

NOISE: Tensions between entertainment and peace and quiet

Continued from page 1

Earlier this year, the Sisters City Council directed City staff to review the existing noise ordinance, which has several inadequacies, including lack of quantifiable standards on what qualifies as an unreasonably loud noise, and lack of clear criteria by which to grant noise permits.

Staff has worked with the City attorney and City Council to draft an updated ordinance, after surveying noise ordinances in 30 other towns. The final draft ordinance reflects comments received in four different Council workshops in March, April, and May of this year.

As now proposed, Ordinance No. 484 states that it is “to protect, preserve, and promote the health, safety, welfare, peace and quiet of the citizens of Sisters through the reduction, control, and prevention of loud and raucous noise, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety, or that causes public inconvenience, annoyance, and/or alarm to reasonable persons of ordinary sensitivity; providing penalties for the violation thereof...”

One of the issues identified in crafting the ordinance includes the recognition that “unreasonable noise” is becoming a more pervasive issue for inhabitants and visitors as the city continues to grow. That noise reduces the desirability of Sisters as a place to live, play, and work.

Macey contends that the term “unreasonable noise” is too nebulous and subjective.

When reviewing the current noise ordinance, Council determined that Chapter 8.16 of the Municipal Code is outdated and difficult to efficiently and effectively administer. The decision regarding noise in the past was usually left up to the city manager,

who made decisions on a case-by-case basis.

The Council wants to update the City’s noise regulations to “protect, preserve, and promote the health, safety, welfare, peace and quiet of Sisters citizens and to minimize and control the harmful and adverse effects of unreasonable noise.”

Included in the amended ordinance is the finding that “permits to exceed noise standards and other short-term easing of noise restrictions are beneficial and necessary to allow for (a) construction and maintenance of structures and infrastructure, (b) community and social events, and (c) other circumstances supporting the physical and commercial vitality of the city.”

Recognizing the long-standing history and economic impact of the Sisters Rodeo in June and the Sisters Folk Festival in September, noise permits issued during those two time periods do not count toward the maximum number of permits per year.

Depending on the time and duration as well as the geography, zone, and residential and/or noise-sensitive use of any affected area, as well as other factors, a maximum number of noise permits may be issued in a calendar year to an applicant and/or property. In residential zones the maximum per applicant is one. In commercial and industrial zones, as well as public facility and open-space districts, and urban-area reserve districts, the maximum number of permits is two per year. The maximum number of noise permits that may be issued for a private or public park is 12 per year.

Sound measurements are not required for enforcement of the revised ordinance, but if they are made, they should be done using the A-weighted decibel scale on a device meeting or exceeding industry standards. There are different allowable maximum noise limits depending on the property zone location and whether it is during daytime

or nighttime hours.

In surveying the 30 other cities regarding their noise ordinances, staff found that many of them had times earlier than 10 p.m. as the cut-off for allowed noise permits on weekends. Sisters is proposing 10 p.m.

Macey contends that the two-permit limit and the 10 p.m. cutoff will irreparably harm Hardtails’ business. Last summer they had nine permitted shows in their outdoor venue, with music until 11 p.m. Macey indicated they like to wait until 9 p.m. to start because earlier than that the sun is still too high in the sky and hits the audience in the eyes until it sets.

Macey said he has long felt directly targeted by the City.

“I can’t do business in this town that is making it difficult for me,” Macey said. “We’re done. We’ve been a black sheep since we opened eight years ago.”

Macey pointed to the many contributions Hardtails has made to the community, including fundraisers to benefit local residents and their families and a GRO scholarship for a high school senior.

He contends that his patrons who ride motorcycles (a “Hardtail” is a model of Harley Davidson motorcycle) have made Sisters a destination ride all summer long. They come to town, buy gas, stay in motel rooms and purchase food.

“It’s all about favoritism and the same old City politics,” Macey added. “I am very disappointed they paid no attention to the petition I submitted with 200 signatures in support of us.”

When Council was presented with the petition, there were only signatures and no addresses, which are required for a valid petition. Council wanted to be able to identify how many of the signers were actually residents of Sisters, so they asked Macey to provide the addresses. He returned with a different petition containing about 33 signatures and addresses.

This summer Macey has scheduled six shows.

“We’ll just run them from 8 to 10 p.m. I don’t want the hassle of applying for permits and posting public notices,” he said.

In the meantime, Hardtails property and business is currently listed for sale.

Other venues don’t appear to be particularly concerned.

Aaron Okura of Sisters Saloon & Ranch Grill said, “The amended noise ordinance won’t impact us particularly. When we have music on the patio, we’re usually done by 10.”

Okura indicated that he had attended some of the public meetings at which the noise ordinance was discussed.

“I chose not to comment because I didn’t think it was too unreasonable,” he said.

The two sides of this story are but one illustration of the tension facing Sisters Country in the growth-versus-livability arena and the challenge for City staff and Council in “splitting the baby” when making decisions.

“I believe our recently amended noise ordinance provides a good balance between legitimate citizen concerns over maintaining the livability of our community and our community’s entertainment

providers who are economic drivers and bring vitality to Sisters,” said City Councilor Andrea Blum.

At last week’s Council meeting, Blum, Mayor Chuck Ryan, and Council President Nancy Connolly indicated support for the amended ordinance, and Councilors David Asson and Richard Esterman did not.

Asson later told *The Nugget*, “I believe the ‘closing hour’ (10 p.m.) is redundant and unnecessary. The decibel level is the control factor but the regulation is indecisive on how noise is read or enforced. In overview, the regulation pacifies some, irritates others, and has small merit in and of itself.”

Because it was not a unanimous vote, there will be a second reading of the ordinance and another vote taken at the June 27 Council meeting.

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