



Generated at 3/8/2019 16:49

CH9 9 .2 - Noise Control Ordinance

“WHEREAS, the Town Council of Lapel, Madison County, Indiana, feels it in the best interest of the Town of Lapel and the citizens thereof for the Town Council to adopt a noise control ordinance.

NOW, THEREFORE, be it ordained by the town council of the Town of Lapel, Indiana, that:

Section 1 The provisions of this chapter shall apply to the control of all noise within the town limits, as the limits now exist or may hereafter by established.

Section 2 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Motor Vehicle”

Any vehicle powered by a mechanical engine and designed to be given or used on

any public or private property. Such definition shall include but not be limited to: automobiles, vans, trucks, motorcycles, motor scooter, dune buggies, snowmobiles, all terrain vehicles, go-carts, minibikes, and trail bikes.

“Person”

Any individual, association, partnership, joint venture, or corporation which includes any officer, employee, department, agency, or instrumentality thereof.

Section 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, or disorder, which disturbs, injures, or endangers the comfort, health, peace or

safety of others within the town, or to permit such noise, or disorder 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, and agent of the any property, structure, vehicles, or business in the town to prevent persons using property under their control from violation of this chapter.

Section 4 ENUMERATION OF CERTAIN PROHIBITED ACTS; EXEMPTIONS.

a. Prohibited acts. The following acts, uses, or noises, among others, 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:

1. 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 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 on which such machine or device is operated and who is a voluntary listener.
2. 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 purpose of commercial advertising or to attract attention to any activity, performance, sale, place or structure.
3. Using, operating, or permitting the use or operation of any machine, instrument, or device capable of producing or reproducing any sound on any public transportation vehicle.
4. 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-way adjacent to any school, institution of higher learning, or church, while the same are in use, or adjacent to any medical facility which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the medical facility.

b. Prohibited noise. No person shall play, use, or permit to be played, used , or operated any machine or device for the producing or reproducing of sound, if it is in or on any of the following:

1. 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 30-feet from its source.
2. Any motor vehicle on a public right-of-way, highway, or public space, if the sound generated is audible at a distance of 30-feet from the device producing the sound.
3. Exemptions. The following shall be exempted from the provision s of this chapter:
 1. Sound emitted from sirens of authorized emergency vehicles.
 2. Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 8:00 p.m.
 3. Burglar alarms or other warning devices when properly installed d on publicly or privately owned property, provided that the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.
 4. Celebrations on legal holidays.
 5. Permitted parades or festivals.

6. Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.
7. The emission of sound for the purposes of alerting persons to the existence of an emergency or for the performance of emergency work.
8. Sounds associated with the normal conduct of a legally established non-transient business within the normal range appropriate for such use.
9. 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.

Section 5. PENALTY

Whoever violates the provision of this chapter shall upon conviction thereof be fined a sum of not less than \$100 for the first offense, a sum of not less than \$200 for the second offense, and a sum of not less than \$500 nor more than \$1,000 for any additional offenses. A separate offence shall be deemed committed on each day that violation occurs or continues.

(Ord. No. 3-1999, passed 1/21/1999)

Further Information

Ord. No. 3-1999, passed 1/21/1999

Date Passed: 1/21/1999