

BOARD POLICIES

West Meadows Estates
Homeowners Association Inc.

Nuisance Noise

Effective: May 15, 2019

By: 

Mike Eastlund, Board President

Policy 203**1. PURPOSE**

Provide requirements for the control of nuisance noise.

2. PERSONS AFFECTED

Property Members, residents, Board members, officers and employees of the Association

3. REFERENCES

Fee and Fine Policy: 102

CC&R Standards Committee 201

4. DEFINITIONS

- 4.1. **BARKING, HOWLING ANIMAL:** An animal that barks or howls persistently for an extended period of time or more than five minutes per hour or on a repeated basis.
- 4.2. **Excessively Loud Noise:** Any music or noise making activity measured at 50 decibels above the background noise of the subdivision which prevents a member's peaceful enjoyment of their property between 9:00 PM and 8:00 AM.
- 4.3. **Construction Noise:** Noise causing activities from a construction site which prevents a member's peaceful enjoyment of their property, occurring between 6:00 p.m. and 8:00 a.m.

5. POLICY

- 5.1. No person or animal shall be allowed to unreasonably annoy members or to substantially interfere with the quiet enjoyment of others by nuisance noise.
- 5.2. Members notified of valid complaint of a barking, howling animal must remove the animal from the subdivision or provide a written plan on how the problem will be resolved.
- 5.3. Ownership or possession within the subdivision of a barking, howling animal, in which mitigation efforts have failed, is prohibited.
- 5.4. Causing excessively loud noise within the subdivision, which prevents a members peaceful enjoyment of their property, is prohibited.
- 5.5. Members making a complaint of nuisance noise must first attempt resolution via personal contact, certified mail and City of Salem code compliance services.
- 5.6. Any complaint of nuisance noise must be validated by concurrence of multiple members.
- 5.7. Members notified of a valid nuisance noise complaint must take action as soon as

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possible to resolve the complaint.

5.8. Anytime a nuisance noise violation cannot be resolved between members, the violation must be validated by certified noise testing third party before further enforcement action by the Board can be taken.

5.8.1. Noise testing must be done from a public street or adjoining property.

5.8.2. Cost for certified noise testing will be assessed to the member responsible for the test (which can be the complainer or violator).

5.9. Fines and re-occurring fines can be applied retroactively to the date of the complaint anytime the member causing a validated complaint fails to cooperate with nuisance noise mitigation efforts.

5.10. A request for anonymity for filing a noise complaint will be respected except in cases of legal action.

6. RESPONSIBILITIES

6.1. It is the responsibility of members reporting noise violation complaint/s to attempt resolution prior to making a complaint to the Board via the following:

6.1.1. Personal contact with the offending member.

6.1.2. Certified letter to the offending member.

6.1.3. City of Salem code compliance services.

6.2. It is the responsibility of members to immediately cooperate in the mitigation of a valid nuisance noise making activities.

6.3. It is the responsibility of the Standards Committee Chairperson (designee) to attempt to validate noise complaints only after member reporting person can demonstrate requirements of 6.1 have been met.

6.4. It is the responsibility of the Standards Committee Chairperson (designee) to follow enforcement actions as required by Board policy and if necessary, initiate legal enforcement.

7. PROCEDURES

7.1. When a nuisance noise complaint is received, the Standards Committee Chairperson (designee) shall attempt to investigate and if appropriate attempt to validate the complaint with a non-certified noise meter and, if appropriate, resolve the problem by phone or in person.

7.2. The Standards Committee Chairperson (designee) shall initiate certified testing and

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actions as necessary to resolve the issue which may include enforcement actions consistent with Board policy when necessary.

- 7.3. All notes, photographs and records regarding the enforcement will be maintained in the appropriate property file.