

## CHAPTER 93

### NOISE

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**93.001. Declaration of Purpose.** It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and repose and that reduces unnecessary and excessive sound in the environment. (Ord No. 166-78; Ord No. 37-10)

**93.005. Definitions.** Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

- (a) Domestic power equipment means power tools or equipment, including, but not limited to, power hand tools, lawn mowers, power blowers, garden equipment and snow removal equipment, used for home or building repair, maintenance, landscaping, alteration or home manual arts projects.
- (b) Dwelling unit means a single family dwelling, duplex, triplex, multifamily dwelling, apartment, condominium or mobile home.
- (c) Dynamic braking device means a braking device used primarily on trucks and busses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.
- (d) Motor vehicle means a vehicle that is self-propelled or designed for self-propulsion.
- (e) Noise disturbance means any sound that:
  - (1) Injures or endangers the health or safety of a human;
  - (2) Annoys or disturbs a reasonable person of normal sensitivities; or
  - (3) Injures or endangers personal or real property.
- (f) Plainly audible means the listener can clearly hear the sound produced by a sound source with unaided hearing faculties. Sounds which may be plainly audible include, but are not limited to, musical rhythms, engine noises, spoken words or phrases even though not clearly discernable, and other vocal sounds. (Ord No. 179-82; Ord No. 53-97; Ord No. 91-99; Ord No. 23-2002; Ord No. 57-05; Ord No. 31-06; Ord No. 37-10)

**93.010. Noise Disturbance Prohibited.** It shall be unlawful for any person intentionally, knowingly, or recklessly to create, to permit, to continue, or to assist in the creation or continuance of any noise disturbance. (Ord No. 3408; Ord No. 80-74; Ord No. 179-82; Ord No. 55-84; Ord No. 20-2000; Ord No. 23-2002; Ord No. 37-10)

**93.020. Specific Noise Disturbances.** Except as provided in SRC 93.030, the following are declared to be noise disturbances per se. This section shall not be deemed to limit noise disturbances for the purposes of SRC 93.010 to those enumerated herein.

- (a) **Sound producing, amplifying or reproducing equipment.** It shall be unlawful to operate or use, or to permit the operation or use of, any device that produces or amplifies sound, including, but not limited to musical instruments, radios, televisions, stereos, compact disc players, tape

recorders, amplifiers and loudspeakers in such a manner that the sound produced thereby is plainly audible:

- (1) Within any dwelling unit, church, temple, synagogue, business, day care center or school, other than the source of the sound; or
  - (2) On public property or a public right-of-way one hundred and fifty feet or more from such device, except as specifically authorized in writing by the city, county, state or federal government that owns or controls such property.
- (b) **Dogs.** It shall be unlawful to keep, or to permit the keeping of, any dog or dogs that create any bark, cry, or other sound on a frequent, repetitive or continuous basis for ten minutes or longer.
- (c) **Domestic Power Equipment.** It shall be unlawful to operate, or to permit the operation of, any domestic power equipment between the hours of 10 p.m. and 7 a.m. of the following day.
- (d) **Construction or repair of buildings, streets, sidewalks, etc.** It shall be unlawful to construct, demolish, alter, excavate, rehabilitate or repair any building, street, sidewalk, driveway, sewer, or utility line between the hours of 10 p.m. and 7 a.m. of the following day.
- (e) **Dynamic braking devices.** It shall be unlawful to use any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property.
- (f) **Idling engines on motor vehicles.** It shall be unlawful to operate any idling engine for more than ten consecutive minutes in a manner that is plainly audible within any dwelling unit between the hours of 10 p.m. and 7 a.m. of the following day.
- (g) **Motor vehicle repair and testing.** It shall be unlawful to repair or test any motor vehicle in a manner that is plainly audible within any dwelling unit between the hours of 10 p.m. and 7 a.m. of the following day.
- (h) **Steam whistles.** It shall be unlawful to blow a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work.
- (i) **Sirens or other aural warning devices.** It shall be unlawful to sound a stationary siren or other aural warning device, except where necessary to warn of fire or imminent danger to persons or property.
- (j) **Pile drivers, steam shovels, pneumatic hammers, etc.** It shall be unlawful to operate, or permit the operation of, any pile driver, steam shovel, pneumatic hammer, derrick, hoist, or any other similar equipment between the hours of 10 p.m. and 7 a.m. of the following day.
- (k) **Other.** It shall be unlawful to operate, to permit, or continue the operation of, any sound source not otherwise enumerated in this section in a manner that exceeds the maximum permissible sound levels set forth in Table 51-1 of SRC Chapter 51. (Ord No. 37-10)

**93.030. Exemptions.** Notwithstanding SRC 93.010 and SRC 93.020, the following sounds shall not be deemed noise disturbances:

- (a) Sounds made by work necessary to restore property to a safe condition following a natural or other disaster, or to protect persons or property from exposure to imminent danger.
- (b) Sounds made by burglar or fire alarms operating repetitively or continuously for not more than ten minutes.
- (c) Sounds made by an emergency vehicle as defined in ORS 801.260 when responding to or from an emergency or when pursuing an actual or suspected violator of the law.
- (d) Sounds made by the use of land and buildings as a farm for profit through the raising, harvesting, and selling of crops; through the feeding, breeding, management, and selling of livestock, poultry, fur-bearing animals or honeybees or the products thereof; through dairying and the selling of dairy products; or through engaging in any other agricultural or horticultural activity.
- (e) Sounds produced by the City, Marion County, Polk County, the State of Oregon or their employees, agents, contractors or their subcontractors in the maintenance, construction or repair of public improvements.

(f) Sounds produced pursuant to a variance granted by the Oregon Environmental Quality Commission.

(g) Sounds produced pursuant to and in conformance with a valid permit issued under SRC Chapter 42 or SRC Chapter 51.

(h) Sounds produced by sound amplifying equipment at athletic events sponsored by Salem–Keizer School District 24J, an educational institution registered with the Oregon Department of Education, an educational institution accredited by an accrediting agency recognized by the United States Secretary of Education, or the City of Salem.

(i) Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, unless the sounds otherwise violate SRC 93.020(f)-(g).

(j) Sounds produced by a public utility as defined in SRC 35.010, a public utility as defined in ORS 757.005, a current franchisee of the City or their employees, contractors or subcontractors in the construction, maintenance or repair of their respective facilities. (Ord No. 179-82; Ord No. 12-84; Ord No. 55-84; Ord No. 10-85; Ord No. 46-94; Ord No. 23-2002; Ord No. 31-05; Ord No. 37-10)

### **93.990. Violations.**

(a) Except as provided in subsection (b) of this section, violation of SRC 93.010 or SRC 93.020 is an infraction. In addition to any other penalty provided by law, a person adjudged responsible for violation of this Chapter may be ordered by the court to correct the violation.

(b) A second or subsequent violation of SRC 93.010 or SRC 93.020 within six months of having been convicted of a violation of SRC 93.010 or SRC 93.020 is a misdemeanor. (Ord No. 193-79; Ord No. 179-82; Ord No. 47-97; Ord No. 20-2000; Ord No. 23-2002; Ord No. 57-05; Ord No. 37-10)