

**ORDINANCE NO. 2021-\_\_\_\_\_**  
**TOWN OF NASHVILLE INDIANA**

**AN ORDINANCE REGULATING SOUND**

**PUBLIC POLICY AND PURPOSE**

The Nashville Town Council finds that excessive noise may:

1. Impair the safe operation of motor vehicles by distracting drivers;
2. Disturb the quiet and normal functioning of the Town's residential and commercial areas;
3. Startle, threaten, frighten, or intimidate individuals or animals;
4. Project a negative image of the Town to the detriment of the health, welfare, and safety of Nashville's citizens and guests;
5. Negatively affect that portion of the population who use hearing aid devices.

Accordingly, it is the policy of the Town of Nashville to prohibit excessive, annoying, or distracting noise.

**DEFINITIONS**

**Person:** An individual, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.

**Sound:** vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

1. sound produced by continuous and regular vibrations, as opposed to noise.

**Noise:** a sound, especially one that is loud or unpleasant or that causes disturbance.  
"making a noise like a pig in a trough"

It shall be unlawful under this ordinance to:

- a) Intentionally create sound/noise louder than 90 decibels between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday or between 11:00 p.m. and 7 a.m. on Friday or Saturday.
- b) Intentionally create sound/noise of any kind that would pose a nuisance or disrupt quiet and sleeping between the hours of 10pm and 7am.
- c) Intentionally create sound/noise after being requested to stop by a law enforcement officer. (see disturbing the peace law, I.C. 35-45-1-1)
- d) To allow an animal or bird kept as a pet to make continuous noise as defined herein and to continue to allow it to do so after being advised by a law enforcement officer to quiet the animal or bird.

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### EXEMPTIONS

The following uses and activities shall be exempt from the provisions of this chapter:

- a) Noises of safety signals, warning devices, and emergency pressure relief valves;
- b) Noises resulting from authorized emergency, fire or police vehicle when responding to an emergency call, acting in time of emergency or in connection with official police or fire department business;
- c) Noises resulting from emergency work;
- d) Noises resulting from burglar alarms and other warning devices when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;
- e) Noises resulting from rubbish collection utilizing any mechanical equipment between the hours of six a.m. and five p.m. only;
- f) Noises associated with equipment or animals lawfully utilized by persons with disabilities to accommodate their disability;
- g) Noises associated with legal consumer fireworks used during the times Indiana Code prohibits regulation by municipalities, which are as follows:
  - 1) Between the hours of five p.m. and two hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 6th, July 7th, July 8th, and July 9th.
  - 2) Between the hours often a.m. and eleven p.m. on July 4th
  - 3) Between the hours of ten a.m. on December 31st and one a.m. on January 1st

### SPECIAL PERMITS

- a) The Town Council may authorize special event permits.

### PRESUMPTIONS

- a) An act shall be presumed to be intentional if it occurs or persists after the actor has been asked to stop.
- b) Repeated violations of this ordinance shall be deemed a nuisance and may be subject to all legal and equitable remedies including damages and injunction. Any aggrieved person may bring action. under this presumption.

### ENFORCEMENT

- a) In order to facilitate the prosecution of this Ordinance, any person making a complaint hereunder shall be required to give his or her name, address and telephone number at the time of making the complaint.
- b) Making unreasonable noise and continuing to do so after being asked to stop may be a criminal act (Class B Misdemeanor) in violation of I.C. 35-45-1-3.
- c) The Nashville Police Dept is empowered to enforce this ordinance by written warning, citation for fines or arrest if the actor's conduct violates I.C. 35-45-1-3 or any other state statute.

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- d) The Town Council or any aggrieved person may bring action to enjoin repeated violations of this Ordinance.

**PENALTIES AND APPEALS**

Violations of this Ordinance shall be punished by fines according to the following schedule:

First Violation	\$50.00
Second violation within 12 months	\$100.00
Third violation within 12 months	\$200.00
Fourth and subsequent violations	\$500.00

Each day that the violation occurs or persists shall be deemed a separate violation for the purpose of assessing fines. Fines must be paid or appealed to the Town Council in writing within five (5) days. The fine shall be paid to the Town of Nashville at 200 Commercial St., Box 446, Nashville, IN 47448. Decisions on Appeal to the Town Council shall be final unless appealed pursuant I.C. 4-21.5-5-1 within thirty (30) days of said decision.

**SEVERABILITY**

If any provision of this ordinance shall be determined to be invalid or unenforceable, it shall not affect the validity or enforceability of the remaining provisions.

**REPEALER**

This ordinance shall become effective upon passage and publication as required by law. It supersedes and REPEALS all prior ordinances in conflict herewith and specifically REPEALS and replaces Sections 92.15, through 92.99 of the Town of Nashville Code of Ordinances.

It is so **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021

Prepared by and approved for form: James T. Roberts Town Attorney	_____ President Jane Gore	yea    nay    abstain
	_____ Vice-President Nancy Crocker	yea    nay    abstain
	_____ Council Member Dave Rudd	yea    nay    abstain
ATTEST:	_____ Council Member Anna Hofstetter	yea    nay    abstain
_____ Clerk-Treasurer, Brenda K. Young	_____ Council Member Tyra Miller	yea    nay    abstain