

ARTICLE 12. MOTOR VEHICLE NOISE CONTROL¹

Sec. 20-120. Legislative findings.

- (a) The South Bend Common Council hereby finds that there is a need to develop better noise control regulations in light of the serious hazards which excessive noise can cause to public health, welfare, safety, and the quality of life.
- (b) The Council therefore declares that the following motor vehicle noise control regulations shall apply to all motor vehicles operating in the City of South Bend, Indiana.

(Ord. No. 6938-81, § 1)

Sec. 20-121. Definitions.

- (1) *A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.
- (2) *Decibel (db).* A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
- (3) *Light-motor vehicles.* Any automobile, van, motorcycle, motor-driven cycle, motorscooter, dune buggy, snowmobile, all terrain vehicles, go-carts, minibikes, trail bikes, and trucks with gross vehicular weights of less than eight thousand (8,000) pounds.
- (4) *Modified and defective exhaust systems.* An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices [which] have been added to the original noise abatement devices such that noise levels are increased.
- (5) *Noise level.* The A-weighted sound level produced by motor vehicles.
- (6) *Person.* Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.
- (7) *Sound level meter.* An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db(A) scale.
- (8) *Traffic noise.* Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this Code not defined above, shall be defined in conformance with an applicable publication of the American National Standards Institute (ANSI), or its successor body.

(Ord. No. 6938-81, § 1)

¹Cross reference(s)—Loud and raucous noise, § 13-57.

Sec. 20-122. Noise limit.

It shall be unlawful for any person to cause noise levels from the operation or use of light- motor vehicles in excess of eighty (80) dB(A) in any area within the corporate limits of the City of South Bend, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

(Ord. No. 6938-81, § 1)

Sec. 20-123. Excessive noise.

It shall be unlawful for any person to operate, cause to operate or use a light-motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squealing, or as the result of the operation of radio devices such as but not limited to radios, phonographs, horns and tape players on or from such vehicle.

(Ord. No. 6938-81, § 1)

Sec. 20-124. Exemptions.

The following are exempted from the provisions of this article:

- (1) Sound emitted from sirens of authorized emergency vehicles;
- (2) Burglar alarms on light-motor vehicles of the electronic signaling type which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and
- (3) Celebrations in connection with duly authorized parades.

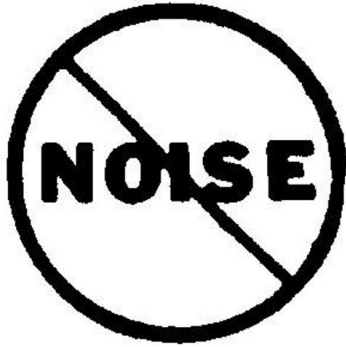
(Ord. No. 6938-81, § 1)

Sec. 20-125. Penalties.

- (a) A person shall be found guilty of violation of this article for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein. Such violations shall be proven by evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for Type II equipment.
- (b) It shall be unlawful for any person to violate the provisions of this article. Whenever any Police Officer believes that this article has been violated he shall take down the name, address, operator's license number and registration number of the vehicle if readily available, and shall issue to the alleged violator in writing a citation for the violation.
- (c) Upon conviction of violation of this article, the violator shall be punished by a fine of not less than fifty dollars (\$50.00) for the first offense; not less than one hundred dollars (\$100.00) for the second offense; and not less than two hundred fifty dollars (\$250.00) for all offenses thereafter.

(Ord. No. 6938-81, § 1)

Sec. 20-126. Street signs.



on all main arterial streets leading into the City, and at other locations deemed necessary by the Board of Public Works.

(Ord. No. 6938-81, § 1)

Secs. 20-127—20-129. Reserved.