

CHAPTER 9.25

Noise Disturbances

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9.25.010 Short title. This chapter shall be known as the “Noise Disturbances” chapter of the Douglas County Code. (Ord. 2020-06-01, 2020)

9.25.030 Area of Application. This chapter only applies within the City of Roseburg Urban Growth Boundary (hereinafter “UGB”) containing areas zoned R1, RS, and R2. (Ord. 2020-06-01, 2020)

9.25.040 Enforcement authority. The Douglas County Sheriff and designees shall have the authority to administer and enforce the regulations set forth in paragraphs A, B, and D of section 9.25.050. The Douglas County Building Official shall have authority to administer and enforce the regulations set forth in paragraph C of section 9.25.050 and may issue a stop work order demanding that any commercial construction activity found in violation of such regulations shall be stopped immediately upon receipt of such stop work order or citation. (Ord. 2020-06-01, 2020)

9.25.050 Noise disturbances prohibited. No person shall make, continue, cause or permit to be made or continued, any noise disturbance described in this chapter. It is unlawful to make any excessive, unreasonable or unusually loud sound which disturbs the peace and quiet of any neighborhood or which injures or endangers the comfort, repose, health, peace or safety of any person. The following are declared to be noise disturbances in violation of this chapter, but this enumeration is not exclusive:

A. Sound Producing or Reproducing Equipment.

(1) Use of sound producing and reproducing equipment anywhere within the Area of Application between the hours of 10:00 p.m. and 7:00 a.m. that is plainly audible within a dwelling unit that is not the source of the sound, or use of such equipment on public property or on a public right-of-way so as to be plainly audible fifty feet or more from the source of the sound.

(2) Use of sound producing or reproducing equipment anywhere within the Area of Application between the hours of 7:00 a.m. and 10:00 p.m. that is plainly audible simultaneously within two separate dwelling units that are not the source of the sound.

(3) Sound producing or reproducing equipment includes but is not limited to: any radio, television set, musical instrument, phonograph, stereo, loudspeaker, horn, bell or chime.

B. Motor Vehicles.

(1) Parking a motor vehicle with the motor or auxiliary equipment in operation on a public right-of-way or on private property between the hours of 10:00 p.m. and 7:00 a.m., if the noise so produced is plainly audible within a dwelling unit.

(2) Operating upon any highway any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle. In lieu of other sufficient evidence of a violation, evidence of an unreasonable noise or sound shall be sufficient if the noise or sound produced is audible simultaneously within two separate dwelling units in the vicinity.

(3) Paragraph B ("Motor Vehicles") shall not apply to the normal operation of vehicles designed and used for commercial transportation of passengers, or to other commercial vehicles being loaded or unloaded.

C. Commercial Construction Activities.

(1) Alteration, demolition, erection or repair of any structure of building, or development of, or improvements to, any real property in a manner so as to produce noise plainly audible within a dwelling unit in the proximity of such work as outlined herein. The intent of paragraph C ("Commercial Construction Activities") is to protect residential neighborhoods from excessive noise generated by commercial construction activities. It is not, however, intended to prohibit individual homeowners or occupants from performing home improvements, maintenance projects or similar activities on privately owned property within a residential neighborhood, except as limited elsewhere in the Douglas County Code.

(a) Residential zones and commercial zones adjacent thereto:

Before 7:00 a.m. and after 7:00 p.m., Monday through Friday, before 8:00 a.m. and after 6:00 p.m. on Saturday; or at any time on Sunday or any state or federal holiday;

(b) Commercial zones not adjacent to a residential zone: Before 7:00 a.m. and after 9:00 p.m.

D. Home Equipment and Powered Tools.

(1) Use of powered tools and equipment for home maintenance or repair, or as part of a home occupation, or for lawn and garden maintenance, in a residential zone between the hours of 10:00 p.m. and 7:00 a.m., if the noise produced is plainly audible within a dwelling unit that is not the source of the noise. Powered tools and equipment for home use or lawn and garden maintenance include but are not limited to power saws, sanders, grinders, trimmers, vacuums, mowers, blowers, air compressors and similar devices.

(Ord. 2020-06-01, 2020)

9.25.060 Exemptions. The following activities are exempt from the regulations set forth in this chapter:

- A. The use of emergency equipment required to protect life or property;
 - B. Construction activity authorized by permit issued by the Douglas County Building Official when special circumstances beyond a contractor's control requires continuous work or work beyond the times authorized in paragraph C of section 9.25.050 and the Douglas County Building Official has approved the work due to such special circumstances.
- (Ord. 2020-06-01, 2020)

9.25.070 Jurisdiction. The Circuit Court for the State of Oregon for the County of Douglas has jurisdiction over any and all violations of the Noise Disturbances chapter. Jurisdiction and venue for violation proceedings shall be as set forth in ORS 153.036. (Ord. 2020-06-01, 2020)

9.25.080 Violation Proceedings.

A. The Douglas County Sheriff and designees and the Douglas County Building Official shall be deemed to be enforcement officers, within the meaning of ORS 153.005 to 153.121.

B. Violations of the Noise Disturbances chapter shall be deemed to be violations, within the meaning of ORS 153.008. Violations of the Noise Disturbances chapter are punishable by fines as established for unclassified violations.

C. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual.

D. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.121.

(Ord. 2020-06-01, 2020)

9.25.090 Remedies Not Exclusive. None of the remedies available to the County as set forth in the Noise Disturbances chapter are exclusive. Nothing in the Noise Disturbances chapter shall preclude any remedy otherwise available to the County, either in law or equity. (Ord. 2020-06-01, 2020)

9.25.100 Public Nuisance. Any violation of the Noise Disturbances chapter shall be deemed a nuisance and may be enjoined, abated, or removed. (Ord. 2020-06-01, 2020)