ORDINANCE NO. 443

AN ORDINANCE AMENDING THE CITY OF SISTERS MUNICIPAL CODE SECTION 8.12.054 CONCERNING NOISE

WHEREAS, the City of Sisters manages the sound level and duration of concert and event sound in a manner that both promotes commerce and preserves the quality of life for residents; and,

WHEREAS, the City of Sisters finds that certain revisions and amendments to the City of Sisters noise ordinance are necessary to further promote that balance.

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1:

The City Council adopts the provisions of Sisters Municipal Code section 8.12.054. as set forth

8.12.054 Noise. This section is adopted pursuant to the provisions of ORS 467.100.

(1) Definitions. As used in this section, the following mean:

(a) Motorcycle. A motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer. This includes motorcycles suitable for use off a road or on dirt trails, regardless of whether it may also be used on public streets or highways under state law. It includes motorcycles sold or commonly described as dirt bikes, motor-cross bikes, trail bikes or enduro bikes.

(b) Motor vehicle. A self-propelled vehicle designed for self-propulsion, except road rollers, farm tractors and traction engines. Police vehicles, ambulances, fire engines and other emergency vehicles responding to emergency calls are not subject to this section.

(c) Special Event. An event designated and permitted as such under the City of Sisters Code.

(d) Unreasonably loud or raucous noise:

(A) Motor vehicles. Motor vehicle noise louder or heard for a longer period than that produced by reasonable use that disturbs, injures or endangers the comfort, repose, health, peace or safety of persons 30 or more feet away, if the noise is not emitted in order to make the motor vehicle move up to the maximum speed limit on public streets, roads or highways for the

purpose of direct transportation.

(B) Motorcycles. Using a motorcycle outside of public right-of-ways where the use disturbs the sleep, peace, quiet, comfort or repose of persons 30 or more feet away. If the user has a permit allowing a person to operate a motorcycle outside of public right-of-ways within the terms of the permit.

(C) Horns, signaling devices, etc. Sounding a horn or signaling device on an automobile, motorcycle, bus or other vehicles, except as a reasonable signal required by the exigencies of vehicular or pedestrian traffic; created by a signaling device a sound that disturbs the sleep, peace, quiet, comfort or repose of other persons; sounding such device for an unnecessary or unreasonable period of time.

(D) Radios, phonographs, etc. Playing, using or operating a radio, musical instrument, phonograph, television set, tape recorder or other machine or device for producing or reproducing sound in a manner that disturbs the sleep, peace, quiet, comfort or repose of other persons, or using the machine or device with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or chamber in which the machine is operated and others who are voluntary listeners. The operation of a machine or device in a manner that is plainly audible to a peace officer at a distance of at least 50 feet from the building, room, structure or vehicle in which it is located shall be prima facie proof of a violation of this section.

(E) Loudspeakers amplifiers, etc. Using, operating or permitting to be used or operated a mechanical or electrical loudspeaker or sound amplifier, either stationary or mobile, for producing or reproducing sound that is cast on or audible from the public streets or other public property if it disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away, unless otherwise permitted under this code. This subpart shall not apply to public meetings, special events, sports events and shows held at schools, stadiums, the fairgrounds, auditoriums, churches, meeting halls and public parks and playgrounds until 10:00 p.m. unless otherwise permitted under this code.

(F) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing between the hours of 10 p.m. and 7 a.m. or at any time or place that disturbs the sleep, peace, comfort or repose of persons more than 30 feet away. This subpart shall not apply to applause and cheering at public meetings, lectures, sports events and shows held at schools, stadiums, auditoriums, churches, meeting halls, public parks and public playgrounds.

(G) Exhausts. Discharging into the open air the exhaust of a steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

(H) Defect in vehicle or load. Using an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to disturb the sleep, peace, quiet, comfort or

repose of persons more than 30 feet away.

(I) Unloading, loading, opening boxes. Loading or unloading a vehicle or opening, closing or destroying bales, boxes, crates and containers so as to disturb the sleep, peace, comfort or repose of persons more than 30 feet away.

(J) Constructing or repairing buildings, streets, etc. Constructing (including excavating), demolishing, altering or repairing a building, street, sidewalk, driveway, sewer or utility line between the hours of 10 p.m. and 7 a.m. except as provided in the code.

(K) Schools, courts, churches, hospitals. Creating a sound on a street adjacent to a school, institution of learning, church or court while in use, or an institution for the care of the sick or infirm that would tend to unreasonably interfere with the operations of the institution or disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. "Adjacent" means within 500 feet of an institutional building.

(L) Environmental quality standards. Noise that violates the standards of the Environmental Quality Commission adopted pursuant to OARS 467.030 and that is not exempt under OARS 467.035 or permitted by a variance issued under ORS 467.060.

(M) Blowers and compressors. Operating a blower, power fan, internal combustion engine, electric motor or compressor, or the compression of air, unless the sound from each machine is sufficiently muffled so as not to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away between the hours of 10 p.m. and 7 a.m.

(d) Acts prohibited. Except as permitted, no person within the boundaries of the City shall make unreasonably loud or raucous noise that disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

(2) Permits.

(a) In cases of emergency or other urgent public necessity, the City Manager may issue a permit allowing activities to take place at any hour. Emergency permits may not be issued for a period exceeding three days, but may be renewed for successive periods not exceeding three days each for as long as the emergency continues.

(b) The City Manager may also issue a permit for a concert, special event or other activities to exceed the noise limits of this code under such conditions and for such duration as determined by the City Manager, but in no event later than 1:00 a.m.

(c) The City Manager may issue a permit to allow construction or repair of any public improvement to occur during any hour. The City Manager shall set the duration of the permit as the City Manager deems appropriate.

(d) Denial of permits by the City Manager may be appealed to the Council within 15 days after denial. The date of a denial shall be the date a permit is orally denied or the date a written denial is made, whichever is later. The granting of a permit may be appealed at any time by a person who resides or works within 100 feet of the property wherein the noise is generated as a result of granting of the permit.

(e) This subsection shall not apply to emergency work performed on improvements and utilities. Such activities may be conducted without restriction.

PASSED by the City Council of the City of Sisters and APPROVED by the Mayor, this 24th day of April, 2014.

Brad Boyd, Mayor

ATTEST:

Kathy Nelson, City Recorder