

CHAPTER 98: NOISE

Section

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§ 98.01 DEFINITIONS.

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

DEVICE. Any radio, tape recorder/player, compact disc player, stereo system, record player, television or other electronic device capable of producing, reproducing, or amplifying any sound, noise, musical rhythm or vocal sound.

MOTOR VEHICLE. Any vehicle, such as, but not limited to automobiles, trucks, motorcycles or any other vehicles propelled or operated by means of power.

PLAINLY AUDIBLE. Any noise, musical sound, musical rhythm or any other sound that is electronically amplified or broadcast in any manner that can be heard by the human ear.

PUBLIC RIGHT-OF-WAY or PUBLIC PLACE. Includes, but is not limited to, any avenue, street, road, alley, easement, parkway, highway, sidewalk, park or other public place that is owned or controlled by any governmental entity.

WATERCRAFT. As defined by IC 6-6-11-1.

(Ord. 071000, passed 11-20-00; Am. Ord. 110310, passed 3-21-11; Am. Ord. 120213A, passed 12-2-13)

§ 98.02 OFFENSE.

(A) It shall be unlawful for any person, corporation, or entity to generate or produce noise that exceeds 115 decibels for more than two minutes per hour as measured at least ten feet from the property line of the property where such sound originates.

(B) It shall be unlawful for any person, corporation, or entity to play, use, or operate any device that exceeds the following limits:

(1) During the hours of 5:00 p.m. to 11:00 p.m. on Friday and 1:00 p.m. to 11:00 p.m. on Saturday, 90 decibels as measured at least ten feet from the property line of where the device is located;

(2) During the hours of 1:00 p.m. to 11:00 p.m. on St. Patrick's Day, Memorial Day, Independence Day, Labor Day, and New Year's Eve, 90 decibels as measured at least ten feet from the property line of where the device is located; and

(3) At all other days and times, 90 decibels as measured at least ten feet from the property line of where the device is located or any sound from a device that is audible from a distance of at least 40 feet from the property line of where the device is located.

(C) It shall be unlawful for any person to play, use, or operate a device from a watercraft or boat (as defined by IC 6-6-11-1) located on Geist Reservoir that exceeds 80 decibels at the shoreline or water's edge.

(D) It shall be unlawful within the municipal limits of the city, for any device within or attached to any motor vehicle to be utilized in or at such a level so as to be plainly audible at a distance greater than 30 feet from said device.

(E) The use and operation of lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts, generators and power tools and the like, shall be limited to the following hours: between the hours of 7:00 a.m. and 10:00 p.m. May 15th to September 15th, and 7:00 a.m. to 9:00 p.m. September 16th to May 14th only.

(F) The use of rubbish collection equipment shall be in accordance with Chapter 50 of the City Code of Ordinances dealing with garbage, trash and refuse collections.

(Ord. 071000, passed 11-20-00; Am. Ord. 110310, passed 3-21-11; Am. Ord. 120213A, passed 12-2-13; Am. Ord. 091514A, passed 11-17-14)

§ 98.03 EXCEPTION.

The following are exempted from the provisions of this section:

(A) Sounds emitted from authorized emergency vehicles or sirens (including tornado sirens).

(B) Burglar and car alarms and other warning devices, when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(C) City or other governmental entity sanctioned parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, artistic performances and the like, as well as any rehearsals for same.

(D) The emission of sound for the purposes of alerting persons to the existence of an emergency or the testing of such equipment, or for the performance of emergency construction, repair or other work.

(E) Sounds associated with the normal operation of the Gun Club (14926 East 113th Street, Fortville, IN 46060), church bells, cannon salutes, Conner Prairie's re-enactments or Symphony on the Prairie, and boat racing horns on Geist Reservoir during a bona fide practice or race used by an official of the race or practice, when such sounds are within the normal range appropriate for such use.

(F) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on city, county, state, and federal streets and highways.

(G) Sounds associated with the operation of aircraft or snow removal equipment.

(H) Sounds emitted by emergency, generators in the event of power failure, periodic testing and maintenance shall adhere to division (B) above.

(I) Sounds emitted by construction work or road work approved by the city or other governmental entity.

(J) Train horns as required by law.

(K) Sounds associated with the lawful use of consumer fireworks as prescribed by § 99.02 of this Code.

(L) Sounds associated with equipment or animals lawfully used by a disabled person to accommodate the person's disability.

(Ord. 071000, passed 11-20-00; Am. Ord. 110310, passed 3-21-11; Am. Ord. 120213A, passed 12-2-13; Am. Ord. 091514A, passed 11-17-14)

§ 98.99 PENALTY.

(A) Any person violating any provision of this chapter shall have committed a Class "C" infraction and shall be punished accordingly, with each violation being a separate and distinct violation and subject to being penalized accordingly. The schedule of fines payable through the Ordinance Violation Bureau shall provide for an increasing fine for subsequent offenses.

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

- (1) First offense: Up to \$ 250;
- (2) Second offense: Up to \$ 500;
- (3) Third offense: Up to \$1,000;
- (4) Fourth and subsequent offenses: Up to \$2,500.

(C) The Hamilton County or Fishers Court shall be the court of proper venue and jurisdiction for the enforcement of this chapter.

(D) Citations for violation of this chapter may be issued by any sworn member of the Fishers Police Department.

(Ord. 071000, passed 11-20-00; Am. Ord. 110310, passed 3-21-11; Am. Ord. 120213A, passed 12-2-13)