

## First Issue

Portland City Code, PCC 14B.60.010.D.18, currently defines “nuisance activities” to include the following:

“Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code **14A.30.010** . . . .”

We believe it should be corrected to be consistent with the drafters’ original intent and read:

“Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code **14A.30.020** . . . .”

Our research of past versions of Portland City Code and Ordinance 170218 (2006) (both attached as exhibits), shows that PCC 14B.60.010.D.18 currently references the wrong section of the code.

The original definition of “nuisance activities,” from Ordinance 170218 (2006), included:

“Unlawful operation of sound producing or reproducing equipment as provided in PCC **14.24.160** . . . .”

When the Ordinance was enacted, PCC **14.24.160** was entitled:

**“Unlawful Operation of Sound Producing or Reproducing Equipment.”**

In 2002, Ordinance 176585 amended and renumbered Title 14. It adopted the current language for PCC 14B.60.010.D.18:

**“Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 . . . .”**

PCC 14A.30.010 is titled:

“Unlawful Noise Disturbance.”

PCC 14A.30.020 is titled:

“Unlawful Operation of Sound Producing Equipment.”

Therefore, we ask this Board to amend city code so that it references the intended section, as follows:

“Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code **14A.30.020** . . . .”

Alternatively, the City attorney should issue an interpretation confirming the reference in PCC 14B.60.010.D.18 to PCC “14A.30.010” was a drafting error that should be interpreted to reference PCC 14A.30.020.

Current City Code:

**PCC 14B.60.010 Definitions.**

A. Chronic Nuisance Property.

1. Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period;

...

**D. Nuisance Activities. Any of the following activities, behaviors or conduct:**

1. Harassment as defined in ORS 166.065(1)(a).
2. Intimidation as defined in ORS 166.155 through 166.165.

...

17. Fire or discharge of a firearm as defined in Portland City Code 14A.60.020.

18. Unlawful operation of sound producing or reproducing equipment as defined in **Portland City Code 14A.30.010** and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14.

19. Unlawful drinking in public places as defined in Portland City Code 14A.50.010.

20. Curfew as defined in Portland City Code 14A.80.010.

21. Indecent exposure as defined in Portland City Code 14A.40.030.

**PCC 14A.30.010 Unlawful Noise Disturbance.**

It is unlawful to make any excessive, unreasonable, or unusually loud sound which disturbs the peace and quiet of any neighborhood or which injures or endangers the comfort, repose, health, peace, or safety of any person.

**PCC 14A.30.020 Unlawful Operation of Sound Producing Equipment.**

A. It is unlawful to operate or use or permit the use of any sound producing equipment:

1. Between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or

2. While on public property so as to be plainly audible 100 feet or more from the device.

B. Sound producing equipment includes but is not limited to any radio, television set, musical instrument, phonograph, loud speaker, bell or chime.