

17.00
⑤

200300058879
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
06-19-2003 At 10:06 am.
ORDINANCE 17.00

ORDINANCE NO. 40-5-03
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF NOBLESVILLE,
INDIANA, ADOPTING CITY NOISE REGULATIONS

WHEREAS, the Common Council of the City of Noblesville, Indiana, has the authority to adopt regulations governing the generation of sound within the City's corporate limits, pursuant to Indiana Code § 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, prolonged exposure to high decibel levels of sound can result in permanent hearing damage.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville meeting in regular session as follows:

Section 1. This ordinance shall apply to all persons, corporations, entities, and landholders who are within the boundaries of the properties described in the legal description provided in Exhibit "A."

Section 2. All terminology used in this plan, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI).

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

Ambient Noise Level: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location when sound is not being electronically amplified at a location.

Exceedance Levels L10 and L1: The A-weighted sound levels which exceed ten percent (10%) and one percent (1%), respectively, of the specified measurement period.

Intrusive Noise: That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or information content as well as the prevailing ambient noise level.

Noise: Any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.

Sound Amplification Equipment: Any device for the amplification of the human voice, music, instruments, or any other sound associated with Mass Assemblies.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter or recording device, and frequency weighting network for the measurement of sound level, which satisfies the requirements for Type S2A meters, as set forth in the American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

Section 3. It shall be unlawful for any person, corporation, entity, or landowner within the land area specified in Section 1 to cause or permit any person, machine, electronic device, or any other means of generation of sound to be generated, which causes sound levels to exceed the levels prohibited by this Ordinance.

Section 4. No person, corporation, entity, or landowner shall permit any noise to be generated or produced which exceeds 75 dB/A for more than two (2) minutes per hour, measured

at a point no closer than one-half mile from the boundary of the property line from which the sound is generated.

Section 5. It shall be unlawful for any person, corporation, entity, or landowner to generate or permit the generation of sound from their property through electronic amplification at a level above 25 dB/A above ambient noise level for more than two (2) minutes per hour at the property line where the sound is generated between the hours of 11:00 PM to 9:00 AM, daily from Sunday evening through Friday morning and from 11:30 PM to 9:00 AM, daily from Friday evening through Sunday morning.

Section 6. Citations for violations of this Ordinance may be issued by any sworn member of the Noblesville Police Department. 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 within 2 years	Up to \$500.00
Third Offense within 2 years	Up to \$1,000.00
Fourth and subsequent offenses within 2 years	Up to \$2,500.00

The Noblesville City Court shall be the court of proper venue and jurisdiction for the enforcement of this Ordinance. Citations for violations of this ordinance shall be issued by a sworn member of the Noblesville Police Department. Any fine imposed by this ordinance may be suspended if the court finds that the violation was the result of natural causes or circumstances beyond the control of the person charged with the violation of this ordinance.

Section 7. Nothing in this Ordinance shall be construed to limit any other rights or actions that may exist in law or in equity.

Section 8. If any portion of this Ordinance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given legal effect.

Section 9. All prior ordinances, or parts thereof inconsistent with any provisions of this Ordinance, including, without limitation, Ordinance No. 42-12-99, are hereby repealed.

Section 10. This Ordinance shall be in full force and effect from and upon its adoption in accordance with the law.

SO ORDAINED this 10th day of June, 2003.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

Rex Dillinger
Alan Hinds
Laurie E. Hurst
Jack Martin
Jay McCoskey
Dale Snelling
James R. Snyder

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of June, 2003.

Dennis R. Redick
Dennis R. Redick, Mayor of the
City of Noblesville, IN.

ATTEST:

Janet S. Jaros
Janet S. Jaros, Clerk-Treasurer
City of Noblesville, IN.

Exhibit A

Legal Description

Part of the South Half of Section 14, Township 18 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Section 14; thence North 00 degrees 18 minutes 15 seconds East along the West line of the Southwest Quarter of said Section 14, a distance of 1998.47 feet to the Northwest Corner of 20 acres off the South side of the North Half of the West Half of the Southwest Quarter of said Section 14; thence North 89 degrees 59 minutes 48 seconds East along the North line of said 20 acres, 1311.94 feet to the Northeast corner of said 20 acres; thence North 00 degrees 11 minutes 04 seconds East along the East line of the West Half of said Southwest Quarter, a distance of 665.20 feet to the North line of said Southwest Quarter; thence South 89 degrees 57 minutes 43 seconds East along said North line 1310.55 feet to the Northeast corner of said Southwest Quarter; thence South 00 degrees 03 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 1328.50 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 14; thence North 89 degrees 57 minutes 23 seconds East along the North line of the South Half of said Southeast Quarter a distance of 2628.70 feet to the Northeast corner of the South Half of said Southeast Quarter; thence South 00 degrees 03 minutes 53 seconds East along the East line of said Southeast Quarter a distance of 1324.75 feet to the Southeast corner of said Southeast Quarter; thence South 89 degrees 52 minutes 29 seconds West along the South line of said Southeast Quarter a distance of 2631.70 feet to the Southwest corner of said Southeast Quarter, also being the Southeast corner of the Southwest Quarter of said Section 14; thence South 89 degrees 52 minutes 22 seconds West along the South line of said Southwest Quarter a distance of 1907.27 feet to the Southeast corner of a Cemetery Tract; thence on the following three courses along the boundary of said Cemetery: 1) North 00 degrees 18 minutes 16 seconds East 175.00 feet; 2) South 89 degrees 52 minutes 22 seconds West 150.00 feet; 3) South 00 degrees 18 minutes 16 seconds West 175.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 52 minutes 22 seconds West along said South line 575.00 feet to the Point of Beginning.