

Legal Notice

At the regularly scheduled meeting on June 9 2025, the Town Council of Glenwood, Indiana will consider the approval of 2025-4 An Ordinance regulating noise within the Town of Glenwood, Indiana. The meeting will be at 7:00 P.M. in the Town Hall.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the public meeting should notify the town as soon as possible but no later than Wednesday, June 4, 2025 by 5:00 p.m. Communication can be via phone at 765-679-5600 or email at clerk-treasurer@townofglenwood.IN.gov. A request can also be mailed through the U. S. Postal Service to be received by June 4, 2025.

ORDINANCE NO. 2025-4

AN ORDINANCE REGULATING NOISE WITHIN THE TOWN OF GLENWOOD, IN

WHEREAS, based on the Council having been presented with sufficient information, concerns and complaints from its citizenry, the Council concluded that the best interest of the Town requires a noise control ordinance.

A) *Scope.* The provisions of this section shall apply to the control of all noise within the town limits, as it now exists or may hereafter be established. It is declared to be the public policy of the town to prohibit unreasonable, unnecessary, excessive and offensive noise from all source. Above certain levels noise is detrimental to the health, welfare, safety, comfort and repose of the citizenry and in the public interest shall be systematically regulated and proscribed by the town.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAFFLE. A device to deflect, check or regulate the flow or passage of sound.

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service.

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, all-terrain vehicles, go-carts, mini bikes, and trail bikes. Any and all self-propelled vehicles as defined by I.C. 9-13-2-105(a).

MUFFLER. Any device used upon a motor vehicle whose purpose is the deadening of combustion noises of any engine thereon, or the deadening of any other motor noises, including but not limited to the noise of exhaust gases, or any other mechanical device for the deadening of the noise and intake gases upon a motor vehicle.

PERSON. Any individual, association, partnership, joint venture, or corporation which includes any officer, and employee, department, agency or instrumentality thereof.

PREMISES. A place in which a person has right of legal, private occupancy.

FEES. Any person, corporation or other entity violating this ordinance shall be fined as follows: First offense, \$25.00; Second offense, \$50; Third offense \$75.00; Fourth offense, \$100.00; and Fifth offense and any thereafter shall be fined in an amount not to exceed \$500.00

(C) *Loud and unnecessary noise prohibited.*

(1) It shall be a violation of this section for a person to make any loud, raucous, improper, unreasonable offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town, or to permit such noise, disorder or tumult plainly audible at a distance of 50 feet from the building, structure, vehicle or source to be made in or about his or her house or premises, and the same is hereby declared to be a public nuisance.

(2) Further, it shall be the duty of every owner, occupant, manager, agent or operator of any property, structure, vehicle, or business in the town, to prevent persons using property under their control from violating this chapter.

(3) The town shall notify the landlord, property owner, owner's agent, or manager if a renter or occupant of the rental unit has three or more offenses or incidents pertaining to the town disturbing the peace ordinance. All offenses or incidents shall be fined pursuant to the below fee schedule. After the fifth offense at the same location within two years, the landlord, property owner, owner's agent or manager, along with the tenant, shall be served with a notice of the violation and subsequently fined in an amount of \$500 for every offense. Notice shall be deemed to be properly served upon the owner or the owner's agent if a copy thereof is sent via certified mail to the address on the property tax record.

(4) If the town officer makes an enforcement action on the property in question, this constitutes an offense.

(D) *Enumeration of certain prohibited acts.* The following acts, uses or noises, among others, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this section. All shall be plainly audible at a distance of 50 feet from the building, structure, vehicle or source. Such enumeration shall not be deemed to be exclusive:

(1) Using, operating or permitting to be played, used or operated any 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 the convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener;

(2) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purpose of commercial advertising or to attract attention to any activity, performance, sale, place or structure;

(3) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle;

(4) The use and operation of construction and repair equipment shall be limited to the following hours: between the hours of 7:00 a.m. and 10:00 p.m.; and

(5) All shall be plainly audible at a distance of 50 feet from the building, structure, vehicle or source.

(6) Except by specific governmental authorization given by the Council, no person while on a public or private highway, street or road shall operate a motor vehicle with the muffler or baffle cut out or removed. No cutout shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving or by a passenger of any motor vehicle.

(7) Except as used for warning purposes, it shall be a violation of this chapter for any person to use, operate or sound any horn or signaling device on any motor vehicle in any public street or public place in the town for any unreasonable period of time.

(8) It shall be a violation of this chapter to play, use or operate or allow to be played, used or operated in any motor vehicle any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument or any other machine or device for producing or reproducing sound at a volume that is louder than necessary for the convenient hearing of persons who are inside the vehicle within which such device is played, used or operated. Sound that is clearly audible 50 feet or more from the vehicle is prima facie evidence of a violation of this section.

(9) It shall be a violation of this chapter to play, use, operate or allow to be played, used or operated any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any other machine or device for producing or reproducing sound in such a manner that the sound produced persists continuously or intermittently for a period of at least 15 minutes and can be heard outside the immediate premises from the location of the emitter by a person with normal hearing at a distance of 50 feet. Sound that is clearly audible to a person with normal hearing 50 feet from where the source of the sound is located is prima facie evidence of a violation of this section.

(10) It shall be a violation of this chapter to own, keep, possess, or harbor any animal which, by frequent or habitual howling, barking, meowing, squawking, or other noisemaking, causes a noise disturbance.

(11) It shall be a violation of this chapter to yell, shout, hoot, whistle, or sing in any public street or public place of the town in a manner that makes unreasonable noise and continuing to do so after being ask to stop by the Glenwood Council or designee.

(12) It shall be a violation of this chapter to create noise through the use of legal consumer fireworks outside those dates and times established by Indiana Code as outlined under exemptions of this section.

(E) *Prohibited noise.* No person shall play, use, 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:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 50 feet from its source; or

(2) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 50 feet from the device producing the sound.

(F) *Exemptions.* Exemptions shall not be permitted within any duly established "Quiet Zone" when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles;

(2) Lawn mowers, garden tractors, and similar home power tools when properly muffled and between the hours of 7:00 a.m. and 10:00 p.m.

(3) Noises of safety signals, warning devices, and emergency pressure relief valves, to include burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time;

(4) Celebrations on Halloween and legal holidays;

(5) Permitted parades, sanctioned concerts or festivals;

(6) Crowd noise resulting from legal activities, to include attendant noise connected with the actual performance of athletic or sporting events and practices related to them;

(7) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work;

(8) Sounds associated with the normal conduction of a legally established non-transient business within the normal range appropriate for such use as long as between the hours of 7:00 a.m. and 10:00 p.m. with all possible efforts to minimize the noise;

(9) In the case of motor vehicles where the noise is the result of a defective or modified exhaust system, if the cause is remedied in seven calendar days; and

(10) Any sounds associated with church or church activities between the hours of 7:00 a.m. and 10:00 p.m.

(11) Noises associated with equipment or animals lawfully utilized by persons with disabilities to accommodate their disability. Appropriate documentation for an exception must be provided to the Town Council.

(12) Noises associated with legal consumer fireworks used during the times Indiana Code prohibits regulation by municipalities, which are as follows:

(a) Between the hours of 5:00 p.m. and two hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th, and July 9th.

(b) Between the hours of 10:00 a.m. and 12:00 midnight on July 4th.

(c) Between the hours of 10:00 a.m. on December 31st and 1:00 a.m. on January 1st.

(13) Noise associated with properly permitted public fireworks displayed as outlined in relevant Indiana Code.

(G) *Special permits.* Applications for a permit for relief from the regulations contained in this chapter shall be made in writing to the Glenwood Town Council Code to be received by a minimum of five days in advance of a Town Council meeting, not including holidays and weekends. Any permit granted must be in writing and shall contain all conditions upon which said permit shall be effective. Reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood may be imposed at the discretion of the Town Council or their designee.

(H) The Council President or designee may also permit reasonable time, manner and place exceptions to the noise ordinance for any reason necessary to facilitate construction or public safety, so long as permittee makes a written request. In the event that a permittee requests such exception, the permittee or those affected may appeal to the Town Council within five days of the decision by the Council President or designee.

(I) *Enforcement.*

(1) This chapter shall be enforced by the Town Council or its designee.

(2) Each person charged with enforcement of this chapter shall have the power and authority to issue all orders and give notice of violations as are designated under this chapter. Such person, or persons, shall keep complete and accurate records. Non-police officers, who seek to enforce the provisions of this chapter, may not stop moving vehicles.

SPECIAL EVENT.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK PARTY. A distinct event held by and for the residents of a specific neighborhood or group of neighborhoods for a period of one day or less.

CIVIC SPONSORED SPECIAL EVENT. Any event that would be held by civic organizations or like organizations.

EVENT SPONSOR. The person, party, or entity that organizes a special event and has applied for a special event permit under this chapter, or the person, party or entity designated as such on a special event permit.

SPECIAL EVENT. A temporary event or gathering, including a parade, using either private or public property and that involves one or more of the following activities;

- (a) Closing a public street, sidewalk, or public way;
- (b) Blocking or obstructing streets, sidewalks, alleys, or other public places, public places in whole or part;
- (c) Sale or distribution of food or beverages on street, sidewalks, alleys or other public places, public property or on private property where otherwise prohibited by ordinance;
- (d) Erection or placement of a tent, utility pole, or other temporary structure on a street, sidewalk, alley, or other public place;
- (e) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for the entertainment purposes on public property or on private property where otherwise prohibited by ordinance;
- (f) Erection or placement of temporary signage, banners, displays of any kind in or over a public right-of- way or on private property where otherwise prohibited by ordinance; or
- (g) Activity that requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the town routinely provides under ordinary circumstances.

(B) *Special event permit; required.*

- (1) It shall be unlawful for a special event to be held without a special event permit having been obtained from the Glenwood Town Council.
- (2) The Town Council shall determine the date and outline the geographic boundaries of each special event.
- (3) The Town Council may, at the request of the event sponsor, identify and outline separate clean zones with the special event zone to accommodate the specific requirements of that civic sponsored special event.

(C) *Fees.*

- (1) The fee for a special event permit will be \$50, however if the authorization of the special event is conditioned upon any town department equipment or personnel, then the fee shall be increased to cover those departments equipment and personnel cost. Any amount paid for the use of town equipment and/or personnel shall be deposited into the General Fund for the Town of Glenwood.
- (2) A block party and any event that the town would hold shall be exempt from any fees in this chapter.

(D) *Designation of civic sponsored events.*

- (1) The Town Council may designate civic sponsored special events.

(E) *Application.*

(1) An application for a special events permit shall be filed at least 30 days prior to the start of the event. The application fee shall be submitted with the application.

Applications for the special event permit shall include the following information:

- (a) Proposed date of the special event;
- (b) Proposed geographic location of the special event;
- (c) The approximate number of persons attending the special event, including but not limited to vendors, attendees, and participants;
- (d) Location and duration of any proposed street closures or obstructions;
- (e) Location, if applicable, of provision or consumption of alcoholic beverages;
- (f) Location, size, and description of any temporary structures;
- (g) Location, size, and description of any signs, banners, or similar advertising or promotional material to be used on site;
- (h) Location and duration of any entertainment that will be provided or present;
- (i) Proposed sanitation plan, including but not limited to the provision of toilets and wash stations and plan to recycle or remove waste, trash, and litter, including but not limited to the use of the Department of Public Works or private resources.
- (j) Proposed emergency safety plan, including but not limited to the number of certified police officers, fire protection, or medical personnel that will be present or contracted for;
- (k) Proposed traffic management plan, including but not limited to the provision of personnel and location of proposed loading areas, barricades, secured areas, and parking areas; and
- (l) Any other information requested by the Glenwood Council or designee.

(2) An application for a special event permit shall possess the attachments:

- (a) Certificate of insurance in the amount of \$100,000. It shall name the Town of Glenwood as an additional insurer.
- (b) A site plan drawn that provides existing streets, sidewalks, and building identified, showing the location of the proposed event as well as any potential events or vendors that will be present during the special event.
- (c) Any other documentation requested by the Glenwood Council or designee.

(F) *Indemnification agreement.* The applicant for a special events license and any other person on whose behalf the application is made, by filing such application, represents, stipulates, contracts, and agrees that he or she will jointly or severally indemnify and hold the town harmless against any liability for any and all claims for damage to property, or injury to, or death of, persons arising out of or resulting from the

issuance of the permit or conduct of the special events or its participants. The applicant must provide any necessary off-duty police officers and/or traffic control personnel.

(G) General and specific criteria for issuance of special events license as provided for within this chapter, from the consideration of the application and from such other information as may otherwise be obtained, provided he or she finds the following:

(1) The conduct of the special event is not reasonably likely to cause injury to persons or property.

(2) Adequate sanitation and other required health facilities will be made available in or adjacent to any public assembly areas.

(3) Adequate recycling or waste collection services will be provided in or adjacent to the special even area.

(H) *Approval or denial of a special event license.*

(1) The Glenwood Council shall approve or deny the license application in writing within 10 calendar days from the date of the Council meeting. Any special event application not approved or denied within this time period will be considered to have been denied by the Glenwood Council.

(4) A special event application may be denied, or an existing special event application license may be suspended or revoked, if any of the following conditions are met:

(a) The applicant has made false representation in the application.

(b) The applicant fails to provide any item or information required by this chapter or by the Glenwood Council or designee.

(c) The proposed special event will substantially interfere with any other event, parade, town sponsored event, street or right-of-way closure, or special event for which a license has already been granted, or substantially interferes with the provision of public safety or other town services in support of such other previously scheduled event or events or will have an adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.

(d) The special event application, including any required attachments and/or submissions, is not fully completed and executed.

(e) The applicant has not obtained, tendered, and/or maintained the required insurance certificate.

(f) The applicant is not legally competent to contract, either on behalf of himself or herself, or on behalf of a specific entity.

(g) The applicant, or other entity responsible for the special event, has on prior occasions damaged town property and has not paid in full for such damage, or have other outstanding and unpaid debts to the town.

(h) If the applicant is proposing the use of a public facility that the proposed use is inconsistent with the type of event being held.

(i) The special event's intended use or activity would present an unreasonable danger to the health and safety of the applicant, or other uses of a public facility, or town employees, or the public at large.

(j) The applicant, or other entity responsible for the special event have not complied with or cannot comply with applicable license requirements, ordinances, or regulations concerning the sale or offering of sale of any goods or services.

(k) The special event's intended use is prohibited by law, by the ordinance, or by any regulation of any town department or agency.

(l) The activities involved with the proposed special event will substantially interrupt the safe and orderly movement of public transportation, or other vehicular and pedestrian traffic in the designated special event area, or will cause irresolvable conflict with construction or development on public property or at a public facility where a special event is to be held, or will close streets or unreasonably restrict the number of traffic lanes during peak commuter hours on weekdays so as to cause unsafe conditions for the public, or the expected attendance at the event will exceed the lawful purpose of the public facility under the state and local fire code, or the parking available at the public facility will be inadequate to accommodate the expected attendance at the special event. The above conditions may be waived by the Glenwood Council where the benefits of the proposed special event will outweigh the proposed negative effects.

(m) The proposed special event would create an unreasonable risk to the public safety and welfare, including in particular its effect on any surrounding property, businesses, and residents, or would conflict another special event.

(l) *Enforcement and penalties.*

(1) *Violations; remedies.*

(a) A person who violates any provision of the chapter shall be punishable by a fine in the amount of \$25 for the first offense, \$50 for second offense, \$75 for third offense, \$100 for the fourth offense and then any offense after the fourth would be \$500 per offense. Upon order of a court of competent jurisdiction, the Glenwood Council or designee shall have the authority to seize and impound any and all tangible property related to non-licensed activity occurring during a civic sponsored event.

(b) Any person engaged in the selling or distributing of illegal, non-licensed, or unauthorized merchandise, regardless of whether said person has received a license under this chapter, shall be subject to the immediate impoundment of said merchandise. Any Indiana Law Enforcement Academy certified officer employed by the event sponsor for copyright and merchandising purposes shall be authorized to inspect the merchandise of licensed entities related to copyright infringement and trademark violation.

(c) It shall be the duty of the Glenwood Council or designee to enforce the provisions of this chapter. Both entities shall have the right to inspect the facilities, equipment, vehicle, or merchandise of any person or entity licensed under this chapter.

(J) *Other powers.* Nothing in this chapter shall act to limit or otherwise prohibit the Glenwood Council or designee from exercising its respective authority as provided in this Code or the Indiana Code.

§ 130.99 PENALTY.

(A) Any person, corporation or other entity violating this chapter shall be fined as listed under the Fee definition.

(B) Each violation shall constitute a new and separate offense. The fourth and subsequent offenses may be subject to court costs and legal fees.