

**ORDINANCE NO.**

**ORDINANCE AMENDING TITLE IX, CHAPTER 93, § 93.02, §93.03, and §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(A)(1) shall be amended by the addition of the following language located immediately following provision (1)(f):

“Notwithstanding the provisions set forth above, the sound level limits shall be 74 dB(A) during the hours of 7:00 a.m. to 10:00 p.m. and 64 dB(A) during the hours of 10:00 p.m. to 7:00 a.m. where the source property is zoned commercial and when said commercially zoned property was developed prior to the effective date of this Ordinance and the complainant’s property was developed after the effective date of this Ordinance.”

**SECTION II**

Title IX, Chapter 93, §93.02 shall be amended by deleting the definition for commercial and replacing with the definition in lieu thereof the following:

- A. **Commercial area** shall mean any parcel of land zoned P, CN, CO, CR, PUD-M, PUD-C, TC, and OT under the Zoning Ordinance.

**SECTION III**

Ordinance Number 111318, SECTION 1 is hereby amended to correct a scrivener’s error to reference §93.03 to §93.02.

**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 \_\_\_\_\_, 2019. 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 \_\_\_\_\_, 2019 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

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

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

\_\_\_\_\_  
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, 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 - 03-15-19