

**TOWN OF BUTTE FALLS.....NOISE ORDINANCE #290**

(Excerpts from ordinance)

**L. Blowers, and Similar Devices:** In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

**M. 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 10:00 p.m. and 8:00 a.m. which is plainly audible at a distance of five feet from any residential property.

**N. Church Zone:** No noise shall interfere with ongoing services being held, within 50 feet of church property during the hours of 8:00 a.m. and 12:00 noon.

**Section 7. Exemptions.** Sounds caused by the following are exempt from the prohibitions set out in Section 6 and are in addition to the exemption specifically set forth in Section 6:

**A. Motor vehicles** on traffic ways of the City, provided that the prohibition of Section 6.B continues to apply.

**B. Repairs** of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

**C. 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, provided that the prohibition contained in Section 6.D continues to apply.

**D. The emission** of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

**E. Repairs** or excavations of bridges, streets or highways by or on behalf of the Town, the State, or the Federal Government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

**F. Outdoor School and Playground Activities.** Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events.

**G. Other Outdoor Events.** Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

**Section 8. Enforcement.** The following individuals shall enforce this ordinance: The Marshal's office will have primary responsibility for the enforcement of the noise regulations contained in this ordinance. Nothing in this ordinance shall prevent the Marshal's office from obtaining voluntary compliance by way of warning, notice or education.

**Section 9. Penalties.**

A person who violates a provision of this ordinance is guilty of an infraction, which is punishable by a fine not to exceed \$500.00.

Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offence and may be punished separately.

**Section 10. Severability Clause.** A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this ordinance shall not affect the validity of the remaining parts to this ordinance.

**Section 11. Savings Clause.** A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 12. Effective date:** This Ordinance is effective on this 15<sup>th</sup> day of May 2007.

**NOW, THEREFORE, the Town Council of Butte Falls, Oregon, does hereby accept and adopt Ordinance #290 on this 15<sup>th</sup> day of May 2007.** Mayor Ron Ormond.

