

ORDINANCE NO. 1999- 8

**AN ORDINANCE CONCERNING THE GENERATION OF SOUND  
FROM RADIOS, TAPE PLAYERS, COMPACT DISC PLAYERS, LOUD  
SPEAKERS, SOUND AMPLIFIERS OR OTHER DEVICES**

WHEREAS, the Town Council of the Town of Fort Branch, Indiana, declares it to be a public nuisance to generate sound in violation of this Ordinance, and

WHEREAS, generation of sound in violation of this Ordinance may infringe on the rights of property owners and others in the peaceful and quiet enjoyment of their property, and

WHEREAS, the generation of excess sound in violation of this Ordinance may present a danger to the public by preventing drivers or pedestrians from hearing emergency vehicles or audible signals of other drivers or distracting drivers and pedestrians from dangers in the public way;

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Fort Branch, Indiana as follows:

Section 1: No person shall play, use, operate or permit to be played, used or operated, any radio, tape player, cassette player, compact disc player, loud speaker, sound amplifier or other device designed for generating or reproducing sound, if the sound generated is audible by another human being at a distance of thirty (30) feet from the device producing the sound.

Section 2: Possession by a person or persons of any of the sound generating machines or devices enumerated in Section 1 above shall be prima facie evidence that such person operates, or those persons operate, the machine or device.

Section 3: The generation of sound in violation of this Ordinance is deemed to be a public nuisance.

Section 4: Exemptions.

(a) This Ordinance shall not apply to properly operating vehicle alarms, authorized emergency vehicle, vehicle horns used as a warning of danger or public safety officials acting within the scope of their authority.

(b) This Ordinance shall not apply to licensed festivals, parades or any activity authorized by Governmental authorities.

(c) This Ordinance shall not apply if the sound is generated on private property and the sound generated cannot be heard beyond the boundary lines of the private property on which it is generated.

Section 5: A custodial parent shall be responsible for ensuring a minor child complies with this Ordinance and is responsible for any fine imposed. Minor shall mean a person under eighteen (18) years of age.

Section 6: A person who violates this Ordinance shall be subject to the following fines:

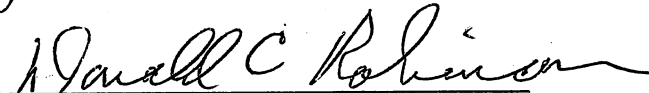
First offense	\$ 50.00
Second offense	\$200.00
Third or subsequent offense	\$350.00

Section 7: This ordinance shall be in full force and effect from and after the date of publication as by law required.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 14<sup>th</sup> day of July, 1999.

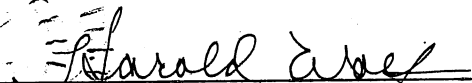
COUNCIL OF THE TOWN OF  
FORT BRANCH, INDIANA

  
\_\_\_\_\_  
JOSEPH P. GILPATRICK, President

  
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DONALD C. ROBINSON, Member

  
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GERALD L. BLEDSOE, Member

ATTEST:

  
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HAROLD WOLF, Clerk-Treasurer