

ORDINANCE 2017-8 NOISE ORDINANCE
AMENDING ORDINANCE 1971 - 2

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE,
INDIANA, AS FOLLOWS:

WHEREAS, the Town Council of the Town of Cloverdale, Indiana, has the authority to adopt regulation governing the generation of sound within the Town corporate limits, pursuant to Indiana Code section 36-8-2-8; and

WHEREAS, the generation of excessively loud sound may infringe upon the rights of property owners and others to the peaceful and quiet enjoyment of their property; and

WHEREAS, the generation of excessively loud sound may present a danger to the public by preventing drivers and pedestrians from hearing emergency vehicles or audible signals of other drivers, and by distracting drivers and pedestrians from dangers in the public way; and

WHEREAS, the generation of excessively loud sound may interfere or harm children in route to and from school; and

WHEREAS, prolonged exposure to high decibel levels of sound can result in permanent hearing damage.

WHEREAS, the Town of Cloverdale purchased Digital Lux Meter to measure sound and distance.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE AS FOLLOWS:

A. Noise Regulations.

No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loud speakers, vehicle speakers or subwoofers, radios, CD player, television sets, musical instruments, and cassette players, nor any other machine or tool that produces sound, nor shall any person operate any motor vehicle that contains a modified or defective exhaust system, if such machine, tool or vehicle is located in or on the following:

- (1) Any public property, including, but not limited to, any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare, and the sound generated therefrom is (A) audible forty (40) feet or more from its source, or (B) is at a level of 90 decibels (90dB) or more when measured on a dB scale from a distance of not less than six (6) feet from its source; or
- (2) Any private property and the sound generated therefrom is (A) audible forty (40) feet or more outside of said private property line, or (B) is at a level of 90 decibels (90dB) or more when measured on a dB scale from a distance of not less than six (6) feet from said private property line.

B. The following are exempt from the provision of this Ordinance.

- (1) Sounds emitted from authorized emergency vehicles.
- (2) Lawn mowers, weed blowers, garden tractors, construction and repair equipment, or power tools operated between the hours of 6:00 a.m. and 10:00 p.m. only.
- (3) Burglar alarms and other warning devices, when properly installed, providing the cause for such alarm or warning. Device sound shall be investigated and turned off within a reasonable period of time.
- (4) Parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, as well as any rehearsals for the same, and all other events authorized by the Town Council, Public Works and Safety or other appropriate governmental entity.
- (5) Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto.
- (6) The emission of sound for the purpose of alerting persons to existence of an emergency, or for the performance of emergency construction, repair or other work.
- (7) The Town formally adopts the standards set by Indiana Code section 22-11-14-10.5 for the use of consumer fireworks.
- (8) Sounds associated with the normal conduct of legally established non-transient businesses, organization and governmental entities, when such sounds are customary, incidental, and within the normal range appropriate for such use.
- (9) Rubbish collection utilizing mechanical equipment between the hours of 6:00 a.m. and 9:00 p.m. only.
- (10) Subject to the other provisions of this Ordinance, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on Town streets.
- (11) Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap.

No person shall keep any animal, other than a service animal lawfully used by a handicapped person to accommodate his/her handicap, which, by causing frequent or long-continuing noise that is audible forty (40) feet or more from its source when the animal is on public property or forty (40) feet or more outside of a private property line when the animal is on private property, does disturb the comfort or repose of and other person.

Any person who violates the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not more than:

First offense:	up to \$250.00
Second offense:	up to \$500.00
Third offense:	up to \$1,000.00
Fourth offense:	up to \$2,000.00

The Town Marshal shall be the proper venue and jurisdiction for the enforcement of this Ordinance. Citations for violation of this Ordinance may be issued by any sworn member of the Cloverdale Police Department.

Nothing in this Ordinance shall be construed to limit any other rights or actions that may exist in law or in equity. Any Ordinance or part of Ordinance in conflict herewith is hereby repealed.

This Ordinance shall be in full force and effect after its due passing, having been previously advertised in a local newspaper once prior to 30 days of passage.

Attest

Clerk Treasurer

Town Council President

I affirm, under penalties, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law
This Document was created by Cheryl Galloway C-T