

DIVISION 2. - NOISE

Sec. 28-161. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or other sound. The term "sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on vehicles used only for traffic or human safety purposes.

Sound truck means any vehicle whether motor-driven, horse-driven or otherwise powered, having mounted thereon, or attached thereto, any sound amplifying equipment.

(Ord. No. 6545-B, § 1, 6-18-1991)

Sec. 28-162. - General prohibition.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort repose, health, peace or safety of others, within the limits of the city.

(b) The acts enumerated in the following sections of this division, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

(Ord. No. 6545-B, § 2, 6-18-1991)

State law reference— Disorderly conduct, IC 35-45-1-3.

Sec. 28-163. - Playing radios, speakers, phonographs, audiotape players, etc.

At all times during the day or nighttime hours it shall be unlawful for any person to use or cause to be used any mechanical loud speakers or amplifiers emitting loud and raucous noises from automobiles or vans or trucks or other moving vehicles for the purpose of advertising without permit or for any other purposes. The using, operating, or permitting to be played, used or operated at any time any radio receiving set, television set, musical instrument, phonograph, or other 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, at any time during the day or night with louder volume than is necessary for convenient hearing for persons who are inside the room, vehicle or chamber within which such machine or device is operated and who are voluntary listeners thereto, is hereby prohibited and declared to be unlawful. It shall be prima facie evidence of a violation of this division to operate any such amplifiers, speakers, instrument, phonograph machine, compact disc or audio tape player or device during any day or night, in such a manner as to be plainly audible at a distance of ten feet from the building structure or vehicle in which it is located.

(Ord. No. 6545-B, § 3, 6-18-1991; Ord. No. 6672, § 1, 6-15-1993)

Sec. 28-164. - Use of radios, phonographs, etc., for advertising.

The using, operating or permitting to be played used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 4, 6-18-1991)

Sec. 28-165. - Noisy vehicles.

The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 5, 6-18-1991)

Sec. 28-166. - Sounding of vehicle horn or signaling device.

The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time are hereby declared to be unlawful. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up, are also unlawful.

(Ord. No. 6545-B, § 8, 6-18-1991)

State law reference— Vehicles horns and sirens, IC 9-19-5-1 et seq.

Sec. 28-167. - Loading or unloading vehicles; opening or destruction of bales, boxes, etc.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 9, 6-18-1991)

Sec. 28-168. - Transportation of rails, pillars or columns.

The transportation of rails, pillars or columns of iron steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner, so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places, is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 10, 6-18-1991)

Sec. 28-169. - Discharge of exhaust from steam engines, motor vehicles, etc.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 11, 6-18-1991)

Sec. 28-170. - Operation of blower, power fan or internal combustion engine.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids is hereby prohibited and declared to be unlawful, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. No. 6545-B, § 12, 6-18-1991)

Sec. 28-171. - Noisy animals and birds.

(a) It shall be unlawful for any person to keep any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of ordinary, reasonable persons of normal nervous sensibilities and ordinary tastes, habits and modes of living who reside in the vicinity thereof.

(b) It shall be unlawful for any person to stable or keep a horse, mule, or any other animal in the city limits, in such a manner that such animal, by stamping or kicking, causes frequent or long continued noise in such a manner as to disturb the comfort or repose of ordinary, reasonable persons of normal nervous sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof.

(Ord. No. 6545-B, § 13, 6-18-1991)

Sec. 28-172. - Yelling, shouting, singing, etc.

Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 14, 6-18-1991)

Sec. 28-173. - Shouting of peddlers, hawkers and vendors.

The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 15, 6-18-1991)

Sec. 28-174. - Building operations at certain times.

The erection (including excavating), demolition, alteration or repair of any building on any Sunday and between the hours of 6:00 p.m. and 7:00 a.m. on any other day is hereby prohibited and declared to be unlawful, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the city engineer, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the public works engineer should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways on Sundays or between the hours of 6:00 p.m. and 7:00 a.m. on other days, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done at such times, upon application being made at the time the permit for the work is awarded or during the progress of the work.

(Ord. No. 6545-B, § 16, 6-18-1991)

Sec. 28-175. - Operation of pile drivers, steam shovels, etc., prohibited at certain times.

The operation between the hours of 10:00 p.m. and 7:00 a.m., or at any time on Sundays, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, is hereby prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 17, 6-18-1991)

Sec. 28-176. - Noise near school, church, court or hospital.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, is hereby prohibited and declared to be unlawful, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(Ord. No. 6545-B, § 18, 6-18-1991)

Sec. 28-177. - Noise to attract attention to performance, show or sale.

The use without permit of any drum or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale, is prohibited and declared to be unlawful.

(Ord. No. 6545-B, § 19, 6-18-1991)

Sec. 28-178. - Permit revocation.

Failure to comply with any provision of this division shall be grounds for revocation of any permit to operate a sound truck or sound amplifying equipment.

(Ord. No. 6545-B, § 20, 6-18-1991)

Sec. 28-179. - Request for cessation of noise.

Whenever any person causes any of the prohibited conditions enumerated within this division, a police officer may order the person responsible or in control of the offending condition to discontinue said condition. The officer may in his discretion then issue a citation to the offender. Any person responsible or in control of a condition prohibited by this division who shall refuse a police order to discontinue said condition without undue delay may, whether or not a citation has been issued, become subject to arrest after refusal. The officer then shall use reasonable means to cause cessation of the offense, including confiscation, if necessary and practicable.

(Ord. No. 6545-B, § 21, 6-18-1991)

Secs. 28-180—28-196. - Reserved.