

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING SECTIONS OF CHAPTER 95 OF TITLE IX OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town pursuant to Indiana Code § 36-8-2-8 may regulate the introduction of any substance or odor into the air, or any generation of sound; and

WHEREAS, the Town pursuant to Indiana’s Home Rule statutes, Indiana Code § 36-1-3-1, et seq., the Town may exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and

WHEREAS, the Council has determined that the creation of excessive noise and sound within the corporate limits of Town is a detriment to the public health, safety and welfare and the quality of life of the citizens of the Town; and

WHEREAS, it is the policy of the Town to prevent excessive noise and sound in order to preserve, protect and promote the health, safety and welfare and the quality of life of its citizens; and

WHEREAS, Chapter 95 of Title IX of the Code of Ordinances for the Town (the “Code”) concerns the regulation of loud and unnecessary noises in the Town; and

WHEREAS, the Council has seen fit to amend certain provisions of the Code relating to loud and unnecessary noises for the benefit of the residents and industries of the Town; and

WHEREAS, pursuant to Sec. 95.51(C) of the Code, the Town has advertised the proposed revisions to the Code provided for in this Ordinance for more than one (1) month prior to adoption.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Section 95.50 of the Code, entitled “Sound Pressure Level or Noise Measurement”, is hereby deleted and replaced in its entirety by new Section 95.50 entitled “Definitions” as set forth on Exhibit A attached hereto and incorporated herein.

- Section 3. As of the effective date of this Ordinance, Section 95.51 of the Code, entitled “Sound Pressure Level Limits in Db(A) For Single Noise or Sound Sources in Residential, Business, and Manufacturing Zones”, is hereby deleted and replaced in its entirety by new Section 95.51 entitled “Sound Levels by Receiving Land Use” as set forth on Exhibit B attached hereto and incorporated herein.
- Section 4. As of the effective date of this Ordinance, Section 95.52 of the Code, entitled “Noises Prohibited”, is hereby deleted and replaced in its entirety by new Section 95.52 entitled “Prohibited Noises; Noise Level Standards for Sound Amplification Systems and Motor Vehicles; Other Prohibited Noises” as set forth on Exhibit C attached hereto and incorporated herein.
- Section 5. As of the effective date of this Ordinance, Section 95.53 of the Code, entitled “Exemptions”, is hereby amended and replaced in its entirety by new Section 95.53 as set forth on Exhibit D attached hereto and incorporated herein.
- Section 6. As of the effective date of this Ordinance, Section 95.56 of the Code, entitled “Noise Enforcement”, is hereby amended and replaced in its entirety by new Section 95.53 as set forth on Exhibit E attached hereto and incorporated herein.
- Section 7. As of the effective date of this Ordinance, Section 95.55 of the Code, entitled “Other Noises Prohibited: Standards for Unnecessary Noises”, is hereby deleted in its entirety.
- Section 8. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.
- Section 9. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Code that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.
- Section 10. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.
- Section 11. This Ordinance shall be in full force and effect from and after its adoption in accordance with Indiana Law, and upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

95.50 DEFINITIONS

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A. For the purposes of this ordinance, the following words, terms and phrases shall have the meanings set forth:

- (1) “Commercial area” shall mean any parcel of land zoned as B-1, B-2, or B-3 under the Zoning Ordinance.
- (2) “dB(A)” shall mean the intensity of a sound expressed in decibels read from a calibrated sound level meter using the A-level weighting scale and the slow meter response, as specified by the American National Standards Institute (or its successor).
- (3) “Decibel” shall mean a unit measure of sound level. The symbol is dB.
- (4) “Domestic power equipment” shall mean any equipment or device rated at 20 horsepower or less and used for home or building repairs and grounds maintenance.
- (5) “Emergency work” shall mean any activities performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by existing or imminent peril.
- (6) “Industrial area” shall mean any parcel of land zoned as M-1 or M-2 under the Zoning Ordinance.
- (7) “Motor Vehicle” shall mean a vehicle that is self-propelled.
- (8) “Person” shall mean any individual, association, partnership or corporation.
- (9) “Premises” shall mean a tract of land including its buildings and structures.
- (10) “Property line” shall mean the real or imaginary line and its vertical extension which separates the real property owned, leased or occupied by any person from contiguous real property owned, leased or occupied by any other person.
- (11) “Public property” shall mean all real property which is owned or controlled by a governmental entity, and shall include any public rights-of-way, public buildings, parks and waterways.
- (12) “Public right-of-way” shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity.

(13) “Residential area” shall mean any parcel of land zoned as R-1, R-2, R-3, or A-1 under the Zoning Ordinance.

(14) “Sound amplification system” shall mean any apparatus used for the amplification of sounds from any radio, tape player, cassette player, compact disc player, loudspeaker, sound amplifier, alarm or other sound-generating device, including any apparatus for the amplification of the human voice.

(15) “Unreasonable Noise” shall mean a 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 corporate boundaries of the Town, given the time of day or environment in which the sound is made.

(16) “Zoning Ordinance” shall mean the Elkhart County Development Ordinance as adopted by the Town Council and may be amended from time to time.

EXHIBIT B

95.51 SOUND LEVELS BY RECEIVING LAND USE

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A. No person shall create, cause to be created, permit to be created, or otherwise generate any source of sound in a manner that creates a sound level which exceeds the following limits for the receiving land use category when measured at or within the property line of the receiving land use as set forth in the following table:

SOUND LEVEL LIMITS BY RECEIVING LAND USE		
Receiving Land Use Category	Time	Sound Level Limit
Residential Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Commercial Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Industrial Area	All Times	80 dB(A)

B. The Town Council is empowered to review and adjust these levels.

C. This section does not apply to motor vehicles or sound amplification systems operated on public property.

EXHIBIT C

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES.

A. Except as otherwise provided in this ordinance, 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 property or personal property within the Town limits occupied or controlled by that person.

B. Sound Amplification Systems.

(1) No person shall play, use, operate or permit to be played, used or operated any sound amplification system if it is located in or on any public property or any motor vehicle on a public street, alley, highway, park or other public property, if the sound generated is plainly audible to any other person measured at a distance at least 100 feet from the sound amplification system.

C. Motor Vehicle Noises.

(1) No person shall operate any motor vehicle on a public street, alley, highway, park or other public property in which the engine, muffler, exhaust and/or other noise control equipment have been altered, removed or maintained in such disrepair as to generate a sound plainly audible to any other person measured at a distance at least 100 feet from the motor vehicle.

(2) No Person shall operate or use any motor vehicle in such a manner to create unreasonable noise from squealing of tires or grating, grinding, rattling or other noises from disrepair.

(3) No person operating a motor vehicle containing a jake brake shall apply the jake brake within the Town limits.

(4) Except as used for warning purposes, no person shall use, operate or sound any horn or other signaling device on any motor vehicle on a public street, road, alley, highway, park or other public property for any unreasonable period of time.

(5) No person shall play, use, or operate or allow to be played, used, or operated in or on any motor vehicle any sound amplification system at a volume that is louder than necessary for the convenient hearing of persons who are inside the motor vehicle within which such device is played, used or operated.

D. Noises from Premises.

(1) No person shall play, use, or operate or allow to be played, used, or operated on a premises any sound amplification system in such a manner that the sound produced causes unreasonable noise heard beyond the boundaries of the premises by a person with normal hearing.

(2) No person shall keep any animal, including but not limited to dogs and birds, on a premises that causes unreasonable noise clearly audible to a person from any place other than the premises from which the animal is located.

E. No person shall create any unnecessary, loud, disturbing, or offensive noise on any street, sidewalk, or public place adjacent to any school, an institution of learning, library, or church while any of the same is in use.

F. Except as may otherwise be provided, measurement of the audible sound under this section shall be by the auditory senses and based upon direct line of sight.

EXHIBIT D

95.53 EXEMPTIONS

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A. The sound levels in Sections 95.51 and 95.52 shall not apply to sounds emitted from:

- (1) Authorized emergency vehicles, public safety vehicles or from public safety officials acting in the scope of their authority.
- (2) Vehicle horns, sirens or other devices used as a warning of danger or an emergency.
- (3) Passing trains; provided, however, that excessive use of railroad train signaling devices will be considered violations of this Code section.
- (4) Properly operating building alarms or vehicle alarms.
- (5) Stationary emergency signaling devices, such as severe weather sirens.
- (6) Any emergency work.
- (7) Communication of any message in any public forum between the hours of 8:00 a.m. and 8:00 p.m.
- (8) Any activity authorized by the Town Council or any other governmental body having jurisdiction and control over the property, including parades, festivals, sporting events, concerts or firework displays.
- (9) Any recreational and educational activity including, but not limited to, school bands and neighborhood ball games; however, any recreational or educational activity taking place between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.
- (10) Any construction equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment shall be equipped with a properly installed muffler in good working order. Construction equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.
- (11) Any detonation of explosives used to fragment rock for mining, quarrying, excavation and construction.
- (12) Any domestic power equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment does not exceed a sound level of 80 dB(A) when

measured at a minimum of 25 feet from the noise source. Domestic power equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(13) Licensed refuse collection vehicles operated during the time period between 7:00 a.m. and 10:00 p.m. Sounds emitted from licensed refuse collection vehicles operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(14) Aircraft.

(15) Noise sources within multi-family dwellings, offices, apartment complexes, condominiums, and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, office, complex or building.

(16) Lawn maintenance and tree service equipment (i.e., chain saws, blowers, mowers) when operated between the hours of 9:00 a.m. and 7:00 p.m.

(17) Legal consumer fireworks properly used during the times allowed by the State of Indiana.

(18) Church or worship center bells sounded in conjunction with a function or service.

(19) Activities of a temporary duration permitted by law and for which a license or permit, has been granted by the Town in accordance with Section 95.54. Regulation of noises emanating from operations under the permit will be according to the conditions and limits stated on the permit or license.

EXHIBIT E

95.56 NOISE ENFORCEMENT

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- A. This ordinance may be enforced by the authorized agents of the Town Council or by a law enforcement agency.
- B. A citation may be issued for a violation under this ordinance, subjecting the violator to a fine up to Five hundred Dollars (\$500.00). Each day that a violation occurs is a separate offense.
- C. The citation shall be filed with the Clerk-Treasurer or with any court of competent jurisdiction in Elkhart County, Indiana.
- D. Upon written notices of a violation by the same person for the same offense three (3) times within a consecutive twelve (12) month period, when such noise is created by the same noise emitter or the same type of noise emitter, the noise creating device may be ordered by the enforcement officer to cease being used or operated until it can be brought into compliance with this Ordinance.
- E. For the purposes of this ordinance, the violator shall be the person or persons who created, caused to be created, permitted to be created or otherwise generated any source of sound in a manner that creates a sound level exceeding the limits for the receiving land use category as established by this ordinance; the person or persons in possession of a sound amplification system played, used or operated in violation of this ordinance; or the person in control of a motor vehicle operating in violation of this ordinance.