



RECOMMENDATIONS ON BEND'S NOISE ORDINANCE AND ENFORCEMENT

Based on BNC's White Paper on Noise (4/19/16), available at the web site below.

Suggested changes to CM criteria for approving or denying variance requests:

- Proximity — within 250 feet of a residential zone, seldom issue variances to daytime decibel levels and do not allow variances to nighttime decibel levels. (See chart on following page.)
- Frequency — seldom issue variances for events held within 30 days of another event that impacts the same neighborhood.
- Duration — limit variances to four hours, and require that a strong case be made for a longer period.
- Day of Week — concentrate variances on certain days of the week (e.g., Friday and Saturday), so nearby residents have respite from noise and can plan their own outdoor activities.
- Time of Year — delete this criteria, as residents are more likely to be outside in their yards and have more windows open during the summer.

Suggested changes to enforcement:

- Responsibility — shift enforcement from the police department to a part-time or contract sound evaluation technician funded by increased permit fees.
- Monitoring — shift primary responsibility from residents to the sound technician, who will monitor scheduled events with a decibel meter; shift intervention from cajoling to citations.
- Reporting — set up resident-friendly voice mail and online processes for registering complaints; include an up-to-date list of events with noise permits both on the phone and online.
- Tracking — document and track complaints by the source of the noise (address, property owner, and event organizer/sponsor), as well as by the source of the complaint.

Suggested changes to the ordinance:

- Decibel Levels — EITHER follow the model of Charlottesville, VA and reduce daytime levels to 65 dBA and nighttime to 55 dBA (not plainly audible), regardless of the zone in which the noise originates;
- OR — follow the model of Austin, TX and set daytime levels to 85 dBA at the property line of the source in a commercial zone and 75 at the property line of the source in a residential zone; nighttime levels would be 55 dBA (not plainly audible) at the property line of the source in all areas.
- Permit types — follow the model of Austin and create the following permits: 1) outdoor music venue (OMV) (required of any property with live amplified music; not allowed within 100' of residential property; does not allow variance from sound levels in the ordinance); 2) temporary event sound permit (up to four consecutive days or four days within one month; maximum four permits per year; 30 days between multi-day events); 3) OMV extended hours permit (only available during the 10-day Spring Festival Season; no extended hours within 600' of residential zones). Separate notification, sound impact evaluation, and permit fees are required. (For more on Austin's permits, see: <http://www.austintexas.gov/department/sound-permits>.)

Addendum

Sound levels drop off 6 dBA for each doubling of distance. To reach the current maximum allowed daytime level in Bend's noise ordinance of 70 dBA (see the green circle at the far right in the chart) for sound originating in a commercial zone, the source would have to be at least 320' from a "noise sensitive unit" and not exceed 100 dBA at 10' from the source (a typical level for a concert not in a stadium).

This means that amplified sound originating closer than 300' from a "noise sensitive unit" is highly unlikely to be able to comply with Bend's current law. Even allowing variances up to 75 dBA makes compliance virtually impossible within 150'.

