

ORDINANCE NO. 1145

AN ORDINANCE PROHIBITING UNNECESSARY NOISES

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: It is found and declared that:

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the City of Canby is a condition which has existed for some time and the extent and volume of such noises is increasing;

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual 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 Canby; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted 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 Canby and its inhabitants.

Section 2: It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City.

Section 3: The following acts among others are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance but said enumerations shall not be deemed to be exclusive, namely:

(a) Horns, signalling devices, etc. The sounding of any horn or signalling device on any automobile, motor-cycle or other vehicle on any street or public place of the City except as a danger warning; the creation by means of any signalling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, television set, machine or device between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m. in such a manner as to be plainly

audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, television set, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, unless a permit for such purpose is first obtained from the Canby City Recorder or Chief of Police.

(d) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets particularly between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any office or in any dwelling or other type of residence or of any persons in the vicinity.

(e) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long, continued noise shall disturb the comfort or repose of any persons in the vicinity.

(f) Exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Firearms and explosives. The discharge of any firearms or the exploding of any explosive substance.

(h) Defect in vehicle or load: The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(i) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 o'clock a.m. and 10:00 o'clock p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the City Superintendent, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the City Superintendent should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways, between the hours of 10:00 o'clock p.m. and 7:00 o'clock A.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(j) Schools, churches, hospitals, rest homes, etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any

hospital, rest home or nursing home which unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in the hospital, rest home or nursing home, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, rest home, or nursing home street.

(k) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(l) Pile drivers, hammers, etc. The operation between the hours of 10:00 P.M. and 7:00 A. M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise.

Section 4: Penalties. Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding \$25.00 or by imprisonment for not more than five days, or by both said fine and said imprisonment.

Section 5: Separability. It is the intention of the City Council that each separate provision in this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance is declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Passed on first reading of the Canby City Council at a regular meeting thereof this 4th day of September, 1962; ordered posted at full length for a period of two full calendar weeks as provided by the Canby City Charter and to come up for final reading and action at a regular meeting of said Council to be held on the 1st day of October, 1962, at the hour of 8:00 o'clock P.M. at the Canby City Hall.

Earl Oliver
EARL OLIVER - Mayor

Attest:
J. R. Richardson
J. R. RICHARDSON - City Recorder

Passed on final reading this 1st day of OCTOBER, 1962, by the following vote: Yeas 5. Nays 0. 1 ABSENT.

Submitted to the Mayor this 5th day of OCTOBER, 1962, and approved by the Mayor this 5th day of OCTOBER, 1962.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:
J. R. Richardson
J. R. RICHARDSON - City Recorder