

ORDINANCE NO. 2012-14

AN ORDINANCE ESTABLISHING CONTROL OVER NOISE

WITHIN THE TOWN OF EDINBURGH

WHEREAS, Indiana Code 36-1-3-6, and IC 36-8-2-8 gives the legislative body of the Town of Edinburgh (“Town”) the power to regulate the generation of sound into the air within the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. SECTION 1. DEFINITIONS

- a. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- b. PLAINLY AUDIBLE means any sound that clearly can be heard by unimpaired auditory senses, including bass reverberation, at a distance of 50 feet or more from the source if on public property, and 50 feet or more from the property line if on private property. Words or phrases from a sound need not be discernible for a violation to occur.
- c. A sound or noise is also PLAINLY AUDIBLE if it emanates from inside a building or structure utilized as multiple residences, and can be clearly heard by a person, using his or her normal hearing, through the partitions separating the dwelling units (i.e., apartments).

II. SECTION 2. VIOLATION

- a. It shall be a violation of this chapter for a person, after having been warned to desist by the Edinburgh Police Department, to make or cause any loud, unusual or unnecessary noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof, or any noise that either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the Town except as otherwise provided in this chapter.
- b. Using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a manner so as to disturb the peace and quiet and comfort of

the neighboring inhabitants, and is Plainly Audible as defined herein, is a violation of this chapter. No person shall operate or permit the use or operation of radios, television sets, musical instruments, music players, amplifiers, a mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, snowblower, or any other noise-producing device in such a manner as to be Plainly Audible across property boundaries or through partitions common to two or more persons within a building.

III. SECTION 3. EXEMPTIONS.

- a. The following are exempted from the provisions of this chapter:
 - i. Sounds emitted from Town vehicles or any other authorized emergency vehicles and snow removal vehicles operated by the Town or the Edinburgh School District;
 - ii. Sound emitted from Town employees performing tasks and duties on behalf of the Town;
 - iii. Lawn mowers, garden tractors, construction equipment, and power tools, between the hours of 6:00 a.m. and 10:00 p.m. only;
 - iv. Burglar alarms and other warning devices when properly installed, provided the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;
 - v. Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or other events authorized by permit by the Town's Building Commissioner;
 - vi. Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto;
 - vii. The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work;
 - viii. Sounds associated with the use of legal fireworks in accordance with the Edinburgh Town Code;
 - ix. Sounds associated with the normal conduct of legally established non-transient businesses, when such sounds are customary, incidental and within the normal range appropriate for such use.

IV. SECTION 4. PERMIT.

- a. The Town may allow the playing of amplified music or other sound outdoors, contrary to this chapter, by permission of the Town's Building Commissioner. Such permission request shall include the date, time, duration and location of the event, as

well as applicant information, along with any other restrictions that may be imposed at the sole discretion of the Town of Edinburgh.

V. SECTION 5 – PENALTIES.

- a. Any person who violates the provisions of this chapter shall be guilty of an infraction, punishable by a fine of not more than:
 - i. First offense: up to \$25.
 - ii. Second offense within two years of any other offense under this chapter: up to \$50.
 - iii. Third offense within two years of any other offense under this chapter: up to \$100.
 - iv. Fourth and subsequent offenses within two years of any other offense under this chapter: up to \$500.

VI. SECTION 6 – ENFORCEMENT.

- a. Citations for violations of this chapter may be issued by any member of the Edinburgh Police Department.

VII. SECTION 7. PUBLIC BENEFIT.

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

VIII. SECTION 8. REPEALER.

- a. All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

IX. SECTION 9. SEVERABILITY.

- a. Should any chapter or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

X. SECTION 10. PUBLIC NOTICE

- a. In accordance with Indiana Code 36-4-6-14(b), Indiana Code 5-3-1-2(h), this Ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Council.

XI. SECTION 11. EFFECTIVE DATE

- a. This ordinance shall be in full force and effect within two (2) weeks after the date of the publication described in Section 10.

ADOPTED this 13th day of November, 2012.

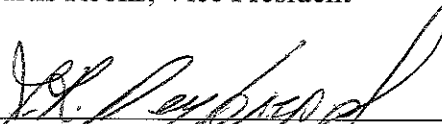
EDINBURGH TOWN COUNCIL



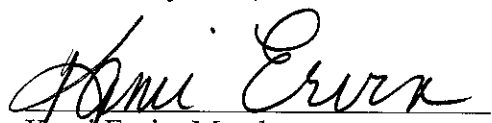
Ron Hoffman, Council President



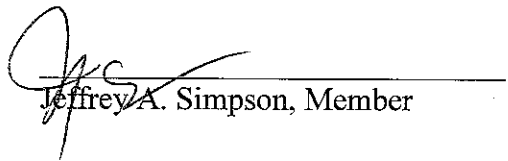
Curtis Rooks, Vice President



John R. Drybread, Member

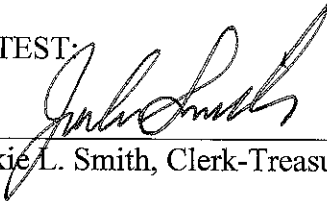


Kami Ervin, Member



Jeffrey A. Simpson, Member

ATTEST:



Jackie L. Smith, Clerk-Treasurer