

Town of Georgetown, IN

Ordinance # 04- 18

AN ORDINANCE CREATING NOISE RESTRICTIONS INSIDE OF THE TOWN LIMITS OF GEORGETOWN.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA THAT:

WHEREAS, the Town Council of Georgetown's job is to protect the quality of life for the citizens of Georgetown; and,

WHEREAS, the Town Council believes that controlling excessive noise within the Town limits is one such means of maintaining a good quality of life for its citizens; and,

WHEREAS, there is extensive research demonstrating that excessive sound is detrimental to the public health, safety, and welfare of all human beings.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1. DEFINITIONS

Noise Disturbance: any sound that:

- a. Disturbs a reasonable person of normal sensitivities, or
- b. Exceeds the sound level limit of 85 decibels, as measured by a sound level meter, AKA Decibel Meter, or
- c. Is *plainly audible*, which is defined as noise that can be heard a minimum of 200 feet from the property line of the source of the noise. This type of noise includes amplified music, musical instruments, televisions, radios and non-amplified human voices ("yelling, shouting, whistling, hooting, or generally creating a racket").

SECTION 2. ENFORCEMENT

The Georgetown Police Department has the responsibility of enforcing the Noise Ordinance. This shall be accomplished through *education of the public* and *strict enforcement* of the ordinance.

Officers shall enforce this Noise Ordinance by measuring the loudness of sounds about which complaints have been received with the Town's decibel meter. In the event the volume of the sound is blatantly loud, the officer may elect to silence the noise prior to making official measurement of same with the decibel meter. The decibel meter shall be calibrated at least once every 1 yr to insure its measurement accuracy.

Officers shall enforce this Noise Ordinance by issuing a Warning Notice or a Complaint and Summons to the violator.

If an Officer determines that there is a noise violation, a Warning Notice is issued to the violator for the first incident. The warning remains in effect for 90 days. If another noise violation occurs within 90 days, the violator is issued a Complaint and Summons, and a new 90-day period begins. Warning Notices and Complaint and Summons are recorded at the Police Department. Fines for noise violations are:

1st Offense: Warning Notice, in effect for 90 days, no fine

2nd Offense: within 90 days of a Warning Notice, issue a Complaint and Summons with a \$50.00 fine

3rd Offense: within 90 days of the first Complaint and Summons, issue a Complaint and Summons with a \$100.00 fine

4th Offense: within 90 days of the second Complaint and Summons, issue a Complaint and Summons with a mandatory court appearance, and a fine to be determined up to \$500.00

PLEASE NOTE: All ordinance violations require the violator's signature when issued. Warning Notices and Complaint and Summons are issued to *people or business names*, not locations.

SECTION 3. COMPLAINTS

To report a perceived Noise Violation:

- a. Call the Floyd County Police Dispatch at 948-5400.
- b. Give the call taker the following information:
 - That you are a citizen of Georgetown and you want to report a Noise complaint.
 - Your name, address, and phone number. You may wish to remain anonymous, but this information is helpful in successful enforcement of the ordinance. It is required to enforce a noise violation based solely on disturbing a reasonable person of normal sensitivities.
 - Location of the source of the noise disturbance, an address if possible.
 - Description of the type of noise, such as loud music, a barking dog, a loud party, etc., and how long the disturbance has been going on.
 - Be as descriptive as possible. Is there also a large crowd or a parking problem? Is there an alcohol related problem, such as people with open containers of alcohol on public streets, or underage drinking?

- c. Due to other calls for officer assistance it may take awhile for an officer to respond. Please be patient, your call is important.

SECTION 4. EXAMPLES OF COMMON NOISE VIOLATIONS

LOUD PARTY: An Officer will determine if the noise (loud music, instruments or non-amplified human voices - yelling, shouting) can be heard 200 feet from the property line of the source of the noise.

BARKING DOG: An officer will determine if the animal creates a noise disturbance across a residential property line, during any time of the day. Enforcement will be taken if an officer hears the barking for 10 consecutive minutes or 30 intermittent minutes between the hours of 10:00 PM and 8:00 AM.

CONSTRUCTION: Prohibited between 9:00 PM and 6:00 AM if an officer determines that a noise disturbance is occurring across property lines.

DOMESTIC POWER TOOLS: Prohibited outdoors between 10:00 PM and 8:00 AM if an officer determines that a noise disturbance is occurring by use of the decibel meter.

APARTMENTS: Loud stereos or noise that does not violate other provisions of the ordinance, but "disturbs a reasonable person of normal sensitivities", is also prohibited.

LOUD CAR STEREO: On public roads officers can issue a Georgetown Ordinance Violation Citation if the music is audible 100 feet away and/or exceeds the minimum decibel level set forth in Section 1, above. On private property an officer will enforce the city Noise Ordinance and use the plainly audible 200-foot rule and/or exceeds the minimum decibel level set forth in Section 1.

SECTION 5. EXCEPTIONS

The following incidences are NOT subject to this ordinance:

EMERGENCY SERVICE SIRENS: Nothing in this ordinance shall be construed to suggest the sirens used for public safety and public notifications are in violation of this ordinance.

RAILROAD WHISTLES AT CROSSINGS: Engineers of the commercial railroads are required by Federal Law to sound their whistles as they approach surface highway intersections with the railroad tracks. These soundings are not, therefore subject to this ordinance.

SPECIAL EVENTS AT TOWN PARKS: The Town of Georgetown may authorize the use of public address systems at its parks, on special occasions in other areas, for public recreation. The noise from these events is NOT subject to this ordinance so long as said noise stops before 10 PM on week nights and 11 PM on weekend nights.

OTHER SPECIAL EVENTS AUTHORIZED SPECIFICALLY BY THE TOWN COUNCIL: The Georgetown Town Council may exempt a special event for a given date and time range from this ordinance.

SECTION 6. FINE PAYMENT

Fine monies shall be paid to the Town's Fine Clerk, in the Town Clerk/Treasurer's Office. Appeals and challenges to the citation shall be taken to the Floyd County Court System, just like other Town Ordinance violations.

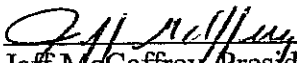
SECTION 7. SEVERABILITY

Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.

This ordinance shall be in full force and effect 30 days after adoption by the Town Council.

NOW, THEREFORE, BE IT FURTHER ORDAINED that all Ordinances of the Town of Georgetown, Indiana which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

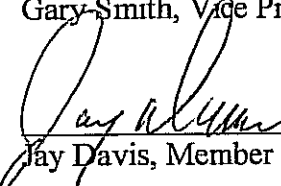
Adopted by the Town Council of the Town of Georgetown, Indiana, this 24 day of June, 2004.



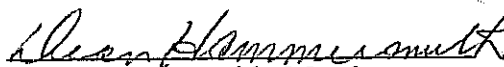
Jeff McCaffrey, President



Gary Smith, Vice President



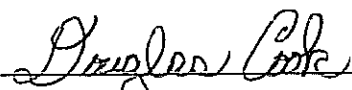
Jay Davis, Member



Dean Hammersmith, Member

J. Renfro, Member

ATTEST:



Georgetown Ordinance # 04-_____

Town of Georgetown

Decibel Meter Readings Report

June 24, 2004

<u>Event/Activity</u>	<u>Decibel Reading</u>
Talking inside of Town Hall, normal conversational voices.....	35-40
Yelling inside of Town Hall.....	50
Old vacuum cleaner in Town Hall.....	75
Weedeater @ 50'	68.6
Lawn mower (push) @ 50'	69.1
Chain saw @ 100'	78.6
Chain saw @ 50'	85.9
Chain saw @ 25'	90.2
RR locomotive @ 100'	99.6

Note: The decibel meter scale is NOT a standard scale, that is to say, 70 decibels is not just twice 35 decibels, but more like 3-5 times as loud.