

**ORDINANCE 7-2010 OF THE TOWN OF
MORRISTOWN, INDIANA CONCERNING VEHICULAR NOISE LEVES**

WHEREAS, the Town Council of Morristown, Indiana ("Council") desires to enact ordinances that protect citizens of Morristown, Indiana ("Morristown") and help promote a level of comfort and enjoyment for its citizens and visitors.

WHEREAS, excessive noise levels are an environmental hazard that disrupt Morristown residents and citizens.

WHEREAS, Morristown residents have asked the Council to consider and adopt more stringent rules governing excessive vehicular noise.

NOW THEREFORE BE IT ORDAINED BY THE MORRISTOWN TOWN COUNCIL as follows:

APPLICABILITY: This ordinance shall govern all noise caused by motor vehicles and originating within the corporate limits of Morristown.

DEFINITIONS: The following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.
2. Decibel (db): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
3. Motor Vehicle: Consistent with Ind. Code § 9-13-2-105, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.
4. Noise Level: The a-weighted sound level produced by a motor vehicle.
5. Person: Any individual, association, partnership or corporation which includes any officer, employee, department, agency, or instrumentality.
6. Sound-level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db(A) scale.
7. Traffic Noise: Sound made by a motor vehicle operated either on the public right-of-way or private property.

NOISE LIMIT: It shall be unlawful for any person to cause, or allow to be caused, noise levels from the operation or use of a motor vehicles in excess of 88 dB(A) in any area within

Morristown's municipal limits:

EXCESSIVE NOISE: It shall be unlawful for any person to operate, or cause to be operated, or use a motor vehicle in such a manner as to cause, or allow to be caused, excessive noise levels as a result of unnecessary rapid accelerations, deceleration, revving of engine, squealing of tires, or as a result of the operation of audio devices such as, but not limited to, radios, phonograph, tape players, compact disc players or any other sound-amplifying device on, or from, the motor vehicle.

EXCEPTIONS: The following are excepted from this Ordinance:

1. Sound emitted from sirens of authorized emergency vehicles;
2. Lawn mowers, garden tractors, and similar home power tools when properly muffled;
3. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades and festivals.

ADMINISTRATION AND ENFORCEMENT: Whenever this ordinance is violated, the person so charged shall be issued a citation that provides (1) the violation cited; (2) the cost of the violation; (3) the date by which the prescribed penalty shall be paid; (4) a statement that the violator may participate in the penalty reduction program by paying the citation within seventy-two (72) hours; and (5) the address to which payment for the violation may be submitted.

Violation of this ordinance shall result in a penalty of \$250.00. The Clerk Treasurer shall reduce the penalty fee to \$150.00, if full payment is made within seventy-two hours of the violation. To be eligible for the reduction program, full payment must be made to the Town of Morristown and received by the Morristown Clerk Treasurer's Office, 418 W. Main Street, Morristown, IN 46161, within seventy-two (72) hours of violation.

Traffic regulations not specifically changed by this Ordinance shall remain in full force and effect. All portions of former ordinances in conflict with this Ordinance are hereby repealed or superseded. This Ordinance shall become in full force and effect from and after its adoption and publication as required by law.

Approved and adopted by a vote of 3 to 0 on July 28, 2010.

Morristown Town Council.

By: _____

By: _____

By: _____

Attest: _____

Thomas W. Rebe, Clerk-Treasurer