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Carmel City Code

§ 6-158 Noise Regulations.

(a) No person shall play, within the City's corporate limits, use or operate any machine, motor vehicle, device, or thing that produces or reproduces sound if the sound therefrom generated made, caused or otherwise emitted is:

- (1) Audible 50 feet or more from its source,
- (2) At a level that exceeds that permitted on the chart below for a period of five minutes or more within any 30 minute period of time, when measured on a dB(A) scale from a distance of not less than 50 feet from its source, or
- (3) At a level of more than 70 decibels for any period of time, when measured on a dB(A) scale from a distance of not less than 50 feet from its source.

<i>Zoning District</i>	<i>Time Period</i>	<i>Noise Level (dBA)</i>
S-1, S-2, R-1, R-2, R-3, R-4, R-5	8:00 a.m. - 10:00 p.m. 10:00 p.m. - 8:00 a.m.	55 50
B-1, B-2, B-3, B-5, B-6, B-7, B-8, C-1, C-2, OM, PM, PUD, P-1	7:00 a.m. - 11:00 p.m. 11:00 p.m. - 7:00 a.m.	60 50
I-1, M-1, M-3, AG-1	Anytime	70

(b) 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, between the hours of 6:00 a.m. and 10:00 p.m. only.
- (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) Parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, and artistic performances, as well as any rehearsals for same, and all other events authorized by the Board of Public Works and Safety or other appropriate governmental entity.
- (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, repair or other work.
- (7) Sounds associated with the use of legal consumer fireworks during the following days and times:
 - a. Between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9;
 - b. Between the hours of 10:00 a.m. and 12:00 midnight on July 4;

c. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(8) Sounds associated with the use of the Carmel Police Department Firing Range.

(9) Sounds associated with the normal conduct of legally established non-transient businesses, organizations and governmental entities, when such sounds are customary, incidental and within the normal range appropriate for such use.

(10) Rubbish collection utilizing any mechanical equipment between the hours of 6:00 a.m. and 9:00 p.m. only.

(11) 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 City streets.

(12) Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap.

(13) Sounds associated with the operation of aircraft or snow removal equipment.

(14) Sounds associated with church and temple bells and chimes, and with mosque minarets.

(15) Sounds associated with building construction between the hours of 7:00 a.m. and 9:00 p.m. only, as well as, and to the extent that, such construction is necessitated at other times due to a bona fide "emergency", as that term is defined in *I. C., 36-1-2-4.5*, as the same may be amended from time to time.

(16) Reserved.

(c) No person shall keep any animal which, by causing frequent or long-continuing noise that is audible 50 feet or more from its source when the animal is on public property or 50 feet or more outside of a private property line when the animal is on private property, does disturb the comfort or repose of any other person.

(d) Any person who violates the provisions of this section shall be guilty of an infraction, punishable by a fine of not more than:

(1) First offense: Up to \$250;

(2) Second offense: Up to \$500;

(3) Third offense: Up to \$1,000;

(4) Fourth and subsequent offenses:

Up to \$2,500.

(e) The Carmel City Court shall be the court of proper venue and jurisdiction for the enforcement of this section.

(f) Citations for violation of this section may be issued by any sworn member of the Carmel Metropolitan Police Department and, additionally, in or on Carmel Clay Schools property only, by any sworn special police officer appointed under *I.C., 36-8-3-7* to serve the Carmel Clay Schools.

(g) For purposes of this section, the following definitions shall apply:

Ambient noise level. The A-weighted sound pressure level of all the encompassing noise associated with a given environment, being usually a composite of sounds from many sources. If possible, ambient noise level shall be measured at the same location as the measurement taken of the alleged offending noise source. If the alleged offending noise source is continuous and cannot reasonably be discontinued or stopped for the time necessary to measure the ambient noise level, the ambient noise level shall be determined by traveling away from the noise source to a point whereat a steady decibel reading can be achieved and that is at least four feet from any wall or similar reflecting surface. If this is not reasonably possible, the noise level measured while the alleged offending noise source is in operation shall be

compared directly to the noise level standards set forth in this section.

Stationary noise source. Any sound amplifying equipment and any other object, motor vehicle, facility, and/or source, whether fixed or movable, that is capable of emitting audible sound.

(’91 Code, § 6-158) (Ord. D-1416-99, 8-2-99; Ord. D-1447, 12-20-99; Ord. D-1968-09, As Amended, 11-16-09; Ord. D-2162-13, As Amended, 7-21-14)

Statutory reference:

Regulation of air and sound authorized, see I.C., 36-8-2-8