

ORDINANCE NO. 121024D

An Ordinance Amending McCordsville's Noise Laws

WHEREAS, the Town of McCordsville (the "Town") is a political subdivision existing under the provisions of Ind. Code § 36-5-1, *et. seq.*;

WHEREAS, the McCordsville Town Council (the "Council") is the fiscal body of the Town and is responsible for the adoption of and amendments to all local ordinances;

WHEREAS, on November 14, 1998, Council adopted Ordinance 102898, creating a noise ordinance for the Town;

WHEREAS, Ordinance 102898 was amended on December 19, 2018, September 8, 2020, and June 14, 2022;

WHEREAS, the Council desires to amend Chapter 93 in its entirety to better clarify and expand what shall be deemed a noise nuisance in the Town of McCordsville and how such noise nuisance violations will be administratively and judicially addressed;

NOW, THEREFORE, be it ordained by the Town Council of the Town of McCordsville, Indiana, that Chapter 93 shall be amended as follows:

§ 93.01 APPLICATION.

The provisions of this section shall apply to the control of all noise within the town limits, as the limits now exist or may hereafter be established.

§ 93.02 DEFINITIONS.

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

CENTRAL BUSINESS DISTRICT. The area encompassed by the following description: East: Civic Drive; South: CR 750N; West: CR 600W; and North: W Broadway.

COMPLAINANT. Person(s) who reports the alleged unreasonable noise to the Town of McCordsville.

dB(A). The intensity of a sound expressed in decibels read from a calibrated sound level meter using the A-level weighting scale and the slow meter response, as specified by the American National Standards Institute.

dB(C). The intensity of a sound expressed in decibels read from a calibrated sound level meter using the C-level weighting scale and the slow meter response, as specified by the American National Standards Institute.

DECIBEL. A unit measure of sound level; the symbol is dB.

LEQ(A). The sound pressure level averaged over a defined time using A-level sound weighting and displayed in decibels (dB).

LEQ(C). The sound pressure level averaged over a defined time using C-level sound weighting and displayed in decibels (dB).

EMERGENCY WORK. Any activities performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by existing or imminent peril.

ENFORCEMENT OFFICER. A member of the McCordsville Police Department or a McCordsville Code Enforcement officer.

PERSON. Any individual, association, partnership, corporation or any other legal entity.

PROPERTY LINE. The real line and its vertical extension which separates the real property owned, leased or occupied by any person from contiguous real property owned, leased or occupied by any other person.

SOUND LEVEL METER. An instrument designed and used by the Town of McCordsville to measure sound pressure levels.

SOURCE PROPERTY. The property from which the sound being measured originates.

UNREASONABLE NOISE. Sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort or repose of reasonable persons of ordinary sensitivities within the town, given the time of day or environment in which the sound is made.

§ 93.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) Except as otherwise provided in this chapter, it shall be unlawful for any person to cause, make, or allow any unreasonable noise in or on any real or personal property occupied or controlled by that person. Sound shall be considered an unreasonable noise when it exceeds the sound level limit identified below:

<u>Sound Level Limit</u>	<u>Times</u>	<u>Locations</u>
64 dB(A)	7:00 a.m. - 10:00 p.m.	Central Business District
55 dB(A)	10:00 p.m. - 7:00 a.m.	Central Business District
61 dB(A)	7:00 a.m. - 10:00 p.m.	All other areas in town
52 dB(A)	10:00 p.m. - 7:00 a.m.	All other areas in town

(B) *Measurement procedures.* The following procedure shall be followed to identify a sound level:

- (i) The Sound Level shall be measured by the Enforcement Officer at the property line of the Complainant (or at any other Residential property) as close as possible to the Source Property.
- (ii) The Sound Level Meter shall be calibrated, and the battery checked before each use.
- (iii) The Sound Level Meter shall be turned on and set to the dB(A) mode to begin use.

- (iv) The record button shall be activated to allow the Sound Level Meter to record the sound levels for 30 seconds. After 30 seconds, the decibel level number provided is the LEQ(A) number (sound level in dB).
- (v) Repeat the steps in (B)(iii) and (B)(iv) in the dB(C) mode to determine LEQ(C) (sound level in dB)
- (vi) If the established LEQ numbers for db(A) are db(C) are different by at least ten (10) decibels, add five (5) to the db(A) number. That number is the determined sound level and shall be used to determine whether the noise constitutes an unreasonable noise as defined in 93.03 (A).

§ 93.04 EXCEPTIONS

The following uses and activities shall be exempt from the provisions of this section:

- (A) Farming activities during planting and harvesting seasons;
- (B) Noises of safety signals, warning devices, and emergency pressure relief valves;
- (C) Noises resulting from any authorized emergency, fire or police vehicle when responding to an emergency call, acting in time of emergency or in connection with official police or fire department business;
- (D) Noises resulting from emergency work;
- (E) Noises made by religious institutions using bells as part of their religious observance and by persons having obtained a permit to use the streets;
- (F) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control and instructions and pursuant to and within the duly adopted federal air regulations. Any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations is also exempt;
- (G) All noises resulting from normal operations of railroad trains are exempt as provided by state or federal law;
- (H) Noises resulting from 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;
- (I) Noises resulting from rubbish collection utilizing any mechanical equipment between the hours of 7:00 a.m. and 10:00 p.m. only;
- (J) Noises associated with equipment or animals lawfully utilized by persons with disabilities to accommodate their disability;
- (K) In accordance with IC 22-11-14-6, noises associated with legal consumer fireworks used during the following times:
 - (1) Between the hours of 5:00 p.m. and two hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th, and July 9th;
 - (2) Between the hours of 10:00 a.m. and 12:00 a.m. on July 4th; and
 - (3) Between the hours of 10:00 a.m. on December 31st and 1:00 a.m. on January 1st;

(L) Any other noise resulting from activities of a temporary duration permitted by law and for which a permit has been granted by the Town.

§ 93.99 PENALTY.

Whoever violates the provision of this chapter shall be issued a warning for the first offense, fined a sum of \$500 for the second offense, a sum of \$1,500 for the third offense, a sum of \$2,500 for the fourth offense and a sum of \$5,000 for any additional offenses that occur within any one calendar year. A separate offense shall be deemed committed on each occasion a complaint is made and the owner and/or occupant of the Source Property refuses to come into compliance with the regulations listed above. Should enforcement of this chapter require the utilization of the services of the Town Attorney, the violator shall, in addition to any fines imposed, be responsible for and shall pay all such attorney fees incurred by the town.

Section 2: This Ordinance shall amend Chapter 93.

Section 3: This Ordinance shall be in effect March 1, 2025.

ADOPTED BY THE COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA this
_____ day of _____, 2025.

MCCORDSVILLE TOWN COUNCIL

FOR:

AGAINST:

_____	Greg Brewer	_____
_____	Scott Jones	_____
_____	Dr. Bryan Burney	_____
_____	Dr. John Price	_____
_____	Chad Gooding	_____

ATTEST:

Stephanie Crider, Clerk-Treasurer