

ORDINANCE NO. 031224B

An Ordinance Amending Chapter 93 of the McCordsville Municipal Code of Ordinances

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, the Council first adopted Ordinance 102898 in 1998, to address noise control within town limits;

WHEREAS, Ordinance 102898 has since been amended twice, most recently in 2020;

WHEREAS, the Council desires to further amend Chapter 93 of the municipal code to create more consistency to and simplify the process to measure sound and enforce noise control issues in town;

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

Section 1:

§ 93.01 APPLICATION.

The provisions of this section shall apply to control 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.

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.

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.

EXCESSIVE NOISE. Any noise that exceeds the limits identified herein.

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 to measure sound pressure levels.

SOURCE. A person, place, or thing from which the noise originates.

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

§ 93.03 EXCESSIVE NOISE.

No person shall generate or produce any noise so as to disturb the peace, quiet, and comfort of neighboring inhabitants when such sound exceeds the sound level limit identified herein, unless another agreement has been reached with the town:

- Daytime Hours: 7:00 a.m. to 10:00 p.m. = 64 dB(A) and dB(C)
- Nighttime Hours: 10:00 p.m. to 7:00 a.m. = 50 dB(A) and dB(C)

§ 93.04 MEASUREMENT PROCEDURES

The Sound Level Meter shall be operated according to the instrument manufacturer's instruction and as follows:

1. Microphone Orientation. The microphone shall be pointed toward the Source, unless the instrument manufacturer's instructions specifically indicate otherwise.
2. Meter Setting. The meter shall be set for the A-weighted network and "slow" response mode.
3. Calibration. An external calibration check and battery check shall be made before and after each use.
4. Meter Readings. The recorded reading shall be the highest sound level obtained with the Source in operation, disregarding unrelated peaks due to extraneous ambient noises.
5. Sound levels shall be measured at the nearest accessible property line from the Source.
6. After a complaint is made, the officer shall measure the dB(A). If the noise level exceeds the dB(A) level allowed, the officer will contact the person responsible for the sound Source and request the sound Source come into compliance. If the person responsible for the sound Source does not come into compliance, the officer responding to the complaint will issue the offending person a warning or citation. For every complaint and noncompliance action taken, a new citation may be issued if the person continues to exceed the dB(A) level.

§ 93.05 EXCEPTIONS.

The following shall be exempted from the provisions of this section:

- (1) Sound emitted from sirens of authorized vehicles;
- (2) Outdoor lawn maintenance equipment, such as lawn mowers, garden tractors, and leaf blowers, between the hours of 7:00 a.m. and 8:00 p.m.;
- (3) Home power tools when properly muffled, between the hours of 7:00 a.m. and 8:00 p.m.;

(4) Burglar alarms or other warning devices when properly installed on public or privately owned property, provided that the cause for the alarm or warning device sound is investigated and turned off within a reasonable period of time;

(5) Fireworks celebration as follows:

- Between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9;
- Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
- Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

At all other times other than set forth herein, fireworks displays and/or celebrations are specifically prohibited, however, an exemption from this provision may be sought by a petitioner upon the filing and approval of a petition with the McCordsville Town Manager at least 45 days prior to the event. Furthermore, fireworks displays and/or celebrations are strictly prohibited upon public land and/or facilities at all times unless said fireworks displays and/or celebrations are sponsored in whole or in part by the Town of McCordsville;

(6) Attendant noises connected with the actual performance of athletic or sporting events and practices related to them;

(7) The emission of sound for the purpose of alerting persons to the existence of an emergency or the performance of emergency work;

§ 93.99 PENALTY.

1. Any person who violates the provisions of this chapter shall be fined as follows:

- Warning for the first offense;
- \$250 for the second offense;
- \$500 for the third offense;
- \$1,000 for the fourth offense;
- \$2,500 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 person refuses to come into compliance with this ordinance.

2. The Town shall have the authority to take any and all necessary legal and equitable actions to enforce the provisions of this chapter. 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: All other provisions in Chapter 93 not specifically amended by this ordinance shall remain in effect.

Section 3: This Ordinance shall be in full force and effect immediately.

ADOPTED BY THE COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA this
_____ day of _____, 2024.

MCCORDSVILLE TOWN COUNCIL

FOR:

AGAINST:

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

ATTEST:

Stephanie Crider, Clerk-Treasurer