

ORDINANCE OF THE CITY OF LOOGOOTEE
ORDINANCE NO. 2002 - 9

AN ORDINANCE OF THE CITY OF LOOGOOTEE, INDIANA
CONCERNING NOISE CONTROL AND
DECLARING LOUD AND UNNECESSARY NOISE
A NUISANCE AND PROVIDING
PENALTIES FOR VIOLATIONS HEREOF

Whereas, it has been determined that certain loud and offensive noise creates disturbances and is a nuisance in said City, **AND WHEREAS IT IS DESIROUS TO PREVENT SAME TO PERMIT THE PEACEFUL** enjoyment of the citizens of said city.

NOW THEREFOR, BE IT ORDAINED, as follows:

1. **SCOPE.** That this ordinance shall apply to the control of all noises within the city limits, as they now exist or may hereafter be established.

2. **DEFINITIONS.** That for purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. **MOTOR VEHICLE:** Any vehicle powered by a mechanical engine, and designed to be driven or operated on any public or private property. Such definition shall include, but not limited to: Automobiles, vans, trucks, sport utility vehicles, motorcycles, motor scooters, dune buggies, snowmobiles, all terrain, go-carts, minibikes, trail bikes, tractors, mowers, outboard motors, chain saw, gardening equipment and tillers.

b. **PERSON:** Any individual, association, partnership or corporation which includes any officer, employee, department agency or instrumentality.

3. LOUD AND UNNECESSARY NOISE PROHIBITED:

a. It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city, or to permit such noise, disorder or tumult to be made in or about his/her house or premises, and the same is hereby declared to be a public nuisance.

b. Further, it shall be the duty of every owner, occupant, manager, agent or operator of any property, structure, vehicle, or business in the city, to prevent persons using property under their control from violating this chapter.

4. CERTAIN SPECIFIC ACTS PROHIBITED: The following acts, uses or noises, among other, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this chapter. Such enumeration shall not be deemed to be exclusive:

a. Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener.

b. Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place or structure.

c. Using, operating or permitting the use or operation of and machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle.

d. Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-ways adjacent to any school, or church.

5. PROHIBITED NOISE: No person shall play, use, or operate, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

a. Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 50 feet from its source;

b. Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 50 feet from the device producing the sound.

6. CERTAIN PARTICULAR EXEMPTIONS: The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this chapter, or limiting the offense hereunder to the particular offense hereinafter enumerated:

a. The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.

b. The use of any motor vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

c. The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the use of any vehicle, said use

of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration revving the engine, or tire squeal and specifically including use of semi tractor "Jake Breaks" is forbiddent at all time.

7. CERTAIN PARTICULAR EXEMPTIONS: Exemptions shall not be permitted within any duly established *QUIET ZONE* when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this chapter:

- a. Sound emitted from sirens of authorized emergency vehicles.
- b. Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 8:00 a.m. and 10:00 p.m.
- c. Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off with in a reasonable period of time.
- d. Reasonable celebrations on Halloween and legal holidays.
- e. Permitted parades or festivals, between the hours or 8:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. Friday through Saturday.
- f. Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.
- g. The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.
- h. Sounds associated with normal conduction of a legally established non-transient business when such sounds are customary, incidental and within the normal range appropriate for such use.
- i. In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

8. PENALTIES FOR VIOLATIONS: Whoever violates any provisions of this chapter, upon conviction thereof, shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day any violation shall continue shall constitute a separate offense.

9. PUBLICATION AND ENFORCEMENT: That this ordinance shall be in full force and affect within thirty (30) days of passage hereof and due and proper publication hereof, as by law required.

AND ALL OF WHICH IS NOW DULY ORDAINED, DECLARED AND
ADOPTED, this 12 day of October/November, 2002.

CITY OF LOOGOOTEE, INDIANA BY:

Richard O. Taylor
Richard Taylor, Councilman

John R. Hunt
John R. Hunt, Councilman

James R. Taylor
James R. Taylor, Councilman

Betty Summers
Betty Summers, Councilman

Alfred Inman
Alfred Inman, Councilman

Presented and approved by me, this 12 day of October/November, 2002.

Attest:

Bettye F. Norris
Bettye F. Norris, Clerk-Treasurer

Brian T. Ader, Mayor
Brian T. Ader, Mayor