

**BEFORE THE BOARD OF COMMISSIONERS  
HOOD RIVER COUNTY, OREGON**

IN THE MATTER OF AMENDING THE )  
HOOD RIVER COUNTY CODE )  
TITLE 8, CHAPTER 12, "Noise Control" )


Ordinance No. 265


**IT IS HEREBY ORDAINED** that Hood River County Code Title 8, Chapter, 12 Sections 010, 020, 030, 040, 050, 060, 070, 080, 090, 100, 110 and 120 are repealed in their entirety and Title 8, Chapter 12 is amended to read as per the attached *Exhibit One*.

Adopted this the 16<sup>th</sup> day of May, 2005

Hood River County  
Board of Commissioners

  
Rodger Shock, Chair

  
Carol York, Commissioner

  
Chuck Thomsen, Commissioner

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Les Perkins, Commissioner

  
Maui Meyer, Commissioner

**Chapter 8.12  
NOISE CODE**

<b>8.12.015</b>	<b>Definitions.</b>
<b>8.12.025</b>	<b>Noise Levels Prohibited.</b>
<b>8.12.035</b>	<b>Sound Level Meters.</b>
<b>8.12.045</b>	<b>Exemptions.</b>
<b>8.12.055</b>	<b>Variations and Special Events Permits.</b>
<b>8.12.065</b>	<b>Variance and Permit Procedure.</b>
<b>8.12.075</b>	<b>Criteria for Issuance.</b>
<b>8.12.085</b>	<b>Issuance and Revocation.</b>
<b>8.12.095</b>	<b>Appeals.</b>
<b>8.12.105</b>	<b>Penalties.</b>
<b>8.12.115</b>	<b>Non-conforming Use.</b>

**8.12.015 Definitions**

For the purposes of this Chapter, the following definitions apply:

- (1) "Average" means a sound level measured over the average of one or more seconds, as opposed to a peak sound level measure.
- (2) "A-weighted" means American National Standards Institute standard sound level measurements using the A-weighted scale, which is adjusted to correspond to human hearing.
- (3) "Board" means the Hood River County Board of Commissioners.
- (4) "County Administrator" means the administrator for Hood River County.
- (5) "Dwelling" means a residence, hotel, campground or other facility commonly used for sleep and shelter.
- (6) "Emergency Response" means any activity reasonably related to addressing a law enforcement, fire, health, safety, natural disaster, or public utility emergency or potential emergency.
- (7) "Event Site" means the contiguous property or properties, as legally described, on which an activity or event may be permitted.
- (8) "Lawfully sited" means located in accordance with the zoning and land use regulations of Hood River County or of a city within Hood River County.
- (9) "Noise Sensitive Facility" means a lawfully sited dwelling or a school, hospital, church or public library.
- (10) "Person" means any person, partnership, limited liability company, corporation, organization or other legal entity.
- (11) "Plainly Audible" means sound for which the average listener can discern its content or its source.
- (12) "Sheriff" means the Hood River County Sheriff or the Sheriff's deputies.

**8.12.025 Noise Levels Prohibited.**

- A. No person shall produce or permit the production of sound that, when measured within 20 feet of the Noise Sensitive Facility of another:

- (1) Exceeds 55 dB, A-weighted, average sound level between the hours of 10:00 p.m. and 7:00 a.m. the following day;
  - (2) Is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. the following day; or
  - (3) Exceeds 65 dB, A-weighted, average sound level at any time of day.
- B. No person shall produce or permit the production of sound in violation of the terms and conditions of a variance or permit issued under this chapter.

**8.12.035 Sound Level Meters**

- A. Sound measuring equipment used in the enforcement of this chapter shall be:
- (1) Capable of accurate measurements of decibels on the A weighted scale;
  - (2) In good working order;
  - (3) Operated in accordance with the manufacturer's specifications; and
  - (4) Operated by personnel trained to use the equipment to produce accurate sound level readings.

**8.12.045 Exemptions.**

- A. The noise regulation set forth in this Chapter shall not apply to sounds caused by:
- (1) Emergency Response or by the ordinary use of emergency equipment or vehicles, whether such work is performed by public or private parties.
  - (2) Sources regulated as to sound production by federal law including railroads, aircraft, and commercially licensed watercraft operations;
  - (3) The lawfully sited commercial and industrial operations that are subject to separate general noise restrictions under state or county licenses, permits or regulations.
  - (4) Agricultural and timber management operations.
  - (5) Construction or household tools used between the hours of 7 a.m. and 7 p.m. of the same day.
  - (6) The annual Hood River County Fair.

**8.12.055 Variances and Permits.**

- A. Persons may apply to the Sheriff for a temporary variance from the application of 8.12.025.
- (1) Variances may be granted for activities that are reasonably necessary to address a problem brought about by factors outside the control of the applicant
  - (2) Variances may be granted for a reasonable time to address the problem, but for no more than 7 days, at which time the applicant must re-apply.
  - (3) The Sheriff or the Board may impose reasonable conditions to variances granted under this section.
- B. Persons may apply to the Sheriff for a permit to hold or conduct activities and events including, but not limited to, athletic, entertainment, recreational, social, educational, civic or religious activities or events.
- (1) All permits under this section shall establish a maximum permissible sound level that shall:

- (a) Prohibit the production of sound in excess of 75 dB, A-weighted, average sound level, as measured from the property line of the event site; or
- (b) Prohibit the production of sound under terms and conditions set by the Board at a public hearing.
- (2) Permits under this section shall be may only be granted for times between the hours of 10:00 a.m. and 10:00 p.m. on Sundays through Thursdays, and 10:00 a.m. and 11:00 p.m. on Fridays and Saturdays.
- (3) Permits periods may be established as follows:
  - (a) Single Event Permits, which shall apply to activities or events lasting no more than five consecutive days;
  - (b) Annual Permits, which may apply to venues or locations hosting multiple events or activities throughout the calendar year; and
  - (c) On-going permits, which may be used for long-term events or activities, and
    - i. Shall be approved by the Board at a public hearing,
    - ii. Shall be limited to a term set by the Board, not to exceed five (5) years.
- (4) Permit under this section may be granted only for locations and venues generally designed, used or otherwise appropriate to host the activity or event in question, including but not limited to stadiums, parks, fairgrounds, clubs and amphitheaters.

**8.12. 065 Variance and Permit Application.**

- A. Application for variances or permits under this chapter shall be in writing and shall:
  - (1) Clearly state the nature of the activity requiring the variance or permit;
  - (2) Clearly state the necessity or reason for the variance or permit;
  - (3) Clearly define the geographical area which may be affected by the activity;
  - (4) Clearly state:
    - (a) The specific dates for which the variance or permits is sought;
    - (b) For an Annual Permit, the maximum number of activities or events anticipated during the calendar year; or
    - (c) For an On-going Permit, both the historic and anticipated annual usage of the location for activities or events requiring the permit.
  - (5) Clearly state the times of day that the activity will take place;
  - (6) State by affidavit that the residents or proprietors of all Noise Sensitive Facilities in the affected area have been provided notice of the application, at least 5 business days prior to filing the application; and
  - (7) Include the payment of any fee as required the Board under an approved fee schedule.
- B. Notice under this section shall be made by registered mail or by personal service on an adult member of the household, and shall include:
  - (1) A true copy of the application;

- (2) A clear statement that the Sheriff will accept written comment on the application for five (5) business days from date of submission; and
- (3) The mailing address of the Hood River County Sheriff.

**8.12.075 Criteria.**

In determining whether or not to grant a variance or permit the Sheriff or Board may consider:

- (1) The potential impact on the residents in the affected area including, but not limited to, all written responses received under 08.12.065(B)(2);
- (2) The nature, level, and duration of the anticipated sound;
- (3) Whether the variance or permit would produce a public benefit;
- (4) The necessity or reason giving rise to the request; and
- (5) The historic use of the property in question.

**8.12.085 Issuance and Revocation.**

- A. The Sheriff shall publish a decision on the application with fifteen (15) business days of its submission.
- B. The Sheriff or the Board may grant or deny an application, or may grant it subject to further conditions reasonably related to protecting the public from intrusive sound.
- C. Variances and permits granted under this section shall be in writing and shall:
  - (1) Clearly state the duration of the variance or permit;
  - (2) Clearly define the activity permitted;
  - (3) Clearly define the geographical area in which the activity may occur; and
  - (4) Clearly state all additional conditions, including any applicable restrictions imposed under 08.12.055(B)(1)(b).
- D. The Sheriff or the Board may revoke a variance or permit issued under this chapter at any time upon a finding of good cause.

**8.12.095 Appeals.**

- A. A decision by the Sheriff under this chapter may be appealed to the Board.
- B. Notice of appeal must be delivered to the Board within 30 days from the date of the Sheriff's decision.
- C. The Board shall review the application *de novo* within 30 days of filing of the notice to appeal, and shall issue an order within 10 days thereafter.

**8.12.105 Penalty.**

- A. Violation of 8.12.025 shall be a civil offense punishable by a fine of not more than \$500.00.
- B. Violation of the terms and conditions of a variance or permit shall be a civil offense punishable by a fine of not more than \$1000.00.
- C. Nothing in this section shall limit the authority of the County to pursue other remedies including but not limited to abatement, mandamus and injunction.

**8.12.115 Non-Conforming Use**

- A. Non-conforming uses lawfully in existence prior to the date of the adoption of this section of the Hood River County Code, shall be granted a three (3) month period within which to comply with its provisions.
- B. Any person or facility not in compliance by the end of such three (3) month period may apply for a variance or permit, as set forth in section 8.12.055.
- C. This Section shall apply only to non-conforming uses already in existence, or for which work on improvements had commenced, prior to the date that this Code section went into effect.