

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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Section

130.01 State law adopted by reference

130.02 Unnecessary noise

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§ 130.01 STATE LAW ADOPTED BY REFERENCE.

Violation of any provision of O.R.S. Chapters 161 through 167 shall constitute an offense against the city. (Ord. 207, passed 3-5-90) Penalty, see § 130.99

§ 130.02 UNNECESSARY NOISE.

(A) No person shall make, assist in making, or permit any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.

(B) The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:

(1) The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;

(2) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;

(3) The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities;

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

(6) The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the Council;

(7) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys patients;

(9) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively

prevent loud or explosive noises and the emission of annoying smoke;

(10) The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker, or any instrument for sound producing, or any sound-amplifying device, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment;

(11) The making of any noise by crying, calling, or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, or of attracting attention, or of inviting patronage of any person to any business whatsoever; provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the ordinances of the city may vend merchandise in the streets by public outcry;

(12) The conducting, operating, or maintaining of any garage within 100 feet of any private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. 95, passed 11-6-67) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter which is identical to a state statute containing a lesser penalty shall, upon conviction, be punished by the penalty prescribed by state statute.

(B) Any person violating any of the provisions of § 130.02 shall, upon conviction thereof, be punished by imprisonment for a period of not to exceed 90 days, or by a fine not to exceed \$300. (Ord. 95, passed 11-6-67)