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**COUNCIL ORDINANCE NO. 20680**

**AN ORDINANCE CONCERNING REGULATIONS FOR COMMERCIAL AND INDUSTRIAL NOISE; AMENDING SECTION 6.750 OF THE EUGENE CODE, 1971; ADDING SECTION 6.752 TO THAT CODE; AND DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**ADOPTED: January 23, 2023**

**SIGNED: January 24, 2023**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Groves**

**EFFECTIVE: January 24, 2023**



**ORDINANCE NO. 20680**

**AN ORDINANCE CONCERNING REGULATIONS FOR COMMERCIAL AND INDUSTRIAL NOISE; AMENDING SECTION 6.750 OF THE EUGENE CODE, 1971; ADDING SECTION 6.752 TO THAT CODE; AND DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Subsection (g) of Section 6.750 of the Eugene Code, 1971 is deleted and subsections (h) and (i) are re-lettered to (g) and (h), respectively, to provide as follows:

**6.750 Environmental Noise Disturbance – Specific Prohibitions.**

Unless exempted by section 6.755 of this code, the following acts are declared to be noise disturbances, as that term is defined in section 4.080 of this code – however this enumeration shall not be deemed an exclusive list of the violations of this section, nor shall the recitation of specific prohibitions below be deemed the exclusive and entire listing of unlawful noise disturbances for each subcategory.

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(g) Steam whistles, sirens, and other aural warning devices. Operating or permitting the operation of a steam whistle, siren, or other aural warning device except where necessary to provide a warning of fire or danger.

(h) Other. Any sound source exceeding the standards set out in section 9.2530(20) of this code and not otherwise exempt therefrom.

**Section 2.** Section 6.752 of the Eugene Code, 1971 is added to provide as follows:

**6.752 Commercial and Industrial Noise.**

(1) For purposes of this section, the following words and phrases mean:

**Impulse Sound.** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound pressure measuring instrument or “C” weighted, slow response instrument and specified by dB and dBC respectively.

**Noise Level.** Weighted sound pressure level measured by use of a metering characteristic with an “A” frequency weighting network and reported as dBA.

**Noise Sensitive Building.** A building on a noise sensitive property that is used as a residence, school, church, hospital, or public library.

Noise Sensitive Property. Property located within the Eugene city limits that is zoned for residential use, schools, churches, hospitals or public libraries.

Octave Band Sound Pressure Level. The sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20 micronewtons per square meter).

One-Third Octave Band Sound Pressure Level. The sound pressure level for the sound being measured within the specified one-third octave band at the preferred frequencies. The reference pressure is 20 micropascals (20 micronewtons per square meter).

Person. An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property or the supervision of an activity on the property that produces noise.

Preferred Frequencies. Those mean frequencies in Hertz preferred for acoustical measurements which for this purpose shall consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Sound Pressure Level (SPL). 20 times the logarithm to the base 10 of the ratio of the root-mean-square pressure of the sound to the reference pressure. SPL is given in decibels (dB). The reference pressure is 20 micropascals (20 micronewtons per square meter).

(2) Impulse Sound. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if an impulsive sound is emitted in air by that source which exceeds the following sound pressure levels, as measured at an appropriate measurement point, as specified in subsection (4) of this section:

(a) Blasting. 98 dBC, slow response, between the hours of 7 a.m. and 10 p.m. and 93 dBC, slow response, between the hours of 10 p.m. and 7 a.m.

(b) All Other Impulse Sounds. 100 dB, peak response, between the hours of 7 a.m. and 10 p.m. and 80 dB, peak response, between the hours of 10 p.m. and 7 a.m.

(3) Octave Bands.

(a) No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (4) of this section, exceeds applicable levels specified in Table EC 6.752(5).

<b>Table EC 6.752(3)</b>		
<b>Commercial and Industrial Noise</b>		
<b>Median Octave Band Standards / Allowable Octave Band Sound Pressure Levels</b>		
Octave Band Frequency (Hz)	7:00 a.m. - 10:00 p.m.	10:00 p.m. - 7:00 a.m.
31.5	68	65
63	65	62
125	61	56

<b>Table EC 6.752(3)</b>		
<b>Commercial and Industrial Noise</b>		
<b>Median Octave Band Standards / Allowable Octave Band Sound Pressure Levels</b>		
<b>Octave Band Frequency (Hz)</b>	<b>7:00 a.m. - 10:00 p.m.</b>	<b>10:00 p.m. - 7:00 a.m.</b>
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34

(b) One-third Octave Band. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point specified in subsection (4) of this section, and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by:

1. 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band;
2. 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
3. 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: Such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

(c) This section shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table EC 6.752(5) for the octave band which contains such one-third octave band.

(4) Measurement.

(a) In the application of this code section, the city will use sound measurement procedures that conform to those procedures set forth in Sound Measurement Procedures Manual (NPCS-1), or to such other procedures administratively adopted by the city manager.

(b) Unless otherwise specified, the appropriate measurement point shall be the point on the noise sensitive property set out in 1. or 2., below, whichever is further from the noise source:

1. 25 feet (7.6 meters) toward the noise source from that point on the noise sensitive building that is nearest to the noise source; or
2. That point on the noise sensitive property line that is nearest to the noise source.

**Section 3.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 4.** Due to the serious impacts that existing, persistent and unregulated vibrations and low frequency sounds are presently having on Eugene residents, an emergency is declared to exist and, pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, this Ordinance shall become effective immediately upon its affirmative vote by at least two thirds of the City Council and its approval by the Mayor or passage over the Mayor' s veto.

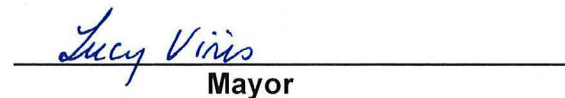
**Passed by the City Council this**

**23<sup>rd</sup> day of January, 2023**

  
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City Recorder

**Approved by the Mayor this**

**24 day of January, 2023**

  
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Mayor