

ORDINANCE OF THE CITY OF BLOOMINGTON,  
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 19, 1956

An Ordinance to Eliminate Excessive Motor  
Vehicle Noises and Sounds.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF BLOOMINGTON, INDIANA, THAT:

Section 1. -- DEFINITIONS OF WORDS AND PHRASES:

(a) MOTOR VEHICLE -- Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a public highway, except devices moved by human or animal power and shall not be construed to include such special vehicles designed for, or employed in, general highway construction and occasionally operated or moved over public highways, including but not limited to, road construction or maintenance machinery, well-boring apparatus, ditch-digging apparatus, and also excluding any equipment, designated by the Chief of Police of the city of Bloomington, Monroe County, Indiana as emergency equipment.

(b) PERSON -- Every natural person, firm, copartnership, association, or corporation.

(c) PUBLIC HIGHWAY -- The entire width between boundary lines of every way, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel, including the streets, thoroughfares and alleys.

(d) MUFFLER -- Shall mean 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 of gases upon a motor vehicle.

(e) DECIBEL -- Shall mean the unit of measurement of relative sound levels as indicated by a sound-level meter.

(f) SOUND LIMIT -- Shall mean all sound emanating from any motor vehicle at the level of ninety-five (95) decibels as measured by a sound level meter at a point twenty (20) feet from the right rear wheel of said motor vehicle, or rear wheel, if said motor vehicle has only one rear wheel, while it is parked on a public highway with the motor running at any speed up to its highest speed, or, measured at a point not less than twenty (20) feet from the right rear wheel of a motor vehicle, or rear wheel, if said motor vehicle has only one rear wheel, while said motor vehicle is in motion.

Section 2. -- Every motor vehicle, shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a public highway as defined in this ordinance.

(a) For the purpose of this ordinance, if sound in excess of the sound limit shall emanate from a motor vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive noises.

(b) No person shall use on any motor vehicle operated within the limits of the city of Bloomington, Monroe County, Indiana, any type of muffler that shall modify the exhaust system of said motor vehicle in any manner that will amplify or increase the noise emitted from the motor of such motor vehicle above the sound limit.

(c) No person shall use on any motor vehicle operated within the limits of the city of Bloomington, Monroe County, Indiana, any muffler or exhaust system equipped with any device to ignite the exhaust system.

Section 3. -- Penalties:

(a) Any person guilty of violating this ordinance, may, within twenty-four (24) hours of the time a notice is given, pay to the Clerk-Treasurer of the City of Bloomington, Monroe County, Indiana, as a penalty for, and in full satisfaction of such said violation, the sum of five dollars (\$5.00). All monies paid under this provision for violation of this ordinance shall be deposited to the credit of the City of Bloomington, and in the parking meter funds. The failure of such person to make such payment within said twenty-four (24) hours shall render such person subject to the penalties hereinafter provided for violation of the provisions of this ordinance.

(b) Any person violating the provisions of this ordinance who shall fail to pay as provided in section (a) above, upon conviction, shall be fined not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00).

(c) Each calendar day of violation shall constitute a separate offense.

Section 4. -- Separability.

If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 5. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage and the approval of the Mayor of Bloomington.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 7 day of August, 1956.

S/ Thos. L. Lemon  
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 Thos. L. Lemon, Presiding Officer

ATTEST:

S/ Mary Alice Dunlap  
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 Mary Alice Dunlap, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington, on the 7 day of August, 1956, at the hour of 8 o'clock P.M.

S/ Mary Alice Dunlap  
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 Mary Alice Dunlap, Clerk-Treasurer

This Ordinance approved and signed by me on the 7 day of August, 1956, at the hour of 8 o'clock P.M.

S/ Thos. L. Lemon  
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 Thos. L. Lemon, Mayor