

10.36.020 Excessive and Unreasonable Noise.

A. Purpose and Legislative Findings.

The City Council finds that excessive and unreasonable noise may adversely affect the public health, safety, welfare, comfort, repose, and quality of life of the residents of the City of Boardman.

The City further finds that residents have the right to peacefully enjoy their homes and property while also recognizing the rights of others to reasonably use their own property for lawful activities, family gatherings, celebrations, recreation, and community events.

The purpose of this section is to establish reasonable standards that balance these interests, encourage voluntary compliance, provide objective guidance for enforcement, and preserve the peaceful character of the community.

B. Definitions.

For purposes of this section:

Amplified Sound means sound increased by electrical, mechanical, or electronic equipment, including radios, stereos, loudspeakers, public address systems, televisions, musical instruments connected to amplifiers, Bluetooth speakers, karaoke equipment, and similar devices.

Plainly Audible means sound that can be clearly heard by a person of ordinary hearing using no hearing enhancement devices.

Residential Property means property used primarily for residential occupancy.

Responsible Person means any person who creates, causes, controls, permits, sponsors, organizes, hosts, or knowingly allows the continuation of the noise-producing activity.

C. General Prohibition.

No person shall make, create, continue, permit, or cause any loud, raucous, excessive, or unreasonable noise that would unreasonably disturb the peace, comfort, repose, health, safety, or quiet enjoyment of a reasonable person of ordinary sensitivity.

The determination of whether noise is unreasonable shall be based upon the totality of the circumstances.

D. Factors Considered.

In determining whether noise is unreasonable, an enforcement officer may consider, among other relevant factors:

- Time of day.
- Duration.
- Frequency or repetition.

- Volume and intensity.
- Whether the noise is plainly audible beyond the property from which it originates.
- Whether the noise is audible within neighboring residences.
- Character of the neighborhood.
- Nature and purpose of the activity.
- Reasonable efforts made to reduce the noise.
- Effect upon surrounding residents.
- Previous complaints or warnings regarding the same activity.

No single factor shall be controlling.

E. Specific Acts Constituting Evidence of Unreasonable Noise.

The following activities may constitute evidence of unreasonable noise when considered under the totality of the circumstances:

- 1. Amplified Music.** Operating any radio, stereo, television, musical instrument, loudspeaker, outdoor speaker, karaoke system, or other sound-producing device at a volume that unreasonably disturbs neighboring persons or properties.
- 2. Residential Gatherings.** Operating amplified sound or permitting excessive shouting, yelling, singing, or similar noise associated with parties, gatherings, celebrations, or other events in a manner that unreasonably disturbs neighboring properties.

Nothing in this section shall be interpreted to prohibit family gatherings, cultural celebrations, neighborhood events, holiday celebrations, birthday parties, barbecues, or similar lawful activities conducted with reasonable consideration for surrounding residents.
- 3. Vehicle Noise.** Operating a motor vehicle in a manner that creates unreasonable noise through:
 - Amplified sound systems;
 - Unnecessary horn use;
 - Excessive engine revving;
 - Tire spinning;
 - Defective or modified exhaust systems.

4. **Animals.** Keeping an animal that habitually or continuously creates noise that unreasonably disturbs neighboring properties.
5. **Construction Activities.** Construction, demolition, excavation, remodeling, or similar work between the hours of 7:00 p.m. and 7:00 a.m., except:
 - Emergency repairs;
 - Public utility emergencies;
 - Activities authorized by City permit.
6. **Mechanical Equipment.** Operating generators, compressors, power equipment, machinery, or similar devices without reasonable noise suppression.
7. **Commercial Activities.** Commercial loading, unloading, deliveries, or business operations adjacent to residential property in a manner that unreasonably disturbs nearby residents.

F. Nighttime Amplified Sound.

Between the hours of 10:00 p.m. and 7:00 a.m., amplified sound that is plainly audible within another residence or beyond the property from which it originates may constitute evidence that the noise is unreasonable.

This subsection shall not be interpreted to prohibit enforcement during other hours when circumstances otherwise establish unreasonable noise.

G. Exemptions.

This section shall not apply to:

- Police, fire, ambulance, and other emergency vehicles.
- Emergency warning systems.
- Emergency utility repairs.
- City-authorized public works projects.
- Lawfully permitted public events.
- School activities.
- City-sponsored events.
- Agricultural activities conducted in accordance with applicable law.

H. Temporary Noise Permits.

The City Manager or designee may issue temporary permits authorizing activities that would otherwise violate this section.

Permit conditions may include:

- Hours of operation;
- Duration;
- Sound mitigation requirements;
- Speaker placement;
- Other reasonable conditions necessary to minimize impacts.

Permits may be suspended or revoked for noncompliance or where necessary to protect public safety.

I. Enforcement.

This section may be enforced by the Boardman Police Department or other persons authorized by the City.

An enforcement officer may rely upon personal observations, witness statements, audio or video recordings, sound measurements when available, or other competent evidence.

A sound-level meter shall not be required to establish a violation.

Whenever practical, officers are encouraged to seek voluntary compliance before initiating enforcement. Nothing in this section requires an officer to issue a warning before taking enforcement action.

J. Relationship to State Law.

Nothing in this section limits enforcement under Oregon Revised Statutes, including but not limited to **ORS 166.025 Disorderly Conduct in the Second Degree**, whenever the facts independently establish a violation of state law.

K. Penalties.

A violation of this section constitutes a municipal violation and shall be punishable as provided elsewhere in the Boardman Municipal Code.

Each day or separate occurrence may constitute a separate violation.