

**CITY OF WESTFIR
ORDINANCE NO. 143**

AN ORDINANCE ESTABLISHING THE REGULATION OF NOISE WITHIN CITY LIMITS;
PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; ESTABLISHING PENALTIES;
AND REPEALING WESTFIR ORDINANCE NOS. 121, 132, AND 133

WHEREAS, the City of Westfir is dedicated to protect, preserve, and promote the comfort, health, safety, welfare, peace, and quiet of the Citizens of Westfir, and;

WHEREAS, to control and prevent unreasonably loud noise which disturbs, injures, or endangers the health, safety, welfare, peace, and quiet or causes annoyance to persons of ordinary sensitivity;

NOW THEREFORE, THE CITY OF WESTFIR, OREGON ORDAINS AS FOLLOWS:

Section 1. Definitions

- A) Noise Disturbance – any sound that:
 - a. Is unreasonably loud or raucous;
 - b. Disturbs or injures the comfort, health, safety, or welfare of a reasonable person with normal sensitivities; or
 - c. Is harsh, prolonged, or unnatural in time or place, to the degree which it interferes with the peace and quiet of neighbors, guests, or customers in places of business.
- B) Emergency – any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.
- C) Emergency work – any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities.
- D) Plainly audible – the listener can clearly hear the contents of the sound produced by the noise source using their unaided hearing faculties. The sound consistently exceeds 80 decibels at 500 feet from the source, as measured by city staff or police. Sounds which may be clearly audible include, but are not limited to: musical rhythms, spoken words, vocal sounds, and engine noises.
- E) Public right of way – any street, highway, sidewalk, alley, or similar place whether publicly or privately owned, open and available to the general public.

Section 2. Determination

Factors for determining whether sound is unreasonably loud and raucous include, but are not limited to the following:

- a. The proximity of the sound to sleeping facilities, whether residential or commercial;
- b. The time of day or night the sound occurs;
- c. The duration of the sound;
- d. Whether the sound is recurrent, intermittent, or constant;
- e. The sound consistently exceeds 80 decibels at 500 feet from the source;
- f. Whether the sound is plainly audible outside the designated time allotments assigned to the activity.

Section 3. General Prohibition

No person shall intentionally or recklessly create or continue any noise disturbance.

Section 4. Declared noise disturbances

The City Council finds the following acts to be noise disturbances, but the enumeration does not constitute an exclusive list:

A) Construction or repair of buildings, excavation of streets/highways

The construction, demolition, or repair of buildings, and the excavation of streets or highways between the hours of 10:00 p.m. and 7:00 a.m. weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays that causes unreasonably loud, prolonged, or raucous noise.

Exemptions:

- a. In cases of emergency, construction or repair noises are exempt from this provision.
- b. Repairs or excavations on bridges, streets, or highways by or on behalf of the City, County, State, or Federal Government, when public welfare and convenience renders it impractical or unsafe to perform work between the hours of 7:00 a.m. and 10:00 p.m. weekdays, and 10:00 a.m. and 10:00 p.m. on weekends and holidays.

B) Animals or Birds

Keeping of animals or birds which frequently, or for long duration, howl, bark, screech or otherwise create an unreasonably loud or raucous noise. A person is responsible for an

animal if the person owns, controls, or otherwise cares for the animal or bird or allows a third party to keep the animal or bird on property they own or control.

C) Loudspeakers, Amplifiers, and similar devices

The unreasonably loud and raucous use of a loudspeaker, amplifier, or similar device to produce or reproduce sound between the hours of 10:00 p.m. and 7:00 a.m. weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays. The broadcast or amplification shall not consistently exceed 80 decibels for a distance of more than 500 feet from the instrument, speaker, or amplifier.

Exemptions:

- a. This shall not apply to any public performance, gathering, sporting event, or parade for which a permit has been issued by the City.
- b. City sponsored events including but not limited to the Bridge Lighting Festival, fireworks displays, haunted houses, parades, and concerts.

D) Emergency signaling devices

The intentional sounding of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device except in an emergency.

E) Non-emergency signaling devices

Prolonged sounding of vehicle horns, air horns, bells, chimes, sirens, whistles, or similar devices in public right of ways.

Exemptions:

- a. The sounding of such devices as a danger warning in an emergency;
- b. The reasonable sounding of such devices by churches, ice cream trucks, seasonal contribution solicitors, or by the City or other government entity for traffic control purposes.

F) Vehicle noise

The using or operating of a vehicle or engine, either stationary or moving, so as to create loud or unnecessary grating, rattling, or other noise. The sounding of any horn or signaling device on any vehicle on any street or public or private place except as a necessary warning of danger.

G) Commercial establishments adjacent to residential property

Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of, or under the control of, the establishment between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00

a.m. on weekends and holidays.

H) Recreational off-road vehicles

Prolonged sounding of off-road vehicle engines which could be considered raucous and loud. Excessive idling, revving, or decibel levels above the current State of Oregon standards between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays.

I) Mechanic / Garage work in community residential zones

The conducting, operating, or maintaining of any garage (or garage-like operation) within 100 feet of any private residence, apartment, rooming house, or hotel in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays.

Section 5. Enforcement

Police Services will have primary responsibility for enforcement of the noise regulations contained in this Ordinance. Nothing shall prevent a Police Officer or City staff from obtaining voluntary compliance by way of warning, notice, or education.

Section 6. Penalties

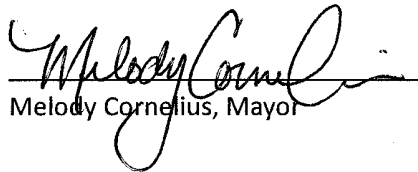
The City may assess a fine not to exceed \$250.00 against any person responsible for violating any provisions of this Ordinance.

Section 7. Repealing Clause

Ordinances Nos. 121, 132, and 133 are hereby repealed in their entirety.

Passed by the Council and approved by the Mayor on this 4th day of April 2022.

AYE: 5 NAY: 0 ABSENT: 0


Melody Cornelius, Mayor

ATTEST: 
Nicole Tritten, City Recorder

DATE: 4-4-22