

ORDINANCE NO. 709

**AN ORDINANCE AMENDING SECTION 9.12.040(A), OF THE SCAPPOOSE
MUNICIPAL CODE RELATING TO UNNECESSARY NOISE**

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Section 9.12.040(A) of the Scappoose Municipal Code is amended to read as follows:

Section 9.12.040 Offenses Related to Noise. A. Unnecessary Noise. It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuation of any loud, disturbing or unnecessary noise in the city. The following acts are declared to be a violation of this section, but such enumerations shall not be deemed to be exclusive:

1. The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity;

2. The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, or any device or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;

3. The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;

4. The commercial construction, excavation, demolition, exterior alteration, or repair of a building, or exterior use of heavy construction equipment, other than between the hours of seven a.m. to eight p.m. Monday through Friday and nine a.m. to four p.m. on Saturdays, except upon special permit granted by the city council;

5. The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;

6. The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

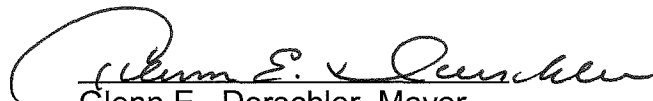
7. Other than for school events, the use or operation of any phonograph, radio, loudspeakers, or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders to the same as public nuisance. It is unlawful to operate the amplified device between the hours of nine p.m. and seven a.m. in any manner where the noise produced is audible fifty feet from the noise-producing site. In the case of apartment, duplex or any residence which shares a common ceiling, floor or wall; the amplified noise will be considered unlawful if it is clearly audible within another dwelling unit, between the hours of ten p.m. and seven a.m. Permits may be granted to responsible persons or organizations upon application to the city council, to broadcast programs of music, news, speeches or general entertainment;

8. The use of a muffler cutout on any motor vehicle upon any street;

9. The conducting, operating, or maintaining of any garage within one hundred feet of any building used as a private residence, apartment house, rooming house or hotel in such manner as to cause loud or offensive noises to be emitted therefore between the hours of eight p.m. and seven a.m.;

10. Loud and boisterous talking, shouting, yelling is prohibited in a residential area between the hours of ten p.m. and seven a.m. Loud, boisterous talking, yelling or shouting which is audible fifty feet from the noise-producing site will be considered excessive. In the case of apartments, duplexes or any residence that shares a common ceiling, floor or wall, shouting, loud and boisterous talking, yelling or shouting shall be deemed unreasonable if clearly audible within another dwelling unit between the hours of ten p.m. and seven a.m.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: August 20, 2001

Second Reading: September 4, 2001

Attest: 
Debi G. Schmit, City Recorder