

ORDINANCE NO. 21-07

**AN ORDINANCE AMENDING SECTION 104 OF ORDINANCE NO. 94-6
RELATING TO UNECESSARY NOISE AND PRESSCRIBING GENERAL
OFFENSES**

WHEREAS, Ordinance No. 94-6 established rules and regulations relating to general nuisances within the within the City; and,

WHEREAS, the City Council determines that it is the public interest to establish additional standards that limit excessive noise at certain times throughout the City; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10 of Ordinance No. 94-6 are hereby amended to read as follows:

**AN ORDINANCE PRESCRIBING GENERAL OFFENSES; PROVIDING PENALTIES;
REPEALING ORDINANCE NO. 52; AND DECLARING AN EMERGENCY**

ORDINANCE NO. 94-6

Section 4. Unnecessary Noise. No person shall create, assist in creating, permit, continue, or permit the continuance of unreasonable noise in the city. The following enumerations of violations of this section are not exclusive but are illustrative of some unreasonable noises:

- (1) The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity.
- (2) Using an engine, thing or device out of repair, so loaded, or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a necessary warning of danger to property or person.
- (4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.
- (5) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City Council.
- (6) The use of any gong or siren upon any vehicle other than police, fire, or emergency vehicle.
- (7) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- (8) The use of a "muffler cutout" on any motor vehicle upon any street.
- (9) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound-amplifying device so loudly that it disturbs persons in the

vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the City Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment. ~~(Sections 5 to 10 reserved for expansion)~~

- (10) The hours of 10:00 pm until 7:00 am the next day is a required quiet time and there shall be no noise exceeding 55 dBA during those hours outside LC and C-1 zones. Properties located within C and C-1 zones are limited to no more than 70 dBA until 12:00am and then 55 dBA until 7:00am.
- a. Sanitation and refuse collection are exempt from the requirements if this section.
 - b. Emergency response vehicles and responders including utility work are exempt from this section.
 - c. Noise levels shall be measured from the public rights-of way near to where the alleged offense is occurring.
 - d. Sound measuring device must be either a Type 1 or Type II, as defined by American National Standard Specification for Sound Level Meters (ANSI S1.4-1971)