

TOWN OF DYER, LAKE COUNTY, INDIANA

ORDINANCE NO.: 2013- 01

AN ORDINANCE AMENDING TOWN CODE SECTION 6-59 (e) PERTAINING TO NOISE

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, has reviewed Town Code Section 6-59 (e) pertaining to noise; and

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, has determined said code section needs to be modified based upon the recommendations of the Town Administrator and Police Department; and

WHEREAS, the Town Council of the Town of Dyer, Lake County, Indiana, having reviewed the matters herein, now deems it appropriate, advisable, and in the best interest of the residents of the Town of Dyer that said code section be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DYER, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Town Code Section 6-59 (e) is hereby amended to read and provide as follows:

Section 6-59 (e)

Any of the following noises and/or noise conditions, namely:

(1) Radios, television sets, musical instruments, live bands or disc jockeys, compact disc, tape or record players, amplifiers and similar devices: Operating any such device between the hours of 10:00 p.m. and 7:00 a.m. Monday through Thursday, and 11:00 p.m. and 7:00 a.m. Friday, Saturday and Sunday as to be plainly audible across property boundaries or through partitions common to two (2) separate dwelling units shall be unlawful.

(2) Domestic power tools: Operating any mechanically powered saw, drill, sander, grinder or other tool, lawn or garden tool, lawn mower, or similar device used outdoors or indoors between the hours of 10:00 p.m. and 7:00 a.m. as to be plainly audible across property boundaries or through partitions common to two (2) separate dwelling units shall be unlawful.

(3) Commercial construction: Operating any tool or equipment used in construction, drilling or demolition between the hours of 8:00 p.m. and 7:00 a.m. as to be plainly audible across property boundaries or through partitions common to two (2) separate dwelling units shall be unlawful. Further, no commercial construction noise shall be permitted on Sundays or holidays.

(4) 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 shall be unlawful.

(5) Residential noisy parties or gatherings: Hosting any party or gathering between the hours of 10:00 p.m. and 7:00 a.m. Monday through Thursday and 11:00 p.m. and 7:00 a.m. Friday, Saturday and Sunday giving rise to noise that is plainly audible across property boundaries or between partitions common to two (2) separate dwelling units shall be unlawful.

(6) Motor vehicles. 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, deceleration, engine revving, or tire squealing. It shall be unlawful to operate audio equipment within a vehicle which is plainly audible within twenty five (25) feet of the audio device.

(7) Stationary source: 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 a person is located within a residential zone: fifty-five (55) DB at all times.
- b. If the person is located within a commercial zone: sixty (60) DB at all times.
- c. If the person is located within an industrial zone: sixty-five (65) DB at all times.
- d. If the property lies between two (2) zones, the lower limits shall apply regardless of the zone in which the person creating the noise is located.

(8) Emergency work exempted: Noise caused in the performance of emergency work for the immediate safety, health, or welfare of the community or individuals of the community or to restore property to a safe condition shall not be subject to the conditions of this Section.

(9) Definitions:

- a. Stationary Source: A fixed, non-mobile source;
- b. Plainly Audible: Any sound that can be detected by a person using his/her unaided hearing faculties;
- c. Decibel (DB): A unit for describing the amplitude of sound as measured on a sound level meter.
- d. Decibel Meter: A device used to measure the intensity of sound.

SECTION TWO: That all remaining provisions of Town Code Section 6-59 not amended by this Ordinance shall remain in full force and effect.

SECTION THREE: That all existing ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: That if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not effect any other section, clause, provision, or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of Dyer, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 14th DAY OF MARCH, 2013, BY THE TOWN COUNCIL OF THE TOWN OF DYER, LAKE COUNTY, INDIANA.

AYES



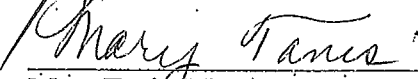
Joseph Cinko, President



Debbie Astor, Vice-President



Jeffrey Dekker, Member



Mary Tanis, Member



Connee Trepton, Member

NAYS

Joseph Cinko, President

Debbie Astor, Vice-President

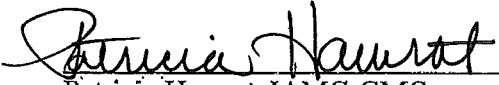
Jeffrey Dekker, Member

Mary Tanis, Member

Connee Trepton, Member

**TOWN COUNCIL
TOWN OF DYER, LAKE COUNTY INDIANA**

ATTEST:



Patricia Hawrot, IAMC-CMC
Clerk-Treasurer