

ORDINANCE NO. 2, 2025

CITY OF COLUMBUS, INDIANA

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,
INDIANA, TO REPEAL AND REPLACE NOISE ORDINANCE
CHAPTER 8.28

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, certain levels of noise are detrimental to the health and welfare of the citizenry and it should be the policy of the city to prohibit such unnecessary, excessive and offensive noise from all sources within the jurisdiction of the City of Columbus; and

WHEREAS, it is the desire of the Common Council to update and modernize the noise regulations; and

WHEREAS, changes in the needs and the development of the community have made it necessary to amend said Ordinance to provide for effective noise control.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, that:

SECTION I. The Columbus Municipal Code, Section 8.28, et seq., is hereby repealed and replaced as follows:

8.28.010 Purpose.

It is found and declared that:

A. The making and creation of loud, unnecessary, unusual, or raucous noises within the City is a condition that has existed for some time, and the extent and volume of such noises are increasing.

B. The necessity in the public interest for the provisions and prohibitions of this Chapter is declared as a matter of legislative determination and public policy, and it is further declared that such provisions are in pursuance of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the City and its inhabitants.

8.28.020 Definitions.

Unless defined otherwise herein, the words used in this Chapter shall be construed according to their plain meaning in the English language. For the purpose of this Chapter, the following words and phrases shall have the following meanings:

“Animal” means any live non-human vertebrate creature, domestic or wild, as defined in Section 6.04.10 and as amended from time to time of the Columbus Municipal Code.

“Authorized Emergency Vehicle” means fire department vehicles, police department vehicles, ambulances, emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-22-8, and as amended from time to time, vehicles designated as emergency vehicles by the Indiana department of transportation under IC 9-21-20-1, and as amended from time to time, and vehicles of the department of correction responding to an emergency.

“Construction” means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding repair, demolition, for or of public or private rights-of-way, structures, utilities, or similar property.

“Demolition” means any dismantling, intentional destruction, or removal of structures, utilities, or public or private rights-of-way surfaces.

“Disorderly Conduct” means a person who recklessly, knowingly, or intentionally makes unreasonable noise and continues to do so after being asked to stop as defined in IC 35-45-1-3(a)(2) and as amended from time to time.

“Emergency” means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

“Maintenance” means any act to keep property or equipment in good condition, including but not limited to, the act of making repairs or correcting problems.

“Musical Instrument” means any object or device for producing musical sounds, including but not limited to percussion, wind, stringed, and electronic instruments.

“Noise” means any sound which annoys or disturbs persons of normal sensitivities.

“Production” means the action of making or manufacturing components or raw materials, whether for commercial or industrial purposes.

“Public Nuisance” means any person found in violation of this Chapter of more than three offenses during any 12-month period.

“Repairs” means any act to restore to former condition or to its original operational soundness.

“Unreasonable Noise” means any sound that is of a volume, frequency, or pattern that prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the City.

“Vehicle” means a thing used for transporting people or goods, especially on land, such as a car, truck, or cart.

8.28.030 Loud, Unnecessary, and Unreasonable Noise Prohibited.

It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, unusual, or raucous noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City.

8.28.040 Specific Noises Prohibited.

A person who recklessly, knowingly, or intentionally makes unreasonable noise and continues to do so after being asked to stop by a police or code enforcement officer is in violation of disorderly conduct as defined in IC 35-45-1-3(a)(2) and as amended from time to time. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Chapter, but such enumeration shall not be deemed to be exclusive.

A. Animals. The keeping of any animal which by causing frequent or long continued noise disturbs the comfort or repose of any persons in the vicinity.

B. Combustion Engines. The operation of any internal combustion engine, by which its use creates loud, unnecessary, and unreasonable noise. Vehicles must be equipped with a muffler or other noise-dissipative device that qualifies under IC 9-19-8-3 and as amended from time to time.

C. Construction, Demolition, Maintenance, Production, or Repairs.

Unless as otherwise authorized by the City or due to an emergency, the noise produced by construction, erection (including excavating), demolition, alteration, maintenance, production, or repair, which creates loud, unnecessary, and unreasonable noise, shall be in violation of this section unless at the times as designated below:

- (1) Weekday (Monday - Friday): 7:00 AM – 8:00 PM; or
- (2) Weekends (Saturday - Sunday): 8:00 AM – 8:00 PM.

D. Defect in Vehicles or Load and Use of Vehicles. The use of any vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise; the creation of grating, screeching, grinding, squeaking, loud reports or shots, or other noises in the use of vehicles or accessories attached thereto. Vehicles must be equipped with a muffler or other noise-dissipative device that qualifies under IC 9-19-8-3 and as amended from time to time.

E. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonable noise; 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 or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

F. Loading and Unloading Boxes. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, or dumpsters, excepting noise created by authorized City vehicles for the collection and disposal of waste, refuse, junk, scrap or other similar material items.

G. Loudspeakers and Amplifiers. The using, operating, or permitting to be played, used or operated of any radio receiving set, Musical Instrument, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound that is cast upon the public streets, except as authorized by the City.

H. Musical Instruments or Devices. The use of any musical instrument or device for the purpose or creation of noise other than as authorized by the City, or performance for extracurricular academic competitions, practices, or events.

I. Yelling, Shouting, Whistling, or Singing or Similar Activity on the Public Streets. The creation of loud and excessive noise in connection with yelling, shouting, whistling, or singing, between the hours of 11:00 PM to 7:00 AM or at any time or place so as to annoy or disturb the quiet, comfort, or repose of others, within the limits of the City.

8.28.050 Complaints and Violations--Penalties.

A. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written, oral, or telephone complaint. Such complaint stating the causes and basis thereof may be filed with the police department or code enforcement office. The police department or code enforcement office shall investigate such complaint as soon as reasonably practical. If the facts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the City, through its legally authorized enforcement authority, may issue a citation, notice, or other similar writ against such person as provided by this Chapter and in accordance with the law.

B. Any person who violates any section of this Chapter or fails to comply with any of its requirements when asked by the police department or code enforcement office to cease such activity shall be in violation of this Chapter, punishable by a fine of not more than:

- (1) First offense: \$100;
- (2) Second offense: \$500; or
- (3) Third offense: \$1,000.

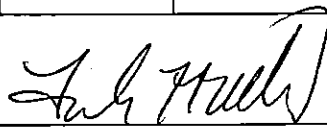
C. Any person found violating this Chapter of more than three offenses during any 12-month period shall be declared a public nuisance, and the matter may be referred to the City Attorney's office. Along with the fines described in this section, the City shall be authorized to impose additional penalties pursuant to Code Section 1.12.010 to enforce compliance under this section.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the City Council.

ATTEST:

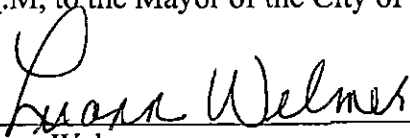
I hereby certify that the foregoing within and attached Ordinance was duly passed by the Common Council of the City of Columbus, Indiana, at a meeting thereof held on the 4th day of February 2025, by the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Chris Bartels (District 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elaine Hilber (District 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerone Wood (District 3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Miller (District 4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Anderson (District 5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jay Foyst (District 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Josh Burnett (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Dell (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grace Kestler (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>9</u>			



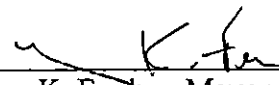
Presiding Officer

The foregoing within and attached Ordinance passed by the Common Council of the City of Columbus, Indiana, on the 4th day of February 2025, is presented by me this 5th day of February 2025, at 10:00 o'clock A. M. to the Mayor of the City of Columbus, Indiana.



Luann Welmer
Clerk of the Common Council

The foregoing within and attached Ordinance passed by the Common Council of the City of Columbus, Indiana, on the 4th day of Feb. 2025, is approved by me this 5th day of February 2025, at 11:00 o'clock A. M.



Mary K. Ferdon, Mayor
City of Columbus