

Reserved. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.229.]

16.05.360 Fees – Deposit.

All fees and penalties shall be deposited in the General Fund of the City. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.230.]

16.05.370 Testing.

(A) The Evansville EPA is authorized to conduct a test necessary for detection of pollution.

(B) The Evansville EPA shall notify affected parties of the necessity for testing. The affected parties may elect to perform the necessary tests; provided, however, the Evansville EPA must receive notice of the time and date of the test a minimum of five business days prior to the date of the test. The Evansville EPA may elect to be present during any or all of the testing.

(C) The Director may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with [326 IAC 3](#) or other methods approved by the Director, the Commissioner or the U.S. EPA. This section applies to all sources subject to the requirements of EMC [16.05.270](#). [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.233.]

16.05.380 Rules.

The agency with the approval of the board, or the board, may establish reasonable rules and regulations for the effective implementation of this chapter. The rules must be approved in writing by the City's Legal Department. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.235.]

16.05.390 Regulation of noise.

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

“Affected district” means the area composed of all receiving properties as defined by this section.

“Ambient sound level” means the level of sound associated with a given environment.

“A-scale sound level (dB(A))” means the sound level in decibels as measured by the A-weighting network of a sound level meter.

“Commercial” means property having a zoning designation of C1, C2, C3, C4, M1 or M2 and operating in conformance with said zoning designation.

“Construction” means the on-site erection, fabrication, installation, alteration, demolition, or removal of a structure or part of a structure and activities related thereto, including, by way of example and not of limitation, earth moving, pile driving, and unloading of materials.

“Decibel (dB)” means a unit of measure on a logarithmic scale of the magnitude of a particular sound pressure as compared to a standard reference pressure. That reference pressure, for purposes of this section, is 0.0002 microbars or 20 micropascals.

“Industrial” means property having a zoning designation of M1 or M2 and operating in conformance with said zoning designation.

“Noise” means commercial or industrial sound which exceeds allowable standards.

“Receiving property” means a parcel of property upon which a specified sound can be heard, excluding the

parcel of property upon which the sound is produced.

“Residential” means property having a zoning designation of R1, R2, R3, R4 or R5 and operating in conformance with said zoning designation.

“Sound shielding device” means a device, of whatever nature, which brings sound pressure levels into compliance with applicable standards. A sound shielding device may, for example, consist of a privacy fence or wall placed between a sound source and a receiving property.

(B) The following are exempted from the provisions of this section:

(1) Sound emitted by required safety signals, safety devices, and unregulated safety valves.

(2) Sound emitted by sirens of authorized emergency vehicles.

(3) Sound caused by parades, outdoor concerts, sporting events, fireworks, automobiles, passenger trucks, motorcycles, locomotives, or other vehicles used for transportation, animals, and lawn and garden equipment operated by the owner or occupant or on behalf of the owner or occupant of the property on which the equipment is being operated.

(C) Noise Measurements and Enforcement.

(1) Readings taken for the enforcement of this section shall be taken on the slow response scale.

(2) Readings taken for the enforcement of this section shall be taken at or in close proximity to the receiving property line.

(3) Levels specified in subsections (D) (residential) and (E) (commercial/industrial) of this section shall be determined by the general nature of the affected district, and not the nature of the specific receiving property upon which the sound is measured. For example, if an affected district is primarily industrial in nature, the limits prescribed in subsection (E) of this section are applicable, even if the particular parcel upon which the sound is measured is residential in nature.

(D) Noise Limitations – Residential Areas.

(1) No person shall cause the emission of noise which exceeds 75 db(A), when measured in accordance with subsection (C) of this section, except as otherwise provided in this section.

(2) In the event that a need arises for repairs in a residential area, the sound limits provided by this subsection are suspended and the sound limits provided by subsection (F) of this section (construction) shall apply for the amount of time needed to make the required repair.

(E) Noise Limitations – Commercial and Industrial Areas. Except for grounds maintenance activities occurring between 6:00 a.m. and 9:00 p.m., no person shall cause the emission of noise which exceeds 75 dB(A) when measured in accordance with subsection (C) of this section. In the event that a need arises for repairs in a commercial or industrial area, the sound limits provided by this subsection are suspended and the sound limits provided by subsection (F) of this section (construction) shall apply for the amount of time needed to make the required repair.

(F) Noise Limitations – Construction.

(1) Noise produced by construction activities shall not exceed 80 dB(A), except as otherwise provided in this section.

(2) In the event that construction work exceeds the applicable limits for more than two hours, and will

continue for more than one day, a sound shielding device must be placed in such a way as to bring the sound emitted by the construction within the specified limits.

(G) Chimes and Bells.

(1) Chimes and bells on stationary sources not regulated by other provisions contained in this section, and which are electronically amplified, shall be set so as not to exceed 75 dB(A) from 6:00 a.m. to 10:00 p.m., when measured in accordance with subsection (C) of this section.

(2) During hours of the day not covered by subsection (G)(1) of this section, the sound pressure levels from amplified chimes and bells shall not exceed 70 dB(A).

(3) Chimes and bells which are not electronically amplified or controlled shall be exempted from the requirements of this section.

(H) High Ambient Noise Levels – Adjustment.

(1) Any person whose activities are subject to limitations of subsection (D), (E) or (F) of this section may seek a written permit from the agency to allow his activities to exceed the limitations of those sections by no more than five decibels for a period of time to be set by the agency and stated in the permit.

(2) The agency may, in its discretion, issue a permit to operate at five decibels above the otherwise applicable limit. Those permits may be made conditional by the agency. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07; Ord. G-81-53, passed 12-14-81. 1962 Code, Art. 3, Ch. 17, §§ 44 – 47, 49, 50; 1982 Code §§ 30.236 – 30.239, 30.241, 30.242; 1983 Code §§ 3.30.236 – 3.30.243. Formerly 16.05.390 through 16.05.460.]

16.05.470 Reserved for future use.

Reserved. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.246.]

16.05.480 Reserved for future use.

Reserved. [Ord. G-2010-11 § 1, passed 4-13-10; Ord. G-2006-30, passed 1-10-07. 1983 Code § 3.30.247.]

16.05.490 Gasoline dispensing regulations.

(A) Applicability.

(1) Except as provided in subsection (A)(2) of this section, this section shall apply to any gasoline storage tank at a gasoline-dispensing facility located in the City of Evansville.

(2) This section shall not apply to gasoline-dispensing facilities which have monthly gasoline throughputs of less than 10,000 gallons per month and:

(a) Were in existence prior to July 1, 1989; or

(b) Are located at farms or private residences.

(B) Definitions.

“Constructed” means fabricated, erected, or installed and refers to any facility, emission source, or air pollution control equipment.

“Employee” means any person who performs work for an employer for compensation.

“Facility” means any building, structure, installation, operation, or combination located on contiguous