

**ORDINANCE NO. 071012**

**ORDINANCE AMENDING ORDINANCE NO. 071106**  
**AN ORDINANCE REGARDING NOISE CONTROL**

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Ordinance No. 071106 amending Ordinance No. 102898 regarding unlawful noises within the Town of McCordsville, Indiana; and

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana, now believes said Ordinances need further revision in part due to the establishment of Eastern Daylight Savings Time within the state of Indiana and to provide additional penalties for the violation of said Ordinances; and

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana, believes the amendment of said Ordinances is in the best interest of the health, safety and welfare of the citizens of McCordsville, Indiana.

**THEREFORE BE IT ORDAINED** by the Town Council of the Town of McCordsville, Indiana that:

**SECTION I**

Ordinance No. 071106 and Ordinance No. 102898, Section IV, item 3D is hereby amended by deleting in its entirety said provision and inserting in lieu thereof the following:

- D. Fireworks celebration between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8 and July 9; between the hours of 10:00 a.m. and 12:00 midnight on July 4; and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

**SECTION II**

Ordinance No. 071106 and Ordinance No. 102898, Section IV, item 3J is hereby amended by deleting in its entirety said provision and inserting in lieu thereof the following:

- J. The erection, demolition, alteration or repair of any building, or the excavation thereof, between the hours of 7:00 a.m. and 6:00 p.m. (EST) or 7:00 p.m. (EDT) on Monday through Saturday, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Public Works Commissioner, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days while the emergency continues. If the Public Works Commissioner and/or the Town Manager should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation thereof, or of any streets and highways, between the hours of 6:00 p.m. and 7:00 a.m. (EST), or on Sunday, and that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. (EST), or on Sunday.

### **SECTION III**

Ordinance No. 102898, Section V is hereby amended by deleting in its entirety said provision and inserting in lieu thereof the following:

Penalty. Whoever violates the provision of this section shall be fined a sum of \$100.00 for the first offense, a sum of \$500.00 for the second offense, a sum of \$1,000.00 for the third offense and a sum of \$2,500.00 for any additional offenses that occur within any one calendar year. A separate offense shall be deemed committed on each day that a violation occurs or continues to occur. In addition, the Public Works Commissioner and/or his designated representative may issue to any violator of the provisions of this Ordinance an immediate Stop Work Order and/or Cease and Desist Order, as deemed appropriate in their sole and unlimited discretion. Violation of said Stop Work Order or Cease and Desist Order shall constitute a separate and additional violation of this Ordinance and shall result in the imposition of a fine in the amount of Two Thousand, Five Hundred Dollars (\$2,500.00). Each day such violation occurs shall constitute a separate violation. Should enforcement of this Ordinance require the utilization of the services of the Town Attorney, the violator shall, in addition to any fines imposed, be responsible for and shall pay all such attorney fees incurred by the Town.

### **SECTION IV**

This Ordinance shall be in full force and effect from and after its passage and due

publication.

**SECTION V**

Introduced and filed on the \_\_\_\_ day of \_\_\_\_\_, 2012. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this \_\_\_\_ day of \_\_\_\_\_, 2012 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN OF MCCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Larry Longman

\_\_\_\_\_  
Larry Longman

\_\_\_\_\_  
Brent Barnes

\_\_\_\_\_  
Brent Barnes

\_\_\_\_\_  
Maxwell A. Meise

\_\_\_\_\_  
Maxwell A. Meise

\_\_\_\_\_  
Thomas R. Strayer

\_\_\_\_\_  
Thomas R. Strayer

\_\_\_\_\_  
Barry Wood

\_\_\_\_\_  
Barry Wood

ATTEST:

\_\_\_\_\_  
Catherine C. Gardner  
Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.