

ORDINANCE NO. 2026-__
AN ORDINANCE REGULATING NOISE AND OUTDOOR MUSIC WITHIN
THE TOWN OF NASHVILLE

SECTION 1. PURPOSE AND POLICY

WHEREAS, IC 36-1-3 confers upon municipalities all powers necessary for the effective operation of local government; and

WHEREAS, IC 36-8-2-4 authorizes municipalities to regulate conduct that may endanger the health, welfare, or peace of persons within the municipality; and

WHEREAS, IC 35-45-1-3 establishes the offense of disorderly conduct and specifically includes “unreasonable noise”; and

WHEREAS, the Town Council finds that Nashville is a community historically associated with art, craftsmanship, quiet enjoyment, and live music, and that a balanced approach is necessary to protect residents while supporting musicians, small businesses, and tourism; and

WHEREAS, excessive or unreasonable noise can negatively affect the comfort, repose, and health of persons of ordinary sensibilities;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Nashville, Indiana, that the following Noise and Outdoor Music Ordinance is adopted:

SECTION 2. DEFINITIONS

For purposes of this Ordinance:

- **Noise** means any sound which would disturb a reasonable person of ordinary sensibilities, considering volume, frequency, duration, time of day, character of the neighborhood, and surrounding circumstances.
- **Amplified Music** means music where sound is increased or projected by electronic amplification, including speakers, amplifiers, or electronically amplified instruments.
- **Light Amplification** means amplification used solely to ensure that acoustic instruments and vocals can be heard by the audience within the immediate listening area of a performance. Light amplification is characterized by the use of small-format or portable amplification equipment directed inward toward the audience and not intended or configured to project sound across property lines or into surrounding streets or residential areas.
- **Outdoor Performance** means any live performance occurring outside a fully enclosed permanent building.
- **Large Outdoor Venue** means any venue with a permitted occupancy exceeding a threshold established by the Town, or any venue designated by the Town as having potential off-site noise impact.
- **Village District** means the Nashville Village District as designated in the Town’s zoning maps.
- **Business District** means all commercial, retail, and mixed-use zoning districts outside the Village District.
- **Residential District** means any zoning classification designated R-1, R-2, or RB.

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- **Quiet Hours** means 10:00 p.m. to 7:00 a.m. daily unless otherwise specified by permit.
- **Person** means any individual, business, corporation, partnership, LLC, association, or other legally recognized entity.
- **Property Line** means the boundary of a parcel as defined by the Brown County GIS system.

SECTION 3. GENERAL PROHIBITION (REASONABLENESS STANDARD)

- A.** It is unlawful for any person to make, continue, or allow any noise which would disturb a reasonable person of ordinary sensibilities.
- B.** Enforcement officers may consider:
- Volume and intensity;
 - Duration and recurrence;
 - Time of day;
 - Character of the surrounding area;
 - Whether the sound is musical or mechanical;
 - Whether it arises from a permitted Outdoor Performance;
 - Speaker direction and equipment used.
- C.** Prima Facie Indicators (Guidance Only)
1. Before Quiet Hours: Sound plainly audible at 100 feet from Property Line may be unreasonable depending on context.
 2. During Quiet Hours: Sound plainly audible at or within a residence is prima facie unreasonable unless exempted or permitted.

SECTION 4. MUSIC-SPECIFIC RULES

A. Acoustic or Lightly Amplified Outdoor Music (Village & Business Districts)

Outdoor acoustic or lightly amplified music is permitted on privately owned property without a special permit provided:

- Music does not violate the Reasonableness Standard;
- Music ceases by 9:00 PM Sunday Through Thursday, and 10:00 p.m. on Friday and Saturday unless part of a permitted event;
- Amplification remains within the definition of Light Amplification;
- Speakers are directed inward toward patrons and away from residences where feasible;
- Performances do not obstruct sidewalks or public ways;
- Noise does not create an unreasonable impact on nearby Residential Districts.

B. Outdoor Acoustic, Non-Amplified Performances (Busking)

Outdoor acoustic, non-amplified music performances are permitted on Town-owned property and within the public right-of-way without a special permit, provided that:

- Performances do not obstruct sidewalks, streets, or other public ways;

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- Pedestrian and ADA access is maintained at all times;
- Performances do not create an unreasonable noise disturbance under Section 3 of this Ordinance.

C. Large Outdoor Venues

Large Outdoor Venues may use amplified outdoor sound without a special permit under the following guidelines:

1) Daytime Standard

7:00 a.m.–9:00 p.m. Sunday Through Thursday

7:00 a.m. – 10 p.m. Friday and Saturday

Noise should not exceed approximately 70 dbA at the property line of a Residential District complainant. Isolated or momentary exceedances shall not constitute a violation unless the sound level is sustained, repeated, or otherwise unreasonable under the circumstances.

2) Quiet Hours Standard

After 9:00 p.m. Sunday through Thursday

After 10:00 p.m. Friday and Saturday

Noise should not exceed approximately 60 dBA at a Residential District property line.

3) Enforcement Notes:

- Decibel measurement is optional, used only when helpful.
- Officers may rely solely on the Reasonableness Standard.
- Venues may apply for Special Event permits to exceed these limits.

SECTION 5. SPECIAL EVENTS & PERMITS

- A. The Town Council may issue Special Event or Amplified Sound Permits for festivals, concerts, nonprofit fundraisers, parades, and similar events.
- B. Permits may authorize extended hours, higher amplification levels, or multi-day events.
- C. Village District Limitation:

No business may conduct more than 3 amplified outdoor events per calendar year without Council approval. This limitation does not apply to nonprofit organizations operating pursuant to a Special Event Permit.
- D. Nonprofit organizations may have permit fees waived.
- E. Special Event and Amplified Sound Permits may be approved administratively unless the permit seeks an exception to time, frequency, or amplification limits, in which case Town Council approval is required.
- F. Each application for a Special Event Permit or Amplified Sound Permit shall be accompanied by a nonrefundable administrative fee as established by the Town's Fee Schedule.

SECTION 6. EXEMPTIONS

The following sounds are exempt:

1. Emergency vehicle sirens and alarms;
2. Police, fire, and utility operations;
3. Construction and lawn maintenance between 7:00 a.m. and 8:00 p.m., or later if authorized by permit. Manufacturer-standard mufflers are required on all outdoor power equipment. Lawn maintenance occurring outside these hours is subject to the general reasonableness standard in Section 3;
4. School, church, and municipal events between 7:00 a.m. and 10:00 p.m.;
5. Church bells, chimes, and similar customary signals used for timekeeping or services;
6. Non-amplified crowd noise from lawful activities;
7. Devices or animals used by persons with disabilities;
8. Fireworks as permitted under IC 22-12-4-7
 - a. Between 5:00 p.m. and two (2) hours after sunset on June 29–July 3 and July 5–9;
 - b. Between 10:00 a.m. and 11:00 p.m. on July 4;
 - c. Between 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

SECTION 7. COMPLAINTS & ENFORCEMENT

- A. Complainants must provide name, address, and phone number.
- B. Enforcement officers may:
 - Issue a verbal warning;
 - Issue a written warning;
 - Issue a citation;
 - Enforce IC 35-45-1-3 (Disorderly Conduct) if applicable.
- C. Decibel readings may be taken but are not required.

SECTION 8. PENALTIES

- 1st Violation: Written warning
- 2nd Violation (within 12 months): \$100
- 3rd Violation (within 12 months): \$250
- Subsequent Violations: \$500

Citations may be issued to the person or entity responsible for the activity creating the noise, including a business owner, event permit holder, property owner, or individual, as determined by the enforcing officer.

Repeated violations may result in review and/or revocation of business license.

All fines shall be paid to the Town of Nashville through the Office of the Clerk-Treasurer.

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SECTION 9. APPEALS

- A. Any person cited under this Ordinance may appeal the citation to the Town Council by filing a written notice of appeal within five (5) business days **from the date of citation**.
- B. The notice of appeal shall include:
1. The name, address, and telephone number of the person appealing;
 2. The date and citation number of the citation;
 3. A brief statement of the grounds for the appeal.
- C. All appeals shall be heard by the Town Council at the next regularly scheduled Town Council meeting occurring after the appeal is timely filed, unless continued by the Town Council for good cause.
- D. The Town Council may affirm, modify, or rescind the citation.
- E. The decision of the Town Council shall be final unless appealed pursuant to IC 4-21.5-5-1.

SECTION 10. SEVERABILITY

If any part of this Ordinance is found invalid, the remainder shall remain in full force and effect.

SECTION 11. REPEALER & EFFECTIVE DATE

This Ordinance supersedes conflicting prior ordinances, including Ordinance 2012-14.

This Ordinance shall take effect upon its passage and publication in 2026.

IT IS SO ORDAINED AND ADOPTED THIS _____ DAY OF _____ 2026.

President Andi Wilson yea nay abstain

DRAFTED BY:

Vice-President Dave Rudd yea nay abstain

Town Attorney, Alyn Brown

Councilmember Scott Dick yea nay abstain

Councilmember Lance Miller yea nay abstain

ATTEST:

Councilmember Rex Watters III yea nay abstain

Clerk-Treasurer, Brenda K. Young

APPENDIX A

AMPLIFIED MUSIC EXCEPTION PERMIT

TOWN OF NASHVILLE, INDIANA

(For Outdoor Music Exceeding Standard Ordinance Limits)

I. APPLICANT INFORMATION

Business / Organization Name: _____

Contact Person: _____ **Phone:** _____

Address: _____

Email: _____

Property Owner/Organization: _____

Contact Person: _____ **Phone:** _____

Address: _____

Property Address of Event: _____

Type of Applicant: ☐ Business ☐ Nonprofit (Fee may be waived) ☐ Individual

☐ Other: _____

II. EVENT INFORMATION

Event Name / Description: _____

Event Date(s): _____ **Estimated Attendance:** _____

Event Hours: Start Time: _____ End Time: _____

Type of Music: ☐ Acoustic ☐ Light Amplification ☐ Amplified Music (Exception Requested)

Is This a Recurring Event? ☐ No ☐ Yes – Frequency: _____

Sound System Description (speakers, direction, wattage, etc.):

APPENDIX A – AMPLIFIED MUSIC EXCEPTION PERMIT

III. REQUESTED EXCEPTION

The applicant is requesting permission to:

- ☐ Exceed standard decibel guidelines (70 dBA daytime / 60 dBA quiet hours)
- ☐ Extend music past 10:00 p.m.
- ☐ Host more than the permitted number of annual amplified events (Village District only)
- ☐ Other exception: _____

Detail the reason for exception and how noise impacts will be minimized:

IV. SITE PLAN AND LICENSING

Itinerant Business License: If selling items, an Itinerant Business License is required.

License Number: _____

Required Attachments:

- **Simple Site Plan:** Show stage location, speaker direction, nearest residences, and parking.
- **ROW Permit:** Please attach if required for Right-of-Way usage.

V. APPLICANT CERTIFICATIONS

By signing, the applicant agrees to:

1. Comply with all conditions imposed by the Town of Nashville.
2. Direct speakers toward the audience, not toward residences.
3. Monitor volume and respond immediately to law enforcement instructions.
4. Notify nearby residents if required as a condition of the permit.
5. Cease amplified music immediately if an emergency occurs.
6. Indemnify the Town of Nashville for claims arising from the event.
7. Acknowledge the Town may revoke this permit if conditions are violated.

Applicant Signature: _____ **Date:** _____

Property Owner Signature: _____ **Date:** _____

APPENDIX A – AMPLIFIED MUSIC EXCEPTION PERMIT

VI. TOWN USE ONLY — REVIEW & CONDITIONS

A. REVIEWING OFFICER FINDINGS

Received: _____ Reviewed by: _____

☐ Police Dept. ☐ Town Manager ☐ Clerk-Treasurer ☐ Town Council

B. DECISION:

☐ APPROVED ☐ DENIED ☐ APPROVED WITH CONDITIONS

C. CONDITIONS:

Time Conditions:

- ☐ Amplified music allowed only between _____ and _____
- ☐ Must end by: _____ p.m.
- ☐ Limited to the following dates only: _____

Volume / Equipment Conditions:

- ☐ Speaker direction must face: _____
- ☐ Decibel level may not exceed _____ dBA at _____
- ☐ Use of bass-heavy equipment restricted
- ☐ Sound checks limited to: _____

Notification Requirements:

- ☐ Notify all residences and businesses within _____ feet
- ☐ Provide contact number for complaints during event

Staffing / Safety:

- ☐ Crowd control plan required
- ☐ Parking plan required
- ☐ Security personnel required
- ☐ Fire Lane access must remain open

Other Conditions: _____

VII. FINAL APPROVAL

Authorized Official: _____ Signature: _____

Permit Number: _____ Date: _____