



## City of Sherwood

# Noise Ordinance Variance Application

**APPLICATION:** Applications should be submitted in advance to allow time for the review process and for possible notification of a Noise Ordinance Variance. Applications must include a map showing the site with the exact location of the sound involved. The map should include all properties within 400 feet of your site. Please submit your applications based on the following categories:

- Construction project:** please email your completed application to [rutledgee@sherwoodoregon.gov](mailto:rutledgee@sherwoodoregon.gov) or submit a hard copy to Eric Rutledge at City Hall
- Private event, concert, or other variance:** please email your completed application to [weggelandm@sherwoodoregon.gov](mailto:weggelandm@sherwoodoregon.gov) or submit a hard copy to Mary Weggeland at the Sherwood Center for the Arts

**PROCESS:** Within five business days of the submission of an application for a variance, the City Manager (or designee) will determine if the requested variance could have a substantial impact on the surrounding areas and require public notification. The City Manager must consider such factors as the potential impacts on businesses and noise sensitive properties within four-hundred feet, the time of day, the day of the week, the proposed type and amount of amplification, and any secondary noise consequences. If such notification is required, the decision will not be made until ten business days after the completion of the public notice and the required documents are submitted to the Event Coordinator.

**NOTIFICATION:** The applicant must;

- Post notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road
- Provide a copy of the notice to the City for publication on the City's website
- Deliver written notice to the owner or occupant of each property that is located within three-hundred feet of the property line of the property containing the sound source. Specific details on notice requirements are in the section below
- Provide a list to the City of the owner or occupant addresses to which the written notice was delivered

**NOTIFICATION DOCUMENT:** If the City Manager determines that the requested variance may have a substantial impact on the surrounding areas you will be required to notify the impacted public. The notification must include the following:

- The nature and substance of the variance being requested, including the provision(s) of this Ordinance from which the variance is being requested (please see the following page for reference)
- The location, date(s), and time(s) for which the variance is being requested
- The name of the event to which the variance relates, if applicable
- The name and contact information of the applicant
- The name and contact information for the Noise Ordinance Permit Coordinator for the City of Sherwood (*Mary Weggeland, WeggelandM@SherwoodOregon.gov*)
- A statement that all interested people may file written comments on the application with the City Manager and stating a deadline for such comments, which is ten business days after the date of the notice

**Sherwood Municipal Code Chapter 9.52 - PROHIBITING OF NOISE applies to the control of all sound originating within the jurisdictional limits of the city.**

**9.52.040 - General prohibition.**

A. No person shall make, continue, or cause to be made or continued:

1. Any unreasonably loud or raucous noise; or
2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city; or
3. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;
2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is recurrent, intermittent, or constant.

**9.52.050 - Noises prohibited.**

The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list:

1. Dynamic braking devices (Jake Brakes). Using any dynamic braking device on any motor vehicle, except in the case of an emergency.
2. Idling engines on motor vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit during night hours.
3. Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit during night hours.
4. Lawn mowing equipment. Operating lawn-mowing equipment (to include powered landscaping tools/equipment) with a combustion engine during night hours.
5. Sound producing, amplifying, or reproducing equipment. Causing or permitting sound produced by a musical instrument, radio, television, phonograph, loudspeaker, bullhorn, or other similar equipment to be plainly audible within any dwelling unit other than the source, or plainly audible at a distance of fifty (50) feet from the source in a commercial area, industrial area, or public space.
6. Domestic power equipment. During night hours, operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.
7. Off-highway vehicles. Operating any motor vehicle, designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, mini-bikes, motor scooters, and dune buggies, off a public right-of-way in such a manner that the sound level is plainly audible within any dwelling unit outside the boundary of the noise-producing property.
8. Auxiliary equipment on motor vehicles. Causing, allowing, permitting, or failing to control the operation of any auxiliary equipment on a motor vehicle or trailer for more than thirty (30) minutes when the sound level produced by such equipment is plainly audible within any dwelling unit outside the boundary of the noise-producing property during night hours.
9. Vehicle horns, signaling devices, and similar devices. The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
10. Animals and birds. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird.
11. Noise sensitive areas. The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of a noise sensitive institution or facility, provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.
12. Construction or repair of buildings. The construction, demolition, alteration, or repair of any building during night hours. In cases of emergency, construction or repair noises are exempt from this provision.
13. Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (a) and (b), below.
  - a. Testing of an emergency signaling device shall occur during day hours. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
  - b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, in instances other than as provided in subsection (a) above, shall terminate within fifteen (15) minutes of activation, unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this chapter.

City of Sherwood

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### APPLICANT

NAME:

ADDRESS:

PHONE NUMBER:

E-MAIL ADDRESS:

### EVENT

NAME:

DATE:

LOCATION:

#### Date(s) and Time – When the involved sound will be emitted

	Between (Start Time)	And (End time)
	Between (Start Time)	And (End Time)
	Between (Start Time)	And (End Time)

What is the physical characteristic of the involved sound? (i.e. live band, boom box, microphone, DJ, location of amplification)

(ALSO REQUIRED: Map showing the exact location of the involved sound that includes the surrounding areas)

Why is a variance being sought?

Areas within 400 feet of the source of the involved sound:

Residential       Commercial       Industrial

### CONSENT AND LIABILITY

I, THE UNDERSIGNED, ACKNOWLEDGE AND UNDERSTAND THAT I AM RESPONSIBLE TO COMPLY WITH THE INFORMATION, RESTRICTIONS AND CONDITIONS OF THE PERMIT WHEN ISSUED. I HEREBY ACKNOWLEDGE RESPONSIBILITY FOR PENALTIES ASSOCIATED WITH NON-COMPLIANCE WITH THE PERMIT CONDITIONS, WHETHER OR NOT I AM PRESENT AT THE TIME OF THE VIOLATION. \_\_\_\_\_ (INITIALS)

I hereby certify the foregoing statements to be true and correct, and agree to defend, indemnify and hold harmless the City of Sherwood, its City Council, officers, agents, employees and volunteers from and against any and all loss, claims, damages, liability, such claim or suit arising from or in any manner connected to the requested activity. I also agree, if approved, to comply with all permit conditions, and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, forfeiture of deposit, denial of future events, criminal prosecution and/or administrative citation (s), fines.

Print Your Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please submit your completed form and all additional required materials to: City of Sherwood Community Services Department

ATTN: Event Coordinator 22689 SW Pine Street Sherwood, OR 97140

Please make a copy of all submitted materials for your records

Notification Required?      Yes       No

City Manager or Designee Signature: \_\_\_\_\_ Date \_\_\_\_\_