

1 BILL NO. 490

A BILL

ORDINANCE NO.

2

2004- 511

3

FOR

4

AN ORDINANCE

5

PROHIBITING NOISE; REPEALING ORDINANCE 90-190;

6

REPEALING ORDINANCE 93-269 AND 95-323

7

The City of Keizer ordains as follows:

8

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

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A) The making and creation of excessive, unnecessary or unusually loud noises

10 within the limits of the City of Keizer is a condition which has existed for some time and

11 the extent in volume of such noises is increasing;

12 B) The making, creation, or maintenance of such excessive, unnecessary,

13 unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their

14 time, place and use affect and are a detriment to public health, comfort, convenience,

15 safety, welfare, and prosperity of the residents of the City of Keizer, and

16 C) The necessity in the public interest for provisions and prohibitions hereinafter

17 contained in this Ordinance, is declared as a matter of legislative determination and

18 public policy, and it is further declared that the provisions and prohibitions hereinafter

19 contained are in pursuance of and for the purpose of securing and promoting the public

20 health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of

21 the City of Keizer and its inhabitants.

1 Section 2. DEFINITIONS. As used in this Ordinance:

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

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

8 C) "Decibel (dB)" means a unit for measuring the volume of a sound, equal to
9 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured
10 to the reference pressure. The reference pressure is 20 micropascals (20 micronewtons
11 per square meter).

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

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

18 F) "Impulse sound" means a single pressure peak or single burst (multiple
19 pressure peaks) for a duration of less than one second as measured on a peak unweighted
20 sound level meter.

1 G) "Industrial" means any use of a warehouse, factory, mine, wholesale trade
2 establishment, or other use of the same general type, and rights-of-way appurtenant
3 thereto, whether publicly or privately owned.

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

6 I) "Noise sensitive" means any use of a church, temple, synagogue, day care
7 center, hospital, rest home, retirement home, group care home, school, dwelling unit
8 (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other
9 use of the same general type, and rights-of- way appurtenant thereto, whether publicly
10 or privately owned.

11 J) "Octave band" means an interval in Hertz between two frequencies having a
12 ratio of two to one. For purposes of this Ordinance, octave band sound pressure levels
13 may be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500,
14 1000, 2000, 4000 and 8000 Hz.

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

19 L) "Sound level" in dBA means the weighted sound pressure level, measured by
20 the use of an A-weighted sound level meter set at a fast meter response.

1 M) "Sound level meter" means a sound level measuring device, either Type 1 or
2 Type 2, as defined by American National Standard Specification for Sound Level Meters
3 (ANSI S1.4-1971).

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

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

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

16 1) Dynamic braking devices. Using any dynamic braking device on any motor
17 vehicle, except to avoid imminent danger to persons or property. A dynamic braking
18 device is one used primarily on trucks and busses to convert a motor from an internal
19 combustion engine to an air compressor for the purpose of vehicle braking without the
20 use of wheel brakes.

1 2) Idling engines on motor vehicles. Operating for more than 15 consecutive
2 minutes any idling engine in such a manner as to be plainly audible within any dwelling
3 unit between 10:00 p.m. and 7:00 a.m.

4 3) Motor vehicle repair and testing. Repairing or testing any motor vehicle in
5 such a manner as to be plainly audible within any dwelling unit between 10:00 p.m. and
6 7:00 a.m.

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

9 Section 4. MAXIMUM PERMISSIBLE SOUND LEVELS. A) Except as
10 specifically provided elsewhere in this Ordinance, no person shall cause or permit sound
11 to be received on property used as specified herein if the sound exceeds the limits set
12 forth in subsections B) and C). For purposes of this section, "day" hours are between
13 7:00 a.m. and 10:00 p.m., and "night" hours are between 10:00 p.m. and 7:00 a.m.

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

15 Type of Source by Use	16 Type of Receiver by Use					
	17 Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
18 Noise Sensitive	55	45	60	55	65	60
19 Commercial	55	50	70	65	70	65
20 Industrial	55	50	70	65	Not Applic.	

21 1) No sound received on a property shall exceed the established maximum
22 permissible sound levels in the Table of Maximum Permissible Sound Levels by 10
23 dBA.

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

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

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

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

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

19 3) Domestic power equipment. The day sound levels in the table in subsection
20 B) of this section do not apply to sounds produced by domestic power equipment.

1 During night hours, no person shall operate domestic power equipment in such
2 a manner as to be plainly audible within any dwelling unit other than the source.

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

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

11 6) Auxiliary equipment on motor vehicles. No person shall cause, allow, permit,
12 or fail to control the operation of any auxiliary equipment on a motor vehicle for more
13 than 30 minutes when the sound level generated thereby exceeds 55 dBA in the day or
14 50 dBA in the night as measured at or within the boundary of noise sensitive property.

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

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

20 1) 25 feet from that point on a receiver building nearest the sound source, or

1 2) That point on the receiver property line nearest the sound source.

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

4 A) Sounds made by work necessary to restore property to a safe condition
5 following a public calamity, or work required to protect persons or property from
6 imminent exposure to danger.

7 B) Sounds made by warning devices to protect persons or property from
8 imminent exposure to danger, provided however that burglar or fire alarms shall not
9 operate continuously for more than 15 minutes. Sounds made by the Keizer Fire District
10 and Marion County Fire District sirens during use and testing.

11 C) Sounds made by an emergency vehicle, as defined in ORS 801.260, when
12 responding to or from an emergency or when in pursuit of an actual or suspected violator
13 of the law.

14 D) Sounds made by current employment of land and buildings on a farm for the
15 purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the
16 feeding, breeding, management, and sale of livestock, poultry, fur-bearing animals or
17 honeybees, or the produce thereof, or for dairying and the sale of dairy products or any
18 other agricultural or horticultural operations or any combination thereof including the
19 preparation and storage of the products raised for man's use and animal use and disposal
20 by marketing or otherwise by a farmer on such farm.

1 E) Sounds made by activities by or on direction of the City of Keizer in
2 maintenance, construction, or repair of public improvements in public rights-of-way or
3 easements.

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

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

9 H) Sounds made by motor vehicle exhaust systems that comply with the
10 provisions of ORS 815.250, but this exemption does not apply to violation of Section
11 3(B)(2) of this Ordinance.

12 I) Sounds produced by lawn mowing activities on a private or public golf course
13 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
14 Saturday, Sunday and legal holidays as defined in ORS 187.010 and 187.020. This does
15 not exempt sounds produced by lawn mowing activities from the provisions of Section
16 4 of this Ordinance.

17 J) Festivals or celebrations open to the general public on commercial or industrial
18 properties. Such festivals or celebrations shall not exceed five (5) days on any single lot
19 or parcel in a single calendar year. The noise level shall not exceed 80 dBA and shall
20 be measured as set forth in Section 4.

1 Section 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY. This
2 Ordinance shall be jointly enforced by the police department and the City Manager's
3 designee. Enforcement of this Ordinance may include seizure of the sound producing
4 instrument.

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

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

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

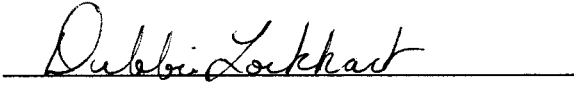
12 PASSED this 2nd day of August, 2004.

13 SIGNED this 2nd day of August, 2004.

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Mayor



City Recorder Pro Tem