

ORDINANCE NO. 111318

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, § 93.02 shall be amended by deleting said section and inserting in lieu thereof the following:

Definitions

For the purposes of this ordinance, the following words, terms and phrases shall have the meanings set forth:

- A. **Commercial area** shall mean any parcel of land zoned as CN, CO, CR, PUD-M, TC, and OT under the Zoning Ordinance.
- B. **dB(A)** shall mean 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.
- C. **Decibel** shall mean a unit measure of sound level; the symbol is dB.

- D. **Sound Level Meter** shall mean an instrument designed to measure sound pressure levels.
- E. **Emergency work** shall mean any activities performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by existing or imminent peril.
- F. **Industrial area** shall mean any parcel of land zoned as I1 and I2 under the Zoning Ordinance.
- G. **Person** shall mean any individual, association, partnership, corporation or any other legal entity.
- H. **Property line** shall mean 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.
- I. **Public property** shall mean all real property which is owned or controlled by a governmental entity, and shall include any public rights-of-way, public buildings, parks and waterways.
- J. **Public right-of-way** shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity.
- K. **Residential area** shall mean any parcel of land zoned as R-1, R-1S, R-2, R-3, R-4, R-5, MF1, MF2, and PUD-R under the Zoning Ordinance.
- L. **Sound amplification system** shall mean any apparatus used for the amplification of sounds from any radio, tape player, cassette player, compact disc player, loudspeaker, sound amplifier, alarm or other sound-generating device, including any apparatus for the amplification of the human voice.
- M. **Source Property**- The property from which the sound being measured originates.

SECTION II

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 exceeds the sound level limit as it pertains to the zoning districts below, unless another agreement has been reached with the town:
 - a. Residential Area during the hours of 7:00am - 10:00pm= 55 dB(A)
 - b. Residential Area during the hours of 10:00pm - 7:00am= 50 dB(A)
 - c. Commercial Area during the hours of 7:00am - 10:00pm= 66 dB(A)
 - d. Commercial Area during the hours of 10:00pm - 7:00am= 64 dB(A)
 - e. Industrial Area during the hours of 7:00am – 10:00pm= 66 dB(A)
 - f. Industrial Area during the hours of 10:00pm - 7:00am= 64 dB(A)

- (2) 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 allegedly offensive noise 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 allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.

5. Sound levels shall be measured at the approximate location of the source property line or the boundary of the public property, at a height of at least four feet above the immediate surrounding surface.
6. After a complaint is made, the officer shall measure the Db(A), if the noise level exceeds the Db(A) level allowed for the sound sources zone, then the officer shall speak to the sound maker to come into compliance. The source sound maker shall have thirty minutes to lower sound into compliance based on the zoning area. If compliance does not occur within thirty minutes, then a citation shall be issued to the owner of the sound source.

SECTION III

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

SECTION IV

Introduced and filed on the 13th day of November 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 _____ day of _____, 2018 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:

Larry J. Longman

Larry J. Longman

Bryan T. Burney

Bryan T. Burney

Thomas R. Strayer

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, 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.