

**ORDINANCE NO. 2021-\_\_\_\_**

**TOWN OF WINSLOW, INDIANA**

**AN ORDINANCE AMENDING SECTION 6.03.010 (UNREASONABLE NOISE -ACTS PROHIBITED) OF THE WINSLOW CODE OF ORDINANCES BY ADDING SOUND LEVELS PROHIBITED AND QUIET HOURS**

**WHEREAS**, there is copious information on the negative effect noise has on a person's mental and physical health.

**WHEREAS**, the current ordinance uses terms such as "unreasonable" and "unnecessary". These terms are highly subjective making enforcement difficult.

**WHEREAS**, adding objective standards such as maximum sound levels and prescribed quiet times to the current ordinance can further strengthen the legality and enforceability of the current ordinance.

**WHEREAS**, objective standards and quiet time already exist in the Winslow Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Town Council of the Town of Winslow, Indiana that Section 6.03.010 is hereby amended to read as follows:

**6.03.010 Acts Prohibited.** The making of noise of a nature or volume, such that is enough to significantly interfere with the ordinary comforts of the occupants of adjoining property, or of other property in the immediate vicinity; including, but not limited to:

1. Unnecessary sounding of horns.
2. Racing the motor or causing the screeching or squealing of tires on a vehicle.
3. Operating vehicles with noise-making apparatus.
4. Operating sound tracks or public address systems
5. Playing radios, phonographs, disc or tape players, or television unnecessarily loudly.

### **Maximum permissible sound levels.**

1. No person shall cause, suffer, allow, or permit the operation of any source of sound in such a manner as to create a sound level that equals or exceeds the sound level limits set forth, that being 75 dB, when measured at or within the real property line of any receiving property.
2. Television or music amplification shall not be operated in such a manner that is plainly audible at a distance of 25 feet in any direction from the operator between the hours of 10:00 pm and 8:00 am.
3. No person shall operate, cause to operate, or use a motor vehicle so as to cause noise levels above 80 dB as a result of a defective or modified exhaust system, acceleration, deceleration, revving or tire squeal.
4. The provisions of this chapter shall not apply to the following:
  - A. Sound emitted by required emergency work, safety signals, or safety devices.
  - B. Sound emitted by authorized emergency vehicles.
  - C. Burglar alarms of motor vehicles.
  - D. Bells or chimes, including electronic devices that imitate the sound of bells or chimes while being used in conjunction with religious services.
  - E. National Weather Services systems used to warn the community of weather events or public danger.
  - F. Public celebrations, parades, events, and concerts which are school sponsored, government sponsored, or permitted by an authorized government entity, including, but not limited to, school marching bands and festivals.
  - G. Use of fireworks or explosive devices on approved dates and times
  - H. Temporary construction and demolition activity.
  - I. Lawn and garden equipment which is being operated between dawn and dusk, except that such equipment may not be operated prior to 7:00 am on Sunday.
  - J. Sound emitted by trash and solid waste hauler.

- K. Sound emitted by authorized municipal vehicles while in performance of official municipal functions.
- L. Sound emitted by cats, dogs and any other common pets, except for repeated and prolonged sound by such animals between 9:00 pm and 6:00 am.

**Measurement protocols.**

1. Measurements shall be taken at or within the real property line of the affected person or entity.
2. Measurements shall, to the extent practicable, be taken without interfering noise sources from the affected residence.
3. The investigator shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
4. The sound level meter shall be recalibrated at least once per year and a copy of written documentation of such recalibration shall be kept on file.