

**ORDINANCE NO. 794**

**AN ORDINANCE RELATING TO GENERAL PENALTIES FOR ORDINANCE VIOLATIONS, OFFENSES RELATING TO NOISE AND BUILDING PERMIT VIOLATIONS AND AMENDING THE LANGUAGE OF SCAPPOOSE CODE SECTIONS 1.08.010 AND 15.04.030 AND ADDING A CODE SECTION 9.12.040 C AND DECLARING AN EMERGENCY**

**THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

Section 1. Section 1.08.010 of the Scappoose Municipal Code is hereby amended to read as follows:

1.08.010 General penalty. A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a violation unless the violation of the requirement is made a misdemeanor by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a violation of an ordinance of the city is punishable by a fine of not more than five hundred dollars.

C. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and shall be punishable accordingly.

Section 2. Section 9.12.040 of the Scappoose Municipal Code is hereby amended to read as follows: (added text is underlined, deleted text is stricken through)

9.12.040 Offenses relating 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.

B. A violation of this section shall be a violation.

C. A violation of subsection A. 4. of this section may be abated by a stop work order issued by the city building official, the public works director, a law enforcement officer or any other person specifically authorized to issue a stop work order or a citation for the commission of violations. A stop work order shall be in addition to any other penalty or remedy otherwise available to the City.

Section 3. Section 15.04.030 of the Scappoose Municipal Code is hereby amended to read as follows: (added text is underlined, deleted text is stricken through)

15.04.030 Violation--Penalty. A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert to, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any permit or any provision of this chapter.

B. Any person, firm or corporation violating any permit or any provisions of this chapter shall be deemed guilty of a violation; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted; and upon conviction of any such violation, such persons shall be punishable by a fine of not more than one thousand dollars per day for each continuing violation.

C. Stop Work Order. Whenever any work is being done contrary to a permit or the provisions of the Oregon Structural Specialty Code, One and Two Family Dwelling Specialty Code, Oregon Mechanical Specialty Code, Oregon State Plumbing Specialty Code, and the Oregon Manufactured Dwelling Standard, or other pertinent laws or ordinances implemented through the enforcement of these codes, including specifically, but not limited to, section 9.12.040(4) of the Scappoose Municipal Code, the building official, the public works director, a law enforcement officer or any other person specifically authorized to issue a stop work order or a citation for the commission of violations, may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person(s) shall forthwith stop such work until authorized by the building official to continue or proceed with the work. Violation of a stop work order shall be a Class A misdemeanor.

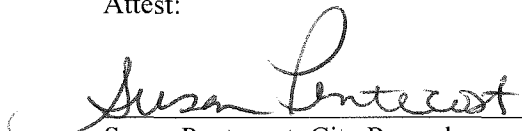
Section 4. Emergency Clause and Effective Date. The City Council declares it necessary for the public health, welfare and safety for this Ordinance to take effect immediately upon passage and therefore declares an emergency.

Passed and adopted by the City Council this 17<sup>th</sup> day of December, 2007, and signed by the Mayor and City Recorder in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

Attest:

  
\_\_\_\_\_  
Susan Pentecost, City Recorder