

ORDINANCE NO. 1839

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CODIFIED
BY gma Date 3-5-04

(An ordinance adding Chapter 8.07 – Unlawful Vehicular Noise, to the Hood River Municipal Code)

WHEREAS, excessive vehicular noise created upon premises open to the public is an increasing disturbance to the health and happiness of the citizens of Hood River, and the public at large;

WHEREAS, the City Council desires to provide greater ability to reduce this noise by setting a reasonable maximum decibel limit on vehicular noise created upon premises open to the public and penalties for exceeding such reasonable limitation.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 8.07 is added to the Hood River Municipal Code:

CHAPTER 8.07 – UNLAWFUL VEHICULAR NOISE

Sections:

8.07.010	Definitions
8.07.020	Excessive Vehicular Noise Prohibited
8.07.030	Exceptions to Acts Prohibited
8.07.040	Violation – Penalties

8.07.010 Definitions. For purposes of this Chapter, the following definitions shall apply unless the context requires a different meaning:

“Premises Open to the Public”: Street, road, highway, freeway, thoroughfare, parking lot, or other premises open to the general public for the use of motor vehicles, whether or not the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

“Vehicle”: Any device in, upon, or by which any person, animal, or property is or may be transported or drawn upon the highway and includes vehicles that are propelled or powered by any means.

“Vehicular Noise”: Any sound produced by any vehicle while the vehicle is either in motion or stationary upon premises open to the public.

8.07.020 Excessive Vehicular Noise Prohibited.

A. Except as provided in subsection (B), it is unlawful for any person to operate any vehicle upon any premises open to the public if the vehicle is producing a vehicular noise in excess of 80 dB when measured in excess of fifty (50) feet from the vehicle producing the noise.

B. Vehicles of 10,000 pounds GCWR (Gross Combination Weight Rating) or more, engaged in interstate commerce as regulated by 40 C.F.R., part 202, (1986), shall not be operated upon any premises open to the public if the vehicle is producing a vehicular noise in excess of those limits set forth in OAR 340-035-030.

8.07.030 Exceptions to Acts Prohibited Under 8.07.020.

A. Vehicular noise created due to emergency action of the driver of the vehicle creating the noise in order to avoid imminent danger to persons or property.

B. Sounds caused by bona fide use of emergency warning devices and alarm systems.

C. Sounds caused by industrial, agricultural, or construction activities during the hours of 7:00 a.m. and 10:00 p.m. of the same day.

8.07.040 Violation – Penalties.

A. A violation of this Chapter is a Class A infraction and shall be punished by a fine of not more than five hundred dollars.

Read for the first time: February 10, 2003

Read for the second time and passed: February 24, 2003, to become effective thirty (30) days hence.

Signed: February 25, 2003


Paul G. Cummings, Mayor

Attest: Terri J. Phillips
Terri J. Phillips, City Recorder