

Town of St. Paul, Indiana

Ordinance No. 2025 - 8

Ordinance Regarding Noise Control

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, Indiana Code 36-4-6-18 authorizes the Town Council of the Town of St. Paul, Indiana ("Town") to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

WHEREAS, excessive and unreasonable noise disrupts the quiet enjoyment of property, can negatively impact physical and mental health, and may interfere with the peaceful and orderly operation of the community;

WHEREAS, the Town Council finds that persistent or unregulated noise constitutes a public nuisance and may lead to conflict between residents, businesses, and visitors to the Town;

Whereas, the Town Council of the Town of St. Paul, Indiana believes it is in the best interest of the health, safety and welfare of the citizens of the Town of St. Paul, Indiana to establish an ordinance regarding noise control.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ST. PAUL, INDIANA, THE FOLLOWING:

Authority and Purpose

This Ordinance is adopted pursuant to the powers granted under Indiana Code § 36-8-2-4 and other applicable law to promote public health, safety, and welfare. The purpose of this Ordinance is to prohibit unreasonable noise that may jeopardize the quiet enjoyment, health, and safety of the community.

DEFINITIONS

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a) Animal – any live, nonhuman vertebrate creature, domestic, wild or exotic.
- b) Motor Vehicle - any vehicle powered by a mechanical engine, and designed to be driven or used on any public or private property. Such definition shall include, but not be limited to

automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, off-road vehicles, ATVs, go-carts, and golf carts.

- c) Person – any individual, association partnership, LLC, or corporation which includes any officer, employee, department, agency, or instrumentality.
- d) Plainly Audible – Any sound that can be detected by a person using their unaided hearing faculties.
- e) Public Nuisance – A condition that annoys, injures, or endangers the comfort, repose, health, or safety of the public.
- f) Unreasonable Noise – Any noise that is plainly audible at a distance of seventy-five (75) feet or more and disturbs or endangers the comfort, repose, health, peace, or safety of others.

1. Loud and Unnecessary Noise Prohibited

- a) It shall be a violation of this Article for a person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life, or limb of some person.
- b) Further, it shall be the duty of every owner, occupant, manager, agent or operators of any property, animal, structure, vehicle or business in the town to prevent persons using property under their control from violating this Article.

2. ENUMERATION OF CERTAIN PROHIBITED ACTS

The following acts, uses or noises, among others, subject to specific exemptions are declared to be prima facie evidence of a violation of this Article. Such enumerations shall not be deemed to be all inclusive.

- a) Any person who owns or has within its control an animal and permits said animal to unreasonably bark, howl, cry or emit any noise which is considered to be in excess and is disturbing to the peace, quiet and comfort of the neighboring inhabitants.
- b) 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, if it is located in or on any of the following:
 - Any public Property, including any public right-of-Way, highway, building, sidewalk, park or thoroughfare, if the sound generated is plainly audible at a distance of 75 feet from its source.
 - Any motor vehicle on a public right-of-way highway, or public space if the sound generated is plainly audible at a distance of 75 feet from the device producing the sound.
- c) Quiet time will be observed from 10:00PM until 7:00AM weeknights and from midnight (12:00AM) until 7:00AM on weekend (Friday and Saturday) nights.

3. Prohibited Vehicle Noise

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be constructed as limiting the generality of this Article, or limiting the offense hereunder to the particular offense hereinafter enumerated.

- a) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined as to include unnecessary periods of time.
- b) The use or operation of any radio, tape player, disc player, or any other electronic sound reproduction device located within a motor vehicle being operated or parked on any public street or place accessible to the public, in such manner as to disturb the peace and repose of persons in their homes, business, or on the streets, or at any time, with louder volume than is necessary for convenient hearing of the person or persons who are voluntarily listeners within the vehicle. The operation of any such radio or electronic sound reproduction device with a vehicle in such a manner as to be audible to those outside the vehicle at a distance of 75 feet or more from the source, as best that point can be estimated without the use of any distance-measuring device, regardless of the time of day, shall be prima facie evidence of a violation of this section. Said 75 feet may be measured horizontally or vertically.
- c) The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create unreasonable grating, grinding, rattling, or other noise or noises. This shall include the use of any vehicle, said use of which causes unreasonably excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, Jake-Braking, revving of the engine, or tire squeal.

4. EXEMPTIONS

The following shall be exempt from this Article:

- a) Emergency vehicles operating in the course of their official duties.
- b) Lawn mowers, tractors, and similar home power tools when properly muffled used during the daylight hours.
- c) Alarms or any other emergency warning device
- d) The emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of work to prevent or alleviate physical or property damage threatened or caused by public calamity or other emergency.
- e) Municipal vehicles and equipment used by the Town of St. Paul or its employees while providing municipal services;
- f) Third-party contractors or vendors performing work on behalf of the Town pursuant to a contract or other written agreement;
- g) Public utility companies performing emergency work or scheduled maintenance that is necessary to restore or maintain essential services; and
- h) Activities otherwise permitted or authorized by the Town under a valid permit, license, or ordinance exemption.

5. PRIOR APPROVAL

The Town Council shall have sole discretion to issue prior written approval for any event that may generate noise exceeding the limits in this Ordinance. Applicants must submit a written request at least 30 days in advance. The Council may impose reasonable conditions on the approval. Any denial or revocation of a permit may be appealed in writing within five (5) days to the Town Council for reconsideration.

6. PENALTY

Any person violating this Ordinance shall be subject to a civil penalty of One Hundred Dollars (\$100) per violation. Each day a violation continues shall constitute a separate offense. The Town may also recover its reasonable attorney's fees and costs incurred in enforcement, including the cost of collection of unpaid fines.

7. SEVERABILITY:

Any provision herein contained which is found by a court of competent jurisdiction to be deemed to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this Ordinance, to the extent feasible, shall remain in full force and effect.

8. Enforcement Authority

The Town Marshal or any law enforcement officer authorized by the Town is authorized to issue citations or take enforcement actions necessary to carry out the provisions of this Ordinance. All complaints must be documented in writing, and officers may rely on citizen complaints as part of their investigation.

9. Administrative Remedies

In addition to any fine or criminal penalty, the Town may seek injunctive relief or any other legal remedy to abate violations of this Ordinance as provided by Indiana law.

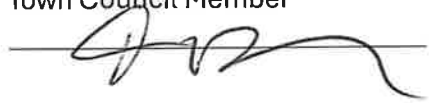
This ordinance shall be in full effect from and after its passage by the Town of St. Paul Council.

Adopted this 5th day of Aug, 2025, by the Town Council of St. Paul, Indiana, during its ____, 2025 meeting at the Civic Center, St. Paul, Indiana

Town Council President

Town Council Member

Town Council Member

A handwritten signature in black ink, appearing to be "J. V.", written over a horizontal line.A handwritten signature in black ink, reading "Kimberly Livingston", written over a horizontal line.