

ARBOR ROSES HOMEOWNERS ASSOCIATION

Resolution of the Board of Directors

NOISE AND NUISANCE

WHEREAS, "Declaration" is the Declaration of Covenants, Conditions and Restrictions for Arbor Roses, and "Bylaws" is the Bylaws of Arbor Roses Homeowners Association, Board is the Board of Directors of the Arbor Roses Homeowners Association; and the terms "Lot", "Common Area", "Owner" and "Occupant" have the same meaning as set forth in the Declaration.

WHEREAS, Article 4.8 of the Declaration states (in part) that a reasonable number of domestic pets may be kept within any Lot which are reasonably controlled so as not to be a nuisance. Further, any inconvenience, damage or unpleasantness caused by such pets, including noise, shall be the responsibility of the respective owners thereof. All dogs are to be kept on a least while outside a Lot.

WHEREAS, Article 4.8 of the Declaration states that the Board may establish both a "reasonable number or domestic household pets" and the definition of domestic household pets" in its sole discretion.

WHEREAS, Article 4.9 of the Declaration states that "No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area, nor shall anything be done or placed on any Lot or Common Area which interferes with or jeopardizes the enjoyment, or which is a source of annoyance to the other Owners or Occupants."

WHEREAS, the terms "Offensive" and "Nuisance" are used in the Declaration but not defined.

WHEREAS, Chapter 8.24.040 of the Washington County Noise Control (WCNC) ordinance sets forth the following as types of noise violations.

The following acts are prima facie evidence of a violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, Signaling Devices, Etc. Sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place in the county, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time;

B. Radios, Phonographs, Etc. The using, operation or permitting to be used, played or operated any radio receiving set, television set, musical instrument, phonograph, compact disc player, loudspeaker or other machine or device, for the production or reproduction of sound between the hours of ten p.m. and seven a.m. in such a manner as to be plainly audible upon a public street or within a noise sensitive unit which is not the source of sound;

C. Exhaust Brakes. The use of exhaust brakes except when used for an emergency stop or to slow to avoid a collision;

D. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling, or singing on the public streets, between the hours of ten p.m. and seven a.m.;

E. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motorcycle, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

F. Construction. The erection, construction (including excavation), demolition, alteration, or repair of any structure or site or construction related to public improvement projects from seven p.m. to seven a.m. the following morning, and from seven p.m. Saturday to seven a.m. the following Monday, and on legal holidays except by variance or for reasons of emergency;

G. Piledrivers, Hammers, Etc. The operation between the hours of seven p.m. and seven a.m. of any piledriver, pneumatic hammer, derrick, steam or electric hoist, or other equipment, the use of which is attended by loud or unusual noise except by variance or for reasons of emergency;

H. Blowers and Motor-Driven Cycles. The operation of any blower or power fan unless the noise from such blower or fan is properly muffled and such engine is equipped with a muffler device sufficient to reduce such noise. (Ord. 548 (Exhibit A (part)), 1999; Ord. 475 § 2 (part), 1996; Ord. 298 § 2(Exhibit A § 3), 1984)

WHEREAS, HMC 6.20.020 sets forth the definition of unreasonable noises as follows:

A. No keeper may allow an animal to cause unnecessary annoyance, alarm or disturbance to any person or neighborhood by making sounds that may be heard beyond the boundary of the keeper's property such that the sounds are shown to have occurred either as continuous noise lasting for a minimum 10 consecutive minutes or intermittently for a minimum of 30 minutes.

B. It is an affirmative defense to charges under HMC 6.20.020(A) that the animal was intentionally provoked, by a party other than the keeper, to make such noise.

C. HMC 6.20.020(A) does not apply to an animal services facility that is authorized under the applicable land use and zoning regulations of the city.

D. No person may cause, permit or allow a nuisance to involving the keeping of an animal, be it towards person, property or another animal and whether on public or private property. A nuisance exists when a person violates the nuisance standards in this subchapter or HMC 6.28.

WHEREAS, HMC 6.24.050 sets forth Exceptions:

The following are exceptions to this subchapter:

A. Sounds created by organized athletic or other group activities, when such activities are approved by a government entity and conducted on its property, such as stadiums, parks, streets, public plazas, schools, fair grounds, airports and athletic fields. These exceptions do not prohibit the manager from declaring a specific event or activity in violation of local, state or federal law;

B. Sounds caused by emergency work, or by ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property;

- C. Sounds caused by bona fide use of emergency warning devices and alarm systems;
- D. Sounds regulated by federal law, including but not limited to sounds caused by railroads or aircraft;
- E. Sounds caused by demolition activities when performed under a permit issued by the appropriate governmental authorities;
- F. Sounds caused by industrial, agricultural or construction activities between 6 a.m. and 9 p.m., other than sounds regulated under HMC 6.24.050(E) and that do not violate HMC 6.24.040(E);
- G. Sounds caused by regular vehicular traffic upon premises open to the public;
- H. Sounds caused by air-, electric- or gas-driven domestic tools, including lawn mowers and edgers, radial arm, circular and table saws, and other similar lawn or construction tools, excluding tools used for vehicle repair, between 6 a.m. and 9 p.m., Monday through Friday and between 8 a.m. and 6 p.m., Saturday and Sunday;
- I. Sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees or private wood cutting, between 8 a.m. and 6 p.m., and not exceeding two hours in any 24 hour period; and
- J. Sounds caused by non-amplified human voices.

WHEREAS, keeping an animal in violation of HMC 6.20 and noise violations set forth in HMC 6.24 are defined as a nuisance.

WHEREAS, the Washington County Code states, in part:

Failure to prevent acts of nuisance prohibited.

It is a civil infraction for any person to be the keeper of a dog which the person fails to prevent from being a public nuisance by:

- I. Disturbing the peace, comfort, health or repose of any person reasonable sensitivity by making loud, long, unnecessary and continuous noises.

WHEREAS, WCNC Chapter 8.24.020(G) outlines the timeframe of expectation of normal household noise to between 10pm and 7am.

WHEREAS, HMC 6.24.030 also sets forth measurements and time frames for Noise limits.

Unless authorized by the manager, it is unlawful for any person to produce or allow to be produced, with or from a sound-producing source, sound that:

- A. Exceeds:
 - 1. 50 decibels A-weighting (dbA) at any time between 9 p.m. and 6 a.m. the following day, or
 - 2. 60 dbA at any time between 6 a.m. and 9 p.m.; or
- B. Is plainly audible at any time between 9 p.m. and 6 a.m. the following day:

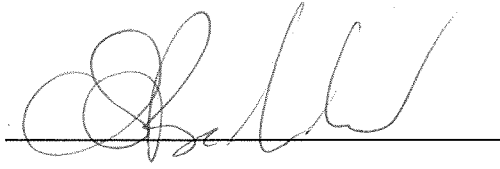
1. Within a noise-sensitive building which is not the source of sound, or
2. On a public right-of-way from a distance of at least 100 feet from the source of the sound.

WHEREAS, Washington County Animal Control further clarifies on its website <http://www.co.washington.or.us/HHS/AnimalServices/AnimalControl/Complaints/aggressive-nuisance.cfm> that if a dog barks for more than 5 minutes of any 15 minute interval, that may be considered a violation of Washington County Code.

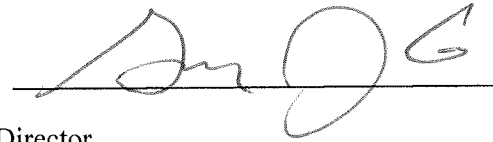
NOW THEREFORE, the Board directs that:

1. While total silence is not achievable, a principal component of private property enjoyment is the absence, where possible, of nuisance and noise, especially nuisance and noise issues that are within the control of an Occupant or Owner.
2. Arbor Roses Community quiet hours are from 9pm to 7am to conform to HMC 6.24 and WCNC 8.24.
3. During community quiet hours, activities should be kept at noise levels that do not disturb other residents.
4. Unreasonable noise as defined in HMC 6.24.030 is not permitted, no matter the time.
5. For the purposes of determining a violation under this resolution, every home with Arbor Roses is determined to be a noise sensitive building.
6. The appropriate procedure to initiate a complaint is as follows:
 - a. Contact Washington County or Hillsboro Police non-emergency number and file a complaint.
 - b. Notify the property manager of the issue in writing using the contact information provided on the community's website <http://www.arborroseshoa.org> . At this time provide the report number or other information related to the complaint filed with authority(ies) identified in 6(a). Provide any other documentation or information available about the complaint. Make clear what the expected outcome is in your communication with the property manager.
 - c. Thereafter, the process follows precisely the steps outlined in the Financial Penalties Resolution adopted in March 2007, with the addition of a step (d) below.
 - d. If the owner disputes the violation, the Board of Directors may elect to request the complainant and respondent go through a mediation process offered by the City of Hillsboro at no charge prior to continuing the hearing process. This is to avoid the likelihood of financial penalty assessment where possible in favor of resolving the problem earlier in the process. Notices regarding hearings may also be sent electronically to provide ample time for response.
7. This resolution does not replace any other remedies for equitable relief available to a complainant under the Hillsboro Municipal Code, Washington County Code, or Washington County Noise Ordinance.

This resolution was passed by all of the members of the Arbor Roses Homeowners Association Board of Directors on this 10th day of January, 2012.



President



Director

C. SIOBAIN BEDDOW

Name

GREG EBERT

Name