

**ORDINANCE NO. 1558**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS**

**WHEREAS**, the City of Canby currently has a noise variance ordinance; and

**WHEREAS**, the City of Canby desires to amend the ordinance to add language exempting sounds, including the discharge of fireworks and other explosive devices, created from the Canby School District graduation celebration from the requirement of obtaining a noise variance.

**NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The Canby Municipal Code (CMC) Chapter 9.48.050(A) is hereby amended to read as follows:


§ 9.48.050     Exceptions and variances.

- A.     Exceptions. The following sounds are exempted from the provisions of this chapter:
1.     Sounds caused by the performance of emergency work, vehicles and/or equipment;
  2.     Aircraft operations in compliance with applicable federal laws or regulations;
  3.     Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
  4.     Sounds produced by sound-amplifying equipment at activities, including fireworks and other explosive devices at football games and graduation, sponsored by Canby School District between 7:00 a.m. and midnight, local time;
  5.     Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;
  6.     Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
  7.     Sounds made by warning devices operating continuously for 5 minutes or less;
  8.     Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided

they are equipped with an exhaust system which is in good working order and in constant operation;

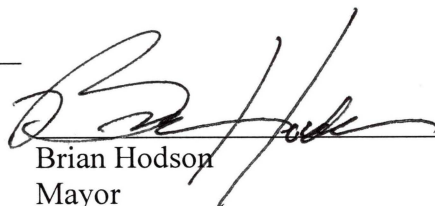
9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;
10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and
12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.; and
13. Sounds created from city sanctioned events in the Downtown Commercial zone; and
14. Sounds, including the discharge of fireworks and other explosive devices, created from City and Canby Fire District sanctioned events.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 16, 2021, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 21, 2021 commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.


  
\_\_\_\_\_  
Melissa Bisset  
City Recorder, CMC

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on July 21, 2021 by the following vote:

YEAS 4 NAYS 0  
Councillor Bangs  
Abstained

  
\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Bisset, CMC  
City Recorder

**AFFIDAVIT OF POSTING**

STATE OF OREGON     )  
  )  
County of Clackamas     )     ss:  
  )  
CITY OF CANBY         )

I, Melissa Bisset, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 16<sup>th</sup> day of June, 2021 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1558 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

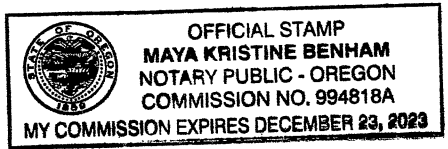
Thereafter, on the 17<sup>th</sup> day of June, 2021, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby Civic Building
- 2. Canby Post Office
- 3. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of more than five (5) days and until the very 21<sup>st</sup> day of July, 2021.

Melissa Bisset  
Melissa Bisset, City Recorder

Subscribed and sworn to before me this 12<sup>th</sup> day of January, 2021.



Maya K. Benham  
Notary Public for Oregon  
My Commission Expires: 12/23/2023