

ORDINANCE NO. 1489

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS; AND DECLARING AN EMERGENCY

WHEREAS, the City of Canby currently has a noise variance ordinance; and

WHEREAS, the City of Canby desires to amend the ordinance to add language exempting sounds, including the discharge of fireworks and other explosive devices, created from City, Canby Fire District or Canby School District sanctioned events from the requirement of obtaining a noise variance.

NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 9.48.050(A) is hereby amended to read as follows:

§ 9.48.050 Exceptions and variances.

- A. Exceptions. The following sounds are exempted from the provisions of this chapter:
1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
 2. Aircraft operations in compliance with applicable federal laws or regulations;
 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
 4. Sounds produced by sound-amplifying equipment at activities, **including fireworks and other explosive devices at football games**, sponsored by Canby School District between 7:00 a.m. and ~~12:00 p.m.~~ midnight, local time;
 5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;
 6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
 7. Sounds made by warning devices operating continuously for 5 minutes or less;
 8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided

they are equipped with an exhaust system which is in good working order and in constant operation;

9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;
10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and
12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.; and
13. Sounds created from city sanctioned events in the Downtown Commercial zone; and
14. Sounds, including the discharge of fireworks and other explosive devices, created from City and Canby Fire District sanctioned events.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to enact this ordinance as soon as possible due to events scheduled in early September, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 1, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 15, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

/s/ Kimberly Scheafer

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 15, 2018 by the following vote:

YEAS 5 NAYS 1

/s/ Brian Hodson

Brian Hodson
Mayor

ATTEST:

/s/ Kimberly Scheafer

Kimberly Scheafer, MMC
City Recorder