

ORDINANCE NO. 903
AN ORDINANCE AMENDING SCAPPOOSE MUNICIPAL CODE TITLE 8, ADDING SECTION 8.20.150,
NOISE VARIANCE PERMIT AND APPLICATION

WHEREAS, excessive noise has been recognized as a nuisance in the City of Scappoose; and

WHEREAS, City Council recognizes that there are circumstances and compelling public interests to allowing for variances in Scappoose noise ordinances and rules; and

WHEREAS, City Council wishes to update the Scappoose Municipal Code Ch., 8.20, Nuisance, to incorporate an explicit process and approval conditions for noise variance permits.

NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Chapter 8.20 of the Scappoose Municipal Code shall be added to as shown on the attached Exhibit A.

PASSED AND ADOPTED by the City Council this 8th day of August, 2022, and signed by the Mayor and City Recorder in authentication of its passage.

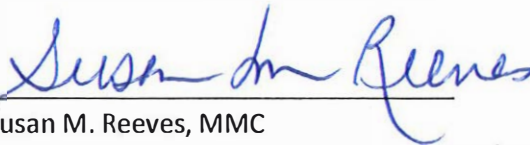
CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First reading: July 18, 2022

Second reading: August 8, 2022

Attest: 

Susan M. Reeves, MMC
City Recorder

Exhibit A

8.20.150 Noise variance permit and application.

- A. *Permit.* An application for a noise variance permit for relief on the basis of undue hardship from a noise level or time limits designated in Scappoose Municipal Code may be submitted in writing to the City Manager or designee. The fee for such permit shall be set by Council resolution.
- B. *Conditions for granting.* A noise variance permit granted by the City Manager shall contain all conditions upon which the permit has been granted and shall specify a reasonable time the permit shall be effective. The City Manager or designee shall grant the relief based on one or more of the following conditions:
- a. That strict compliance with such rule, regulation, or order is inappropriate because of conditions beyond the control of the persons requesting the variance.
 - b. Because of special circumstances which would render strict compliance unreasonable or impractical due to special conditions or causes.
 - c. Because strict compliance would result in substantial curtailment or closing down of a business, plant, or operation, or no other alternative facility or method of compliance is yet available.
 - d. Because compliance with noise regulations from which the variance is sought would produce hardship greater than the benefit that would be produced by the granting of the variance.
 - e. **Because there is a compelling public purpose or interest that is served by granting a variance.**
- C. *Approval.* Except where the city manager has submitted the matter to the city council for consideration, or the city manager has determined that more information is necessary to make a decision, they shall have 10 business days to consider the variance and may approve, deny or condition the variance with such terms as they, in the exercise of reasonable discretion, believes will advance the public's interest and the purposes of these regulations. Any decision of the city manager shall be in writing. **After a variance permit is granted, the City of Scappoose shall notice the public via social media that a permit has been granted and detail the time and location the variance will occur. Notice shall occur no later than 48 hours after approval of a permit.**
- D. *Conditions.* A noise variance permit may include conditions the City Manager or designee deems necessary to protect the public health and welfare.
- E. *Revocation or modification.* In the case of failure to comply and/or an emergency or safety hazard, the City Manager or designee may revoke or modify a noise variance permit by setting forth the reason for revocation and/or the nature of the emergency or hazard in a certified letter mailed to the holder of the variance permit. This letter shall provide the reason why the variance is revoked or modified.