

# **TOWN OF BURNS HARBOR, INDIANA TOWN CODE**

## TABLE OF CONTENTS

SEC. 16.1 DECLARATION OF FINDINGS AND POLICY: SCOPE.....	3
SEC. 16.2 DEFINITIONS.....	3
SEC. 16.3 DUTIES AND POWERS OF ENFORCEMENT OFFICIALS .....	8
SEC. 16.4 PROHIBITED ACTS .....	9
SEC. 16.5 EXCEPTIONS AND VARIANCES.....	12
SEC. 16.6 SOUND LEVELS PERMISSIBLE SOUND PRESSURE LEVELS TO RECEIVING RESIDENTIAL PROPERTY .....	13
TABLE 1 .....	14
TABLE 2 .....	14
SEC. 16.7 IMMEDIATE THREATS TO HEALTH AND WELFARE.....	15
TABLE 3.....	16
TABLE 4.....	16
SEC. 16.8 MOTOR VEHICLE MAXIMUM SOUND LEVELS.....	16
TABLE 5.....	17
SEC. 16.9 ENFORCEMENT .....	18

## CHAPTER 16 – NOISE CONTROL

### SEC. 16.1 DECLARATION OF FINDINGS AND POLICY: SCOPE

#### (1) DECLARATION OF FINDINGS AND POLICY

Noise Control of the Town Code of Burns Harbor, Indiana, as enacted by the Town Council of the Town of Burns Harbor in and for the Town of Burns Harbor, Porter County, Indiana, is hereby promulgated to preserve and protect the health and welfare, and the quality of life for the citizens of the Town of Burns Harbor, Indiana; and

WHEREAS, excessive sound and noise are a serious hazard to the public health and welfare, safety, and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound and noise may be substantially abated; and

WHEREAS, a report dated December 18, 1991, documenting the results of acoustical analysis in Burns Harbor, Indiana, was prepared and has been reviewed by the Burns Harbor Plan Commission and Town Council of the Town of Burns Harbor; and

WHEREAS, the Burns Harbor Plan Commission has conducted a public hearing after due notice and recommended the enactment of this Chapter by the Town Council; and

WHEREAS, the people have a right to and should be ensured an environment free from excessive sound and noise that may jeopardize their health or welfare or safety or degrade the quality of life; and

NOW THEREFORE, it is the policy of the Town of Burns Harbor, Indiana to prevent excessive sound and noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

#### (2) SCOPE

This Chapter shall apply to the control of all sound or noise sources within the limits of the Town of Burns Harbor, Indiana.

### SEC. 16.2 DEFINITIONS

**TERMINOLOGY:** All definitions of acoustical terminology conform with those contained in ANSI s1.1-1960. "Acoustical Terminology" or its successor body and/or Specifications.

**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.

**ANSI:** American National Standards Institute or its successor bodies.

**BUSINESS AREA, BUSINESS PROPERTY, COMMERCIAL AREA, COMMERCIAL PROPERTY:** General Business and Business Park Districts, as referred to and defined in Chapter 15, CORPORATION PLAN AND ZONING, of the Town Code of the Town of Burns Harbor as amended.

**CONSTRUCTION:** On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing land, earth-moving, blasting, and landscaping.

**DAYTIME HOURS:** 7:00 AM TO 10:00 PM. local time (*Ordinance 263, 2015*)

**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).

**dB(A):** See "A-Weighted Sound Level"

**EMERGENCY:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**EMERGENCY WORK:** Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**EXHAUST SYSTEM:** The system comprised of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

**FARM TRACTOR:** Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.

**FAST METER RESPONSE:** As specified by American National Standards Institute in Document S1.4-1971, or subsequent revisions.

**GROSS VEHICLE WEIGHT RATING (GVWR):** The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating

(GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

**HIGHWAY:** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**INDUSTRIAL AREA or INDUSTRIAL PROPERTY:** Industrially zoned property as referred to and defined in Chapter 15, CORPORATION PLAN AND ZONING, of the Town Code of the Town of Burns Harbor as amended.

**MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE:** Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

**MOTOR VEHICLE:** As defined in the motor vehicle code (Indiana Code, Title 9) of the State of Indiana, or any vehicle which is propelled or drawn on land by a motor such as, but not limited to, passenger cars, trucks, truck-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

**MOTORBOAT:** Any vessel which operates on water and which is propelled by a motor, including, but not limited to boats, barges, amphibious craft, jet skis, water ski towing devices and hover craft.

**MOTORCYCLE:** As defined in the motor vehicle code (Indiana Code, Title 9) of the State of Indiana which is an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to motor scooters and minibikes.

**MUFFLER OR SOUND DISSIPATIVE DEVICE:** A device for abating the sound of escaping gases of an internal combustion engine.

**NIGHTTIME HOURS:** 10:00 PM to 7:00 AM, local time. (*Ordinance 263, 2015*)

**NOISE:** Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

**NOISE DISTURBANCE:** Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

**NOISE POLLUTION:** The emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

**OCTAVE BAND SOUND PRESSURE LEVEL:** The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is 20 micropascals (U Pascals).

**PERSON:** Any individual, corporation, partnership, firm, association, trust, estate, public or private institution group, agency, political subdivision of this State, any other State or political subdivision of this State, any other State or Political Subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

**PLAINLY AUDIBLE:** Any noise for which the information content is unambiguously communicated to the listener, including understandable speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.  
*(Ordinance 263, 2015)*

**POWERED MODEL VEHICLE:** Any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designed to carry persons including, but limited to any model airplane, boat, car or rocket.

**PREFERRED FREQUENCIES:** Those frequencies in Hertz (Hz) preferred for acoustical measurements which, for the purposes of the Chapter consist of 1000, 2000, 4000, 8000, Octave Band Center frequencies.

**PROPERTY-LINE-NOISE-SOURCE:** Any equipment or facility, or combination, thereof, which operates within any land as classified herein. Such equipment or facility, or combination thereof, must be capable of emitting sound beyond the real property boundary of the land in which operated.

**PUBLIC RIGHT-OF-WAY:** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

**PURE TONE:** Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of this chapter, a pure tone shall exist if one-third octave band sound pressure level in the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous adjacent one-third octave bands by five dB for center frequencies of 500 Hz and above, by eight dB for center frequencies between 160 and 400 Hz, and by 154 dB for center frequencies less than or equal to 125 Hz.

**REAL PROPERTY BOUNDARY:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

**RESIDENTIAL AREA OR RESIDENTIAL PROPERTY:** Residence Districts as referred to and defined in Chapter 15, CORPORATION PLAN & ZONING, of the Town Code of the Town of Burns Harbor as amended and any other real property devoted to

residential use as of the effective date of this Chapter until such time as said residential use has been abandoned for a period of six (6) months or more.

**RMS SOUND PRESSURE:** The square root of the time average of the sound pressure squared, denoted Prms.

**SNOWMOBILE:** A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

**SOUND:** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

**SOUND LEVEL:** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A- weighting shall apply.

**SOUND LEVEL METER:** An instrument which includes a micro-phone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

**SOUND PRESSURE LEVEL:** 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 Micropascals ( $20 \times 10^{-6}$  N/M<sup>2</sup>). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

**SPECIAL MOBILE EQUIPMENT:** Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and other earth-moving equipment.

**TACTICAL MILITARY VEHICLES:** Every vehicle operated by any Federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal Highway use.

**UNREGULATED SAFETY RELIEF VALVE:** A safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reaction from pressure build-up rather than being used and designed as a process pressure blowdown.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

**WEEKDAY:** Any day Monday through Friday which is not a legal Holiday.

## **SEC. 16.3 DUTIES AND POWERS OF ENFORCEMENT OFFICIALS**

- (a) Duties of Administration. The noise control decibel limits for various sections and sub-sections of this Chapter 16 of the Town Code of the Town of Burns Harbor shall be enforced and administered by the Police Department of the Town of Burns Harbor, the Planning Commission, or other enforcement officials designated from time to time by the Town Council of the Town of Burns Harbor, which persons shall have, in addition to any other authority vested in them, the power enumerated in this section 16.3 (b) of this chapter. (*Ordinance 263, 2015*)
- (b) Powers of Enforcement Officials. In order to implement the purposes of this chapter and in addition to any other authority vested in them, the enforcement officials shall have the power to do the following: (*Ordinance 263, 2015*)
  - (1) Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any public document, report, or record at any reasonable time with the permission of the owner, occupant, or some other person with apparent authority to act for the owner, to inspect any noise source for the purpose of ascertaining compliance or noncompliance with any provision of this chapter.
  - (2) Conduct and administer any necessary tests to determine whether a noise source complies with the provisions of this chapter.
  - (3) Conduct sound pressure level measurements at real property boundaries to determine compliance with established maximum permissible sound pressure levels as defined in this chapter.
  - (4) Issue notices of violations or abatement orders, which may include retesting of the property and noise sources at the real property boundary.
  - (5) Stop any motor vehicle, motorcycle, or motorboat operated on a public right-of-way, public space, or public waterway reasonably suspected of violating any provision of this Chapter and issue a notice of violation or abatement order, which may require the motor vehicle, motorcycle, or motorboat to be inspected or tested for compliance.

## **SEC. 16.4 PROHIBITED ACTS**

### **(1) NOISE DISTURBANCES PROHIBITED**

No Person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Non- commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

### **(2) SPECIFIC INSTRUCTIONS**

The following acts, and the causing thereof, are declared to be in violation of this Chapter.

#### **(a) RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SIMILAR DEVICES**

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in such a manner as to:

- (i) create a noise disturbance across a real property boundary, during the nighttime hours (except for activities open to the public and for which a permit has been issued by the Town Council of the Town of Burns Harbor); or
- (ii) be plainly audible across a real property boundary or through partitions common to two parties within a building; or
- (iii) create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or
- (iv) create a noise disturbance to any person, other than the operator of the device, when operated by any passenger on a common carrier.
- (v) This section shall not apply to non-commercial spoken language covered under subsection (2)(b)(i) of this section.

#### **(b) LOUDSPEAKER/PUBLIC ADDRESS SYSTEMS**

- (i) Using or operating for any non-commercial purpose any loudspeaker, public address system, or similar device during the nighttime hours such that the sound therefrom is plainly audible and creates a noise disturbance across a residential real property boundary. *(Ordinance 263, 2015)*
- (ii) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom is plainly audible and creates a noise disturbance across a real property boundary. *(Ordinance 263, 2015)*

(c) STREET SALES

Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the Town of Burns Harbor (except by permit issued by the Town Council of the Town of Burns Harbor and during daytime hours).

(d) ANIMALS AND BIRDS

Owning, possessing, or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential real property boundary (this provision shall not apply to zoos or to farm livestock).

(e) LOADING AND UNLOADING

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects during the nighttime hours in such a manner as to cause a noticeable disturbance across a residential real property boundary.

(f) CONSTRUCTION

Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

- (i) During the nighttime hours on weekdays or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variances issued pursuant to Section 16.5.
- (ii) At any other time such that the sound level at or across a residential real property boundary exceeds maximum sound level of 80 dBA for the daily period of operation.
- (iii) This section shall not apply to the use of domestic power tools subject to

Subsection (2) (j) of this Section.

(g) PLACES OF PUBLIC ENTERTAINMENT

Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in the interior of any place of public entertainment at a sound level greater than 90 dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING; SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT". The maximum allowable sound pressure levels generated at the exterior real property boundaries of such place of public entertainment shall be regulated by Section 16.1, Tables 1 and 2 octave band decibel limits for General Business, Business Park, Industrial-1, Industrial-2, and Industrial-3 to Residential real property boundaries.

(h) STATIONARY NON-EMERGENCY SIGNALING DEVICES

- (i) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place for more than five (5) minutes in any hourly period.
- (ii) Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

(i) EMERGENCY SIGNALING DEVICES

- (i) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (ii).
- (ii) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not during the nighttime hours. Any such testing shall use only the minimum cycle test time.

(j) DOMESTIC POWER TOOLS

Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors in residential areas during the nighttime hours so as to cause a noise disturbance across a residential real property boundary.

(k) 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, particularly during the nighttime hours, so as to violate the quiet, comfort, or repose of persons in in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity. *(Ordinance 263, 2015)*

**SEC. 16.5 EXCEPTIONS AND VARIANCES**

(1) EMERGENCY EXCEPTION

The provisions of this Chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(2) SPECIAL VARIANCES

- (a) The Board of Zoning Appeals of the Town of Burns Harbor shall have the authority, consistent with this Section to grant special variances which may be requested for holidays, celebrations, concerts, parades or other special events, public or personal. *(Ordinance 263, 2015)*
- (b) Any person seeking a Special Variance pursuant to this Section shall file a petition with the Town Building Commissioner who shall review the same to see that it meets the requirements of this Section and forward the petition to the Board of Zoning Appeals.
- (c) Any petition for a Special Variance filed under this section shall contain information which demonstrates that the bringing the source of noise activity for which the special variance is sought into compliance with this Chapter would constitute an unreasonable hardship on the applicant, the community, or on other persons. *(Ordinance 263, 2015)*
- (d) Thereafter, the Board of Zoning Appeals shall set the petition for public hearing and the petitioner shall give notice by certified mail, publication, and posting in the manner required by state statutes and the rules of the Board of Zoning Appeals. Any persons who claim to be adversely affected by the allowance of the special variance may testify at the public hearing or file written statements with the Board of Zoning Appeals containing any information which supports their claim.
- (e) In determining whether to grant the special variance, the Board of Zoning Appeals shall balance the hardship to the petitioner, the community, and other

persons of not granting the special variance against the adverse impact on the health, safety, and welfare of persons affected, the adverse effect on property affected, and any other adverse impacts of granting the special variance. Petitioners for special variances and persons contesting special variances may be required to submit any information that the Board of Zoning Appeals may reasonably require. In granting or denying a petition, the Board of Zoning Appeals shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

- (f) Special variances shall be granted by notice to the petitioner containing all necessary conditions, including time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the petitioner. Non-compliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this Chapter regulating the source of sound or activity for which the special variance was granted.
- (g) Applications for extension of time limits specified in special variances or for modifications of other substantial conditions shall be treated like petitions for initial special variances under Subsection (b).
- (h) Appeals of a decision of the Board of Zoning Appeals shall be made to the appropriate courts of law in the time and manner specified for appeals of the decisions of said Board by applicable statutes.

## **SEC. 16.6 SOUND LEVELS PERMISSIBLE SOUND PRESSURE LEVELS TO RECEIVING RESIDENTIAL PROPERTY**

- (1) No person shall operate or cause to be operated on property classifications identified below any source or sources of sound or noise in a manner as to create an octave band sound pressure level which exceeds any of the octave band decibel limits set forth in Tables 1 and 2 when measured at or within the property boundary of the receiving residential property, but in no case shall the sound pressure level of the source or sources be measured closer than twenty-five (25) feet from the sound or noise source. Noise levels shall be measured in terms of sound pressure levels in octave frequency bands using equipment which meets the requirements established by this Chapter. Maximum permissible octave band sound levels as provided hereinafter shall be reduced by five dB for any octave band containing a pure tone as defined in the Definitions Section. Impulsive- type noise shall be subject to the performance standards hereinafter prescribed.

**TABLE 1**

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS EMITTED BY RESIDENTIAL, GENERAL BUSINESS, BUSINESS PARK, OR INDUSTRIAL-1 TO RESIDENTIAL PROPERTY BOUNDARIES			
During Daytime Hours (7:00 AM to 10:00 PM)		During Nighttime Hours (10:00 PM to 7:00 AM)	
OCTAVE BAND FREQUENCY (Hz)	SOUND LEVEL (DECIBELS)	OCTAVE BAND FREQUENCY (Hz)	SOUND LEVEL (DECIBELS)
31.5	63	31.5	59
63	62	63	58
125	57	125	54
250	52	250	51
500	50	500	48
1,000	47	1,000	45
2,000	42	2,000	38
4,000	33	4,000	32
8,000	31	8,000	28

**TABLE 2**

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS EMITTED BY INDUSTRIAL-2 OR INDUSTRIAL-3 PROPERTY TO RESIDENTIAL PROPERTY BOUNDARIES			
During Daytime Hours (7:00 AM to 10:00 PM)		During Nighttime Hours (10:00 PM to 7:00 AM)	
OCTAVE BAND FREQUENCY (Hz)	SOUND LEVEL (DECIBELS)	OCTAVE BAND FREQUENCY (Hz)	SOUND LEVEL (DECIBELS)
31.5	69	31.5	63
63	68	63	62
125	63	125	57
250	59	250	52
500	56	500	50
1,000	54	1,000	47
2,000	52	2,000	42
4,000	50	4,000	33
8,000	48	8,000	31

## (2) EXEMPTIONS

The provisions of this article shall not apply to:

- (a) Activities covered by the following Sub-Sections:
  - 16.4(2)(f) - Construction
  - 16.4(2)(h) - Stationary Non-emergency Signaling Devices
  - 16.4(2)(l) - Emergency Signaling Devices
  - 16.4(2)(j) - Domestic Power Tools
  - 16.8(4) - Refuse Collection Vehicles
- (b) The unamplified human voice.
- (c) Interstate railway locomotives and cars.
- (d) Non-stationary farming equipment.

## SEC. 16.7 IMMEDIATE THREATS TO HEALTH AND WELFARE

1. The Burns Harbor Police Department or other enforcement officials designated from time to time by the Town Council of the Town of Burns Harbor shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to Sub-section (2), to continuous sound levels in excess of those shown in Table 3 or to impulsive sound levels in excess of those shown in Table 4. Within three (3) days following issuance of such an order, the Burns Harbor Police Department or other designated enforcement officials shall apply to the appropriate court for an injunction to replace the order.
2. No order pursuant to subsection (1) shall be issued if the only persons exposed to sound levels in excess of those listed in Tables 3 and 4 are exposed as a result of (1) trespass; (2) invitation upon private property by the person causing or permitting the sound; (3) employment by the person or a contractor of the person causing or permitting the sound.
3. Any person subject to an order issued pursuant to subsection (1) shall comply with such order until (1) the sound is brought into compliance with the order, as determined by the Burns Harbor Police Department or other designated enforcement officials; or (2) a judicial order has superseded the order of the enforcement official.
4. Any person who violates an order issued pursuant to this Section shall, for each day of violation, be fined not less than Two Hundred and Fifty (\$250.00) Dollars nor more than Twenty-Five Hundred (\$2,500.00) Dollars.

**TABLE 3**

CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)*	
SOUND LEVEL LIMIT (dBa)	DURATION
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

\* Use equal energy time-intensity trade-off if level varies: find energy equivalent over 24 hours.

**TABLE 4**

IMPULSIVE SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE (MEASURED AT 50 FEET OR 15 METERS)	
SOUND LEVEL LIMIT (dB)	NUMBER OF REPETITIONS PER 24-HOUR PERIOD
145	1
135	10
125	100

**SEC. 16.8 MOTOR VEHICLE MAXIMUM SOUND LEVELS**

1. MOTOR VEHICLES AND MOTORCYCLES ON PUBLIC RIGHTS-of-WAY

No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 5.

**TABLE 5**

MOTOR VEHICLE AND MOTORCYCLE SOUND LIMITS (MEASURED AT 50 FEET OR 15 METERS)			
VEHICLE CLASS	SPEED LIMIT 35 MPH or less	Sound level in dBA SPEED LIMIT Over 35 mph	STATIONARY Run-up
Motor carrier vehicle engaged interstate commerce pf GCWR of 10,000 lbs or more	86 (Built prior to 1986) 83 (1986 and newer)	90 (Built prior to 1986) 87 (1986 and newer)	88 (Built prior to 1986) 85 (1986 and newer)
All other motor vehicles of GVWR or GCWR of 10,000 lbs or more	74	82	
Any motorcycle	80	86	
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	88	88	

(2) ADEQUATE MUFFLERS OR SOUND DISSIPATIVE DEVICES

- (a) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(3) MOTOR VEHICLE HORNS AND SIGNALING DEVICES

The sounding of any horn or other auditory signaling device on or in any motor vehicle or motorcycle on any public right-of-way or public space, except as a warning of danger as provided in the motor vehicle code (Indiana Code, Title 9) of the State of Indiana is declared to be in violation of this Chapter.

(4) REFUSE COLLECTION VEHICLES

No person shall:

- (a) Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse, between 9:00 PM and 5:00 AM on the following day, local time, in a residential area.
- (b) Collect refuse with a refuse collection vehicle between 9:00 PM and 5:00 AM on the following day, local time, in a residential area.

#### (5) STANDING MOTOR VEHICLES

No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of eight thousand (8,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 150 feet (46 meters) of a residential area during nighttime hours, local time.

### **SEC. 16.9 ENFORCEMENT**

#### (1) PENALTIES

- (a) Any person who willfully or knowingly violates any provision of this Chapter shall be fined for the first offense not more than One Hundred (100.00) Dollars.  
*(Ordinance 319-2023)*
- (b) Any person who willfully or knowingly violates any provision of this Chapter shall be fined for a second offense a sum of not less than Two Hundred and Fifty (\$250.00) Dollars. *(Ordinance 319-2023)*
- (c) Each occurrence or violation of any provision of this Chapter shall constitute a separate offense.

#### (2) OTHER REMEDIES

No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law.

#### (3) SEVERABILITY

If any provision of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Chapter shall not be invalidated.