
CODE City of INDIANAPOLIS, INDIANA Codified through Ordinance No. 225, adopted December 11, 1995.
(Supplement No. 75)
CODE

Chapter 18 NOISE

ARTICLE I. IN GENERAL

Sec. 18-1. Public policy.

It is hereby declared, as a matter of public policy of this city, as follows:

- (1) That the making and creation of loud, unnecessary or unusual noises of various kinds and by various means within the limits of the city have so increased as to constitute a public nuisance;
- (2) That the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city;
- (3) That the necessity, in the public interest, for the provisions of this chapter is declared, as a matter of legislative determination for this declaration of public policy, to be designed to secure and promote the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the inhabitants and visitors in this city.

(Code 1951, § 10-301)

Sec. 18-2. Unlawful noises.

(a) Except as otherwise provided in this section, it shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the city. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noises and in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.

(2) *Radios and phonographs.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device for producing or reproducing sound in such a 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 or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima

facie evidence of a violation of this subsection.

(3) *Loudspeakers, amplifiers for advertising.* Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound at any place upon the public streets or in any vehicle used for the transportation of persons for hire as a common carrier, for the purpose of commercial or other kind of advertising or attracting the attention of the public to any activity or building or structure, which is so used as to disturb and annoy other persons in their businesses, homes or elsewhere in their right of personal privacy and quiet.

(4) *Yelling, or shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(5) *Animals or birds.* The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.

(6) *Steam whistles.* The blowing of any locomotive steam whistle, or steam whistle attached to any stationary boiler, or one operated by any other means, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper city authorities.

(7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

(8) *Defect in vehicle or load.* The use of any automobile, motorcycle or other kind of vehicles so out of repair, or so loaded, or in such manner as to create loud and unnecessary grinding, grinding, rattling or other noises.

(9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates and containers.

(10) *Construction or repairing of buildings.* The erection, demolition, alteration or repair of any building, or the excavation therefor, other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the division of neighborhood and development services of the department of metropolitan development, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues. If the division of neighborhood and development services should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation therefor, or of any streets and highways, between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, and that loss or inconvenience would result to any party in interest, it may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m., or on Sunday, upon application being made at the time the permit for the work is issued or during the progress of the work.

(11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while it is in use, or adjacent to any hospital which unreasonably interferes with the operation thereof or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that the same has been declared and is a school, hospital or other such quiet zone.

(12) *Hawkers and peddlers.* The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

(13) *Drums*. The use of any drum, horn or other instrument or device for the purpose of attracting attention by creation of noise to any performance, exhibition, show or sale; except in a parade or place for which a permit has been granted.

(14) *Transporting metal rails, pillars and columns*. The transportation of rails, pillars or columns of iron, steel or other material over and along the streets and other public places of the city, upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Railway cars, buses*. Causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a bus or railway car by reason of defective conditions therein or of its tracks.

(16) *Pile drivers, hammers*. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance the use of which is attended by loud or unusual noise, except when being operated by a public utility in connection with emergency repairs of such utility.

(17) *Blowers*. The operation of any noise-creating blower or power fan, or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.

(18) *Vendor's vehicle*. Using, operating or playing, or permitting to be used, operated or played, any bell, radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing sound in or upon any vehicle used for the transportation and sale of any goods, wares or merchandise in or upon any of the streets or highways within the city, which sound-producing instruments are set to produce any noise, music or sound in excess of one hundred fifteen (115) decibels, measured at six (6) inches from the sound-producing amplifier of the speaker; the use and operation of any vehicle so equipped, with such sound-producing equipment in operation, between the hours of 10:00 p.m. and 10:00 a.m. of the succeeding day; or the use or operation of any such sound-producing equipment in or upon any such vehicle while the vehicle is moving along or upon any street or highway; it being the intent and purpose of this subsection to permit the use of such sound-producing equipment in or upon any such vehicle only when the vehicle is parked or standing still in or upon any street or highway and during the hours provided in this subsection.

(19) *Portable radios in public conveyances*. The audible using, operating or playing, or permitting to be used, operated or played, any radio, musical instrument or electronic recording device of any kind or character whatever in any public conveyance, except taxicabs and jitneys, operating in the city; provided, however, it shall not be unlawful to listen to any such device by means of earplugs inserted in the hearer's ear and inaudible to any other person.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Revised Code of the Consolidated City and County. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in section 1-8 of the Code of Indianapolis and Marion County, Indiana.

(Code 1951, § 10-302; G.O. 73, 1993, § 1)

Secs. 18-3--18-18. Reserved.

ARTICLE II. NONCOMMERCIAL SOUND TRUCKS

Sec. 18-19. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section.

Sound truck shall mean any motor vehicle or other vehicle having mounted thereon or attached thereto any sound-amplifying equipment or device.

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music or any other sound; such term shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which they are installed, or warning sirens, horns or other devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

(Code 1951, § 10-304)

Sec. 18-20. Registration required; necessary information.

No person shall use, or cause to be used, a sound truck with its sound-amplifying equipment in operation for noncommercial purposes in this city, without first filing a registration statement with the controller in writing. The registration statement shall be filed in duplicate and shall state the following:

- (1) The name and home address of the applicant;
- (2) The address of the place of business of the applicant;
- (3) The license number and motor number of the sound truck to be used by the applicant;
- (4) The name and address of the person who owns the sound truck;
- (5) The name and address of the person having direct charge of the sound truck;
- (6) The names and addresses of all persons who will use or operate the sound truck;
- (7) The purposes for which the sound truck will be used;
- (8) A general statement as to the section or sections of the city in which the sound truck will be used;
- (9) The proposed hours of operation of the sound truck;
- (10) The number of days of proposed operation of the sound truck;
- (11) A general description of the sound-amplifying equipment which is to be used;
- (12) The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck, stating the following:
 - (a) The wattage to be used;
 - (b) The volume in decibels of the sound which will be produced;
 - (c) The approximate maximum distance for which sound will be thrown from the sound truck;
- (13) That the sound truck will not be used for any subversive or unlawful purpose, and will comply with all laws and regulations applicable thereto.

(Code 1951, § 10-305(1))

Sec. 18-21. Issuance of registration statement; possession and display.

The controller shall return to each applicant for the registration of a noncommercial sound truck, one (1) copy of the registration statement, duly certified by him as a correct copy of the application, which copy shall be in the possession of any person operating the sound truck at all times while its sound-amplifying equipment is in operation, and shall be promptly displayed and shown to any police officer of the city, upon request.

(Code 1951, § 10-305(3))

Sec. 18-22. Registration statement amendment.

All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to this article within forty-eight (48) hours after any change in the information furnished therein.

(Code 1951, § 10-305(2))

Sec. 18-23. Operating regulations.

The noncommercial use of sound trucks at any time and place in the city, not otherwise prohibited, with sound-amplifying equipment in operation shall be subject to each of the following conditions and regulations:

- (1) The only sound permitted shall be music or human speech;
- (2) The operation thereof shall be permitted for four (4) hours each day, except on Sundays and legal holidays, when such operation shall not be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;
- (3) Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when such truck is stopped or impeded by traffic or the speed limit is lower at such place; where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one (1) minute at each such stop;
- (4) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses, or in any area established by the city as a quiet zone;
- (5) No sound truck with its amplifying device in operation shall be operated on any of the streets within the central congested traffic area of the city, as at any time defined by this Code or other city ordinance;
- (6) The human speech and music amplified shall not be profane, lewd, indecent, slanderous, subversive or unlawful;
- (7) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance and annoyance to persons within the area of audibility;
- (8) No sound-amplifying equipment shall be operated within excess of fifteen (15) watts of power in the last stage of amplification;
- (9) No use thereof shall be violative of any federal or state statute, this Code or any other city ordinance.

(Code 1951, § 10-306) 1767

Sec. 18-24. Commercial advertising prohibited.

Except as otherwise expressly provided in this chapter, no person shall operate or cause to be operated any truck for commercial advertising purposes at any time or place in this city with the sound-amplifying equipment in operation.

(Code 1951, § 10-307; 1967 Supp., § 10-307)

Secs. 18-25--18-39. Reserved.

ARTICLE III. AIRCRAFT USED FOR NONCOMMERCIAL SOUND BROADCASTS

Sec. 18-40. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

Aircraft shall mean any contrivance now known, or hereafter invented, used or designed for navigation or for flight in the air; such term shall include all types of airplanes, helicopters and, lighter-than-air dirigibles and balloons.

Sound-amplifying equipment shall mean any machine or device for the amplification of music, the human voice or any other noise or sound; such term shall not be construed as including warning devices on authorized emergency aircraft, or any horn, siren or other warning device used only for traffic safety purposes.

(Code 1951, § 10-309)

Sec. 18-41. Registration required; necessary information.

No person shall operate or cause to be operated any aircraft for noncommercial purposes, in or over the city, with sound-amplifying equipment in operation, before filing a registration statement with the controller in writing. Such registration statement shall be filed in duplicate and shall state the following:

- (1) The name and home address of the applicant;
- (2) The address of the place of business of the applicant;
- (3) The federal license number and aircraft motor number of the aircraft to be used by the applicant;
- (4) The name and address of the person who owns the aircraft;
- (5) The name and address of the person having direct charge of the aircraft;
- (6) The names and addresses of all persons who will use or operate the aircraft;
- (7) The purpose for which the aircraft will be used;
- (8) A general statement as to the section or sections of the city over which the aircraft will be used;
- (9) The proposed hours of operation of the aircraft;
- (10) The number of days of proposed operation of the aircraft;
- (11) A general description of the sound equipment which is to be used;

(12) The maximum sound-producing power of the sound-amplifying equipment to be used in or on the aircraft, including the following data:

(a) The wattage to be used;

(b) The volume in decibels of the sound which will be produced;

(c) The approximate maximum distance for which sound will be thrown from the aircraft;

(13) That the aircraft will not be used for any subversive or unlawful purpose, and will comply with all laws and regulations applicable thereto.

(Code 1951, § 10-310(1))

Sec. 18-42. Issuance of registration statement; possession and display.

The controller shall return to each such applicant one (1) copy of the registration statement, duly certified by him as a correct copy of the application, which copy shall be in the possession of any person operating the aircraft at all times while its sound-amplifying equipment is in operation, and shall be promptly displayed and shown to any police officer of the city, upon request.

(Code 1951, § 10-310(3))

Sec. 18-43. Amendment of registration statement.

All persons using or causing to be used aircraft for noncommercial sound broadcasting purposes shall amend any registration statement filed pursuant to this article within forty-eight (48) hours after any change in the information furnished therein.

(Code 1951, § 10-310(2))

Sec. 18-44. Operation regulations.

The noncommercial use of aircraft, with sound-amplifying equipment to make announcements, flying or operated at any time in or over any part of the city shall be subject to the following conditions and regulations:

(1) The only sounds permitted shall be music or human speech;

(2) Sound announcements shall be permitted only between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;

(3) Sound-amplifying equipment shall not be operated while an aircraft is flying at an altitude of less than fifteen hundred (1,500) feet;

(4) Sound shall be issued from one loudspeaker only on each aircraft;

(5) The cone or radius of sound from the loudspeaker shall be directed so as to cover at one time an area on the ground of less than seven hundred (700) square yards and so as to avoid hospitals, schools, churches or courthouses, or any area established by the city as a quiet zone;

(6) The human speech and music amplified shall not be lewd, indecent, slanderous, subversive or unlawful;

(7) The volume of sound shall be controlled so that it is not audible on the ground over an area in excess of seven

hundred (700) square yards and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance and annoyance to persons within the area of audibility;

(8) No use thereof shall be violative of any federal or state statute, this Code or any other city ordinance.

(Code 1951, § 10-311)

Sec. 18-45. Commercial sound advertising prohibited.

No person shall operate or cause to be operated any aircraft for commercial advertising purposes at any time or place in or over the city with the sound-amplifying equipment in operation.

(Code 1951, § 10-312)

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