

elements. Also, Owners shall maintain the surface area from the property line to the center of any alley abutting the property. The alley maintenance shall be limited to normal lot or yard maintenance which includes maintenance or removal of vegetation, garbage, trash and waste substances. (Gen. Ord. No. 20, 2001, 11-8-01)

Sec. 6-161 Reserved for Future Use.

ARTICLE 10. SPECIFIC NOISE REGULATIONS.

Sec. 6-162 Public Purpose Declared.

It is found and declared that:

a. The making and creation of loud, unnecessary or unusual noises within the limits of the City of Terre Haute is a condition which has existed for some time and the extent and volume of such noises is increasing;

b. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Terre Haute; and

c. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Terre Haute and its inhabitants. (Gen. Ord. No. 8, 1948, § 1, 1-3-49, *Journal of Common Council*, pp. 7-10)

Sec. 6-163 Unnecessary Noises Prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noises or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City of Terre Haute. (Gen. Ord. No. 8, 1948, § 2, 1-3-49, *Journal of Common Council*, pp. 7-10)

Sec. 6-164 Violations Declared.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Article, but said enumeration shall not be deemed to be exclusive, namely:

a. **Horns, Signaling Devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any

unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b. **Radios, Phonographs, etc.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a 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 or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this Article.

c. **Loud Speakers, Amplifiers for Advertising.** The using, operating or permitting to be played/used, or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

d. **Yelling, Shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

e. **Animals, Birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

f. **Steam Whistles.** The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request prevent loud or explosive noises therefrom.

g. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

h. **Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

i. **Schools, Courts, Churches, Hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of 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 disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court, street.

j. **Hawkers, Peddlers.** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

k. **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

l. **Metal Rails, Pillars, and Columns, Transportation Thereof.** The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

m. **Pile Drivers, Hammers, etc.** The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise. (Gen. Ord. No. 8, 1948, 1-3-49, *Journal of Common Council*, pp. 7-10)

Sec. 6-165 Penalties.

Any person who violates any provision of this Article shall be fined as set forth in the chart subject to payment through the Ordinance Violation Bureau. (Gen. Ord. No. 8, 1948, § 4, 1-3-49; *Journal of Common Council*, pp. 7-10)

Sec. 6-166 Noise from Vehicles.

a. It shall be a violation of this Article for any person to cause, allow or permit noise, music, and sounds from radios, stereos, and amplifiers, to be audible from ten feet (10') of a moving or stationary vehicle.

b. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See § 2-140 of this *Code*). All second and subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by state statute and local ordinance. (Gen. Ord. No. 13, 1998, § 1, 9-10-98)

Sec. 6-167 Reserved for Future Use.

ARTICLE 11. WEEDS, GRASS AND RANK VEGETATION CONTROL.¹¹⁸

Sec. 6-168 Title.

¹¹⁸ *I.C.* § 36-7-10.1-3, authorizes the City to remove weeds and rank vegetation and to collect monies for the same.