

ORDINANCE NO. 2010-009

A NOISE ORDINANCE TO GOVERN THE NOISE SOUND LEVELS AND ANY NOISE ISSUES ASSOCIATED THEREWITH

WHEREAS, the Town desires to provide for the public health and welfare of its residents by the establishment of method to monitor and govern noise levels; and

WHEREAS, in order to meet its obligations and responsibilities to its citizens, the Town of Culver has determine that certain levels of noise constitute an issue to the overall peacefulness of the community and environment.

WHEREAS, the Town may institute citation violations imposed by the Culver Police Department so long as such citation charges for noise violations are reasonable and just.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CULVER, INDIANA, as follows:

Section I: Noise Violations

No person or property owner of record 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, CD players, television sets, musical instruments, phonographs and cassette players, and fireworks, nor operate any motor vehicle that contains a modified or defective exhaust system, machine or tool at a unusually high noise level that constitutes a disturbance to the surrounding community or neighborhood.

Section II: Exemptions

The following are exempted from the provisions of this section:

- (1) Sounds emitted from authorized emergency vehicles.
- (2) Lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts and power tools, when properly muffled at a reasonable time of day.
- (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 sanctioned event 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 other any other work perform by the Town.
- (7) Sounds associated with the use of legal consumer fireworks during the following days or approved by Town Council.

June 29th to July 8th and December 31st to January 2nd

- (8) Garbage and refuse equipment
- (9) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on Town streets.
- (10) Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap.
- (11) Babies, infants or young children crying under the age of four years old.

III. Violation Penalty

A first time infraction violation of this ordinance may constitute a verbal or written warning citation issued by the Culver Police Department.

If a first time infraction warning is issued, any person and/or property owner of record who violates the provisions of Section I of this ordinance shall be guilty of an infraction, punishable by a fine of \$100.00 per offense and shall include any additional charges associated with collection and costs incurred by attorney fees.

PASSED and ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CULVER, MARSHALL COUNTY, INDIANA, 23 day of NOV, 2010

**TOWN COUNCIL
TOWN OF CULVER, INDIANA**

By Sally Ricciardi
Sally Ricciardi, President

By Ralph Winters
Ralph Winters

By Lynn Overmyer
Lynn Overmyer

By Edward Pinder
Edward Pinder

By Ginny Bess Munroe
Ginny Bess Munroe

ATTEST:

Casey Howard
Casey Howard, Clerk-Treasurer