

ORDINANCE 2005- 16

AN ORDINANCE REGULATING NOISE AND SOUND EMISSION
WITHIN THE BOUNDRIES OF THE CITY OF ROCKPORT

WHEREAS, the City of Rockport is committed to the provision of noise and sound emission quality and control to and for the citizens of Rockport, Indiana, as well as its visitors and guests; and,

WHEREAS, the City of Rockport recognizes the need and desire for fairness, logic, and uniformity in the method and system of, and the procedure for, regulating noise and sound emission, including, but not limited to, the consideration that those citizens, visitors, and guests of the City of Rockport, Indiana, should cooperate and assist in the regulation of noise and sound emission; and,

WHEREAS, the fines and assessments delineated herein for violation of noise and sound emission regulations within the City of Rockport are, and are expected to remain, not only fair, reasonable, and justifiable, but also below the fines and assessments for comparable violations assessed by other and/or neighboring communities and municipalities; and,

WHEREAS, in the best interest of logic, compassion, and the welfare of the community, it is recognized that conditions and circumstances may justify and/or warrant a waiver or release from fines, charges and/or assessments, and the City of Rockport recognizes the need for provisions allowing for, and taking into consideration, any special conditions and circumstances and/or mitigating factors:

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Rockport, Indiana, as follows:

SECTION ONE. NOISE AND SOUND EMISSION REGULATIONS

1. No person shall play, use or operate, or permit to be played, used or operated, 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, cassette players or any other machine designed or intended to produce or reproduce sound, nor operate or permit to be operated, any motor vehicle, lawnmower, machinery, and/or equipment that contains a modified or defective exhaust system, if such machine, device, or vehicle is located in or around any of the following:

- (a) Any public property, including any public right-of-way, highway, road, street, alley, building, sidewalk, parking lot, public space, park, thoroughfare, or public transportation area and the sound generated therefrom is clearly audible by another person at a distance of fifty (50) feet or more from its source; or
- (b) Any private property, and the sound generated therefrom is clearly audible by another person at a distance of fifty (50) feet or more outside of said private property line.

SECTION TWO. EXEMPTIONS

The following are exempted from the provisions of this Ordinance:

- (a) Sounds emitted from authorized emergency vehicles.
- (b) Lawn mowers, garden tractors, construction equipment, leaf blowers, and power tools, when properly muffled, between the hours of 7:00 a.m. and 9:00 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 said alarm turned off within a reasonable period of time.
- (d) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances and/or other events authorized by the Board of Public Works and Safety, or another appropriate governmental entity.
- (e) Attendant noise and sound emission connected with the actual performance of athletic or sporting events and practices related hereto.
- (f) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.
- (g) Sounds associated with the use of legal fireworks or celebrations of legal holidays.
- (h) Sounds associated with the normal conduct of legally established non-transient businesses, when such sounds are customary, incidental and within the normal range appropriate for such use.
- (i) Sounds emitted for the performance of emergency work.
- (j) In the case of motor vehicles, where the noise and sound emission is the result of a defective or modified exhaust system, if the cause is repaired or other remedied within seven (7) calendar days.

SECTION THREE. PENALTIES.

Any person who violates the provisions of this Ordinance shall be subject to the following fines/assessments:

First Offense: \$ 25.00

Second Offense: \$ 50.00

Third Offense and subsequent offenses: \$ 100.00

(Each day any violation continues shall constitute a separate offense.)

The aforementioned fines/assessments upon admission of violation of this Ordinance shall be paid to the Clerk-Treasurer of the City of Rockport, at the Rockport City Hall within thirty (30) days of the date of the offense.

4. Upon denial of the allegations of violation of this Ordinance, or upon failure to pay the aforementioned fines/assessments within the specific time period, the Rockport City Court shall be the court of proper venue and jurisdiction for the enforcement of this Ordinance.

5. A custodial parent shall be responsible for ensuring that a child under eighteen (18) years of age complies with this chapter, and said parent shall be responsible for any fine imposed hereunder.

6. Citations for violation of this Ordinance may be issued by any sworn member of the Rockport City Police Department.


7. Persons admitting the violation of the terms and provisions of this Ordinance shall be instructed to tender and pay the appropriate fine, penalty, and/or costs to the Clerk-Treasurer of the City of Rockport, Indiana. Persons denying or challenging citations asserting violations of the terms and provisions of this Ordinance shall be cited into the Rockport City Court for hearing on said violation, and for further proceedings consistent with this Ordinance and the laws of the State of Indiana.

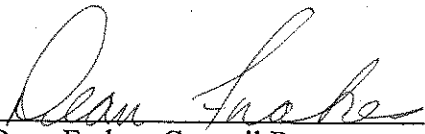
8. The Chief of the Rockport City Police Department shall have the authority to develop, establish, incorporate, monitor, and regulate specific rules and guidelines in furtherance of the intent and objectives of this ordinance.

9. All ordinances in conflict with, or providing different terms than, the provisions contained herein are hereby repealed from and after the effective date of this ordinance.

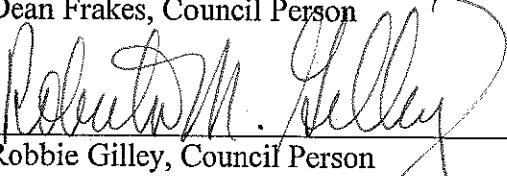
DULY ADOPTED BY THE COMMON COUNCIL FOR THE CITY OF ROCKPORT, INDIANA. This the 30th, day of November, 2005.

COMMON COUNCIL OF THE CITY OF
ROCKPORT, INDIANA

By: 
DuWayne Keenan, President



Dean Frakes, Council Person



Robbie Gilley, Council Person



Jerald Payne, Council Person



Owen Wells, Council Person

ATTEST:



Theresa Payton, Clerk-Treasurer



Beth A. Packer, Mayor