

**Floyd County Board of Commissioners
Ordinance regarding Noise**

Whereas, the Floyd County Board of Commissioners met on February 16, 2010 on this matter pursuant to the creation of a noise ordinance in an effort to promote public health, safety, and general welfare of the community.

NOW, THEREFORE,

BE IT Ordained, that the Floyd County Board of Commissioners pass the Floyd County Noise Ordinance in an effort to promote public safety, ensure public health and general welfare of the community through the adoption of these processes.

Section 1: Authority

The Floyd County Board of Commissioners enacted the Noise Ordinance ordained through the authority provided under Indiana Code.

Section 2: Severability

If any article, chapter, clause, provision, portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, chapter, clause, provision or portion of this Ordinance.

Section 3: Jurisdiction

This Ordinance shall apply to all land within the Floyd County, Indiana except that which lies within the municipal jurisdiction of the City of New Albany, towns of Georgetown and Greenville.

Section 4: General Provisions

No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs and cassette players, nor any other machine or tool that produces sound, if such machine, tool or vehicle is located in or on any of the following:

- A. Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare and the sound generated therefrom is audible 50 feet or more from its source; or
- B. Any private property and the sound generated therefrom is audible 50 feet or more outside of said property line.
- C. Any radio, musical instrument, phonograph, television receiver, or other machine or device for the producing, reproducing, or amplification of the human voice, music, or any other sound, in such a manner as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area.

Section 5: Exemptions

The following are exempted from the provisions of this ordinance:

- A. Sounds emitted from authorized emergency vehicles;

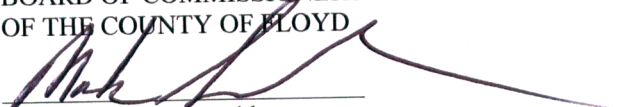
- B. Lawn mowers, weed blowers, garden tractors, construction and repair equipment, agricultural equipment, go-carts, power tools, when properly muffled, between the hours of 5 a.m. and 11 p.m. only;
- C. Burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;
- D. Events authorized by the Floyd County Board of Commissioners;
- E. Noise associated with athletic events;
- F. Sounds emitted for emergency purposes;
- G. Sounds associated with legal fireworks;
- H. 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; provided, however, that commercial enterprises shall not be entitled to this exemption between the hours of 11:00 p.m. and 5:00 a.m.
- I. Garbage collection between the hours of 5 a.m. and 11 p.m.
- J. Sounds associated with equipment or animals lawfully utilized by handicapped persons to accommodate their handicap;
- K. Sounds associated with the legally discharging of a fire arm;
- L. Noise associated with an auction conducted by a licensed auctioneer.

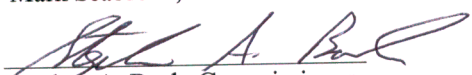
Section 6: Penalties

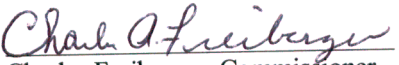
A person who violates this ordinance may be fined no more than \$100.00 for the first offence; and no more than \$250.00 for the second and each subsequent offence, and in addition on the second or subsequent offence a law enforcement officer may confiscate any offending instrument used in violating this ordinance.

SO RESOLVED this 16th day of Feb., 2010.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD


Mark Seabrook, President


Stephen A. Bush, Commissioner


Charles Freiberger, Commissioner

ATTEST:


Teresa Plaiss, County Auditor