

Commissioner has given the owner notification and at least ten days have passed since such notification, the Building Commissioner may, acting through the Board of Public Safety, cause the premises to be brought into compliance with applicable city standards in the following manner:

(1) The property owner shall be notified in writing and such notice shall state the following information:

(a) The nature of the violation found on the owner's property;

(b) That unless the violation is abated within ten days after delivery of such notice, or a longer time as is specified in the notice, the city or its contractors may enter onto the real property to abate the violation and that the costs incurred in abating the violation, including any administrative costs, will be assessed against the property owner; and

(c) That the property owner may appeal a finding of violation by appearing before the Board of Public Safety at a time, date and place set forth in the notice.

(2) If the property owner's address is unknown, the owner shall be notified by publication in one daily newspaper of general circulation published in the city, once each week for two consecutive weeks; and

(3) Upon finding that the property owner has not abated the violation within the prescribed time, the Board of Public Safety may issue an order authorizing the Building Commissioner, his or her agent or contractors to enter onto the real property to abate the violation.

(C) After the Building Commissioner has caused the violation to be abated, the Building Commissioner shall determine the costs incurred for abating the violation, including any administrative cost and shall give the property owner written notice of such bill, including the following information:

(1) That if the bill is not paid within 30 days from the time the property owner is given notice of the bill, the Building Commissioner may certify to the Madison County Auditor the amount of the bill, including the administrative costs, plus any additional certification costs, which may then be collected as delinquent taxes are collected, pursuant to I.C. 36-1-6-2;

(2) That the property owner may appeal the bill by appearing before the Board of Public Safety at a time, date and place stated in the notice; and

(3) That if the owner of the real property fails to pay a bill issued under this section within the time specified, the Building Commissioner shall certify to the Madison County Auditor the amount of the bill, with any additional administrative costs incurred for certification. The Auditor shall place the total amount certified on the tax duplicate for the property affected and the total amount shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the city.

(D) If the owner of real property fails to pay a bill due under division (C) of this section, the Building Commissioner shall certify to the Madison County Auditor the amount of the bill, with any additional administrative costs incurred for certification. Pursuant to I.C. 36-1-6-2, the Auditor shall place the total amount certified on the tax duplicate for the property affected and the total amount shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the city.

(Ord. 14-04, passed 3-11-04; Am. Ord. 57-06, passed 7-13-06)

## ***NOISE CONTROL***

### **§ 94.40 SCOPE.**

The provisions of this subchapter shall apply to the control of all noise within the city limits, as it now exists or may hereafter be established.

(Ord. 10-96, passed 4-11-96)

**§ 94.41 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**MOTOR VEHICLE.** Any vehicle powered by a mechanical engine, and designed to be driven or used on any public or private property. Such definition shall include, but not be limited to: automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, and trail bikes.

**PERSON.** Any individual, association, partnership, joint venture, or corporation which includes any officer, and employee, department, agency or instrumentality thereof.  
(Ord. 10-96, passed 4-11-96)

**§ 94.42 LOUD AND UNNECESSARY NOISE PROHIBITED.**

(A) It shall be a violation of this subchapter for a person to make any loud, raucous, improper, unreasonable, offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city, or to permit such noise, disorder or tumult to be made in or about his or her house or premises, and the same is hereby declared to be a public nuisance.

(B) Further, it shall be the duty of every owner, occupant, manager, agent or operator of any property, structure, vehicle, or business in the city, to prevent persons using property under their control from violating this subchapter.  
(Ord. 10-96, passed 4-11-96) Penalty, see § 94.99

**§ 94.43 PROHIBITED ACTS.**

The following acts, uses or noises, among others, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this subchapter. Such enumeration shall not be deemed to be exclusive:

(A) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener.

(B) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purpose of commercial advertising or to attract attention to any activity, performance, sale, place or structure.

(C) Using, operating or permitting the use of operation of any machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle.

(D) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.  
(Ord. 10-96, passed 4-11-96)

**§ 94.44 PROHIBITED NOISE.**

No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(A) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source.

(B) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is

audible at a distance of 30 feet from the device producing the sound.

(Ord. 10-96, passed 4-11-96) Penalty, see § 94.99

#### § 94.45 EXEMPTIONS.

Exemptions shall not be permitted within any duly established "Quiet Zone" when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this subchapter:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 7:00 a.m. and 9:00 p.m.

(C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(D) Celebrations on Halloween and legal holidays.

(E) Permitted parades or festivals.

(F) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

(G) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

(H) Sounds associated with the normal conduction of a legally established nontransient business within the normal range appropriate for such use.

(I) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven calendar days.

(Ord. 10-96, passed 4-11-96)

#### § 94.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be fined not more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(B) Whoever violates § 94.20, 94.21 or 94.31 shall, upon finding that a violation occurred, be fined not less than \$75 nor more than \$500. If a person violates §§ 94.23 or 94.32 by failing to correct a violation referenced therein within ten calendar days after receiving notice of the violation from the city, the person shall be fined not less than \$150 nor more than \$500. If a person fails to correct a violation of any of the aforementioned sections within 20 calendar days after receiving notice of the violation from the city, the person shall be fined not less than \$300 nor more than \$1,000. If a person suffers a second or subsequent judgment hereunder within two calendar years from his or her last judgment, the person shall be fined not less than \$250, nor more than \$1,000.

(Am. Ord. 31-81, passed 5-22-81; Am. Ord. 77-85, passed 11-14-85; Am. Ord. 17-90, passed 4-12-90)

(C) Whoever violates any of the provisions of §§ 94.40 through and including 94.45 of this chapter shall, upon conviction thereof, be fined a sum of not less than \$175 for the first offense, a sum of not less than \$275 for the second offense, and a sum of not less than \$500 nor more than \$1,000 for a third or each subsequent offense. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 10-96, passed 4-11-96; Am. Ord. 53-04, passed 8-12-04)