

# ORDINANCE 1341

## AN ORDINANCE AMENDING CITY OF TILLAMOOK (CCT), TITLE XIII: GENERAL OFFENSES, CHAPTER 130, SECTION 130.08, NOISE, AND DELETING THE “NOISE” DEFINITION AND REPEALING AND REPLACING SECTION 130.08

**WHEREAS**, the City of Tillamook approved CCT, Title XIII, Chapter 30: General Offenses on December 6, 2010; and

**WHEREAS**, CCT, Title XIII, Chapter 130: General Offenses, Section 130.08 provides language pertaining to noise within the city limits of Tillamook, Oregon; and

**WHEREAS**, the Tillamook City Council wishes to amend CCT 130.08 pertaining to noise.

**NOW THEREFORE**, the Common Council of the City of Tillamook ordains as follows:

### Section 1: Amendment of the Code of the City of Tillamook (CCT).

The Code of the City of Tillamook (CCT), Title XIII, Chapter 130, Section 130.08, Noise Disturbance – Repetition and Failure to Cease, shall be replaced as the following:

No person shall allow, cause to be made, make or assist another person in making a noise disturbance which disturbs, injures or endangers the health, safety or welfare of others.

- 1) It shall be unlawful for any person responsible for a noise disturbance caused by electronically amplified sound or a gathering of five or more people to:
  - (a) Fail within 30 minutes to eliminate or cease such noise disturbance after receiving a citation or other notice of a violation of this section, or
  - (b) Intentionally or recklessly create the same or similar noise disturbance within 6 months of having received a citation or other notice of a violation of this section.

#### 2) Noise Disturbance- Specific Prohibitions

Unless exempted by Section 3 of this code, the following acts are declared to be noise disturbances; However this enumeration shall not be deemed an exclusive list of violations of this code, nor shall the recitation of specific prohibitions below be deemed the exclusive and entire listing of unlawful noise disturbances for each sub category:

- a) Sound producing, amplifying or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to a radio, drums and other musical instruments, phonograph, television set, tape recorder, loud speaker, or other similar device;

- 1) Between the hours of 10 PM and 7 AM the following day so as to be plainly audible within any dwelling unit or noise sensitive unit which is not the source of the sound; or
  - 2) On public property or on a public right of way so as to be plainly audible 50 feet or more from such device, except as specifically authorized in writing by the city through permit, or in writing by the county, state or federal government.
- b) Animals. Keeping or permitting keeping of any animal of fowl otherwise permitted to be kept, which, by any sound, cry or behavior causes vocal or other sounds on a sustained basis during a 15 minute period shall constitute a noise disturbance.
  - c) Is capable of being heard at or beyond the boundary of property from which the noise originates and or can be heard inside a noise sensitive unit
  - d) The use of an engine, thing or device which is so loaded, out of repair or operated in manner as to create a loud or unnecessary grating, grinding, rattling or other noise;
  - e) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise created thereby is effectively muffled;
  - f) The construction, including excavation, demolition, alteration or repair of a building or other structure, or repair of a vehicle or other machinery other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the city.

### 3) Exemptions

The following sounds are exempted from the provisions of this section:

- a) Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than 15 minutes,
- b) Sounds made by an emergency vehicle, as defined in ORS, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law,
- c) Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission, or by the city.
- d) Sounds caused by sources regulated as to sound production by federal law or sounds caused by sources the regulation of which is preempted by state law.
- e) Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events.
- f) The sounding of any horn or signaling device on an automobile, motorcycle or other vehicle reasonably required by the exigencies of vehicular or pedestrian traffic.
- g) Sounds specifically authorized under a permit or license issued by the city.

**Section 2: Codification.**

Provisions of this Ordinance shall amend the Code of the City of Tillamook, and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross references and any typographical errors.

**Section 3: Effective Date.**

This Ordinance shall take effect 30 days from the date of adoption.

**PASSED FIRST READING** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**PASSED SECOND READING** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**ADOPTED** by the Common Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Suzanne R. Weber, Mayor

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Abigail Donowho, City Recorder