

# BOARD POLICIES

West Meadows Estates  
Homeowners Association Inc.

## Nuisance Noise

Effective: 9-30-2024

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 or more than five minutes per hour or repeatedly.
- 4.2. **Excessively Loud Noise:** Any music or noise-making activity measured at **40** decibels above the background noise of the subdivision prevents a member from peacefully enjoying their property between 9:00 p.m. and 8:00 a.m.
- 4.3. **Construction Noise:** Noise-causing activities from a construction site that prevent a member's peaceful enjoyment of their property occur between 6:00 p.m. and 8:00 a.m.

### 5. POLICY

- 5.1. No person or animal shall be allowed to annoy members unreasonably or to substantially interfere with the quiet enjoyment of others by nuisance noise.
- 5.2. Members notified of valid complaints of barking or howling animals must remove the animal from the subdivision or provide a written plan for resolving the problem.

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- 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 member's peaceful enjoyment of their property, is not permitted.
- 5.5. Members complaining about nuisance noise must first attempt to resolve the issue via personal contact, certified mail, and City of Salem code compliance services.
- 5.6. The concurrence of multiple members must validate any complaint of nuisance noise.
- 5.7. Members notified of a valid nuisance noise complaint must act as soon as possible to resolve the complaint.
- 5.8. If a nuisance noise violation cannot be resolved between members, it must be validated by a certified third party for noise testing before the Board can take further enforcement action.
  - 5.8.1. Noise testing must occur from a public street or adjoining property.
  - 5.8.2. The Board will assess all costs for certified noise testing to the member responsible for the test (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. The Board will respect a member's request for anonymity when filing a noise complaint, except when required by a court of law.

**6. RESPONSIBILITIES**

- 6.1. It is the responsibility of members reporting noise violation complaint/s to attempt

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resolution before 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 mitigating a valid nuisance of noise-making activities.
- 6.3. The Standards Committee Chairperson (designee) is responsible for attempting to validate noise complaints only after the member reporting can demonstrate that the requirements of 6.1 are met.
- 6.4. The Standards Committee Chairperson (designee) is responsible for following board policy's requirements for enforcement actions and initiating legal enforcement.

**7. PROCEDURES**

- 7.1. When a nuisance noise complaint is received, the Standards Committee Chairperson (designee) shall investigate and validate the complaint with a non-certified noise meter if appropriate and, if applicable, resolve the problem by phone or in person.
- 7.2. The Standards Committee Chairperson (designee) shall initiate certified testing and actions as necessary to resolve the issue, including enforcement actions consistent with Board policy when required.
- 7.3. The records custodian shall maintain all enforcement records in the property file.