

ORDINANCE NO. 2023-03

**AN ORDINANCE ESTABLISHING PUBLIC POLICY AS IT RELATES TO NOISE IN  
THE TOWN OF MONROVIA, INDIANA**

**WHEREAS**, the Town of Monrovia (hereinafter “Town”) is an incorporated town as defined by I.C. § 36-1-2-21; the Town Council of the Town of Monrovia (hereinafter “Council”) serves as its legislative body in accordance with I.C. § 36-5-2-2; and the President of the Town Council (hereinafter “President”) serves as its executive in accordance with I.C. § 36-5-2-7; and,

**WHEREAS**, to secure and promote the health, safety, welfare, prosperity, and comfort of persons in the Town by reducing unreasonable noise, and to effectively administer the needs of the Town and fulfill its duties and obligations to the Town, the Council believes that it is prudent and advisable to establish a noise ordinance.

**NOW THEREFORE BE IT ORDAINED** by the Monrovia Town Council, as follows:

**Declaration:**

(1) That the making of sound of a volume, frequency, pattern, or duration that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of persons of ordinary sensitivities within the Town has so increased as to constitute a public nuisance; and

(2) That the sole intent of the provisions of this ordinance is declared to be, as a matter of legislative determination, to secure and promote the health, safety, welfare, prosperity, comfort, and repose of persons in this Town by reducing unreasonable noise, and a determination of violation of this ordinance may not be based on the content of any message conveyed during the creation of any noise or the identity of any person responsible for or associated with the creation of any noise.

**Unlawful noises:**

For purposes of this Ordinance, unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the Town, given the time of day and environment in which the sound is made.

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonable noise.

In addition to the foregoing, any person who performs any of the acts enumerated in this subsection, or who causes or allows the performance of any of such acts in or upon any property owned, occupied, or controlled by him, shall be in violation of this section.

- a. *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle in a public street or public place of the Town, in a manner that makes unreasonable noise and continues to do so after being asked to stop.
- b. *Machines and devices for producing sound.* Playing, using, or operating, or permitting to be played, used, or operated, any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any machine or device for producing or reproducing sound in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect. The operation of any such machine or device in a manner that produces sound plainly audible to a person with normal hearing:

- (1) From any place other than the property on which the sound source is located when the machine or device is being operated between the hours of 10:00 p.m. and 7:00 a.m.;

- (2) From a distance greater than seventy-five (75) feet from the sound source of the machine or device when it is in any public street or public place of the Town; or

- c. *Yelling or shouting.* Yelling, shouting, hooting, whistling, or singing in any public street or public place of the city in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect.
- d. *Animals or birds.* The keeping of any animal or bird that makes unreasonable noise and the failure to prevent the continuation of the unreasonable noise after being asked to do so.
- e. *Exhausts blowers, engines, and motors.* The operation or use of any engine, motor, power unit on a motorboat, motor vehicle, motorcycle, or other vehicle or craft of any kind, blower or power fan in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect; or operation or possession in any public street or public place of the city of any motor vehicle, motorcycle, or other machine powered by an engine or motor equipped with straight pipes, baffles, muffler cutouts, bypasses, an expansion chamber, or any exhaust system constructed or capable of being operated so that the exhaust bypasses the muffler or noise-reducing device, except when a permit granted therefor for some special occasion is in effect. Operation or possession of any engine, motor, power unit, blower, or power fan not equipped with a muffler or other noise-reducing device that complies with applicable federal, state, and local standards:

- (1) In any public street or public place of the Town between the hours of 10:00 p.m. and 7:00 a.m.; or

- (2) Between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located, shall be prima facie evidence of a violation of this subsection. This subsection shall not apply to persons who are entrants or participants in a

scheduled race or sporting event that involves the use of racing motor vehicles or equipment while involved in such activities, nor to owners or operators of equipment or devices used in the construction, demolition, or similar labor or maintenance trades.

*f. Defect in vehicle or load.* The use of any automobile, motorcycle, or other vehicle so out of repair, or so loaded, or in such manner as to create unreasonable grating, grinding, rattling, or other noise and continuing to do so after being asked to stop.

*g. Construction or repairing of buildings.* The erection, demolition, alteration, or repair of any building, or the excavation therefor between the hours of 7:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of construction and business services of the department of business and neighborhood services, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues; or

(1) When being operated by a public utility in connection with emergency repairs of such utility; or

(2) If the Town legislative body determines that the public health and safety will not be impaired by sound made by such operation between the hours of 7:00 p.m. and 7:00 a.m., and that loss or inconvenience would result to any party in interest, and the division grants permission for such operation between the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is issued or during the progress of the work.

*h. Vendor's vehicle.* Using, operating or playing, or permitting to be used, operated, or played, any bell, radio, musical instrument, loudspeaker, sound amplifier, or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in any public street or public place of the city, which equipment is set to produce any noise, music, or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use or operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m., in any public street or public place; or the operation of such sound-producing equipment on any vehicle moving along or upon any public street or public place.

*i. Exceptions to the designated unlawful noise includes sounds associated with the use of legal consumer fireworks during the following days and times:*

(1) Between the hours of 5:00 pm and two (2) hours after sunset on June 29<sup>th</sup> through July 3<sup>rd</sup>, and July 5<sup>th</sup> through July 9<sup>th</sup>.

(2) Between the hours of 10:00 am and 12:00 midnight on July 4<sup>th</sup>.

(3) Between the hours of 10:00 am on December 31<sup>st</sup>, and 1:00 am on January 1<sup>st</sup>.

The first violation in any twelve-month period shall be subject to admission of violation and issuance of a warning letter/citation. All second and subsequent violations in any twelve-month period are subject to the enforcement procedures and penalties provided in Chapter 34.04 (Ordinance Violations Bureau – Schedule of Fines) of this Code, and the fine imposed for second and subsequent violation in any twelve-month period shall not exceed one

hundred dollars (\$100.00), and the fine for any subsequent violation in any twelve (12) month from the first violation period shall not exceed two hundred dollars (\$200.00).

This Ordinance shall be codified in the Town of Monrovia Code of Ordinances, as Chapter 96.

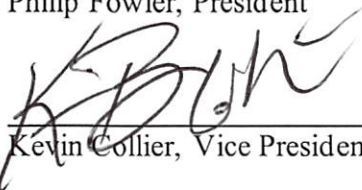
This Ordinance is effective upon passage.

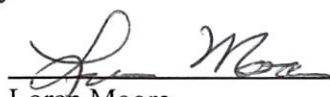
ALL OF WHICH IS APPROVED AND ORDAINED, this 30<sup>th</sup> day of May

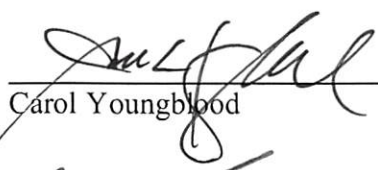
\_\_\_\_\_, 2023.

MONROVIA TOWN COUNCIL

\_\_\_\_\_  
Philip Fowler, President


  
\_\_\_\_\_  
Kevin Collier, Vice President

  
\_\_\_\_\_  
Loren Moore

  
\_\_\_\_\_  
Carol Youngblood

  
\_\_\_\_\_  
Dustin Kaufman

ATTEST:

  
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Stephanie Ramirez, Clerk-Treasurer