

MEDARYVILLE TOWN COUNCIL

ORDINANCE NO. 2018-06-02

PROHIBITING UNREASONABLE NOISES IN THE TOWN OF MEDARYVILLE, INDIANA

WHEREAS, the making and creation of excessive, unnecessary or unusually loud noises within the limits of the Town of Medaryville, Indiana is a condition which exists, and the extent and magnitude of these noises are increasing; and

WHEREAS, the making, creation or maintenance of excessive, unnecessary or unusually loud noises which are prolonged, unusual or unreasonable in their time, place and use, effect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the Town; and

WHEREAS, the need exists to regulate noise in the Town for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the residents of the Town.

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

1. **Public Policy and Purpose.**

It is declared to be the public policy of the Town of Medaryville, Indiana to prohibit unreasonable, unnecessary, excessive and offensive noise from all sources subject to its police power. Above certain levels, noise is detrimental to the health, welfare, safety, comfort, and repose of the residents and in the public interest shall be systematically regulated and proscribed by the Town.

2. **Noises Prohibited.**

(a) Unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort or repose of reasonable persons of ordinary sensitivities within the Town of Medaryville, Indiana, given the time of day or environment in which the sound is made.

(b) It shall be unlawful for any person to cause or make any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real or personal property occupied or controlled by that person.

(c) In addition to the foregoing, the following acts are violations of this chapter:

(1) To play, use, or operate, or allow to be played, used, or operated in any motor vehicle any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any other machine or device for producing or reproducing sound at a volume that is louder than necessary for the convenient hearing of persons who are inside the vehicle within which such device is played, used or operated. Sound that is clearly audible thirty (30) feet or more from the vehicle is prima facie evidence of a violation of this section.

(2) To play, use, operate, or allow to be played, used, or operated any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any other machine or device for producing or reproducing sound in such a manner that the sound produced persists continuously or intermittently and can be heard outside the immediate premises from the location of the emitter by a person with normal hearing. Sound that is clearly audible to a person with normal hearing from any place other than the premises from which the source of the sound is located, when the sound occurs between the hours of 9 p.m. and 7 a.m., is prima facie

3.

Enforcement & Violations/Penalties.

- (a) This Ordinance shall be enforced by the Medaryville, Indiana Police Department, who shall have the power and authority to issue all warnings and violation under this Ordinance.
- (b) Any person charged with violating this Ordinance may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one (1) opportunity to comply with this Ordinance.
- (c) Any person violating shall be fined as follows: \$50.00. However, subsequent violations occurring within a twelve-month period are subject to the following fine:
 - (1) 2nd Violation: \$100.00
 - (2) 3rd Violation: \$150.00
 - (3) 4th Violation: \$200.00
 - (4) 5th Violation and every violation thereafter: \$250.00

Each day such violation is committed or permitted to continue shall constitute a separate offense.

Passed by the Town Council of Medaryville, Indiana, this 20th day of June, 2018 by a vote of 3 YES to 0 NO.

Robert Schultz
Robert Schultz, President
Medaryville Town Council

Suzanna J. Wilcoxon
Suzanna Wilcoxon, Member
Medaryville Town Council

Ray Saltzman, Inc
Ray Saltzman, Member
Medaryville Town Council



ATTEST:

Judy Harwood
Judy Harwood, Town Clerk/Treasurer
Medaryville, Indiana