

# Indianapolis, Indiana Noise Ordinance

## ARTICLE III. NOISE

### **Sec. 391-301. Public policy.**

It is hereby declared, as a matter of public policy of this city:

- (1) That the making of sound of a volume, frequency, pattern, or duration that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of persons of ordinary sensitivities within the city has so increased as to constitute a public nuisance; and
- (2) That the sole intent of the provisions of this chapter is declared to be, as a matter of legislative determination for this declaration of public policy, to secure and promote the health, safety, welfare, prosperity, comfort, and repose of persons in this city by reducing unreasonable noise, and a determination of violation of this chapter may not be based on the content of any message conveyed during the creation of any noise or the identity of any person responsible for or associated with the creation of any noise.

### **Sec. 391-302. Unlawful noises.**

- (a) For purposes of this chapter, unreasonable noise shall mean sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the city, given the time of day and environment in which the sound is made.
- (b) Except as otherwise provided in this section, it shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonable noise.
- (c) In addition to the foregoing, any person who performs any of the acts enumerated in this subsection, or who causes or allows the performance of any of such acts in or upon any property owned, occupied, or controlled by him, shall be in violation of this section.

(1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle in any public street or public place of the city, in a manner that makes unreasonable noise and continuing to do so after being asked to stop.

(2) Machines and devices for producing sound. Playing, using, or operating, or permitting to be played, used, or operated, any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any machine or device for producing or reproducing sound in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect. The operation of any such machine or device in a manner that produces sound plainly audible to a person with normal hearing:

- a. From any place other than the property on which the sound source is located when the machine or device is being operated between the hours of 10:00 p.m. and 7:00 a.m.;
  - b. From a distance greater than seventy-five (75) feet from the sound source of the machine or device when it is located in any public street or public place of the city;
- or
- c. In any public conveyance other than a taxicab or jitney, except for a person who is voluntarily listening to the machine or device through earplugs; shall be prima facie

evidence of a violation of this subsection, except when a permit granted therefor for some special occasion is in effect.

(3) Yelling or shouting. Yelling, shouting, hooting, whistling, or singing in any public street or public place of the city in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect.

(4) Animals or birds. The keeping of any animal or bird that makes unreasonable noise and the failure to prevent the continuation of the unreasonable noise after being asked to do so.

(5) Steam whistles. The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one (1) operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper city authorities, in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefore for some special occasion is in effect. The blowing of any such whistle between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located shall be prima facie evidence of a violation of this subsection, except when a permit granted therefor for some special occasion is in effect.

(6) Exhausts blowers, engines, and motors. The operation or use of any engine, motor, power unit on a motorboat, motor vehicle, motorcycle, or other vehicle or craft of any kind, blower or power fan in a manner that makes unreasonable noise and continuing to do so after being asked to stop, except when a permit granted therefor for some special occasion is in effect; or operation or possession in any public street or public place of the city of any motor vehicle, motorcycle, or other machine powered by an engine or motor equipped with straight pipes, baffles, muffler cutouts, bypasses, an expansion chamber, or any exhaust system constructed or capable of being operated so that the exhaust bypasses the muffler or noise-reducing device, except when a permit granted therefor for some special occasion is in effect. Operation or possession of any engine, motor, power unit, blower, or power fan not equipped with a muffler or other noise-reducing device that complies with applicable federal, state, and local standards:

a. In any public street or public place of the city between the hours of 10:00 p.m. and 7:00 a.m.; or

b. Between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the sound source is located, shall be prima facie evidence of a violation of this subsection. This subsection shall not apply to persons who are entrants or participants in a scheduled race or sporting event that involves the use of racing motor vehicles or equipment while involved in such activities, nor to owners or operators of equipment or devices used in the construction, demolition, or similar labor or maintenance trades.

(7) Defect in vehicle or load. The use of any automobile, motorcycle, or other vehicle so out of repair, or so loaded, or in such manner as to create unreasonable grating, grinding, rattling, or other noise and continuing to do so after being asked to stop.

(8) Loading, unloading, opening boxes. The loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, or containers in a manner that makes unreasonable noise and continuing to do so after being asked to stop. The emptying,

pickup, or delivery of any trash container exceeding six (6) cubic feet between the hours of 10:00 p.m. and 7:00 a.m. in a manner that makes sound plainly audible to a person with normal hearing from any place other than the property on which the trash container is located, shall be prima facie evidence of a violation of this subsection.

(9) Construction or repairing of buildings. The erection, demolition, alteration, or repair of any building, or the excavation therefor between the hours of 7:00 p.m. and 7:00 a.m., except:

a. In the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of compliance of the department of metropolitan development, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues; or

b. If the division of compliance determines that the public health and safety will not be impaired by sound made by such work between the hours of 7:00 p.m. and 7:00 a.m., and that loss or inconvenience would result to any party in interest, and the division grants permission for such work to be done between the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is issued or during the progress of the work.

(10) Schools, courts, churches, hospitals. The making of noise that is plainly audible to a person with normal hearing above normal ambient noise levels at a distance of fifty (50) feet from the source of the noise on any street adjacent to any school, institution of learning, church, court, or hospital while it is in use, provided that conspicuous signs are displayed in such streets indicating that the area is a school, hospital, or other such quiet zone, shall be prima facie evidence of a violation of this section, except when a permit granted therefor for some special occasion is in effect.

(11) Transporting metal rails, pillars, and columns. The transportation of rails, pillars, or columns of iron, steel, or other material over and along any public street or other public place of the city, upon carts, drays, cars, or trucks in any manner that makes unreasonable noise and continuing to do so after being asked to stop.

(12) Railway cars, buses. Causing or permitting unreasonable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracks and continuing to do so after being asked to stop.

(13) Pile drivers, hammers. The operation between the hours of 7:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, except:

a. When being operated by a public utility in connection with emergency repairs of such utility; or

b. If the division of compliance of the department of metropolitan development determines that the public health and safety will not be impaired by sound made by such operation between the hours of 7:00 p.m. and 7:00 a.m., and that loss or inconvenience would result to any party in interest, and the division grants permission for such operation between the hours of 7:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is issued or during the progress of the work.

(14) Vendor's vehicle. Using, operating or playing, or permitting to be used, operated, or played, any bell, radio, musical instrument, loudspeaker, sound amplifier, or other machine or device for producing or reproducing sound in or upon any vehicle used for the

transportation and sale of any goods, wares or merchandise in any public street or public place of the city, which equipment is set to produce any noise, music, or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound producing amplifier of the speaker; the use or operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m., in any public street or public place; or the operation of such sound-producing equipment on any vehicle moving along or upon any public street or public place.

(d) The first violation in any twelve (12) month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with chapter 103 of this Code. All second and subsequent violations in any twelve (12) month period are subject to the enforcement procedures and penalties provided in section 103-3 of this Code, and the fine imposed for a second violation in any twelve (12) month period shall not be less than two hundred fifty dollars (\$250.00), and the fine for any subsequent violation in any twelve (12) month period shall not be less than five hundred dollars (\$500.00).

**Sec. 391-505. - Operation regulations.**

The noncommercial use of aircraft, with **sound-amplifying equipment** to make announcements, flying or operated at any time in or over any part of the city shall be subject to the following conditions and regulations:

- (1) The only sounds permitted shall be music or human speech;
- (2) Sound announcements shall be permitted only between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;
- (3) Sound-amplifying equipment shall not be operated while an aircraft is flying at an altitude of less than fifteen hundred (1,500) feet;
- (4) Sound shall be issued from one (1) loudspeaker only on each aircraft;
- (5) The cone or radius of sound from the loudspeaker shall be directed so as to cover at one time an area on the ground of less than seven hundred (700) square yards and so as to avoid hospitals, schools, churches or courthouses, or any area established by the city as a quiet zone;
- (6) The human speech and music amplified shall not be lewd, indecent, slanderous, subversive or unlawful;
- (7) The volume of sound shall be controlled so that it is not audible on the ground over an area in excess of seven hundred (700) square yards and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance and annoyance to persons within the area of audibility;
- (8) No use thereof shall be violative of any federal or state statute, this Code or any other city ordinance.

**Sec. 441-111. - Zones of quiet.**

(a) Hospital quiet zones:

- (1) There is hereby created and established, under the control of the board of public works, a zone of quiet on the streets and in the territory embraced within each block and a reasonable area adjoining the location where any part of the premises of any hospital is situated, which hospital is owned, controlled or operated by any governmental unit or by any recognized private hospital organization.
- (2) It shall be the duty of the board of public works to direct the director of public works, by a survey of the extent of traffic and effect of unnecessary noises, to determine the area and location of all hospital quiet zones and to place or cause to be placed and maintained at

each and every street intersection therein and at any other places affected thereby conspicuous signs displaying the words "Notice, Hospital Zone of Quiet."

(3) No person or vehicle of any kind, entering any area so marked as a zone of quiet, shall approach or pass any hospital premises with the motor or muffler and exhaust of such vehicle racing or roaring, or make any loud noises by horn or otherwise, nor shall the brakes of any such vehicle be used unnecessarily so as to emit any screeching sound. It shall be the duty of all operators of vehicles and all other persons in any area marked as such a zone of quiet to preserve, so far as possible, reasonable quiet within such zone.

(4) The police shall enforce all provisions of this section relating to any kind of quiet zone.

(b) Additional quiet zones:

(1) There are hereby created, and may be at any time similarly established by the board of public works, zones of quiet in any area where a church, public or private school or court is located, and it shall be the duty of the board to direct the director of public works to cause to be placed on lamp or utility posts or in other conspicuous places on each of the street corners, or elsewhere, nearest the church, school or court, as may be practicable, in the area or block where such church, school or court is located, appropriate signs or placards displaying the relevant words "Notice, Church (or School) (or Court) Zone of Quiet."

(2) Temporary quiet zones may be located by order of the board of public works or the chief of police in any area where any person who is dangerously ill may reside or be located, by an application made to such authorities. The board of public works, under an order or by general rules and regulations prescribed by it, may create or authorize the police to establish, for any other purpose relating to the city's exercise of its general police powers, temporary quiet zones, which shall be so posted by temporary signs placed in such manner as adequately to serve each such area. The regulations prescribed in this section applicable to other zones of quiet, except the extent and manner of posting signs therefor, shall also apply to any temporary zones of quiet so created or established.

(3) The conduct of any person making, causing or permitting to be made any unnecessary noises of any kind whatsoever, including those prohibited in hospital zones of quiet, or playing as itinerant musicians, or making loud **noises** or outcries for the purpose of advertising or selling goods, wares or merchandise, or attracting the attention and inviting the patronage of any person to any business, or producing by any mechanical means any loud musical or other loud sound upon any public way or area within any kind of zone of quiet established in accordance with the provisions of this section, is hereby declared to be a nuisance and is prohibited.

**Sec. 531-501. - Wild animal and dangerous animal determination, appeal rights and confinement requirements.**

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(g) Confinement of a dangerous animal means confinement to a fenced yard from which the animal may not escape by slipping under or over the fence or through an open gate or which would allow the animal to bite or to otherwise wound a person who may brush against or stick a hand or finger in, over or through the fence. Such an animal may be confined in an owner's home. The animal's confinement must be such as will prevent the animal from harassing neighbors or passersby and may not constitute either a sight, smell or **noise nuisance**.

**Sec. 611-102. - Mufflers required; standards.**

(a) It shall be unlawful for any person to operate any motor vehicle or other machine powered by an internal-combustion engine, which is not equipped with a muffler or similar noise abatement device which will effectively reduce and prevent loud or explosive noises therefrom. With respect to the following vehicles and equipment, the muffling or noise abatement device shall be at least sufficient to eliminate noise emission from the motor vehicle or equipment by the guidelines set forth in the following schedule. The measurements shall be made at least fifty (50) feet from the motor vehicle, device or equipment in question:

(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of seven thousand (7,000) pounds or more:

a. 88 db(A) for vehicles traveling thirty-five (35) miles per hour or less; or

b. 90 db(A) for vehicles traveling over thirty-five (35) miles per hour.

(2) Any motorcycle, motorbike, minicycle or other motor-driver cycle:

a. 82 db(A) for vehicles traveling thirty-five (35) miles per hour or less; or

b. 86 db(A) for vehicles traveling over thirty-five (35) miles per hour.

(3) Any other motor vehicle:

a. 76 db(A) for vehicles traveling thirty-five (35) miles per hour or less; or

b. 82 db(A) for vehicles traveling over thirty-five (35) miles per hour.

(b) All noise limits described in this section shall apply to the total noise from a motor vehicle or other internal-combustion powered devices or equipment, including other vehicles, devices or equipment attached thereto.

(c) It shall be unlawful for any person to possess or to operate any motor vehicle or machine powered by an internal-combustion engine with "straight pipes," "baffles," "muffler cutouts," "bypasses," or any other similar type of exhaust system constructed so that the exhaust bypasses or, without structural alteration, can be operated to bypass the required muffler, muffling device or adequate noise abatement equipment which meets the noise limit standards described in this section.

(d) This section shall not apply to persons who are entrants or participants in a scheduled race or sporting event which involves the use of racing motor vehicles or equipment powered by internal-combustion engines while involved in such activities, nor to owners or operators of internal-combustion powered equipment or devices used in the construction, demolition or similar labor or maintenance trades.

(e) Any person violating this section shall, upon conviction, be punished as prescribed in section 103-3.

**Sec. 731-218. - Temporary uses.**

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(b) Temporary use requirements. Temporary uses shall be subject to the following requirements in addition to all other regulations of the applicable dwelling district.

(1) For temporary offices or model homes only, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.

(2) No public address systems or other **noise** producing devices shall be permitted

**Sec. 733-201. - I-1-S and I-1-U uses.**

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(b) Permitted I-2-S and I-2-U uses. The following uses shall be permitted in the I-2-S and I-2-U Districts. All permitted uses located in an I-2-S District shall conform to the I-2-S development standards (section 733-203(a)) and I-2-S performance standards (section 733-203(b)). All permitted uses located in an I-2-U District shall conform to the I-2-U development standards (section 733-207(a)) and I-2-U performance standards (section 733-207(b)).

9 I-2-S and I-2-U uses may also include (as accessory or incidental uses thereto) any of the I-3-S and I-3-U District uses specified in section 733-201(c) (I-3-S or I-3-U uses) provided that:

c. Adequate operational techniques and safeguards shall be employed to insure performance control of **noise, vibration**, odor, glare, and heat to achieve operational characteristics consistent with light industry.

**Sec. 735-401. - Requirements and regulations.**

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(c) All equipment used for the production of sand, gravel, borrow, and other mineral or earthen materials shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, **noises, vibration** or dust which are injurious or annoying to persons living in the vicinity.