

# Portland Oregon

## Title 18 Noise Control

### 18.02.010 Title

(Amended by Ordinance No. 171455, effective August 29, 1997.) This Title shall be known as "Noise Control."

### 18.02.020 Policy Statement

(Added by Ordinance No. 175772, effective August 1, 2001.) It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value, and enjoyment of property, conduct of business, sleep and repose and reduces unnecessary and excessive sound in the environment.

### 18.04.010 Terminology and Standards

All terminology used in this Title not defined below shall be in accordance with applicable publications of the American National Standards Institute (ANSI) in effect on the effective date of this Title.

### 18.04.020 Measurement of Sound

(Amended by Ordinance Nos. 159276 and 175772, effective August 1, 2001.)

**A.** If measurements are made with a sound level meter, the meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this Title, a sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capacity.

**B.** If measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy shall be at least that called for ANSI standard 1.4-1971 for Type II instruments.

**C.** When the location or distance prescribed in this Title for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this Title or in other rules promulgated by the Noise Control Officer.

**D.** Procedures and tests required by this Title and not specified herein, shall be placed on file with the City Auditor.

**E.** For purposes of determining compliance with the measurable sound level requirements found in the Portland City Code, approved sound level meters shall utilize a Fast meter response setting. Slow sound level meter settings shall not be used for the purpose of determining compliance with the Portland City Code, unless directed by the Noise Control Officer.

### 18.04.040 Definitions

(Amended by Ordinance Nos. 159276, 164010, 175772 and 184101, effective October 8, 2010.) The following words shall have the meanings ascribed to them in this Section:

**A.** A-scale (dBA): The sound level in decibels measured using the A-weighting network as specified in

ANSI S 1.4-1971 for sound level meters.

**B.** Ambient noise: The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

**C.** City: The City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and such territory outside of this City over which the City has jurisdiction or control by virtue of ownership or any constitutional or Charter provisions, or any law.

**D.** Construction: Any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.

**E.** Decibel (dB): A unit of measure of sound (See sound pressure level).

**F.** Dwelling unit: A building or portion thereof intended for and regularly used for residential occupancy.

**G.** Dynamic braking device: A device, used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.

**H.** Emergency work: Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

**I.** Frequency: The time of repetition of a periodic phenomenon, measured in Hertz (Hz) (formerly cps or cycles per second).

**J.** High noise impact events: Events or activities which are attended by at least 250 people, and which may reasonably be assumed to cause increases of 15 dBA or more in the ambient noise level of a residential or commercial use area.

**K.** Impulse sound: A single pressure peak or a single burst (multiple pressure peaks) for a duration of not more than one second as measured on a peak unweighted sound pressure measuring instrument, as specified in ANSI S1.4-1971.

**L.** Legal holidays: The days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas day are fixed by State law.

**M.** Lot: Any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting "platted lots" under the same ownership shall be considered a "lot." The lot line or boundary is an imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.

**N.** Motor vehicle: Any land vehicle which is, or is designed to be, self-propelled or is designed or used for transporting persons or property.

**O.** Motor vehicle racing: Any motor vehicular activity conducted at a recognized auto racing facility, involving motor vehicles participating in, but not limited to practice, qualifying and racing sessions, tests, training, and all other competitive and non-competitive displays, whether by individual vehicles, or by groups of vehicles.

**P.** Narrow band sound: A sound whose frequencies occupy an octave band or less.

**Q.** Noise disturbance: Any sound which: a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.

**R. Noise Sensitive Receiver:** A person receiving noise at any residential use or dwelling place, schools, churches, hospitals and libraries.

**S. Nonconforming use:** A use of structure, building or land which was established as a permitted use and which has been lawfully continued pursuant to Title 33 of this Code, but which is not a permitted use in the zone in which it is now located.

**T. Octave band:** An interval in Hertz between two frequencies having a ratio of 2:1. For purposes of this Title, octave band sound pressure levels shall be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 Hz.

**U. Offroad vehicle:** Any motor vehicle operated off a public right-of-way.

**V. Person:** Any individual, association, partnership, or corporation including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the City of Portland.

**W. Physical characteristics of sound:** A descriptive term, encompassing the steady, impulsive or narrow band property of the sound, the level of the sound, and the extent to which it exceeds the background sound level.

**X. Plainly audible (sound):** Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

**Y. Public right-of-way:** Any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public governmental entity.

**Z. Sound level:** In dBA, the frequency weighted sound pressure level measured on the A-scale of a sound level meter.

**AA. Sound level meter:** A sound level measuring device, either Type I or Type II, as defined by ANSI specification S 1.4-1971. A sound level meter for the purpose of this Title shall contain at least an A-scale and both fast and slow meter response.

**BB. Sound pressure level:** In decibels (dB), is 20 times the logarithm to the base 10 of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals per square meter.

**CC. Steady sound:** A sound which remains essentially constant ( $\pm 2$  dB) during a two minute period of observation when measured with the fast response of the sound level meter. Steady sound shall apply only to sound sources which operate or can reasonably be expected to operate for at least 15 minutes out of any one hour period.

**DD. Use:** The purpose for which land or a building is arranged, designed, or occupied.

**EE. Watercraft:** Any vehicle operated upon or immediately above the surface of the water.

**FF. Zone:** A classification of area of the City of Portland as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this title, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

Category	Zones
Open Space	Open Space
Residential	Residential Farm/Forest Residential 20,000 Residential 10,000

	Residential 7,000
	Residential 5,000
	Residential 2,500
	Residential 3,000
	Residential 2,000
	Residential 1,000
	High Density Residential
	Central Residential
	Institutional Residential
Commercial	Neighborhood Commercial 1
	Neighborhood Commercial 2
	Office Commercial 1
	Office Commercial 2
	Mixed Commercial Residential
	Storefront Commercial
	General Commercial
	Central Commercial
Industrial	General Employment 1
	General Employment 2
	Central Employment
	General Industrial 1
	General Industrial 2
	Heavy Industrial

#### **18.06.010 Noise Control Officer**

(Amended by Ord. No. 159276 effective Jan. 24, 1987.) The Noise Control Officer shall be designated by the Commissioner In Charge. The Commissioner may also designate persons to be deputy noise control officers, and the Noise Control Officer and the deputies shall be special police officers of the City and shall have authority to issue citations for the violations of this Title and to this extent shall exercise full police power and authority.

#### **18.06.020 Noise Review Board**

(Amended by Ordinance Nos. 159276 and 184101, effective October 8, 2010.) 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 for a 3-year term. Noise Review Board members may serve no more than two complete 3-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.

#### **18.06.030 Responsibilities**

(Amended by Ord. No. 159276 effective Jan. 24, 1987.)

**A.** The responsibilities of the Noise Control Officer shall include:

- 1.** Investigating citizen complaints of violations of this Title, making all necessary inspections and observations upon reasonable cause, with presentation of proper credentials, and enforcing the provisions of this Title.

2. Promulgating rules and procedures to be used in the measurement of sound.
  3. Conducting or participating in studies, research and monitoring relating to sound and noise, including joint cooperative investigation with public or private agencies; and the application for, and acceptance of, grants and contracts, with the approval of the City Council.
  4. Advising, consulting and cooperating with any public or private agency, including City bureaus, to implement the provisions of this Title.
  5. The supplying of such technical assistance as the Board shall direct or require.
  6. The reviewing of all applications for variances and the rendering of decisions within the time specified, according to Section 18.14.
- B.** The responsibilities of the Noise Review Board shall include:
1. Instituting a public education program regarding sound and noise, including the collection, publication and dissemination of appropriate literature and information, and the enlisting of cooperation by public, civic, scientific, and educational groups.
  2. The reviewing of applications for variances, and the rendering of decision within the time specified, according to Section 18.14.
  3. Evaluating the effectiveness of this Title, and the developing of recommendations for amendments, additions, or deletions to this Title.
  4. Developing long-term objectives for achieving reduction of sound levels in the community, and developing a means for implementing these objectives into the long-range planning process.
  5. The developing of rules relative to the conduct of its meetings and to other matters the Board considers appropriate to noise control.

#### **18.06.040 Authority**

(Amended by Ord. No. 159276; and 165594, July 8, 1992.)

- A.** The authority of the Noise Control Officer shall include:
1. The issuance of citations for violation of this Title and City Code Section 16.20.120 A.
  2. Acting on variances, according to procedures specified in Chapter 18.14 of this Title.
  3. Requiring the cooperation of the owner or operator of any noise source in the reasonable operation, manipulation or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.
- B.** The authority of the Noise Review Board shall include:
1. Acting on variances according to the procedures specified in Chapter 18.14 of this Title.
  2. Holding hearings to obtain information relative to its responsibilities.
  3. Recommending amendments, additions, or deletions to this Title.

#### **18.08.010 Bureau Actions**

All City bureaus shall, to the fullest extent consistent with their authorities under other Titles administered by them, carry out their programs in such a manner as to further the provisions of this Title, and shall cooperate to the fullest extent in enforcing the provisions of this Title.

#### **18.08.020 Compliance with Other Laws**

All bureaus engaged in any activities which result, or may result in the emission of sound, shall comply with federal and state regulations and the provisions of this Title, respecting the control and abatement of sound to the same extent that any person is subject to such laws and regulations.

**18.08.030 Product Selection**

When two or more products, including supplies, materials and equipment, are being considered for purchase by a City bureau, and excessive sound levels are a factor, the product which has the lowest sound level shall be selected for purchase, provided that:

- A.** Fitness and quality are judged to be equal, and
- B.** The procurement cost of such product not exceed the total cost required to purchase a competing product and to reduce the sound emission level of that competing product to the lowest level of the product being considered, and
- C.** The total cost of the purchase being considered not exceed 110 percent of the cost, prior to silencing, of the most advantageous product of the types being considered.

**18.10.010 Land Use Zones**

(Amended by Ordinance Nos. 159276, 163608, 164010, 175775 and 184101, effective October 8, 2010.) Except as specifically provided for elsewhere in this Title, no person shall cause or permit sound to intrude into the property of another person which exceeds the limits set forth below in this Section. For purposes of this Section, "day hours" shall be between 7 a.m. and 10 p.m., and "night hours" shall be between 10 p.m. and 7 a.m.

- A.** The sound levels established are as set forth in Figure 1 before any adjustments are applied:

**FIGURE 1  
PERMISSIBLE SOUND LEVELS  
(7 am-10 pm, otherwise minus 5 dBA)**

		Zone Categories of Receiver (measured at property line)			
		Residential	Open Space	Commercial	Industrial
Zone Categories of Source	Residential	55	55	60	65
	Open Space	55	55	60	65
	Commercial	60	60	70	70
	Industrial	65	65	70	75

- B.** Adjustments to Figure 1.
  - 1.** During the night hours, the sound levels of Figure 1 shall be reduced 5 dBA.
  - 2.** During all hours, the sound levels of Figure 1 shall be decreased 5 dBA for narrow band or steady sound (apply 1 only).
  - 3.** The adjustments provided herein are cumulative.
- C.** If a dwelling unit or 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 dwelling unit or 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.

**D. Nonconforming use:** The maximum permissible sound level that may be emitted from any lot containing a nonconforming use shall be the same as that permitted for the most restrictive zone in which the use would be conforming.

**E.** When a sound source can be identified and its sound measured in more than one zone, each of the appropriate sections shall apply at the boundaries between zones.

**F. Impulse sound:** Notwithstanding the sound levels of this Section, no person shall cause or permit the operation of an impulsive noise source which has a peak sound pressure level in excess of 100 dB during day hours or 80 dB during night hours.

**G. Octave band measurements:** When the Noise Control Officer makes a finding that the frequency characteristics of the sound are such that the A-scale levels specified in Section 18.10.010 are inadequate to protect the public health, welfare, or safety, octave-band sound pressure level measurements shall be performed.

1. Octave-band measurements shall be compared to the appropriate values indicated in Figure 2 for equivalent permissible dBA land use values; octave-band sound pressure in excess of these standards shall be considered evidence of a violation of this Title.

**FIGURE 2  
PERMITTED OCTAVE BAND SOUND PRESSURE LEVELS  
FOR GIVEN PERMISSIBLE dBA SOUND LEVELS**

The Maximum Octave Band Sound Pressure Levels Shall Not Exceed:

		Octave Band Center Frequency, in Hz								
		31.5	63	125	250	500	1000	2000	4000	8000
When the permissible dBA level is:	45	64	58	51	46	42	39	36	33	30
	50	65	62	56	50	46	43	40	37	34
	55	68	65	61	55	52	49	46	43	40
	60	72	68	64	60	56	54	51	48	45
	65	76	72	68	64	61	59	56	53	50
	70	79	76	72	69	66	64	61	58	55
	75	82	79	76	73	71	69	66	63	60

**H.** When property of the receiver is unoccupied, as in the case of any undeveloped lot, sound levels in excess of those specified herein, shall be considered only as a technical violation of the standard. No citation shall be issued in such instances, nor is corrective action required by the noise source.

### **18.10.020 Motor Vehicles**

(Amended by Ordinance Nos. 159276, 164010 and 184101, effective October 8, 2010.)

**A.** No person shall operate any motor vehicle registered for use on public roads at any time, or under any condition of grade, load, acceleration or deceleration in such a manner as to violate the maximum permissible sound levels or equipment standards for the category of vehicle as indicated in this Subsection.

**1.** Vehicles of 10,000 pounds GCWR (Gross Combination Weight Rating) or more, engaged in interstate commerce as regulated by 40 C.F.R., part 202, (1986), the provisions of which are hereby incorporated by reference and three copies of which are on file in the Office of the City Auditor.

**2.** All other vehicles shall not exceed the vehicular noise emission levels or equipment standards permitted by OAR 340-35-030 (1) (a) and (c), three copies of which are on file in the Office of the City Auditor and which are hereby adopted by reference.

**3.** No person shall drive a motor vehicle on a public highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

**B.** No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street, or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

**1.** No person shall operate a motor vehicle on a street or highway with an exhaust system utilizing a cutout, bypass or similar device.

**2.** No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency action to avoid imminent danger shall be exempt from this provision.

**3.** No person shall operate any motor vehicle in excess of 10,000 pounds GCWR, in any residential zone of the City or within 200 feet of any dwelling unit, school, hospital or library, with a dynamic braking device engaged except to avoid imminent danger.

**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 18.10.020 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.

**E.** A police officer, or noise control officer, who finds a vehicle or operator to be in violation of Subsection A of this Section shall issue a citation to the operator. The citation shall be accompanied by a written notice to the operator specifying the particular subsections found to be in violation.

**1.** The citation shall require the violator to appear at court to answer for the violation and present evidence that the violation has been corrected. The date for court appearance on the face of the citation shall not be less than 28 days after the citation was issued.



2. The accompanying written notice shall specify that if the violator presents proof to the clerk of the district court that the vehicle complies with the standards described in OAR 340-35-030 (1), (a) and (c) (1983), for the control of motor vehicle noise emissions, three copies of which are on file with the Office of the City Auditor and which are hereby adopted by reference, the citation shall be dismissed.

3. Proof for the purpose of this Section shall be a certificate of compliance issued or approved by the Department of Environmental Quality. If said certificate is received by the clerk of the district court not less than 5 days prior to the date set for the violator's appearance before the court, the citation will be dismissed without the necessity of the violator personally appearing before the court.

### **18.10.030 Home Equipment and Powered Tools**

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

**A.** This Section shall apply to powered tools and equipment for home use or lawn and garden maintenance, except leaf blowers (see 18.10.035) or such tools and equipment used as part of a home occupation (see 18.10.030 E.).

**B.** When used inside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed 60 dBA, when measured at the lot line.

**C.** When used outside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed the following levels, for equipment of the appropriate class, when measured at a distance of 25 feet (7.6 meters) or at the lot line, whichever is further from the source:

1. Five HP or less, such as, but not limited to, lawnmowers, riding tractors and small garden tools: 80 dBA;
2. More than 5 HP, such as, but not limited to, powered hand tools and snow removal equipment: 85 dBA.

**D.** When used inside or outside a dwelling between the hours of 10:00 p.m. and 7:00 a.m., the sound levels generated by all such equipment shall not exceed those specified in Section 18.10.010.

**E.** Sound levels generated by tools and equipment as part of a home occupation shall not exceed 50 dBA, as measured at the lot line.

### **18.10.035 Leaf Blowers**

(Replaced by Ordinance No. 177767, effective September 1, 2003.)

**A.** For purposes of Section 18.10.035, "leaf blower" means any portable device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. "Leaf blower" shall include any devices or machines that accept vacuum attachments.

**B.** General operating restrictions.

1. Commercial and other zones. No person shall operate a leaf blower in commercial, industrial, and open space zones, or in the adjoining public right-of-way, between the hours of 9:00 pm and 7:00 am the following morning, seven days a week, unless the leaf blower meets the requirements of Section 18.10.010 A. – F. and H.

2. Residential zones. No person shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 pm to 7:00 am the following morning, seven days a week.

3. For purposes of Section 18.10.035 B., right-of-way adjoining residential zones and any other zone shall be considered as being within residential zones.

**C. Noise restrictions.**

**1.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 65 dBA sound level at 50 feet. The Noise Control Officer's list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.

**2.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 70 dBA sound level at 50 feet. The Noise Control Officer's list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.

**3.** From March 1 through October 31<sup>st</sup> of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 65 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.

**4.** From November 1 through February 28<sup>th</sup> of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 70 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.

**D. Leaf Blower Use on Large Open Spaces**

**1.** Leaf blowers operated on Open Space land use zones at a distance of 200 feet or greater from the property line shall not exceed a 75 dBA sound level, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000.

**18.10.040 Watercraft**

(Amended by Ord. No. 164010, Mar. 27, 1991.)

**A.** No person shall operate a watercraft between the hours of 7:00 a.m. and 10:00 p.m. which exceeds 75 dBA as measured on shore. Between 10:00 p.m. and 7:00 a.m., this sound level shall be 65 dBA.

**B.** Exemptions: normal docking and undocking operations of all vessels, and operations of vessels licensed by the federal government for purposes of commerce on interstate waters are exempted from the provisions of this Section.

**C.** Motorboats shall not be operated on public waterways within the City limits, unless equipped with a functioning underwater exhaust or muffler, or, unless such motorboat has the discharge water continuously piped into the exhaust line.

**18.10.050 Motor Vehicle Racing Events**

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

**A.** No person shall operate or permit to be operated any motor vehicle racing within the City except at an area approved by the City.

**B.** All motor vehicle racing shall be conducted in a manner approved by the Noise Control Officer and/or the Noise Review Board, or the City Council.

**C.** For purposes of determining permissible sound levels of motor vehicle racing only, the Portland International Raceway shall be deemed an industrial land use zone of source, which use was in operation before January 1, 1977. Sound levels generated by any other use of the Portland International Raceway shall meet the standards defined in 18.10.010 A., Figure 1.

### **18.10.060 Construction Activities and Equipment**

(Amended by Ord. No. 159276 effective Jan. 24, 1987.)

**A.** Maximum sound levels: No person shall operate any equipment or appurtenances thereto in commercial construction activities which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.

**B.** Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 shall apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Section 18.10.060 A is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.

**C.** The adjustments to permissible sound levels established in Section 18.10.010 B apply to Subsections A and B above.

**D.** All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.

**E.** All equipment used in commercial construction activities shall comply with pertinent standards of the U.S. Environmental Protection Agency.

### **18.10.070 Parking Lot Sweepers**

(Added by Ordinance No. 175772, effective August 1, 2001.) From 10:00 p.m. to 7:00 a.m., operation of commercial parking lot sweepers shall not exceed the sound levels for day hours set forth in 18.10.010. After July 1, 2004, operation of commercial parking lot sweepers shall not exceed the sound levels for night hours set forth in 18.10.010 A and 18.10.010 B.

### **18.12.010 Noise Disturbance Prohibited**

It shall be unlawful for any person to willfully make, continue, cause or permit to be made or continued any noise disturbance within the City of Portland.

### **18.12.020 Specific Prohibitions**

(Amended by Ordinance Nos. 159276, 166951, 181539 and 184101, effective October 8, 2010.) The following acts are declared to be violations of this Title, but this enumeration shall not be deemed to be exclusive, namely:

**A.** Noisy animals.

**1.** It shall be a violation for any animal to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. This provision is not applicable to any animals located in a Specified Animal Facility or to livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations. Enforcement of this Subsection shall be the responsibility of Multnomah County Animal Control.

**2.** Animals located in a Authorized or Permitted Animal Facility. It shall be a violation for any animal located in a Specified Animal Facility, as defined in Portland City Code 13.05.005 G., or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection shall be the responsibility of the Bureau of Development Services or another City entity designated by Council.

**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 100 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.

**C.** Parked motor vehicles. The parking of any motor vehicle of 10,000 pounds GCWR, or more, with the motor or attached auxiliary equipment in operation:

- 1.** On a public right-of-way, except for reasons of an emergency nature, or
- 2.** On private property in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.
- 3.** This Subsection C shall not apply to: commercial construction equipment, the normal operation of vehicles designed and used for commercial transportation of passengers, and vehicles being loaded or unloaded.

### **18.12.030 Provisions if Measurement is Made**

If measurement is taken of a sound source, the provisions of Chapter 18.10 shall supersede this Section and shall be used to determine if a violation of this Title exists.