

CHAPTER 380

NOISE CONTROL

380-1. Definitions

As used in this Chapter, unless the context clearly requires otherwise;

"Amplified Sound" means any sound, including voice and music, whose loudness is increased by an electric or battery powered amplifier and speaker(s), either separately, or in conjunction with, other components; it includes sound produced by a radio, audio-tape or compact disc player, loud speaker system, motor vehicle horn or signaling device, siren or musical instrument.

"Emergency Work" means work that is necessary to restore property to a safe condition following a public calamity, or work that is required to protect persons or property from an imminent danger, or work by a private or public utility that is necessary to restore utility service.

"Holiday" means the following six days as observed according to IC 1-1-9-1: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and, Christmas Day.

"Motor Vehicle" means any self-propelled vehicle as defined in IC 9-13-2-105.

"Muffler" means any device used upon a motor vehicle whose purpose is the quieting of engine combustion noises including the quieting of the noise of intake and exhaust gases upon a motor vehicle.

"Person" means an individual, firm, partnership, corporation, association, fiduciary, limited liability company, or governmental entity.

"Unreasonable Noise" means sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort or repose of reasonable persons of ordinary sensitivities, given the time of day or environment in which the sound is made.

380-2. Public Policy and Purpose

It is the public policy of Monroe County, Indiana, to prohibit unreasonable noise from all sites, sources, and/or persons that are subject to the County's police power. The purpose of this Chapter is to establish the definitions, standards, and procedures necessary to effect the foregoing policy, and to recognize certain situations that constitute reasonable exceptions to the policy.

380-3. Noises Prohibited

Except as otherwise provided in this Chapter, it shall be unlawful for any person to:

(A) cause or make any unreasonable noise or to allow any unreasonable noise to be

caused or made in or on any real or personal property;

- (B) operate, at a site or from a fixed location, a device that produces amplified sound which is clearly audible at a distance of fifty feet (50') or greater from its source between the hours of 10:00 p.m., and 6:00 a.m.;
- (C) operate or occupy, upon a public street or highway, or public place, a motor vehicle while operating a device that produces amplified sound which is clearly audible thirty feet or more from the motor vehicle;
- (D) operate, upon a street, highway, or public place, a horn, siren or signaling device on a motor vehicle except as a danger warning; or,
- (E) operate, upon a street, highway, or public place, a motor vehicle that is not equipped with a muffler which suppresses the production of excessive noise, or that has had its muffler removed, or that is equipped with a cut-out or by-pass.

380-4. Exemptions

This Chapter shall not apply to the following:

- (A) noise resulting from any authorized emergency, fire or police vehicle when responding to an emergency call;
- (B) communication devices necessary in the performance of law enforcement or fire control duties, or to any emergency vehicle equipment with any communication device necessary in the performance of emergency procedures;
- (C) emergency warning sirens which are activated by a political subdivision;
- (D) nonamplified crowd noises resulting from legal activities, between the hours of 6:00 a.m. and 10:00 p.m.
- (E) noise resulting from the operations of the Monroe County Airport, the annual Monroe County Fair, Monroe County Fall Festival, Heritage Days Festival, Stone Quarry Festival, Festival of Lights, Smithville Labor Day Celebration, or other similar annual festival or event conducted in accordance with relevant laws and permits;
- (F) noise resulting from lawful construction activities and projects conducted between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday, holidays excepted, provided all equipment and vehicles are operated with the manufacturer's mufflers and noise reducing features in use and in proper operating condition, and with a reasonable effort to avoid unnecessary noise production;
- (G) noises resulting from emergency work (see definition);
- (H) noises resulting from normal operations of railroad trains; and,
- (I) noises associated with legal consumer fireworks used during the times Indiana law prohibits the regulation of fireworks use (i.e., between the hours of 5:00 p.m.

and two hours after sunset on June 29 through July 3 and July 5 through July 9, between the hours of 10:00a.m. and 12:00 midnight on July 4, and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1).

- (J) noises produced by safety signals, warning devices, and emergency pressure relief valves that are being used for their intended purposes; and,
- (K) noises resulting from projects and activities conducted by, or on behalf of, agencies of the State of Indiana or of the federal government.

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Special Permits

Upon a determination that the generation of certain noises will be conducted with due care so as to give as little annoyance as may reasonably be expected, given the environment, the time of day, the duration, the pattern, and any conditions imposed (i.e., that the noises are, or may be made, reasonable under the circumstances), the Board of Commissioners may grant waivers to the provisions of this Chapter for noises that: (1) are produced by temporary or isolated events; (2) result from operations that have a well-established history in Monroe County; or, (3) result from activities that cannot be carried on elsewhere than where public necessity requires them to be carried on. Persons desiring a waiver shall apply in writing to the Board of Commissioners. Any waivers granted by the Board of Commissioners shall be in writing, shall state any conditions that apply to the waiver, and shall identify the facts upon which the grant of the waiver was based.

380-6.

Enforcement

- (A) The Board of Monroe County Commissioners, and its designees, and the Monroe County Sheriff's Department shall enforce the provisions of this Chapter by issuance of a written citation to those persons charged with its violation. Any person issued a written notice of violation of this chapter who admits the violation and pays the designated penalty to the Monroe County Ordinance Violations Clerk within ten (10) days after issuance of the notice shall not be prosecuted for the violation.
- (B) In the event that the penalty is not paid within the prescribed period, the matter shall be referred to the County Attorney.
- (C) In lieu of issuing a citation, the enforcement officer, may, in his or her discretion, issue a warning to persons advising them of their violation of this Chapter, and such warning shall not require payment of a penalty.
- (D) The County may seek injunctive relief from repeated or continuous violations of the Chapter, and any other relief or remedy authorized by Chapter 115.

380-7.

Penalty

A person who violates this Chapter commits a public nuisance and a Class A Ordinance Violation and shall be fined in an amount authorized by Monroe County Code 115-3(A)(1).

[end of chapter]