

SPONSORS: DAVID HAMM
COUNCILMAN 4th DISTRICT
ROBERT J. GOLEC
COUNCILMAN 6th DISTRICT
ORDINANCE NO. 8060

**AN ORDINANCE TO PROHIBIT LOUD NOISES
ON THE PUBLIC RIGHT-OF-WAY AND PUBLIC SPACES
AND THE REPEAL OF ANY PROVISIONS IN CONFLICT THEREOF
(As Amended)**

WHEREAS, the Common Council of the city of Hammond finds that the peace and tranquillity of the city is often disrupted by persons using sound systems associated with their motor vehicles on the public right-of-way and public spaces at such a high volume; and,

WHEREAS, the Common Council of the city of Hammond finds that such disruptions of the peace and tranquillity should be prevented by the adoption of any ordinance regulating such conduct.

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HAMMOND as follows:

SECTION 1: DEFINITIONS

- a. **Device:** any radio, tape recorder, cassette player, compact disk player, stereo, television, or musical instrument.
- b. **Motor vehicle:** any vehicles, such as, but not limited to passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, which are propelled by mechanical power.
- c. **Plainly audible:** any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms or vocal song.

d. **Public right-of-way and public spaces:** any street, avenue, boulevard, highway, parkway, sidewalk, alley or public space which is owned or controlled by a public governmental entity.

SECTION 2: STANDARDS

No person within the city limits of the city of Hammond shall play, use, operate or permit to be played, used or operated, any device for receiving sound, producing sound, or reproducing sound, if the device is located:

(1) in, on, or associated with any motor vehicle on the public right-of-way or on public spaces; and if the sound generated by the device is plainly audible to a person with normal hearing at a distance greater than fifty (50) feet from the motor vehicle.

SECTION 3: EXCEPTIONS

This ordinance shall not apply to any person participating in a parade or public assembly that has received a permit from the City of Hammond Board of Public Works and Safety.

ORDINANCE NO. 8060 (cont'd)

AN ORDINANCE TO PROHIBIT LOUD NOISES ON THE PUBLIC RIGHT-OF-WAY AND PUBLIC SPACES AND THE REPEAL OF ANY PROVISIONS IN CONFLICT THEREOF (As Amended)

SECTION 4: REPEAL

The final sentence in Section 6.2.2 of Article VI of Hammond Ordinance 4083, passed by the Common Council on the 24th day of March, 1975, is hereby repealed.

SECTION 5: PENALTY

Whoever violates any provision of this Ordinance shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) per day per violation. Each day a violation occurs, shall constitute a separate offense. A first violation of any

provision of this Ordinance, within any twelve (12) month period, shall include a mandatory fine of not less than One Hundred Dollars (\$100.00). A second violation of this Ordinance, within any twelve (12) month period, shall include a mandatory fine of not less than Three Hundred Dollars (\$300.00). Any third, or subsequent violation of this Ordinance within a twelve (12) month period, shall include a mandatory fine of not less than One Thousand Dollars (\$1,000.00).

SECTION 6: EFFECTIVE DATE

This Ordinance shall be effective upon publication, final passage by the Common Council, signature by the Council President, approval by the Mayor or override of any veto of the Mayor by the Common Council.

PASSED by the Common Council of the City of Hammond, on the 23rd day of March, 1998.

ATTEST:

SS: GERALD BOBOS, City Clerk
President

SS: MCKINLEY NUTTAL,

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, to the Mayor of said City

for his approval on the 24th day of March, 1998.

SS: GERALD BOBOS, City Clerk

The foregoing Ordinance No. 8060 consisting of 2 pages, including this page approved by the Mayor on the 31st day of March, 1998.

Mayor

SS: DUANE W. DEDELOW, JR.,
City of Hammond, Indiana

PASSED by the Common Council on the 23rd day of March 1998, and approved by the Mayor on the 31st day of March, 1998.

SS: GERALD BOBOS, City Clerk