

Title 8 - HEALTH AND SAFETY
CHAPTER 8.20 NUISANCES AFFECTING PUBLIC PEACE

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Sec. 8.20.010. Radio frequency and television interference.

- A. No person may operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes radio frequency or electromagnetic interference that affects other properties, ~~reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.~~
- B. Any radio enhancement system (RES) or bi-directional amplifier (BDA) used within a building must not cause interference with the public safety radio system or an Emergency Responder Communication Enhancement System (ERCES) and must instead be wholly compatible with such systems.
- ~~C.~~ B. This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.
- D. This section does not prohibit the use or operation of any such device, apparatus, instrument, or machine when necessary for the protection of life or property, for the care or treatment of sick or injured persons, or for the operation of a public utility.

(Ord. No. 1 73, § 15, 1973)

Commented [K01]: Added the word 'frequency' to the title.

Commented [K02]: Modified this to address the electromagnetic compatibility concerns as raised by Councilor Hokanson.

Commented [K03]: Added this provision to address ERCES interference concerns as raised by Councilor Hokanson.

Sec. 8.20.020. Unnecessary noise.

- A. No person may make, assist in making, continue, or cause allow, or permit to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.
- B. Loud, disturbing, and unnecessary noises in violation of this section include, but are not limited to the following:
 1. Animals: Unreasonably loud and raucous noise emitted or caused by an animal for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal. ~~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 a bell to an animal or allowing a bell to remain on an animal;~~
 - ~~3. Vehicles:~~ Vehicles: The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;
 - ~~3. Engines: The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises;~~
 4. Horns, Signaling Devices, and Similar Devices: The sound of a horn, ~~or~~ signaling device, gong, siren, or similar device on a vehicle on a street, public place, or private place, except as a necessary warning of danger;
 5. Stationary Boiler: The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper ~~e~~City authorities;

Commented [K04]: Added 'allow or permit' per City Council direction.

Commented [K05]: Removed the words 'and the emission of excessive smoke' per City Council direction.

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6. Mechanical Device: The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;
7. Excavation and Construction: Any excavation or construction by a contractor or developer, including but not limited to: erection, repair, alteration, or demolition of a building or structure, other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, or between the hours of 8:00 a.m. to 5:00 p.m. on ~~weekends~~ Saturday and Sunday. However, site clearing, tree ~~falling~~, earth moving, installation or construction of underground utilities, paving of streets and sidewalks, framing, ~~and~~ foundation pouring, roofing, and structure framing shall be entirely prohibited on Sundays. Limited noise producing improvements such as but not limited to painting, installation of carpet and window coverings, plumbing repairs, etc. are permitted on Sundays.
- ~~Exceptions may be granted by the city manager in cases of urgent necessity in the interest of the public welfare and safety, by permit for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist. Exceptions may also be granted by the city council, by application before or during the progress of the work, upon a determination by the council that the public health, safety and welfare will not be impaired and that loss or inconvenience would result to any person unless such exception were granted.~~
- Notwithstanding anything to the contrary provided in this section, the owner of property may do work on property actually occupied by him or her between the hours of 7:00 a.m. and 10:00 p.m. weekdays on Monday through Friday, and from 8:00 a.m. to 10:00 p.m. weekends on Saturday and Sunday, without obtaining a permit as herein required;

Commented [KO6]: Added 'contactor or developer' per City Council direction.

Commented [KO7]: Added a sentence on what is permitted on Sundays per City Council direction.

Commented [KO8]: Moved the exception process to subsection D. in this section.

- ~~8. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle;~~
8. Blowers, Lawn Mowers, and Similar Devices: The operation of any noise-creating blower, power fan, lawn mower, or any similar device, the operation of which causes noise, provided that the noise can be heard across the property line of the property from which it emanates between the hours of 7:00 p.m. and 7:00 a.m.;

Commented [KO9]: Added 'lawn mowers' per City Council direction.

9. Noise Sensitive Areas: The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs ~~or unduly annoys~~ patients;
- ~~10. The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat 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. Recreational Areas on Private Property: The making of noise with a sports ball, racquet, bat, or any similar device, provided that the noise can be heard across the property line of the property from which it emanates between the hours of 10:00 p.m. and 7:00 a.m.;

11. Amplified Sound: The use or operation of an automatic or electric ~~piano, phonograph, gramophone, victrola, 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.

Commented [KO10]: Modified from 'musical devices' to 'amplified sound' per City Council direction and City Attorney advice.

Commented [KO11]: Removed specific music instrument types per City Council direction.

~~However, upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than 1,000 feet from the instrument, speaker or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, in connection with~~

~~the event which is utilizing the instrument for sound producing or the sound amplifying device, will result;~~

12. Yelling, Shouting, and Similar Activities by Businesses: The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device, ~~for the purpose of advertising goods, wares or merchandise, attracting attention, or inviting patronage of a person to a business~~ by a place of business, or the employees or independent contractors of a place of business, during that business's regular business hours so loudly as to disturb persons in the vicinity thereof. ~~However, newsboys may sell newspapers and magazines by public outcry;~~

13. Automotive Repair Shops: The conducting, operating, or maintaining of ~~a garage~~ an automotive repair shop within 100 feet of a ~~private residence, apartment dwelling unit, rooming houses~~ short term rental, residential facility, residential home, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of ~~10~~ 4:00 p.m. and 7:00 a.m.

14. Any other loud, disturbing, or unnecessary noise between the hours of 10:00 pm and 7:00 am which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.

C. Exemptions. Sounds caused by the following are exempt from the prohibitions set out in subsection B:

1. Repairs of utility facilities that pose a clear and immediate danger to life, health, or significant loss or property;

2. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger;

3. The emission of sound to alert persons to the existence of an emergency or the emission of sound in the performance of emergency work by a public agency or utility;

4. The emission of sound from a generator during power outages;

5. Repairs or excavations of streets by or on behalf of the City or the State, between the hours of 7 p.m. and 7 a.m., when the public welfare and convenience renders it impractical to perform the work between 7 a.m. and 7 p.m., as determined by the City or the State in its sole discretion;

6. Reasonable activities conducted on public playgrounds and public or private school grounds that are conducted in accordance with the way such spaces are generally used, including but not limited to school athletic and school entertainment events;

7. Outdoor gatherings, public dances, shows, sporting events, and other similar outdoor events when the event is being hosted or sponsored by the City;

8. Music emanating from businesses serving food and beverages between the hours of 7 a.m. and 10 p.m. on Fridays and Saturdays;

9. Noise emanating from the combustion, detonation, or concussion caused by using fireworks or other similar devices from July 1st through July 5th and New Year's Eve and Day;

10. Noise emanating from the Sandy Mountain Festival, the Sandy Mountain Festival Parade, the Sandy Mountain Festival Carnival, and the Sandy Music Fair and Feast in July of each year.

~~(Ord. No. 1-73, § 16, 1973; Ord. No. 2007-11)~~

D. Exceptions to the prohibitions of subsection B may be granted by the City Manager, upon application and payment of applicable fees, when the City Manager determines that granting the exception is in the interest of the public welfare and safety and that loss or inconvenience would result to any person unless the exception were granted. If so determined, the City Manager shall grant an exception via a permit for a period not to exceed ten days. Such permit may be renewed for periods of up to five days while such circumstances

Commented [KO12]: Moved the exception process to subsection D. in this section.

Commented [KO13]: Modified by the City Attorney to make clear that the City is regulating the speakers and their volume, not the content of their speech.

Commented [KO14]: Added 'by a public agency or utility' to define who is allowed to make sound when performing emergency work.

Commented [KO15]: Added an exemption for generators during power outages per Council direction.

Commented [KO16]: Added an exemption for music at restaurants and bars per Council direction.

Commented [KO17]: Modified to be July 1st through 5th and New Year's Eve/Day per Council direction.

Commented [KO18]: Added 'the Sandy Music Fair and Feast'.

Commented [KO19]: This new exception section applies to the entirety of subsection B. as requested by the City Manager.

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continue to exist. The decision by the City Manager may impose such conditions on the approval as necessary to achieve the purposes of these regulations. A person requesting an exception may appeal the City Manager's decision to the City Council following the appeal process in subsection E of this section.

E. Appeals. In the event an application for a noise exception under this chapter is denied or includes conditions that the applicant wants to challenge, the applicant shall have the right to appeal to the City Council.

1. The applicant must file written notice of appeal to the City Council with the City Manager within 12 days after the noise exception decision is issued.
2. The City Council shall hear and make a determination in regard to the appeal at a regularly scheduled meeting within 60 days of the filing of the appeal.
3. The decision of the City Council on the appeal shall be final and conclusive.

~~State law reference(s) — For statutory provisions regarding excessive noise, see ORS 467.010 et seq.; for provisions prohibiting unnecessary muffler noise in motor vehicles, see ORS 483.448.~~

Commented [KO20]: Removed in its entirety at the recommendation of the City Attorney.

Sec. 8.20.025. Public nuisance—Unlawful activities.

A. It is a public nuisance for (1) any person in charge of real private property to permit three or more nuisance activities to occur on or in such property within a six month period, or (2) any person to cause to exist three or more nuisance activities to occur in any public place or in or on any real public property within a six month period where patrons, employees, residents or occupants engage in a pattern of behavior in the neighborhood involving the commission of three or more of the following offenses. For purposes of this section, "nuisance activities" has the meaning set forth in Sandy Municipal Code Section 8.22.010.

- ~~1. Furnish Liquor to Intoxicated Person; ORS 471.410;~~
- ~~2. Furnish Alcohol to a Minor; ORS 471.410;~~
- ~~3. Prostitution; ORS 167.007;~~
- ~~4. Patronizing Prostitution; ORS 167.008;~~
- ~~5. Promoting Prostitution; ORS 167.012;~~
- ~~6. Noise, SMC Section 8.20.020;~~
- ~~7. Assault, ORS 163.160, 163.165, 163.175 or 163.185;~~
- ~~8. Sexual abuse, ORS 163.415, 163.425 or 163.427;~~
- ~~9. Public indecency, ORS 163.465;~~
- ~~10. Criminal trespass, ORS 164.245 or 164.255;~~
- ~~11. Criminal mischief, ORS 164.345, 164.354 or 164.365;~~
- ~~12. Disorderly conduct, ORS 166.025;~~
- ~~13. Harassment, ORS 166.065;~~
- ~~14. Minor in possession of alcohol, ORS 471.430; or~~
- ~~15. Unlawful manufacture, delivery or possession of a controlled substance, ORS 475.992;~~

~~B. For purposes of this section, "pattern of behavior in the neighborhood" means one or more patrons, employees, residents, or occupants of the place or business having been arrested or issued a citation for violation of three or more of any of the offenses specified in subsection A. of this section that occur over any six month period at the place or business or within 300 feet thereof.~~

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B.C. It is unlawful for any place or business to be a public nuisance or to be used as a public nuisance, as defined in subsection A of this section. If any place or business is found to be a public nuisance or to be used as such, it shall be subject to a fine as provided in Chapter 8.28. ~~closure for a period of up to one year.~~

C.D. Public nuisances ~~closure~~ will be subject to the abatement procedures provided in ~~SMC Sections 8.24.010 and 8.24.030.~~ Chapter 8.24.

~~(Ord. No. 3-97, § 1, 1997)~~

Sec. 8.20.030. ~~Notices and advertisements~~ Solicitation.

A. The purpose of this section is to regulate residential soliciting hours and prohibit door-to-door solicitors at residences posting “No Soliciting” signs.

B. For the purposes of this section, the terms “solicit” and “solicitation” shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual, or in writing.

C. Prohibited acts. It is unlawful for any person to:

1. Solicit before 9:00 a.m. or after 7:00 p.m. without the consent of the occupant to do so.
2. Leave written materials upon real property where a “No Solicitation” sign conforming to the requirements of this section is posted.
3. Solicit where a “No Solicitation” sign conforming to the requirements of this section is posted.
4. Allow or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.

D. Consent to enter real property.

1. It shall be an affirmative defense to an alleged violation of this section that the person charged received actual or constructive consent of the occupant prior to entering the real property. Constructive consent may be implied from the circumstances of each instance, the relationship of the parties, and actual or implied contractual relationships.
2. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 7:00 p.m. if they have not posted a “No Solicitation” sign, pursuant to this section.

E. Effect of posting “No Soliciting” sign.

1. If an occupant of real property chooses to not invite solicitors, or certain types of solicitors, onto their property, the occupant may post a sign indicating their preference, such as a sign stating, “No Solicitation.” The effect of posting a sign stating, “No Solicitation,” or similar words to that effect, is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit.
2. In order for a property to be deemed posted with a “No Soliciting” sign for purposes of this section, such sign must be at least one square foot in size.
3. A property shall be deemed posted with a “No Soliciting” sign for purposes of this section if a sign, as described in subsections 1 and 2 above, is posted on or near the boundaries of the property at the normal points of entry. For real property possessing no apparent barriers to entry at the boundaries of the property that limit access to the primary entrance of a structure located on the property, placement of a sign at the primary entrance to the structure constitutes compliance with this subsection.

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4. Notwithstanding the limitations of Chapter 15.32, a person may post up to two signs, each one square foot in size, at the locations described in subsection 3 above, in addition to any signs permitted under Chapter 15.32.

F. Violations. A person who enters or remains unlawfully on property posted with a "No Solicitation," "No Trespassing," or similar sign is subject to a fine as provided in Chapter 8.28.

G. Compatibility. Nothing in this section shall relieve any person or entity who solicits and conducts business in the city from compliance with Title 5 of the Sandy Municipal Code.

H. Severability. The subsections of this section are severable. The invalidity of any subsection shall not affect the validity of the remaining subsections.

~~A. No person may affix or cause any placard, bill, advertisement or poster to be affixed upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.~~

~~B. No person, either as principal or agent, may scatter, distribute or cause any placards, advertisements or other similar material to be scattered or distributed on public or private property.~~

~~C. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.~~

~~(Ord. No. 1-73, § 17, 1973)~~

Sec. 8.20.040. Illegal signs.

~~No person may erect or maintain any sign or any abandoned sign in violation of the provisions of Chapter 15.32 of this Code.~~

~~(Ord. No. 4-88, § 15, 1988)~~

Commented [KO21]: Modified by the City Attorney to address concerns raised by the City Council.