

## CHAPTER 51 EVENT SOUND PERMITS

### GENERAL PROVISIONS

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**51.001. Declaration of Purpose.** It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and repose and that reduces unnecessary and excessive sound in the environment. (Ord No. 37-10)

**51.005. Definitions.** Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

- (a) A-scale (dBA) means the sound level in decibels measured using the A-weighted network as specified in American National Standards Institute's Specifications for Sound Level Meters (ANSI S1.4-1971 or ANSI S1.4-1983).
- (b) Commercial means the use of real property, whether publically or privately owned, as an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other similar use, and any use of real property within the Downtown Parking District.
- (c) Day means the hours between 7 a.m. and 10 p.m. of the same day.
- (d) Decibel or dB means a unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to a reference pressure of twenty micropascals or twenty micronewtons per square meter.
- (e) Downtown Parking District means the area within the Downtown Parking District as designated in SRC 7.010.
- (f) Health Officer means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.
- (g) Industrial means the use of real property, whether publically or privately owned, as a warehouse, factory, mine, wholesale trade establishment, or other similar use.
- (h) Night means the hours between 10 p.m. and 7 a.m. of the following day.
- (i) Noise sensitive means any use of real property, whether publicly or privately owned, as a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit, or other similar use.
- (j) Person means a natural person, a corporation, a limited liability company, a partnership, a co-operative, or any other entity in law or fact.
- (k) Public property means any real property or any facility, other than public right-of-way, that is owned, controlled, or maintained by the City, or any portion or space therein.

- (l) Sound level in dBA means the weighted sound pressure level in dB, measured by the use of an A-weighted sound level meter set at a fast meter response.
- (m) Sound level meter means a sound level measuring device meeting the American National Standards Institute’s Specifications for Sound Level Meters (ANSI S1.4-1971 or ANSI S1.4-1983).
- (n) Sound pressure level in dB means a sound level that is twenty times the logarithm to the base ten of the ratio of the root-mean square of the pressure of a given sound to a reference pressure of twenty micropascals or twenty micronewtons per square meter. (Ord No. 37-10)

**51.010. Administration; Rulemaking.** The Health Officer shall administer and enforce the provisions of this Chapter, have the authority to render written and oral interpretations, and have authority to adopt administrative rules that are consistent with, and otherwise implement, the terms of this Chapter. (Ord No. 37-10)

**51.015. Maximum Permissible Sound Levels.**

(a) **General Rule.** Except as provided in subsection (b), it shall be unlawful for any person who owns, controls or operates any sound source to cause or permit sound in excess of the maximum permissible sound levels set forth in Table 51-1 to be received on property other than property where the source is located without first obtaining an event sound permit issued pursuant to this Chapter.

<b>Table 51-1: Maximum Permissible Sound Levels in dBA</b>						
	<i>Type of Receiver by Use</i>					
<i>Type of Source by Use</i>	<b>Noise Sensitive</b>		<b>Commercial</b>		<b>Industrial</b>	
	Day	Night	Day	Night	Day	Night
<b>Noise Sensitive</b>	Not applicable		60	55	65	60
<b>Commercial</b>	55	50	70	65	70	65
<b>Industrial</b>	55	50	70	65	No maximum	

(b) No sound received on a property other than the property where the source is located shall exceed the established maximum permissible sound levels in Table 51-1 by ten dBA for a cumulative total of greater than one minute in any ten minute period.

(c) Measurement of sound levels shall be made at one of the following points, whichever is farther from the sound source:

- (1) Twenty-five feet from that point on any building on the receiver property nearest the sound source, or
- (2) That point on the receiver property line nearest the sound source. (Ord No. 37-10)

**51.020. Event Sound Permits; Types.** Any person who owns, operates or controls a sound source that will produce sound in excess of the maximum sound levels in dBA set forth in Table 51-1 shall first obtain the applicable event sound permit as follows:

- (a) **Class A Permit:** for a single event or activity that does not exceed twenty-four hours in duration and occurs outside of the Downtown Parking District.
- (b) **Class B Permit:** for a single event or activity or a series of related events or activities that exceeds twenty-four hours in duration and occurs outside of the Downtown Parking District.
- (c) **Class C Permit:** for a single event or activity that does not exceed twenty-four hours in duration and occurs within the Downtown Parking District.
- (d) **Class D Permit:** for a single event or activity or a series of related events or activities that exceeds twenty-four hours in duration and occurs within the Downtown Parking District. (Ord No. 37-10)

**51.030. Application for a Permit.** An application for an event sound permit shall be filed with the Health Officer on forms provided by the City. An application for a Class A permit shall be submitted not less than ten calendar days prior to the event or activity for which the permit is sought. An application for a Class B, Class C or Class D permit shall be submitted not less than forty-five calendar days prior to the event or activity for which the permit is sought. The application shall contain the following information and shall be accompanied by the application fee, as set by resolution of the City Council:

- (a) The type of event or activity for which the permit is sought;
- (b) The anticipated duration of the event or activity;
- (c) The physical characteristics of the sound involved;
- (d) The times when the sound will be emitted;
- (e) The reason or reasons why the permit is necessary;
- (f) Any other supporting information necessary to satisfy the criteria in SRC 51.050. (Ord No. 37-10)

**51.040. Notice.**

- (a) **Class A Permits.** No notice is required for a Class A permit.
- (b) **Class B, Class C and Class D Permits.** An applicant for a Class B, Class C or Class D permit shall, not more than ten calendar days after submitting a permit application to the Health Officer, provide written notice that an application for a sound event permit has been submitted for consideration. Notice shall be provided to the following:
  - (1) Any officially recognized neighborhood association within whose geographical boundaries the planned sound source or sources will be located and any officially recognized neighborhood association within whose geographical boundaries the involved sound is likely to be heard.
  - (2) Any person residing or any owner of a business within 400 feet of the planned sound source or sources.
- (c) Any written notice shall contain the following information:
  - (1) The nature of the event or activity for which the permit is sought and the date or dates thereof;
  - (2) The date by which the permit application must be acted upon by the Health Officer;
  - (3) That recipients of the notification may file written comments on the application with the Health Officer; and
  - (4) The address, including the e-mail address, where written comments may be submitted and the date by which any comments must be received in order to be considered. (Ord No. 37-10)

**51.050. Permit Criteria and Conditions.**

(a) **Criteria.** The Health Officer shall grant an event sound permit if, after considering the application and any written comments received on the application, it appears that:

(1) The public health and safety provisions of other chapters of the Salem Revised Code, exclusive of this Chapter 51 and Chapter 93, will not be violated if a permit is granted; and

(2) Granting the permit will not be unreasonably detrimental to the public welfare. In determining whether the permit would be “unreasonably detrimental to the public welfare,” the Health Officer shall consider such factors as the potential impacts on businesses and noise sensitive properties within 150 feet of the planned sound source, the time of day, the day of the week, the proposed type and amount of amplification to be used and any secondary noise consequences.

(b) **Conditions.** The Health Officer shall place conditions, including maximum decibel levels, on an event sound permit necessary to protect public health, safety and welfare. Permittees shall keep a copy of the permit at the event or activity for which the permit was sought. (Ord No. 37-10)

**51.060. Permit Decision.** An application for a Class A permit shall be granted or denied within seven calendar days of receipt of a completed application. An application for a Class B, Class C or Class D permit shall be granted or denied within thirty calendar days of receipt of a completed permit application. If a permit is denied, the Health Officer shall state in writing the reasons why the permit was denied. If a permit is granted, a copy of the event sound permit shall be provided to the applicant and to any person who submitted written comments to the Health Officer. (Ord No. 37-10)

**51.070. Appeal.** Any person who has been denied an event sound permit may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240-20J.430. (Ord No. 37-10)

**51.100. Violations.**

(a) It shall be unlawful for any person to exceed the maximum permissible sound levels established by SRC 51.015 without first having obtained a permit therefor.

(b) It shall be unlawful for a permittee to exceed any limitation or to fail to comply with any condition set forth in a sound event permit issued pursuant to this Chapter.

(c) A violation of subsection (a) or (b) of this section is an infraction. Each day that a violation continues shall constitute a separate violation. In addition to any other penalty provided by law, a person adjudged responsible for a violation of any of the provisions of this Chapter may be ordered by the court to correct the violation.

(d) In addition to any other remedy provided by law, the Health Officer shall have the authority to suspend or revoke a permit issued pursuant to this Chapter when the permittee has failed to comply with any term or condition set forth in the permit.

(e) The Health Officer shall have the authority to modify a permit issued pursuant to this Chapter when the original terms or conditions of the permit cause an undue hardship on surrounding businesses or noise sensitive properties.

(f) In addition to, but not in lieu of, any other remedy provided by law, a civil penalty of \$250 may be imposed on a permittee for an event sound permit when the permittee refuses to, or fails to, cause immediate corrective action for any violation of the permit. The civil penalty may be appealed by following the process set forth in SRC 20J.190. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240-20J.430. (Ord No. 37-10)