level meter.

- A. The sound meter shall be an instrument in good operating condition, meeting the requirements as specified in ANSI Standard 1.4-1971.
- B. The sound meter shall contain at least an A-weighted scale with both fast and slow meter response capability.
- C. If 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.
- D. Measurements taken at a noise sensitive unit may only be made at or within three (3) feet of a window or door of the noise sensitive unit occupied by a person making a complaint under this chapter.
- E. Measurements taken at all other locations shall be made at either:
 - 1. The property line of two adjacent properties sharing a common boundary when the complainant is the occupier of one of the properties;
 - 2. At the property line of the complainant's property if the properties are not adjoining; or
 - 3. In a public park area at least one hundred (100) feet from the source of the noise.

8.24.040 Variance

Any person, may apply for a variance from the provisions of this chapter for a non-commercial purpose with an approved noise mitigation plan as provided by administrative rule.

- A. The county administrator may grant a variance for a maximum period of sixty (60) days except that a variance for public projects may be granted for the duration of specific projects for the health, safety or well being of the general public.
- B. A variance may at any time before or during the term of the variance be revoked for good cause.
- C. Violation of the terms and conditions of the variance shall be deemed a violation of this chapter enforceable as provided in Section 8.24.070. The fines provided for herein are in addition to, and not in lieu of, any other remedy allowed by law including, but not limited to, an action for revocation, a restraining order injunction or abatement.

8.24.050 Conformity with Law.

This chapter shall not in any way be a substitute for, nor eliminate in any way, the necessity for conformity with all laws or rules of the state of Oregon or its agencies, nor any ordinance or rule or regulation of the county.

8.24.060 Administrative procedures.

- A. The Washington County board of commissioners may adopt, by resolution and order, an administrative procedures manual. This manual may include, but is not limited to, identifying

resources, processes and procedures for compliance with this ordinance and resolution of complaints.

- B. Violations of this chapter may be enforced by a hearings officer, through an administrative process or civil infraction per Section 8.24.070.

8.24.070 Civil infraction.

A county officer or a private citizen may issue a notice of civil infraction for violation of any provision of this chapter designated as a civil infraction. Any notice of civil infraction, issued by a private citizen, must be reviewed and approved by the office of County Counsel prior to being served. Notices of civil infraction shall comply with the administrative enforcement ordinance.

8.24.080 Civil infraction--Penalty.

- A. Upon conviction of any person for violation of any provision of this chapter or rules or regulations adopted pursuant thereto, such person may be punished by a fine of not more than five hundred dollars plus fees and costs as specified in the administrative enforcement ordinance.
- B. Each day any person shall be in violation of this chapter or rules or regulations adopted pursuant thereto shall be deemed a separate offense and a new notice of civil infraction may be issued each day the person is in violation.
- C. Any person who has been convicted of a violation of this chapter or rules or regulations adopted pursuant thereto and who is found by a court to have been formerly convicted of any violation of this chapter or rules or regulations adopted pursuant thereto within the two years preceding the date of the alleged violation may be punished by a fine of not more than one thousand dollars.
- D. Any person who, in connection with the issuance of a notice of civil infraction, willfully certifies falsely to the matters set forth therein is punishable by conviction by imprisonment in the county jail for a term not exceeding one year or be a fine of not more than three thousand dollars or both.

8.24.090 Other enforcement procedures not excluded.

The provisions of this chapter are in addition to, and not in lieu of, any other procedures and remedies provided by law including equitable relief and damages.

8.24.095 Seizure of instruments and equipment, disposal

Any peace officer who issues a civil infraction for violation of this chapter is authorized to seize and hold for no longer than seven (7) days any radio, stereo, instrument or equipment used to create or amplify the noise for which the civil infraction is issued, in order to abate the noise violation, protect the public health and safety and reduce repeat calls for service. The Sheriff shall enact administrative procedures for the seizure, storage and return of seized property to the owner, and will provide a written receipt for the property to the person from whom the property was seized that outlines the procedures for getting the property back. If property seized under this chapter is not claimed or picked up within fifteen (15) days of seizure, the Sheriff shall provide written notice to the person from whom the property was seized and anyone else that has asserted an interest in the property. If the property is not claimed or picked up within thirty (30) days from the date of which the notice is sent, the Sheriff shall consider the property abandoned and destroy the property or dispose of it by public auction.