

ORDINANCE NO. 866

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE 8.24.070, APPLICATION FOR NOISE VARIANCE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City Council recognizes the value of protecting the peace and quiet of our neighborhoods; and
2. Section 8.24 of the Troutdale Municipal Code sets out how it is determined what and when noise is unreasonable and thus prohibited from disturbing that expected peace and quiet; and,
3. The City also understands that at times, and for limited durations, there may be a need for residents, businesses and workers to create noise that exceeds the restrictions delineated in TMC 8.24 and thus would require a variance from compliance; and
4. The current Code section determining variances from the noise ordinance specifies that the “Chief of Police” shall determine said variance; and
5. The City has transferred the title of “Chief of Police” to an employee of the Multnomah County Sheriff’s Office; and
6. The City Council wishes to keep the authority for noise variance determinations, and fee collection, within the authority of the City; and
3. The City Council desires to amend Troutdale Municipal Code Section 8.24.070 – Application for Variance, to bring the determination and fee within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

- Section 1.** Troutdale Municipal Code Chapter Section 8.24.070 is amended as shown in Attachment A.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Randy Lauer, Mayor
Date: February 11, 2021



Sarah Skroch, City Recorder
Adopted: February 9, 2021

Attachment A- Amending Noise Ordinance Variance

Troutdale Municipal Code 8.24.070 - Application for variance.

Provisions of this chapter are subject to a variance in accordance with the following:

- A. The City Manager shall decide whether to approve, approve with conditions, or deny an application for a variance.
- B. The application for a variance shall be in writing on a form provided by the city and shall include an application fee in the amount determined by council resolution. The applicant shall submit information regarding the date, time and location of the activity or event that will generate the noise for which a variance is being sought, the reasons the variance is being requested and any other information requested by the City Manager. The application shall not be received until all the requested information and application fee has been submitted.
- C. No more than fourteen calendar days after the date an application is received, the City Manager shall cause to be mailed a written notice to occupants of the properties that are within three hundred feet of the potential source of the noise, notify in writing any officially recognized neighborhood organizations within whose geographical boundaries the involved sound is likely to be heard and post a notice on the property, if one specific lot, that is the potential source of the noise. The notice shall inform occupants and interested parties that a variance application has been filed and that they may submit written comments to the City Manager for consideration in deciding whether to approve or deny the application. The notice shall inform occupants and interested parties that their written comments must be submitted within seven calendar days of the date the notice was mailed or they may not be considered.
- D. No more than seven calendar days after the date the written comments are due, the City Manager shall make a decision to approve or deny the application. The decision shall be based on the information provided in the application and written comments. The variance application shall be approved if the City Manager finds that the following standards will be met:
 1. The benefits of allowing the activity or event that will cause a possible noise violation outweigh the disruption or harm caused by the noise;
 2. The duration and volume of the noise is the minimum amount necessary to achieve the purpose of engaging in the activity or event that will cause the noise; and
 3. The applicant will minimize the noise that is produced between the hours of ten p.m. and seven a.m.
- E. The City Manager shall mail a copy of the decision to the applicant and any party who provided written comments.
- F. An applicant, or any party who provided written comments, may appeal the City Manager's decision to the city council. The appeal must be in writing and filed with the city recorder no more than seven calendar days after the date the decision was mailed. Any party filing a written appeal shall:
 1. Identify themselves as the applicant or a party that submitted written comments;
 2. Include a copy of the decision that is being appealed and the application or written comments they submitted;
 3. State with specificity the reasons why the decision is being appealed; and
 4. Explain why they believe the decision is inconsistent with the standards in subsection D of this section.
- G. Upon receipt of a timely and complete appeal, the City Manager shall place the appeal on a city council meeting agenda and shall mail written notice to applicant and any person who submitted written comments informing them of the date the city council will consider the appeal.
- H. At the appeal hearing, the city council shall review the application, written comments, and written appeal, and decide whether to affirm, reverse or modify the City Manager's decision. The city council's decision shall be reduced to writing and mailed to the appellant and any party who participated in the hearing on appeal.