

BOARD OF PUBLIC WORKS AND SAFETY - Noise Ordinance Variance Request (Form B-02-2012)

Organizations and individuals requesting a variance from the Noise Ordinance No. 01-36 are asked to submit information about their organization and the planned event requiring a variance at least 30 days prior to the event. The board will review the request and either approve or deny the variance. The petitioner will be notified in writing once the decision is made.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:15 p.m. in City Hall located at 70 E. Monroe Street. Questions concerning this application should be directed to the Clerk Treasurer's Office by calling 317-736-3609.

Contact Information: Please provide all requested information in the fields below. (Print or Type)					
Date Request Submitted:	06/12/13				
On Behalf of Organization or Individual:	Scott Wagner				
Contact Name:	Scott Wagner	Telephone:	317-850-1480		
Title or Position:	Senior Contract Administrator				
E-Mail:	wswreferee@aol.com				
Address:	1833 Archies Court				
City:	Franklin, IN	State:	IN	ZIP:	46131

Event Date and Location:					
Date:	07/13/13	Start Time:	05:00 pm	Ending Time:	11:00 pm P.M.
Type of Event:	Cookout/Party at my house after the Golf Outing				
Event Location / Address:	1833 Archies Court, Franklin, IN 46131				

Please describe the event and why a variance is needed.

<input checked="" type="checkbox"/> Is the event to be held in a residential neighborhood? Yes <input type="checkbox"/> Band <input type="checkbox"/> DJ <input type="checkbox"/> Speakers <input type="checkbox"/> Microphones <input type="checkbox"/> Other	<p>I host a Golf Tournament once a year. After the tournament, I invite the players and significant others over to my house in Paris Estates for a cookout / party. I play music from my IPod, we generally have around 60 people attend, this is my 20th year hosting the Tournament / Cookout, and my 8th year requesting a Noise Variance. Past 7 years the Board of Public Works and Safety have approved my requests.</p>
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Board Of Works Action – <input type="checkbox"/> Approved w/ conditions <input type="checkbox"/> Denied Date: _____

City of Franklin, Indiana

ORDINANCE NUMBER 01-36: AN ORDINANCE ENACTING NEW PROVISIONS REGULATING NOISE AND SOUND EMISSIONS

WHEREAS, the Common Council of the City of Franklin, Indiana ("City") has determined that Ordinance No. 00-33 regulating noise and sound emissions should be repealed and a new ordinance regulating same should be enacted.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1) **Sound Restrictions on Public Property:** No person will play, use, or operate, or permit another to play, use, or operate, any machine or device for the production or reproduction of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players, or any other machine designed or intended to produce or reproduce sound, nor operate or permit to be operated, any motor vehicle, lawnmower, machinery, and/or equipment that contains a modified or defective exhaust system, if such machine, device, motor vehicle, lawnmower, and/or equipment is located on public property, including any public right-of-way, highway, road, street, alley, building, sidewalk, parking lot, public space, park, thoroughfare, or public transportation area, if the sound generated there from is clearly audible by another person at a distance of fifty (50) or more from its source.
- 2) **Sound Restrictions on Private Property:** No person will play, use, or operate, or permit another to play, use, or operate, any machine or device for the production or reproduction of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players, or any other machine designed or intended to produce or reproduce sound, nor operate or permit to be operated, any motor vehicle, lawnmower, machinery, and/or equipment that contains a modified or defective exhaust system, if such machine, device, motor vehicle, lawnmower, and/or equipment is located on private property if the sound generated there from is clearly audible by another person at a distance of fifty (50) or more from the nearest property line of the property upon which the sound source is located.
- 3) **Exemptions:** The following are exempted from the provisions of this Ordinance:
 - a) Sounds emitted from authorized emergency vehicles;
 - b) Sounds emitted from lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 a.m. and 9:00 p.m.;
 - c) Sounds emitted from burglar alarms and other warning devices when properly installed, providing the cause for sound emission is investigated and said alarm turned off within a reasonable time.
 - d) Sounds emitted from sound amplifying devices, from parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances, and/or other events authorized by appropriate governmental entity, including the Board of Works;
 - e) Sounds emitted from the actual performance of athletic or sporting events and practices related thereto;
 - f) Sounds emitted for the purposes of alerting persons of the existence of an emergency, or sounds emitting from emergency work;
 - g) Sounds emitted from the use of legal fireworks on, and celebrations of, legal holidays;
 - h) Sounds emitted from the normal conduct of legally established non-transient businesses, when such sounds are customary, incidental, and within the normal range appropriate for such use. However, where such sounds are comprised of those properly characterized as falling within paragraph 3(d), such sounds are exempted only during the hours from 10:00 a.m. through 1:00 a.m.;
 - i) Sounds emitted from motor vehicles, where the sound is the result of a defective or modified exhaust system, if the cause of the sound is remedied within seven (7) calendar days; and
 - j) Sounds emitted from the use and/or operation of the Franklin Airport.
- 4) **Fines, Judgments, and Collections:** Any person who violates this ordinance will be ticketed accordingly, and fined as follows:
 - * First Offense: Twenty Five Dollars (\$25.00);
 - * Second Offense: Fifty Dollars (\$50.00);
 - * Third Offense and thereafter: One Hundred Dollars (\$100.00).The payment of such fine will be paid to the City Clerk-Treasurer within thirty (30) days of the violation being issued. The Board of Works may enforce the collection of such fines through any court of competent jurisdiction, including Franklin City Court, and may seek a judgment against the violator. In the event enforcement action is required in order to collect the fine and/or obtain the judgment, the violator will also be subject to an award of reasonable attorney's fees and other costs of collection, in addition to the fines above-referenced.
- 5) **Custodial Responsibility:** A custodian (parent, guardian, or otherwise) of a child under eighteen (18) years of age will be responsible for any fine imposed for a violation of this ordinance by said child.
- 6) **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
- 7) **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed, specifically including Ordinance No. 00-33.
- 8) **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.
- 9) **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Questions about this application or the process described should be directed to the Clerk Treasurer's Office by emailing jalexander@franklin.in.gov or calling 317-736-3609.