

ORDINANCE NO. 184101

Correct and clarify code language to better address community noise impacts (Ordinance; amend Title 18)

The City of Portland Ordains:

Section 1. The Council Finds:

1. Portland City Code 3.30.010 gives the Bureau of Development Services (BDS) responsibility for the administration and enforcement of Portland City Code Title 18, Noise Control.
2. The Noise Review Board is responsible for evaluating the effectiveness of Title 18, and the developing of recommendations, additions, or deletions of the title.
3. The Noise Review Board has identified several areas of existing Title 18 code language where modifications are needed to clarify a few confusing code definitions and code sections.
4. The proposed amendments fine tune and clarify existing Title 18 Noise Control regulations and allow the Noise Review Board and Noise Control Officer to better address noise pollution, noise enforcement, mitigation, and community noise impacts.

NOW THEREFORE, the Council directs:

- a. Amend Subsection 18.04.040 F. Definitions as follows:
  - F. Dwelling unit:** A building or portion thereof intended for and regularly used for residential occupancy.
- b. Add Subsection 18.04.040 R. As follows:
  - R. Noise Sensitive Receiver:** A person receiving noise at any residential use or dwelling place, schools, churches, hospitals and libraries.
- c. Renumber Code Subsections 18.04.040 R. – EE. to S. – FF.
- d. Amend Section 18.06.020 Noise Review Board as follows:

The Noise Review Board is hereby established, consisting of five members, each appointed by the Mayor, and approved by the Council. Among the members there shall be, one professional in acoustics, one representative of the construction industry, and three citizens at large. Appointments shall be ~~made for a 3-year period, as vacancies occur.~~ for a three-year term. Noise Review Board members may serve no more than two complete three-year terms, unless authorized by the Director. Members shall serve without remuneration. The Board shall elect its

own chairperson at its first meeting of each fiscal year, and shall determine its own schedule of meetings. The Noise Control Officer shall serve as a nonvoting member of the Board. All decisions made by the Noise Review Board shall be by simple majority vote of a quorum.

e. Amend Subsection 18.10.010 C. as follows:

- C. If a dwelling unit or ~~school~~noise sensitive receiver is in a nonresidential zone of the City, the nonresidential standard shall normally apply, unless:
- 1). \_\_\_\_\_ a complaint is received, and
  - 2). \_\_\_\_\_ ~~the location of the dwelling unit or school~~noise sensitive receiver type use predates that of the noise source. In that case, the permissible sound level, as measured at the lot line of the dwelling unit or other noise sensitive receiver, shall be 65 dBA in a commercial zone, and 70 dBA in an employment or industrial zone, each subject to the adjustments of Section 18.10.010 B, F, and G.

f. Amend Subsection 18.10.020 C. and D. as follows:

- C. No person shall operate and no owner of property shall permit the operation of an off-road recreational vehicle so as to exceed the noise emission standards of:
1. OAR 340-35-030 (1)(b) and (d) three copies of which are on file with the Office of the City Auditor, and which are hereby adopted by reference.
  2. ~~Section 18.10.010 or~~ 18.10.020 of this Title.
- D. No person shall operate an off-road recreational vehicle on private or public property unless the property has been designated for off-road recreational vehicle use pursuant to Title 33, Planning and Zoning of this Code.

g. Amend Subsection 18.12.020 B. as follows:

- B. Sound producing or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound; or operating any such device on public property or on a public right of way so as to be plainly

audible 50100 feet or more from such device provided that a person operating any such device in a City park pursuant to a permit granted by the Commissioner In Charge of the Park Bureau shall be in violation only if the device is plainly audible at any point along the park boundary.

h. Add Subsection 18.14.020 D. 6. as follows:

6. Applicant's previous history, if any, of compliance or noncompliance.

i. Amend Subsection 18.18.040 A. as follows:

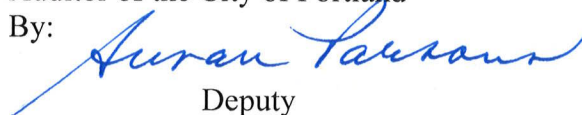
A. If the Director has reasonable belief that a violation has occurred, the Director may issue a citation. The citation may be personally delivered to the responsible party, or may be ~~delivered~~served by Registered or Certified Mail to the responsible party. For purposes of this subsection, service by registered or certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service. The citation will include:

1. A reference to the particular section or sections of this Title that have been or are being violated;
2. A short and plain statement of the matters asserted or charged;
3. A statement of the amount of the applicable penalties; and
4. A reference to the process by which the responsible party may request review by the Director.

Passed by the Council: SEP 08 2010

Commissioner Randy Leonard  
Prepared by: Paul van Orden  
Date Prepared: August 25, 2010

LaVonne Griffin-Valade  
Auditor of the City of Portland  
By:

  
Deputy

✓140

~~1208~~ - ~~1231~~ = ~~12~~

Agenda No.  
**ORDINANCE NO. 184101**  
Title

✓ Correct and clarify code language to better address community noise impacts (Ordinance; amend Title 18)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Randy Leonard</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard <i>Saltzman for RL</i></p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Development Services Bureau Head: Paul L. Scarlett <i>P. Scarlett</i></p> <p>Prepared by: Leanne Torgerson Date Prepared: 8/25/10</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date 9/1/10 <i>[Signature]</i></p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>AUG 27 2010</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p>SEP 01 2010 PASSED TO SECOND READING SEP 08 2010 9:30 A.M.</p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p><b>Start time:</b></p> <p><b>Total amount of time needed:</b> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	