

ORDINANCE NO. 021318

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

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana, has heretofore enacted an Ordinance regarding noise control pursuant to Ordinance No. 071012; and

**WHEREAS**, to further clarify the provisions of Ordinance No. 071012 and upon recommendation of members of the staff and the McCordsville Police Department, the Town Council of the Town of McCordsville, Indiana, believes said Ordinance should be amended.

**THEREFORE BE IT ORDAINED** by the Town Council of the Town of McCordsville, Indiana that Ordinance No. 071012, as codified under Title IX, Chapter 93, § 93.04 should be amended as follows:

**SECTION I**

Title IX, Chapter 93, § 93.04(A)(1) shall be amended by deleting said section and inserting in lieu thereof the following:

(1) Using, operating or permitting to be played, used or operated, any machine or device for the producing or reproducing of sound in a manner so as to disturb the peace, quiet, and comfort of neighboring inhabitants when such sound generated is audible at a distance of 20 feet from the neighboring inhabitant's property line, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which the machine or device is operated and who is a voluntary listener.

**SECTION II**

Title IX, Chapter 93, § 93.04(A)(2) shall be amended by deleting said section and inserting in lieu thereof the following:

(2) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing sound which is cast upon other properties, including the public right-of-way for the purpose of commercial advertising or to attract attention to any activity, performance, sale, place or structure when such sound is audible at a distance of 20 feet from the property line of said other property or from the right-of-way property line.

### SECTION III

Title IX, Chapter 93, § 93.04(B)(1) shall be amended by deleting “30 feet” and inserting in lieu thereof “20 feet”.

### SECTION IV

Title IX, Chapter 93, § 93.04(B)(2) shall be amended by deleting “30 feet” and inserting in lieu thereof “20 feet”.

### SECTION V

Title IX, Chapter 93, § 93.04(C)(8) shall be amended by deleting said section and inserting in lieu thereof the following:

(8) Sounds associated with the normal conduct of a legally established non-transient business within the normal range appropriate for the use between the hours of noon and 9:00 p.m. Sunday through Thursday and noon to 10:00 p.m. Friday and Saturday.

### SECTION VI

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

### SECTION VII

Introduced and filed on the 13<sup>th</sup> day of February, 2018. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 13<sup>th</sup> day of February, 2018 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

  
Larry J. Longman

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Larry J. Longman

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Bryan T. Burney

\_\_\_\_\_  
Bryan T. Burney

  
Thomas R. Strayer

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Thomas R. Strayer

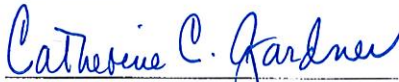
\_\_\_\_\_  
Branden D. Williams

\_\_\_\_\_  
Branden D. Williams

  
Barry A. Wood

\_\_\_\_\_  
Barry A. Wood

ATTEST:

  
Catherine C. Gardner  
Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 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.