

CHAPTER 3 NOISE CONTROL

4-3-1: TITLE:

This chapter shall be known as the UMATILLA NOISE ORDINANCE. (Ord. 712, 11-6-2001)

4-3-2: DEFINITIONS:

The following words shall have the meanings ascribed to them in this section:

CHIEF OF POLICE: Umatilla chief of police, or the chief's designee.

COMMUNITY EVENT: Any event the city of Umatilla has approved prior to its occurrence and that is sponsored or attended by a local organization or group of people.

CONSTRUCTION, STREET WORK, STREET REPAIR, DRILLING OR DEMOLITION TOOLS OR EQUIPMENT: Machines or mechanically powered items that are typically used on commercial construction projects and involve more than routine repairs or work on residential property.

DOMESTIC POWER TOOL: A mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, leaf blower or similar device that is used in residential areas for work that is typically done by or for residential occupants.

NOISE DISTURBANCE: Any sound which: a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.

NOISE SENSITIVE UNIT: Any building, structure, or portion thereof that has the doors and windows closed and that is used as a church, daycare center, hospital, nursing care center or school, or place of overnight accommodation, including, but not limited to, individual homes, apartments and mobile homes.

OUTDOOR ACTIVITY: An athletic, entertainment or similar activity.

PERMIT, PERMITTING OR PERMISSION: To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

PERSON: An individual person, association, trust, partnership, firm or corporation.

PLAINLY AUDIBLE: Any sound, the content of which can be clearly heard by a listener of ordinary hearing capabilities. (Ord. 712, 11-6-2001)

4-3-3: NOISE DISTURBANCE PROHIBITED:

It shall be unlawful for any person to allow, make, or to assist in making any noise disturbances in the city. A noise disturbance is presumed to have occurred when two (2) or more of the following circumstances exist:

- A. The noise is made between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- B. The noise is plainly audible within a noise sensitive unit that is not the source of the noise;
- C. The noise is amplified by a machine or object;
- D. The tone of the noise is abnormally high or low according to the perception of a listener with normal hearing capabilities;
- E. The noise remains constant for at least five (5) minutes; or
- F. The noise is repeated at least three (3) times during a thirty (30) minute time period. (Ord. 712, 11-6-2001)

4-3-4: SPECIFIC NOISES PROHIBITED:

The following acts are violations of this chapter:

- A. The use, operation or playing of any radio, television, phonograph, compact disc player, tape player, loudspeaker, musical instrument, or other similar machine or device that is used for the production of noise between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. when the noise is plainly audible within a dwelling unit or any noise sensitive unit that is not the source of the noise; or to operate such device on public property or on a public right of way so as to be plainly audible fifty feet (50') or more from such device;
- B. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. when the noise is plainly audible within a noise sensitive unit that is not the source of the noise;
- C. The use of any automobile, motorcycle or other kind of vehicle in a manner that creates loud grating, grinding, revving, rattling or other similar noise;
- D. The use of exhaust brakes or dynamic braking device commonly known as "jake brakes", except when used in an emergency to stop or slow a vehicle so as to avoid a collision;
- E. The discharging of exhaust from any steam engine, stationary internal combustion engine, motor boat, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises;
- F. The making of, or assisting with the making of, noise on a public beach or in a public park when the noise is plainly audible within a noise sensitive unit that is not the source of the noise;
- G. The use of construction, street work, street repair, drilling or demolition tools or equipment between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;

- H. The use of domestic power tools between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.;
- I. Noise created by dogs and other animals including birds, when it violates the standards in subsection 5-3-8A6 of this code. (Ord. 712, 11-6-2001)

4-3-5: GENERAL EXCEPTIONS:

The following acts are exceptions to the prohibition in this chapter:

- A. Noise emanating from aircraft and aircraft operations, railway locomotives and non-stationary farming equipment;
- B. Noise created by the normal operation of construction, street work, street repair, drilling or demolition tools or equipment provided the construction, street work, street repair, drilling or demolition work occurs between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- C. Noise created by the operation of any domestic power tool provided that operation of the domestic power tool occurs between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.;
- D. Noise created by a community outdoor activity or event conducted on public parks, playgrounds, and public or private school grounds;
- E. Noise created by an animal that does not violate subsection 5-3-8A6 of this code;
- F. Noise that constitutes constitutionally protected speech;
- G. Operation of any device designed for sound production or reproduction in a city park or on public right of way with a permit granted by the city administrator or designee;
- H. Noise caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment. (Ord. 712, 11-6-2001)

4-3-6: ADDITIONAL TO OTHER LAWS:

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, that shall be deemed additional to existing legislation and common law on such subject. (Ord. 712, 11-6-2001)

4-3-7: PENALTIES FOR VIOLATION:

It is unlawful for any person to violate any provision or to fail to comply with any requirement of this chapter. Violation of section 4-3-3 and subsections 4-3-4A, B, G, H, and I of this chapter is punishable by the imposition of a class C civil fine. Violation of subsections 4-3-4C through F of this chapter is punishable by the imposition of a class D civil fine. Each such person shall be

guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and may be punished accordingly. (Ord. 712, 11-6-2001)