

**ORDINANCE NO. 2016-11**

**AN ORDINANCE CONCERNING  
EXCESSIVE NOISE WITHIN THE TOWN OF WHITESTOWN**

WHEREAS, the creation of excessive noise and sound within the Town of Whitestown (“Town” or “Whitestown”) is a detriment to the public health, safety, and welfare, and the quality of life within the community; and

WHEREAS, the Whitestown Town Council (“Town Council”) finds that it is in the public interest of Whitestown and its citizens to provide for the regulation and control of certain noises within the Town; and

WHEREAS, the Town Council desires to amend and restate its current noise regulations.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

**Section 1. Noise.** Chapter 8.50: “Noise” of Title 8: “Health and Safety” of the Town Code is hereby amended and restated as follows:

**8.50.010 General Noise Violations.** No person or property owner shall vocalize, play, use, or operate any machine, device, or thing that produces or reproduces sound, including, but not limited to, constant loud or screaming vocalization, loudspeakers, radios, music players, television sets, musical instruments, equipment, or fireworks, nor operate any motor vehicle that contains a modified or defective exhaust system, if such machine, tool, vehicle, or thing is located in or on any of the following:

- (1) Any public property, including any public right-of-way, building, sidewalk, public space, park, or thoroughfare and the sound generated therefrom is (a) audible 50 feet or more from its source, or (b) is at a level of 80 decibels or more when measured on a dB(A) scale from a distance of not less than 15 feet from its source; or
- (2) Any private property and the sound generated therefrom is (a) audible 50 feet or more outside of said property line, or (b) is at a level of 80 decibels or more when measured on a dB(A) scale from a distance of not less than 15 feet from said private property line.

**8.50.020 Noise in Multi-Unit Structures.** It shall be unlawful for a person to produce or initiate, or to be the cause of production of noise in one unit of a multi-unit structure which is audible in another unit of that same multi-unit structure between 10:00 p.m. and 7:00 a.m., except for unintentional noises that cannot be reasonably controlled.

**8.50.030 Noise from Vehicles.** No person shall use, operate, or rev up, any automobile, motorcycle, or vehicle in such a manner as to create loud and unnecessary grating, grinding, rattling, or any other noise that is audible above background sounds at a

distance of 75 feet or more from the noise source, and which disturbs the peace and quiet of others, between the hours 10:00 p.m. and 7:00 a.m.

**8.50.040 Noise from Construction Activities.** It shall be unlawful for any person within a residential zone or within a radius of 500 feet therefrom to carry out or conduct the following activities if such activities create a noise that generates any complaint:

- (1) Between 10:00 p.m. and 7:00 a.m.: the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, trashcans, dumpsters, or similar objects.
- (2) Between 10:00 p.m. and 7:00 a.m. (Monday through Saturday) and 10:00 p.m. and 10:00 a.m. (Sunday):
  - (a) The operation or use of heavy construction vehicles and equipment involved in construction, demolition, property maintenance or similar activity, including, but not limited to, bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front end loaders and log skidders;
  - (b) The operation or use of tools, power tools, or construction equipment to include, but not limited to: cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders, chain saws, lawnmowers, electric hedge trimmers, lawn edgers, leaf blowers, and jack hammers), whether involved in construction, demolition, repair, maintenance, or similar activity; and

**8.50.050 Exemptions.** The following are exempted from the provisions of this section:

- (1) Sounds emitted from authorized emergency vehicles or sirens.
- (2) Lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts and power tools, when properly muffled between the hours of 7:00 a.m. and 10:00 p.m.
- (3) Burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.
- (4) Town authorized parades, festivals, carnivals, fairs, celebrations, concert performances, scholastic band performances, and artistic performances, as well as any rehearsals for same, and all other events authorized by the Town Council.
- (5) Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto.

- (6) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency construction, snow removal, leaf collection, repair, or any other work performed or approved by the Town.
- (7) Sounds emitted by emergency generators in the event of power failure or periodic testing and maintenance.
- (8) Sounds associated with the use of legal consumer fireworks during the following days or otherwise pre-approved by the Town Council:

June 29<sup>th</sup> to July 8<sup>th</sup> and December 31<sup>st</sup> to January 2<sup>nd</sup>

- (9) Garbage and refuse equipment not connected to construction activities.
- (10) Subject to the other provisions of this section, and any other applicable law, rule or regulation, sounds associated with motor vehicles lawfully operating on Town, County, State, and Federal streets and highways.
- (11) Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap.
- (12) Babies, infants, or children crying.
- (13) Noise associated with common agricultural practices (e.g., grain bin dryers, equipment and activities associated with planting or harvesting).
- (14) Train horns required by law.

**8.50.060 Special Permits.** Applications for a permit for relief from the regulations contained in this chapter may be made in writing to the Town Manager or his or her duly authorized representative prior to a violation. Any permit granted by the Town Manager or duly authorized representative, in his or her sole discretion, must be in writing and shall contain all conditions upon which said permit shall be effective. In granting any such permit, the Town Manager, or duly authorized representative, may prescribe any reasonable conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

**8.50.070 Violation Penalty.** A first time violation of this Ordinance shall constitute a one-time only verbal or written warning citation. After a first time warning is issued, any person and/or property owner who violates the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of \$250.00 per offense, each day or continued violation (even if on the same day) constituting a separate and additional offense.

**Section 2. Severability.** The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 3. Superseding Clause.** All ordinances or parts of ordinances inconsistent or in conflict with the terms of this Ordinance, including but not limited to, the prior version of Chapter 8.50 of the Whitestown Town Code, are repealed to the extent of such inconsistency or conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to the laws of the State of Indiana.

Passed and adopted by the Whitestown Town Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE TOWN COUNCIL OF THE TOWN  
OF WHITESTOWN, INDIANA

YAY/NAY

\_\_\_\_\_  
Eric Miller, President

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Susan Austin, Vice President

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Kevin Russell

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Clinton Bohm

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Jeffrey Wishek

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**ATTEST:**

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Matthew Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana