

ORDINANCE NO. 881

AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 8.20.140, UNNECESSARY NOISE

WHEREAS, the City has existing regulations regarding unnecessary noise in SMC 8.20.140; and

WHEREAS, City Staff noted the need for an amendment to the language in SMC 8.20.140 because without an objective standard, its currently unenforceable; and

WHEREAS, City Council finds that the amendment is in the public interest.

NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Scappoose Municipal Code 8.20.140 is hereby amended as described in Exhibit "A", attached hereto and hereby incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This ordinance shall be effective 30 days after passage.

PASSED AND ADOPTED by the City Council this 20th day of May, 2019, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

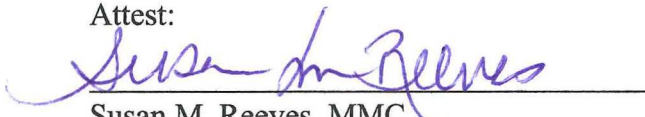


Scott Burge, Mayor

First Reading: May 6, 2019

Second Reading: May 20, 2019

Attest:



Susan M. Reeves, MMC
City Recorder

EXHIBIT A

(Language to be omitted is ~~strikethrough~~, language additions are **double underlined in bold**)

8.20.140 Unnecessary noise. A. No person shall make, assist in making, continue, or cause to be made any loud, disturbing or unnecessary noise, which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others, **at a volume of 55 decibels or greater, between 10:00 pm and 6:00 am. The decibels must be read with a sound meter located at the property boundary line of the property in question. The decibel level will be taken with a sound meter operated by the Scappoose Police Department.**

This also applies to the operation of equipment requiring a Commercial Drivers License or Commercial Learning Permit, between 10:00 pm and 6:00 am, if the equipment is being operated in residential zones, unless the City has granted a temporary permit for the operation of the equipment, or the equipment is being operated by a unit of government responding to an emergency.

B. Any violation of Section 9.12.040 Offenses relating to noise, is a violation of this chapter. (Ord. 718 (part), 2002)