

ORDINANCE 93-50

TO AMEND CHAPTER 14.09 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, "NOISE CONTROL"

WHEREAS, the Environmental Commission (Commission) recently completed a review of the Chapter 4.09 of the Bloomington Municipal Code, "Noise Control"; and

WHEREAS, in the course of their review the Commission sent out a letter requesting comments, arranged for an article in the Herald-Telephone, analyzed noise complaints and examined the city's sound-measuring instruments; and

WHEREAS, at the close of their review the Commission submitted a report recommending the following changes in Noise Control ordinance;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 14.09.030 Sound Pressure Level or Noise Measurements, Subsection (e), of the Bloomington Municipal Code be amended to read as follows:

(e) The average measurement for this chapter shall be the sum of all the readings taken divided by the number of readings.

SECTION II. Section 14.09.040 Sound Pressure Level Limits in dB(A) for Single Noise or Sound Sources in Residential, Business and Manufacturing Zones, Subsection a, of the Bloomington Municipal Code be amended so that the text above the chart will read as follows:

a. For stationary, or fixed sources, the required measurement of sound shall consist of readings taken at ten (10) second intervals for three (3) minutes within a one (1) hour period. For non-stationary sources, like motor vehicles, the required measurement shall consist of two (2) readings taken within a one (1) hour period. The average measurement for these sources shall not exceed the sound pressure level limits for the locations and times listed in the chart below.

SECTION III. Section 14.09.070 Special Permits, subsection (d), be amended to add the following sentence at the end of that provision:

The average noise level allowed under a Civic Event Permit shall not exceed 115 dB(A) for more than three cumulative minutes in any one hour, when measured at a distance of fifty (50) feet from the sound source.

SECTION IV. Section 14.09.080 Other Noises Prohibited--Standards for Unnecessary Noise, Sub-subsection a(1), be amended to read as follows:

(1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a warning; the creation by means of any signaling device of any unreasonable, loud or harsh sound; the sounding of any signaling device for any unnecessary and unreasonable period of time; the unreasonable use of any signaling device which creates sound; and, the playing of car radios or other sound producing devices at a volume that is clearly audible more than fifty (50) feet from the vehicle. The volume of the device shall not be louder than is necessary for the convenient hearing of persons who are inside the vehicle within which such a device is operated.

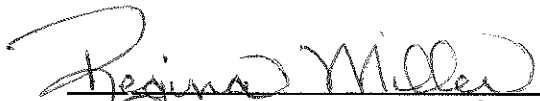
SECTION V. Section 14.09.100 Violations, penalties and

appeals be amended by replacing the words "penalty of ten dollars" with "penalty of fifty dollars" in Subsections (a) and (c).


SECTION VI. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

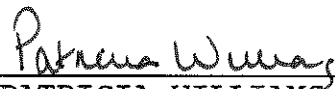
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of November, 1993.


JACK W. HOPKINS, President
Bloomington Common Council
Regina Miller, Vice-President


ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of November, 1993.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 4th day of November, 1993.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes five changes in Chapter 14.09 of the BMC. The first corrects the definition of "average measurement" and the second employs that term in reference to stationary and non-stationary sources of sound. The third limits the noise level under Civic Event Permits to 115 decibels. The fourth limits the playing of car radios at a volume that can be clearly heard beyond fifty feet. And, the last raises the fine for violations of this chapter from ten to fifty dollars.

Signed copies to:

Police Dept

Legal (5)

HT legal Ad.

Code Enforcement

BMC - file

Clerk

CA/CA

Environmental Comm.

JUPD (FYI)

ORD. 93-50 ORD

Form Prescribed by State Board of Accounts
CITY - CLERK
(Governmental Unit)
Monroe County, Indiana

General Form #99P (Rev 1988)
TO: The Herald-Times__Dr.
Box 909
Bloomington, IN 47402

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed 2 actual lines, neither of which shall total more than four solid lines of the type in which the body of the Advertisement is set)-Number of equivalent lines _____

Head-Number of lines _____

Body-Number of lines _____

Tail-Number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES:

122 lines 1 COLUMN wide, equals 122 equivalent lines
at 0.330 cents per line.....\$40.26

Additional Charges for notices containing rule
or tabular work (50% of above amount).....

Charge for extra proofs of publication.....

(\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM.....\$40.26

DATA FOR COMPUTING COST

Width of Single Column 12.5 ems

Size of type 6 point

Number of insertions 1 time

Pursuant to the provisions and penalties of Ch 155, Acts 1953.
I hereby certify that the foregoing is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: 11/13/93

Sue May
Title: billing clerk

PUBLISHER'S AFFIDAVIT

State of Indiana, Monroe County) ss
Personally appeared before me, a notary public in and for said county and state, the undersigned, Leah Leahy or Sue May who, being duly sworn, says that she is billing clerk for The Herald-Times newspaper of general circulation printed and published in the English language in the city of Bloomington in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

1993 :
11/13

Sue May

Subscribed and sworn to before me 11/13/93

Leah Leahy Notary Public
Monroe Co. Indiana
My Commission expires 1-10-96

Claim No. _____ Warrant No. _____
IN FAVOR OF
Herald-Times
P.O. Box 909, Bloomington, IN 47402

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. 351262682 _____

Allowed _____, 19__

In the Sum of \$ _____

* I have examined the within claim
* and hereby certify as follows:
* That it is in proper form.
* That it is duly authenticated
* as required by law.
* That it is based upon statutory
* authority.
* That it is apparently (correct)
* (incorrect).

* I certify that the within claim
* is true and correct; that the
* services therein itemized and
* which charge is made were ordered
* by me and necessary to the public
* business.

_____, 19__

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Four horizontal lines for data entry.

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Sue May
Title: billing clerk

PUBLISHER'S AFFIDAVIT

State of Indiana, Monroe County) ss Personally appeared before me, a notary public in and for said county and state, the undersigned, Leah Leahy or Sue May who, being duly sworn, says that she is billing clerk for The Herald-Times newspaper of general circulation printed and published in the English language in the city of Bloomington in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

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11/13

Sue May

Subscribed and sworn to before me 11/13/93

John D. Hodge Notary Public
Monroe Co. Indiana
My Commission expires 1-10-96

