

AN ORDINANCE PROVIDING FOR THE CONTROL OF OFFENSIVE AND UNNECESSARY NOISE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. - Ordinance Title. This Ordinance shall be known as The City of Troutdale Noise Control Ordinance, may be so pleaded and referred to and shall apply within the jurisdictional limits of the City of Troutdale.

Section 2 Definitions. As used in this Ordinance, unless the context requires otherwise:

(A) "Decibel" means a unit of measuring the volume of a sound equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals which is 20 micronutons per square meter.

(B) "Noise" means any loud, disturbing or unnecessary sound which either disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

(C) "Person" means any natural person, association, trust, partnership, firm or corporation.

Section 3 - Policy. The council has determined it necessary to control and abate noises which constitute a hazard or menace to the health, safety and welfare of the people of the City of Troutdale and this Ordinance shall be liberally construed to effectuate that purpose.

Section 4 - Noises Prohibited.

(A) No person shall operate, cause or allow on private property any source of sound in a manner as to create a sound level which exceeds the limits set forth below for the receiving land use category as designated when measured at or within the property boundaries of the receiving land use:

(B) Sound Levels: Sound levels shall be limited to the values stated below and expressed in decibels. Areas from which sound emanates shall be divided into two classifications. The first class is "existing use" and shall include all property which was being used or was under construction as of July 1, 1980 and intended for use as residential, commercial or manufacturing. Property within the existing use class shall remain subject to the limits set forth in subsection 1, according to the then existing use, until the use is changed or is discontinued for one year or more. All other property shall be subject to subsection 2.

1. EXISTING USE PROPERTIES

ZONE OF RECEIVER

<u>Zone of Source</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Residential	55	60	65
Commercial	60	70	70
Manufacturing	65	70	75

2. OTHER PROPERTIES

ZONE OF RECEIVER

<u>Zone of Source</u>	<u>Residential</u>	<u>Commercial</u>	<u>Manufacturing</u>
Residential	55	60	65
Commercial	55	65	65
Manufacturing	60	65	70

All numbers are permissible sound levels indicated by decibels. Any area not coming within a designated land use zone will be treated as coming within the most restrictive (i.e. residential) designation.

Section 5 - Exemptions and Variances. Section 4 shall not apply to aircraft and aircraft operations, railway locomotives and cars, motor boats or non-stationary farming equipment.

(A) Section 4 shall not apply to construction except that:

1. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 10:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a disturbance across a residential real property boundary is subject to those limits described in Section 4. This sub-section does not apply to domestic power tools covered in Section B.

(B) Section 4 shall not apply to domestic power tools except that:

1. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary is subject to the limits described in Section 4.

Section 6 - Exceptions. It shall be a defense to a violation of Section 4 or Section 5 that at the time of the violation there existed an emergency which compelled the person to cause the noise or sound in question.

Section 7 - Separate Violations. Each incident constituting a violation of Section 4 or Section 5 of this Ordinance shall constitute a separate offense. Upon citation for violation of Section 4 or Section 5 the failure of the person to abate the noise shall result in issuance of further citations.

Section 8 - Other Laws. This Ordinance shall not affect the validity or enforceability of any other State Law or County Ordinance which is not or may in the future be in effect and which relates to the activities regulated by this Ordinance.

Section 9 - Variance. Provisions of this Ordinance are subject to variance by application to the Director of Community Services under terms established by that official.

Section 10 - Penalties. Any person found guilty of a violation of Section 4 or Section 5 shall be punished upon conviction of a fine of not more than \$500.00.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 6th day of May, 1980.

YEAS: 6

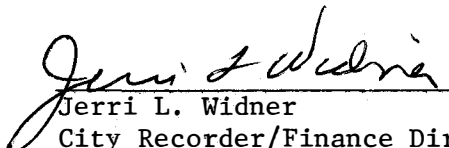
NAYS: 0

Signed by the Mayor this 14th day of May, 1980.



R.M. Sturges, Mayor

ATTEST:



Jerri L. Widner
City Recorder/Finance Director