ORDINANCE NO.

**ORDINANCE AMENDING TITLE IX, CHAPTER 93, § 93.04(A)(1)
OF THE CODE OF ORDINANCES OF THE
TOWN OF McCORDSVILLE, INDIANA**

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Ordinance No. 111318 establishing noise levels that are acceptable within certain districts and during certain time periods; and

WHEREAS, upon the recommendation of staff members for the Town Council of the Town of McCordsville, Indiana, the Town Council believes that it is in the best interest of the health, safety, and welfare of the citizens of McCordsville, Indiana, that said revisions be further amended.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana, as follows:

SECTION I

Title IX, Chapter 93, § 93.04 shall be amended by the addition of the following language:

(C) The Town of McCordsville will allow a maximum of ten (10) events per address where music or noise is allowed to be over the limits allowed under Chapter 93.01 of the Town of McCordsville Code of Ordinances. These events shall adhere to all Town requirements, with the following exception: the sound level limits shall be 90 dB(A) **AT THE SOURCE** during the hours of noon to 10:00 p.m. Sunday through Thursday and during the hours of noon to midnight Friday and Saturday. An application for an event permit that would increase the decibel level must include an aerial photograph or plot plan of the subject property indicating the location where the noise or music will be played and shall be submitted to the Town's Planning and Building Department 30 days prior to the event for internal review and approval. The Planning & Building Department reserves the right to deny a permit that place the source of the music closer to another property than necessary. For an event for which a noise adjustment as described is requested, the applicant will notify Residents by available means that an event will occur which will allow for an increase in the decibel level. **By signing the application, the applicant is giving permission to the McCordsville Police Department to enter onto private property to test the decibel level.**

SECTION II

Title IX, Chapter 93, § 93.04 shall be amended by the addition of the following language:

(D) The Town is not responsible for any event that exceeds the noise ordinance limits and are held without obtaining the required permit. If an event which exceeds the noise ordinance limits without a permit is held without notifying the Town, the event organizer(s) will be responsible for all appropriate fees incurred by the Town of McCordsville. Further, the McCordsville Police Department may shut-down an Event that did not acquire the appropriate permit.

SECTION III

(E) Town Sponsored events will not require any fees. A permit under this section is $50, payable to the Town of McCordsville. Please note, approval of a noise adjustment is not approval for a temporary use or temporary structure as defined by Section 4.02 of the Town's Zoning Ordinance. If you are planning a large gathering or event, please refer to Section 4.02 to review applicability. If you still have questions regarding whether or not your gathering or event needs a temporary use or temporary structure permit, please contact the Planning & Building Department at 317.335.3604 or building@mccordsville.org.

SECTION IV

This Ordinance shall be in full force and effect from and after its passage and due publication.

SECTION V

Introduced and filed on the _____ day of _____, 2020. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this _____ day of _____, 2020 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative: Voting Opposed:

Thomas R. Strayer	Thomas R. Strayer
Larry J. Longman	Larry J. Longman
Gregory J. Brewer	Gregory J. Brewer
Branden D. Williams	Branden D. Williams
Barry A. Wood	Barry A. Wood

ATTEST:

Staci Starcher, Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.

R:\Gregg\MUNICIPAL\McCordsville\Ordinances\Noise Control - rev. 03-10-20