

ORDINANCE NO. 061917E
AN ORDINANCE OF THE CITY OF FISHERS, INDIANA
AMENDING CHAPTER 98 OF THE FISHERS, IN CODE OF ORDINANCES

WHEREAS, Chapter 98 of the Code of Ordinances of the City of Fishers regulates noise within the City in order to protect the health, safety, welfare, and order of the City of Fishers (“Fishers”) residents and visitors; and

WHEREAS, it is the intent of Fishers to prevent excessive sound and vibration which may be a serious hazard to the public health and welfare, safety and the quality of life; and

WHEREAS, Fishers recognizes that the Nickel Plate District, as an urban area, requires different sound limitations in order to promote activity common to urban areas while also protecting the residents and therefore wishes to institute a Nickel Plate District Live Entertainment Permit in a form substantially similar to Exhibit A, attached hereto and incorporated herein, which will allow and control the amount of sound from live entertainment within the Nickel Plate District; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fishers, Indiana meeting in regular session as follows:

Section 1. Chapter 98 is hereby amended to add the following:

§ 98.03 EXCEPTION.

The following are exempted from the provisions of this section:

- (A) Sounds emitted from authorized emergency vehicles or sirens (including tornado sirens).
- (B) Burglar and car alarms and other warning devices, when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.
- (C) City or other governmental entity sanctioned parades, festivals, carnivals, fairs, celebrations, concert performances, band and drum corps performances, artistic performances and the like, as well as any rehearsals for same.
- (D) The emission of sound for the purposes of alerting persons to the existence of an emergency or the testing of such equipment, or for the performance of emergency construction, repair or other work.
- (E) Sounds associated with the normal operation of the Gun Club (14926 East 113th Street, Fortville, IN 46060), church bells, cannon salutes, Conner Prairie’s re-enactments or Symphony on the Prairie, and boat racing horns on Geist Reservoir during a bona fide practice or race used by an official of the race or practice, when such sounds are within the normal range appropriate for such use.
- (F) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on city, county, state, and federal streets and highways.

(G) Sounds associated with the operation of aircraft or snow removal equipment.

H) Sounds emitted by emergency, generators in the event of power failure, periodic testing and maintenance shall adhere to division (B) above.

(I) Sounds emitted by construction work or road work approved by the city or other governmental entity.

(J) Train horns as required by law.

(K) Sounds associated with the lawful use of consumer fireworks as prescribed by § 99.02 of this Code.

(L) Sounds associated with equipment or animals lawfully used by a disabled person to accommodate the person’s disability.

(M) Sounds permitted under a Nickel Plate District Live Entertainment Permit.

Section 2. All other provisions of the City’s ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 3. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this _____ day of _____, 2017.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY		NAY	ABSTAIN
	David George, President		
	Todd P. Zimmerman, Vice-President		
	C. Pete Peterson, Member		
	John Weingardt, Member		
	Eric Moeller, Member		
	Selina M. Stoller, Member		
	Richard W. Block, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2017, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"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." Christopher P. Greisl