

('97 Code, § 6-84) (Res. - -, passed 6-6-91; Am. Ord. 1996-3, passed 7-11-96; Am. Ord. 01-09-97, passed 1-09-97)

#### §95.48 RIGHT TO APPEAL.

Any person aggrieved shall have the right to appeal to the legislative body. The appeal shall be taken within 30 days after the notice. The legislative body shall act on the appeal within 30 days after its receipt.

### TREE TRIMMING

#### § 95.60 RESTRICTED BY SIDEWALKS.

It shall be unlawful for the owner of any shade trees or ornamental trees growing in any street in the town to allow any of the branches thereof to grow at a closer distance than 14 feet from the sidewalk level. ('97 Code, § 6-88) (Ord. - -, passed 6-28-29) Penalty, see § 10.99

#### § 95.61 OBSTRUCTION OF STREET LIGHTS PROHIBITED.

It shall be the duty of the owner of every lot or part of lot fronting on any street or highway in the town to cause the shade trees in front of the lot or part of lot to be trimmed in such a manner that the branches will not obstruct the light of the electric street lights nor in any way impair the efficiency of the street lights in the town.  
( '97 Code, § 6-89) (Ord. - -, passed 6-28-29)

#### § 95.62 TREE CUTTING REGULATIONS. (Repealed)

('97 Code, § 6-90) (Ord. - -, passed 6-28-29) Penalty, see § 10.99

### NOISE

#### § 95.75 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a person to make or allow property under his or her control to make any loud, raucous, improper, unreasonable, offensive or unusual noise which disturbs, injures or endangers the comfort, repose, health, peace, safety or quiet enjoyment of others within the town.

04/18/07

(B) It shall be the duty of every real property owner, the owner or manager of any business in the town or motor vehicle driver operating a vehicle within the town to prevent persons using property under their control from violating this section.  
(Ord. 8-19-99, passed 8-19-99)

§ 95.76 ENUMERATION OF CERTAIN PROHIBITED ACTS.

(A) The following acts, among others, are declared to be loud, raucous or disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

(B) The acts enumerated in this section are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section or limiting the offense hereunder to the particular offense hereinafter enumerated:

(1) Using, operating or permitting to be played, used or operated any radio receiving set, CD player, musical instrument, speakers, tape deck, public address or paging system or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, instrument, phonograph, machine or device in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk or vehicle shall be prima facie evidence of a violation of this chapter.

(2) Using, operating or permitting to be placed, used or operated any radio receiving set, musical instrument, CD player or tape deck, loudspeaker, sound amplifier, public address system or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(3) Yelling, shouting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any commercial building or in any dwelling or other type of residence or of any person in the vicinity.

(4) The creation of any loud and raucous noise on any street adjacent to any school, library, church or court while the same are in use which unreasonably interferes with the working of such institution or which unduly disturbs persons in the facilities, provided conspicuous signs are displayed in the streets indicating that the same is a school, library or court street.

(5) The use of any sound creating instrument or device for the purpose of generating a sound to attract attention by creation of noise to any performance, show or sale.

(6) The participation in or permitting of any parties or gatherings which create loud or raucous noise.

(7) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(8) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(9) To operate, cause to operate or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal or as the result of the operation of audio devices such as but not limited to radios, CD players and tape players on or from such vehicle.

(10) To intentionally or unintentionally utilize or engage an engine exhaust or compression regulating system or similar device installed on a diesel engine which results during the braking, freewheeling or deceleration of the engine and the vehicle upon which it is installed noise greater than that which occurs when that same engine is under acceleration. Noise caused by the activity shall be considered excessive noise and is prohibited. (Ord. 8-19-99, passed 8-19-99)

(C) In addition to the standards set forth above any noise or sound shall be considered excessive noise and a nuisance if it exceeds a noise level of 85 decibels (dba) based on a distance of measurement 15 feet from the noise source. Decibel measurement shall be only one source of evidence for ordinance violation.

#### § 95.77 EXEMPTIONS.

The following are exempted from the provisions of the foregoing section 95.76;

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, farm equipment, remodeling, repair and construction tools and equipment being used on a job site and similar home power tools when properly muffled for up to four hours per day between the hours of 8:00 a.m. and 8:00 p.m.

(C) Burglar alarms on light motor vehicles of the electronic signaling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle.

(D) Celebrations on legal holidays (i.e., those recognized by the State of Indiana as paid holidays for State of Indiana employees) and celebrations in connection with duly authorized parades.

(E) Noise created on a manufacturing or commercial property in a properly zoned location as a result of the manufacturing or commercial business being conducted at said location after 7:00 a.m. in the morning and before 7:00 p.m. in the evening, provided it does not exceed 85 decibels.

(F) Church or worship center bells sounded in conjunction with a function or service.

(Ord. 8-19-99, passed 849-99)

## § 95.80 PARKING RESTRICTIONS

No parking of motor vehicles or trailers in excess of 8 feet shall occur, other than on town streets where permitted, and on off street paved or other hard surface areas. Gravel parking areas or driveways are acceptable "hard surfaces". Failure to use appropriate hard surfaces shall constitute creating a public nuisance by the owners of the motor vehicle or trailer.

### Enforcement, Abatement and Appeal Procedure

## § 95.90 ABATEMENT PROCEDURE. PRIVATE REAL PROPERTY.

(A) If the offense is use, occupancy or an act involving private real property, it shall be the duty of an officer or agent designated by the legislative body to serve or cause to be served a notice upon all easily ascertained persons holding a substantial interest in any premises (i.e., occupant and owner) on which there is kept, maintained or occurring any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance within a reasonable time stated in the notice no less than 48 hours and no more than 30 days. The notice shall contain a statement the recipient of the notice has a right to dispute the violation described in the notice by filing with the Town Clerk/Treasurer before the expiration of the time provided for abatement a request for review by the Town Council in which case the matter and action on the notice shall be delayed until the next Town Board meeting and said matter shall be placed on the agenda for review. Notice shall be served upon persons by any reasonable means, except where a specific means is required by state statute, in which case that means of notice shall be used, if the whereabouts of the persons is unknown and cannot be ascertained by the officer or agent in the exercise of reasonable diligence. The serving of notice may be made by posting a copy of the notice in a conspicuous place on the premises affected by the notice. However notice is given, the officer or agent shall make an affidavit or other written record of the date, method of giving notice, and shall file the same along with a copy of the notice with the Town Clerk.

(B) If the person so served does not request review by the Town Board or abate the nuisance within the reasonable period stated in the notice, the municipality may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant. Notice of the costs and expenses incurred shall be provided in the same manner as notices of abatement to the