

AN ORDINANCE  
OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON  
OF THE STATE OF INDIANA  
RESTRICTING NOISE IN UNINCORPORATED AREAS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON OF THE STATE OF INDIANA, AS FOLLOWS:

**SECTION 1. Authority and Territorial Application.**

This ordinance is adopted pursuant to and in exercise of the home rule powers granted under I.C. 36-1-3. The restrictions contained herein shall apply to all unincorporated areas of Clinton County, Indiana.

**SECTION 2. Sound Restrictions on Public Property**

No person shall play, use or operate, or permit another to play, use or operate, any machine or device for the production or reproduction of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players or any other machine designed or intended to produce or reproduce sound, nor operate or permit to be operated, any motor vehicle, lawn mower, machinery, and/or equipment that contains a modified or defective exhaust system, if such machine, device, motor vehicle, lawn mower, and/or equipment is located on public property, including any public right-of-way, highway, road, street, alley, building, sidewalk, parking lot, public space, park, thoroughfare, or public transportation area, if the sound generated therefrom is clearly audible by another person at a distance of fifty (50) feet or more from its source.

**SECTION 3. Sound Restrictions on Private Property**

No person shall play, use or operate, or permit another to play, use or operate, any machine or device for the production or reproduction of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players or any other machine designated or intended to produce or reproduce sound, nor operate or permit to be operated, any motor vehicle, lawn mower, machinery, and/or equipment that contains a modified or

defective exhaust system, if such machine, device, motor vehicle, lawn mower, and/or equipment is located on private property if the sound generated therefrom is clearly audible by another person at a distance of fifty (50) feet or more from the nearest property line of the property upon which the sound source is located.

#### **SECTION 4. Exemptions**

The following are exempted from the provisions of this chapter:

A. Sounds emitted from authorized emergency vehicles;

B. Sounds emitted from lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 A.M. and 9:00 P.M.;

C. Farm machinery, grain dryers, and road construction;

D. Sounds emitted from burglar alarms and other warning devices when properly installed, providing the cause for sound emission is investigated and such alarm turned off within a reasonable time;

E. Sounds emitted from sound amplifying devices, from parades, carnivals, fairs, celebrations, concerts, artistic performances and/or other events authorized by appropriate governmental entity.

F. Sounds emitted from the actual performance of athletic or sporting events and practices related thereto;

G. Sounds emitted for the purposes of alerting persons of the existence of an emergency, or sounds emitting from emergency work;

H. Sounds emitted from the use of legal fireworks on, and celebrations of, legal holidays;

I. Sounds emitted from the normal conduct of legally established nontransient businesses, when such sounds are customary, incidental and within the normal range appropriate for such se. However, where such sounds are comprised of those properly characterized as falling within subsection E of this section, such sounds are exempted only during the hours from 10:00 A.M. through 1:00 A.M.;

J. Sounds emitted from motor vehicles, where the sound is a result of a defective or modified exhaust system, if the cause of the sound is remedied within seven calendar days; and

K. Sounds emitted from the use and/or operation of the Frankfort Municipal Airport.

**SECTION 5. Penalties, Judgments and Collections**

A. Any person who violates Sections 1 through 3 of this ordinance will be subject to the following penalties:

First offense	\$125.00 penalty
Second offense	\$150.00 penalty
Third offense and thereafter	\$200.00 penalty

B. The use of the Uniform Traffic Ticket complaint by officers enforcing this ordinance is authorized.

C. Penalties assessed under this ordinance shall be paid to the Clinton County Auditor within ten (10) days of the issuance of a citation.

D. Unpaid citations shall be referred to The Board of Commissioners for suit upon such ordinance violation in the Clinton Superior Court.

In the event enforcement action is required in order to collect the penalty, the violator will also be subject to an award of reasonable attorney's fees and costs, in an amount determined by the Court.

**Section 6. Custodial Responsibility**

The parent, guardian or other custodian of a child under eighteen (18) years of age shall be liable for any penalty imposed for such child's violation of Sections 1 through 3 of this ordinance.

**Section 7. Severability**

If any part of this ordinance is held to be invalid, all valid parts that are severable from the invalid part shall remain in effect. If any part of this ordinance is held to be invalid in one or more of its applications, the parts not

invalidated shall remain in effect in all valid applications that are severable from the invalid applications.

**Section 8. Effective Date.**

This ordinance shall be effective upon its adoption and publication in accordance with Indiana law.

ADOPTED this 30<sup>th</sup> day of October, 2006.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF CLINTON

Wayne C. Williams  
Wayne C. Williams, President

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Bernard K. Newhart

William J. Beard  
William J. Beard

ATTEST:

Jacqueline R. Clements  
Jacqueline R. Clements  
Auditor