The City of Keizer ordains as follows:

Section 1. PURPOSE. It is hereby found and declared that:

A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Keizer is a condition which has existed for some time and the extent in volume of such noises is increasing;

B) The making, creation, or maintenance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Keizer, and

C) The necessity in the public interest for provisions and prohibitions hereinafter contained in this Ordinance, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the City of Keizer and its inhabitants.
Section 2. DEFINITIONS. As used in this Ordinance:

A) "A-scale (dBA)" means the sound levels in decibels measured using the A-weighted network as specified in American National Standard Specification for Sound Level Meters (ANSI S 1.4-1971).

B) "Commercial" means any use of an office, service establishment, hotel, motel, retail store, community park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons per square meter).

D) "Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment.

E) "Frequency" means the time of repetition of a periodic phenomenon, measured in Hertz (Hz).

F) "Impulse sound" means a single pressure peak or single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound level meter.
G) "Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

H) "Motor vehicle" means any land vehicle which is designed to be self-propelled.

I) "Noise sensitive" means any 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, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

J) "Octave band" means an interval in Hertz between two frequencies having a ratio of two to one. For purposes of this Ordinance, octave band sound pressure levels may be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1000, 2000, 4000 and 8000 Hz.

K) "Plainly audible" means unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinguishable as raised or normal.

L) "Sound level" in dBA means the weighted sound pressure level, measured by the use of an A-weighted sound level meter set at a fast meter response.
M) "Sound level meter" means a sound level measuring device, either Type 1 or
Type 2, as defined by American National Standard Specification for Sound Level Meters (ANSI S1.4-1971).

N) "Sound pressure level" in dB is 20 times the logarithm to the base 10 of the
ratio of the root-mean square of the pressure of a given sound to the reference pressure.
The reference pressure is 20 micropascals (20 micronewtons per square meter).

Section 3. NOISE DISTURBANCE PROHIBITED. A) Generally. In addition
to the specific prohibitions in subsection B) of this section and Section 4, it shall be
unlawful for any person to knowingly create, assist in creating, permit, continue, or
permit the continuance of any noise disturbance. A noise disturbance is any sound,
including sound produced by animals, which annoys, disturbs, injures, or endangers the
comfort, repose, health, peace, or safety of others, within the limits of the City.

B) Specific prohibitions. Unless exempted by Section 5, following acts are
declared to be noise disturbances within meaning of § 3 A) provided, however, that this
enumeration shall not be deemed to be exclusive:

1) Dynamic braking devices. Using any dynamic braking device on any motor
vehicle, except to avoid imminent danger to persons or property. A dynamic braking
device is one used primarily on trucks and busses to convert a motor from an internal
combustion engine to an air compressor for the purpose of vehicle braking without the
use of wheel brakes.
2) Idling engines on motor vehicles. Operating for more than 15 consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

3) Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and 7:00 a.m.

4) Lawn mowing equipment. operating lawn mowing equipment with a combustion engine between 10:00 p.m. and 7:00 a.m.

Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except as specifically provided elsewhere in this Ordinance, no person shall cause or permit sound to be received on property used as specified herein if the sound exceeds the limits set forth in subsections B) and C). For purposes of this section, "day" hours are between 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

B) Table of Maximum Permissible Sound Levels (in dBA).

<table>
<thead>
<tr>
<th>Type of Source by Use</th>
<th>Type of Receiver by Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Noise Sensitive</td>
</tr>
<tr>
<td></td>
<td>Day  Night</td>
</tr>
<tr>
<td>Noise Sensitive</td>
<td>55  45</td>
</tr>
<tr>
<td>Commercial</td>
<td>55  50</td>
</tr>
<tr>
<td>Industrial</td>
<td>55  50</td>
</tr>
</tbody>
</table>

1) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 10 dBA.
2) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels by 5 dBA for a cumulative total of greater than one minute, but less than five minutes in any ten minute period.

3) No sound received on a property shall exceed the established maximum permissible sound levels in the Table of Maximum Permissible Sound Levels for a cumulative total of five minutes or more in any ten minute period.

C) Exceptions to the Table of Maximum Permissible Sound Levels.

1) Impulse sound. Notwithstanding any other sound levels in this section, no person shall operate or permit the operation of a noise source which emits an impulse sound which has a peak sound pressure level in excess of 100 dB in the day or 80 dB in the night.

2) Sound producing, amplifying, or reproducing equipment. During night hours, no person shall cause or permit sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source. This standard replaces the table in subsection B) of this section for night sounds only; day sounds shall be governed by that table.

3) Domestic power equipment. The day sound levels in the table in subsection B) of this section do not apply to sounds produced by domestic power equipment.
During night hours, no person shall operate domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

4) Commercial construction. The day sound levels in the table in subsection B) of this section do not apply to sounds produced in commercial construction activity.

5) Off-highway vehicles. No person shall operate any self-propelling motor vehicle designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level generated thereby exceeds 60 dBA in the day or 55 dBA in the night as measured at or within the boundary of a noise sensitive receiver property.

6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit, or fail to control the operation of any auxiliary equipment on a motor vehicle for more than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or 50 dBA in the night as measured at or within the boundary of noise sensitive property.

Auxiliary equipment means a mechanical device which is built in or attached to a motor vehicle, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

D) Measurement of sound levels under this section shall be made at one of the following points, whichever is farther from the sound source:

1) 25 feet from that point on a receiver building nearest the sound source, or
2) That point on the receiver property line nearest the sound source.

Section 5. EXEMPTIONS. The following sounds are exempted from the provisions of this Ordinance:

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 15 minutes. Sounds made by the Keizer Fire District and Marion County Fire District sirens during use and testing.

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 on a farm 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 made by activities by or on direction of the City of Keizer in maintenance, construction, or repair of public improvements in public rights-of-way or easements.

F) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission.

G) Sounds produced by the audience, participants and sound amplifying equipment at athletic events on public property and sponsored or sanctioned or otherwise approved by the City or the Salem-Keizer School District 24J.

H) Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of Section 3(B)(2) of this Ordinance.

I) Sounds produced by lawn mowing activities on a private or public golf course during the hours of 6:00 a.m. to 10:00 p.m. on weekdays, and 5:30 a.m. to 10:00 p.m. on Saturday, Sunday and legal holidays as defined in ORS 187.010 and 187.020. This does not exempt sounds produced by lawn mowing activities from the provisions of Section 4 of this Ordinance.

J) Festivals or celebrations open to the general public on commercial or industrial properties. Such festivals or celebrations shall not exceed five (5) days on any single lot or parcel in a single calendar year. The noise level shall not exceed 80 dBA and shall be measured as set forth in Section 4.
Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY. This Ordinance shall be jointly enforced by the police department and the City Manager's designee. Enforcement of this Ordinance may include seizure of the sound producing instrument.

Section 7. VIOLATIONS. Violation of any provision of this Ordinance is an infraction.

Section 8. REPEAL. Ordinance No. 93-269 (Prohibiting Noise and Providing for Variance) and Ordinance No. 95-323 (In the Matter of the Amendment of the Keizer Noise Ordinance) are hereby repealed.

Section 9. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after its passage.

PASSED this 2nd day of August, 2004.

SIGNED this 2nd day of August, 2004.

Mayor

City Recorder Pro Tem