

ORDINANCE # 121

ORDINANCE TO ESTABLISH THE REGULATION OF NOISE; ESTABLISHING A PROCEDURE FOR SETTING FEES; AND PROVIDING FOR REMEDIES.

THE CITY OF WESTFIR ORDAINS AS FOLLOWS:

Section 1: Purpose –

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Westfir through the reduction, control and prevention of loud, raucous noise, or any noise which unreasonably disturbs injures, or endangers the comfort, health, safety, or causes annoyance or alarm to reasonable persons of ordinary sensitivity.

Section 2: Findings -

The City Council finds that a noise disturbance is any sound that:

1. Injures or endangers the safety or health of a human;
2. Endangers or injures personal or real property;
3. Annoys or disturbs a reasonable person of normal sensitivities.

Section 3: Scope -

This Ordinance applies to the control of sound originating within the jurisdictional limits of the City of Westfir.

Section 4: Definitions –

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility services.

Plainly audible means the listener can clearly hear the contents of the sound produced by the noise source using his or her unaided hearing faculties.

Public right of way means any street, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or control by a government entity.

Section 5: General Prohibition-

A. No person shall intentionally or recklessly create or continue any noise disturbance.

- (1) Any unreasonably loud or raucous noise;
- (2) Any noise that unreasonably disturbs, or injures the health, peace, or safety of a reasonable person of normal sensitivities;
- (3) Any noise which is so harsh, prolonged, or unnatural in time or place to the degree to unreasonably interfere with the comfort or peace of neighbors, guests, or operators or customers in places of business.

B. Factors for determining whether sound is unreasonably loud and raucous include, but are not limited to the following:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) the time of day or night the sound occurs;
- (3) the duration of the sound; and
- (4) whether the sound is recurrent, intermittent, or constant.
- (5) whether the sound is plainly audible outside the designated time allotments assigned to the activity.

Section 6: Declared noise disturbances-

The City Council finds the following acts to be noise disturbances but the enumeration does not constitute an exclusive list:

A. Construction or repair of buildings, Excavation of Streets/Highways:

The construction, demolition, or repair of buildings, excavation of streets or highways other than between the hours of 7:00am and 7:00pm that causes unreasonably loud, prolonged, or raucous noise.

Exemptions:

- (1) In cases of emergency, construction or repair noises are exempt from this provision.
- (2) Repairs or excavations of bridges, streets or highways by or on behalf of the City, the State, or the Federal Government, when public welfare and convenience renders it impractical or unsafe to perform work between 7:00AM and 7:00PM.

B. Animals or Birds:

Keeping of animals or birds which frequently, or for long durations create an unreasonably loud or raucous noise. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

C. Loudspeakers, Amplifiers, and similar devices:

The unreasonably loud and raucous use of a loudspeaker, amplifier or similar device to produce or reproduce sound between the hours of 10:00PM and 7:00AM on weekdays, and 10:00PM and 10:00AM on weekends and holidays.

Exemptions:

- (1) This shall not apply to any public performance, gathering, sporting event, or parade for which a permit has been issued by the City.
- (2) City sponsored events intended for the community including but not limited to bridge lighting, fireworks displays, haunted house, parade, or concerts are exempt.

D. Emergency signaling devices:

The intentional sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, car alarm or similar emergency signaling device, except in an emergency.

E. Non-Emergency signaling devices:

Prolonged sounding of vehicle horns, air horns, bells, chimes, sirens, whistles or similar devices in public right of ways.

Exemptions:

- (1) The sounding of such devices as a danger warning in an emergency is exempt.
- (2) The reasonable sounding of such devices by churches, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt.

F. Commercial establishments adjacent to residential property:

Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00PM and 7:00AM on weekdays, and 10:00PM and 10:00AM on weekends and holidays.

Section 7: Enforcement-

The Police Services will have primary responsibility for the enforcement of the noise regulations contained in this Ordinance. Nothing in this Ordinance shall prevent the Police Officer or Chief from obtaining voluntary compliance by way of warning, notice, or education.

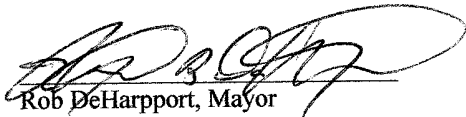
Section 8: Penalties-

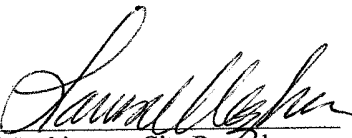
Persons found to be violating this ordinance shall be subject to a fine not to exceed \$250.00 for each violation.

Section 9: Declare an Emergency-

It is hereby judged that the existing conditions are such that this ordinance is necessary for the immediate preservation of public peace, health and safety, therefore an emergency is declared to exist, and this ordinance shall take effect in full force and effect from and after its passage and approval by the Mayor.

Passed by the Council of the City of Westfir and approved by the Mayor this 5 day of September, 2013.
AYE: 4, NAY: 0 ABSENT 0.


Rob DeHarpport, Mayor

ATTEST: 
Larisa Worthington, City Recorder