

ORDINANCE No.: 9-2020

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA
AMENDING SECTION 96 OF THE VALPARAISO MUNICIPAL CODE**

Whereas, the Valparaiso City Council adopted Section 96 of the Municipal Code concerning the regulation of noise;

Whereas, subsequent to its adoption, the City Council desires to make certain changes to Section 96;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. That ordinance 96 of the Municipal Code of the City of Valparaiso, Indiana, shall be amended to include as follows:

§ 96.01 DEFINITIONS.

COMMERCIAL ZONE. Areas within the City where commercial activity may lawfully be conducted.

INDUSTRIAL ZONE. Areas within the City where industrial activity may lawfully be conducted.

RESIDENTIAL ZONES. Areas within the City where residential uses may lawfully exist.

§ 96.02 GENERAL PROHIBITIONS.

No person shall make or cause to be made any noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions listed in the following sections.

§ 96.03 SPECIFIC RESTRICTION.

The following acts are declared to be unlawful:

(A) Radios, television sets, musical instruments, tape or record players, amplifiers and similar devices: operating or permitting the use or operation of any such device between the hours of 11:00 pm and 9:00 am in such a manner as to be plainly audible across property boundaries or through partitions common to two or more persons within a building.

(B) Domestic power tools: operating or permitting the use or operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, snowblower or similar device used outdoors between the hours of 10:00 pm and 7:30 am in such a manner that will disturb or annoy any reasonable person nearby. Snowblowers shall be allowed after 5:00 am to clear newly fallen snow.

(C) Construction: operating or permitting the operation of any tool or equipment used in construction, drilling or demolition between the hours of 7:00 pm and 7:00 am in such a manner that will disturb or annoy any reasonable person nearby. Between the period May 1 and September 30, the time allowed to engage in construction activity shall be extended to include 30 minutes after sunset as such is determined by the U.S. Department of Commerce -- National Oceanic & Atmospheric Administration.

(D) Horns and signaling devices: operating a horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.

(E) Participation in noisy parties or gatherings: participation in any party or gathering between the hours of **11:00 pm and 9:00 am** giving rise to noise that is plainly audible across property boundaries or between partitions common to two or more persons within a building.

(F) Animals: harboring or keeping any animal which by causing frequent or long continued noise shall disturb or annoy any reasonable person nearby.

§ 96.04 QUANTITATIVE LIMITS.

(A) *Motor vehicles.*

(1) It shall be unlawful for any person to cause the sound pressure level of the noise emitted during the operation of a light motor vehicle to exceed 80 dBA in speed zones of 35 mph or less within the corporate limits of **the City**. The sound pressure level measurement shall be made at a distance of not less than 15 feet from the edge of the lane of travel of the violator.

(2) It shall be unlawful for any person to operate a light motor vehicle which causes excessive noise as a result of a defective or modified exhaust system or as a result of an unnecessary rapid acceleration, de-acceleration, engine revving or tire squealing.

(B) *Stationary source.* See Appendix B for octave-band breakdowns of the dBA limits for each zone.

(1) It shall be unlawful for any person to cause the sound pressure level to exceed the limits listed below at any point on the boundary of the property where the person is located:

(a) If the person is located within a residential zone: 55 dBA between the hours of **11:00 pm and 9:00 am**;

(b) If the person is located within a commercial zone: 65 dBA at all times;

(c) If the person is located within an industrial zone: 75 dBA at all times.

(2) If the property boundary lies between two zones, the lower limit shall apply regardless of the zone in which the person creating the noise is located.

(3) In addition to the above, no person within a residential or a commercial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the property boundary of the vibration source. No person within an industrial zone shall make or cause to be made any earth-shaking vibrations perceptible without the aid of instruments beyond the zone boundary of the zone in which the vibration source is located.

§ 96.05 EXEMPTIONS AND PERMITS.

(A) The provisions of this chapter shall not apply to:

(1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of work to prevent or alleviate physical or property damage threatened or caused by a public calamity or other emergency.

(2) any activity allowed by federal and/or state law

(3) any activity or event that is either solely conducted by the City or Valparaiso School Corporation or conducted in cooperation with another organization by either the City or Valparaiso School Corporation, including parades, sporting events, or concerts.

(B) **The Board of Public Works and Safety** shall have the authority to issue permits to allow for certain activities that might otherwise be prohibited. Permits may be issued for:

(1) Celebrations, concerts, parades or other special events (public or private).

(2) Persons who demonstrate that bringing the source of sound or activity for which the permit is sought into compliance with the provisions of this chapter would constitute an unreasonable hardship on the applicant, the community or other persons and that the adverse impact on the health, safety and welfare of persons affected by the permit has been outweighed by such hardship. Permits may contain any


conditions (including a time limit) that are necessary to limit the adverse impact of the activity. Noncompliance with any condition of the permit shall terminate it and subject the person holding it to the provisions of this chapter. **The Board of Public Works and Safety** may issue guidelines defining the procedures to be followed in applying for a permit and the specific criteria to be considered in deciding whether to issue a permit.

Section 2 Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby modified to reflect the provisions of this Ordinance.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a 6-0 vote of all members present and voting, this 10th day of August, 2020.


Matthew R. Murphy, Mayor

ATTEST:



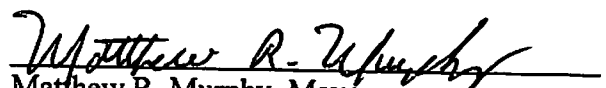
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of City of Valparaiso, Indiana this 10th day of August 2020.



Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 10th day of August, 2020 at 6pm o'clock PM.



Matthew R. Murphy, Mayor