

ORDINANCE NO. 1846

(An ordinance amending Chapter 8.07 – Unlawful Vehicular Noise of the Hood River Municipal Code, to prohibit the sounding of train horns in the City under certain circumstances)

WHEREAS, the unnecessary sounding of train horns as they pass through the City is a disturbance to the health and happiness of the citizens of Hood River, and the public at large;

WHEREAS, the City does not contain any at-grade crossings requiring the sounding of train horns and that train horns are otherwise required only pursuant to federal or state law;

WHEREAS, the Council desires to make it illegal to sound a train horn unless otherwise required by federal or state law and to provide penalties therefor.

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

Chapter 8.07 of the Hood River Municipal Code is amended as follows:

CHAPTER 8.07 – UNLAWFUL VEHICULAR NOISE AND TRAIN HORNS

Sections:

- 8.07.010 Definitions
- 8.07.020 Excessive Vehicular Noise Prohibited
- 8.07.030 Exceptions to Acts Prohibited
- 8.07.040 Unlawful Sounding of Train Horns
- 8.07.0450 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 Unlawful Sounding of Train Horns.

A. Except as otherwise permitted or required by federal or state law, the sounding or blowing of a train horn or whistle within the City is prohibited.

8.07.0450 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: April 28, 2003

Read for the second time and passed: May 12, 2003, to become effective thirty (30) days hence.

Signed: Jane, 2003

Paul G. Cummings, Mayor

Attest: Jean M. Hadley
Jean Hadley, City Recorder