



## ORDINANCE NO. 5989

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) SECTION 7.08.050 UNNECESSARY NOISE.

WHEREAS, the City of Albany is amending Albany Municipal Code (AMC) section 7.08.050, Unnecessary Noise, to better define what constitutes unnecessary noise; and

WHEREAS, the AMC was found to be lacking in multiple areas based on citizen comments and complaints; and

WHEREAS, better defining the code would aid residents in their inquiries and the city in its enforcement.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Section 7.08.050, Unnecessary Noise. AMC Title 8 is hereby amended AMC Section 7.08.050, Unnecessary Noise:

7.08.050 Unnecessary noise.

It is unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City.

(1) The following acts are declared to be violations of this section, but such enumerations are not deemed to be exclusive (no warning need be given unless otherwise notated):

(a) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises;

(b) 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 or danger to property or person;

(c) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled;

(d) The erection, including excavation, demolition, alteration, or repair of a structure, private utility, or ancillary facility, , other than between the hours of 7:00 a.m. and 7:00 p.m., except in case of urgent necessity to prevent the imminent collapse of a structure or imminent threat to public safety or otherwise permitted through AMC 7.08.050(2);

(i) Notwithstanding the time limits of subsection (d) of this Section, the property owner, as listed by the county assessor, or person in legal tenancy of the property may do work on said property, occupied by that person, between the hours of 7:00 am and 8:00 pm.

(e) Activities ancillary to construction, regulated under subsection (4) of this section including, but not limited to, preparation of materials, staging of construction equipment and apparatus, processing, preparing, or moving construction vehicles, equipment, or material, which generate sounds audible at any residentially zoned property other than between the hours of 6:30 a.m. and 7:30p.m.; or otherwise permitted through AMC 7.08.050(2);

(f) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle;

(g) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler;

(h) The use of "muffler cutout" on any motor vehicle upon any street;(i) The use or operation of any automatic or electric piano, phonograph, radio, loudspeaker, or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance, unless otherwise permitted through AMC 7.08.050(2);

(j) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.;(Ord. 5878 § 1, 2016; Ord. 5761 § 1, 2011; Ord. 4937 § 1, 1990; Ord. 3873 § 1, 1975; Ord. 2823 § 43, 1958).

(k) Creating noise on a street adjacent to a school, institution of learning, church, or court of justice while the same is in use, or adjacent to a hospital or institution for the care of the sick or infirm, which noise unreasonably interferes with the operation of such institution or which noise disturbs patients.;

(l) Making a noise on a public street or in a public place by crying, calling, shouting, or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise or of attracting attention or inviting patronage of any person to any business whatsoever.;

(m) Playing, using, or operating any radio, musical instrument, phonograph, television set, tape recorder, loudspeaker, or other machine or device for the producing, reproducing, or amplification of sound in such a manner as to be plainly audible:

(i) within any closed dwelling unit which is not the source of the sound, between the hours of 8:00 p.m. and 7:00 a.m.; or

(ii) at a distance of 50 feet from the source of the sound.;(A) As used in this Section and section (n), "plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythm or vocal sounds.

(B) This section does not prohibit the reasonable use of mechanical loudspeakers or sound amplifiers in the course of public events for which a permit has been issued through AMC 7.08.050(2).

(C) Upon first offense, location shall be issued a warning, either in writing or orally.

(n) The gathering of any number of persons upon premises, whether public or private, and the creation of noise from the collective voices of such persons between the hours of 8:00 p.m. and 7:00 a.m. that is plainly audible within any dwelling unit that is not the source of the sound.; and

(i) Upon first offense, location shall be issued a warning, either in writing or orally.

(o) Using, operating, or permitting to be used or operated any mechanical loudspeaker, sound truck, radio, television, or other instrument or sound-producing or sound-amplifying device for the purpose of entertaining or attempting to entertain or for the purpose of attracting attention to or inviting persons to a play, festival, picnic, or other event without first obtaining a permit in accordance with AMC 7.08.050(2).

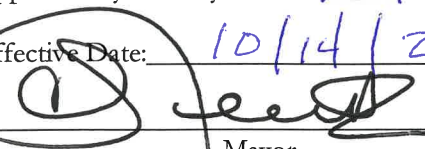
(2) Permits - The City Manager or their designee may issue a permit, authorizing activity otherwise prohibited by this Section outside of the specified time limits, if the City Manager or their designee determines that the public health, safety, and welfare will not be impaired by such activities and that there are compelling reasons for such request for the permit to granted. The City Manager or their designee may impose any reasonable conditions on the permit, including but not limited to, limiting the hours during which the activities may occur. The City Manager or their designee may deny, or revoke said permit via notice of such action to the applicant or permittee. The action shall be effective immediately.

(a) It shall be required that any company or individual, who is granted a permit for construction noise, notify all residential properties within five hundred (500) feet of the permitted location.

Passed by the Council: 9/14/22

Approved by the Mayor: 9/14/22

Effective Date: 10/14/22

  
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Mayor

ATTEST:

  
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