

200300075305
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
07-30-2003 At 02:51 pm.
ORDINANCE 15.00

15.00
④
2.00 none

ORDINANCE NO. 39-5-03
AN ORDINANCE TO AMEND THE NOBLESVILLE UNIFIED DEVELOPMENT
ORDINANCE, A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF
NOBLESVILLE, HAMILTON COUNTY, INDIANA

An ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing as required by law in regard to the application for a change of zone district designation; and,

WHEREAS, the Noblesville Plan Commission has forwarded to the Common Council with a favorable recommendation by a vote of 10 ayes, 0 nays on May 19th, 2003

WHEREAS, prior to the public hearing, the City has held numerous public sessions regarding land uses and standards in the Corporate Campus area;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance for said City and the Official Zone Map of said Ordinance are hereby amended as follows:

Section 1. That the Corporate Campus Land Use and Subdistricts Map, labeled as "Exhibit A", is hereby amended to include the Regional Recreation and Entertainment Subdistrict and the Regional Recreation and Entertainment Character Area and is hereby adopted as part of this ordinance;

Section 2. That the subject real estate along and adjacent to the north side of 146th Street, between Boden and Olio Road, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana, is hereby rezoned from the "MO" (Manufacturing/Office) classification to the "CCPD – Regional Recreation and Entertainment Subdistrict" (Corporate Campus Planned Development) classification, as designated in said Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, and said real estate is more particularly described in "Exhibit B – Legal Description" (the "Real Estate").

Section 3. That the Real Estate shall be a planned development and subject to the terms and conditions of "Exhibit C – Development Plan", "Exhibit D – Uses and Structures", "Exhibit E - Development Standards", and "Exhibit F - Program for Signs", which are attached to and adopted as part of this ordinance;

Section 4. That Ordinance No. 40-5-03, labeled as "Exhibit G", which adopts specific city noise regulations for the Real Estate, be adopted by reference as part of this ordinance and Ordinance No. 42-12-99, labeled as "Exhibit H", shall not be applicable to the Real Estate;

Section 5. This Ordinance shall be in full force and effect from and upon its adoption in accordance with the law. All ordinances or parts thereof in conflict herewith are deemed to conform to the provisions of the amended Section.

SO ORDAINED this 10th day of June, 2003.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

[Signature] Rex Dillinger
[Signature] Alan Hinds
[Signature] Laurie E. Hurst
[Signature] Jack Martin
[Signature] Jay McCoskey
[Signature] Dale Snelling
[Signature] James R. Snyder

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,
this 10th day of June, 2003.

[Signature]
Dennis R. Redick, Mayor of the
City of Noblesville, IN.

ATTEST:

[Signature]
Janet S. Jaros, Clerk-Treasurer
City of Noblesville, IN.

Prepared by: Michael A. Howard, Attorney at Law, 694 Logan Street, Noblesville, IN 46060

ALL EXHIBITS ARE ON FILE AND MAY BE VIEWED IN THE CITY OF NOBLESVILLE CLERK-TREASURER'S
OFFICE, 135 S. 9TH STREET, NOBLESVILLE, IN. 46060

Exhibit A

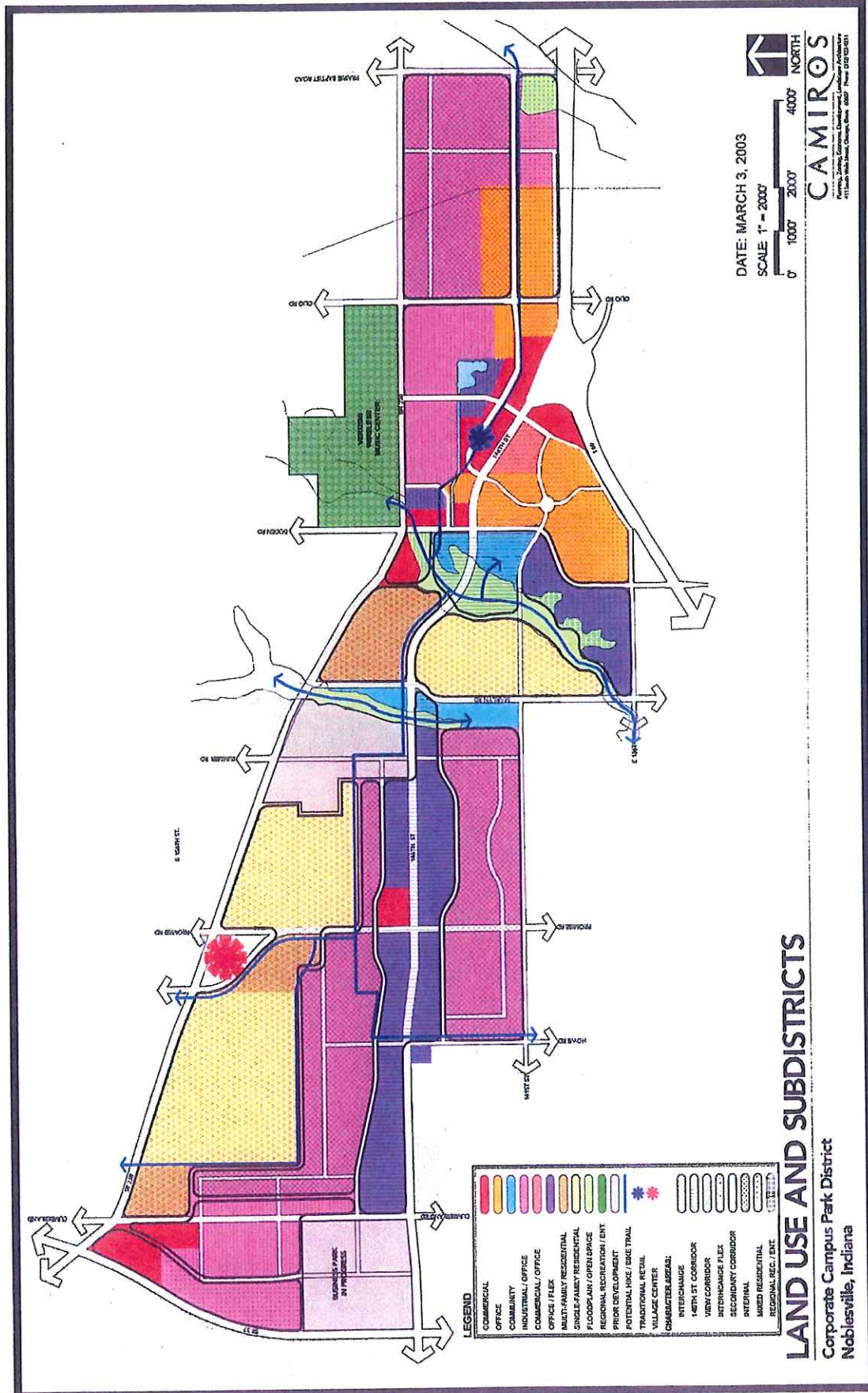


Exhibit B

Legal Description

Part of the South Half of Section 14, Township 18 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Section 14; thence North 00 degrees 18 minutes 15 seconds East along the West line of the Southwest Quarter of said Section 14, a distance of 1998.47 feet to the Northwest Corner of 20 acres off the South side of the North Half of the West Half of the Southwest Quarter of said Section 14; thence North 89 degrees 59 minutes 48 seconds East along the North line of said 20 acres, 1311.94 feet to the Northeast corner of said 20 acres; thence North 00 degrees 11 minutes 04 seconds East along the East line of the West Half of said Southwest Quarter, a distance of 665.20 feet to the North line of said Southwest Quarter; thence South 89 degrees 57 minutes 43 seconds East along said North line 1310.55 feet to the Northeast corner of said Southwest Quarter; thence South 00 degrees 03 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 1328.50 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 14; thence North 89 degrees 57 minutes 23 seconds East along the North line of the South Half of said Southeast Quarter a distance of 2628.70 feet to the Northeast corner of the South Half of said Southeast Quarter; thence South 00 degrees 03 minutes 53 seconds East along the East line of said Southeast Quarter a distance of 1324.75 feet to the Southeast corner of said Southeast Quarter; thence South 89 degrees 52 minutes 29 seconds West along the South line of said Southeast Quarter a distance of 2631.70 feet to the Southwest corner of said Southeast Quarter, also being the Southeast corner of the Southwest Quarter of said Section 14; thence South 89 degrees 52 minutes 22 seconds West along the South line of said Southwest Quarter a distance of 1907.27 feet to the Southeast corner of a Cemetery Tract; thence on the following three courses along the boundary of said Cemetery: 1) North 00 degrees 18 minutes 16 seconds East 175.00 feet; 2) South 89 degrees 52 minutes 22 seconds West 150.00 feet; 3) South 00 degrees 18 minutes 16 seconds West 175.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 52 minutes 22 seconds West along said South line 575.00 feet to the Point of Beginning.

Exhibit C

Exhibit C

Development Plan

March 24, 2003

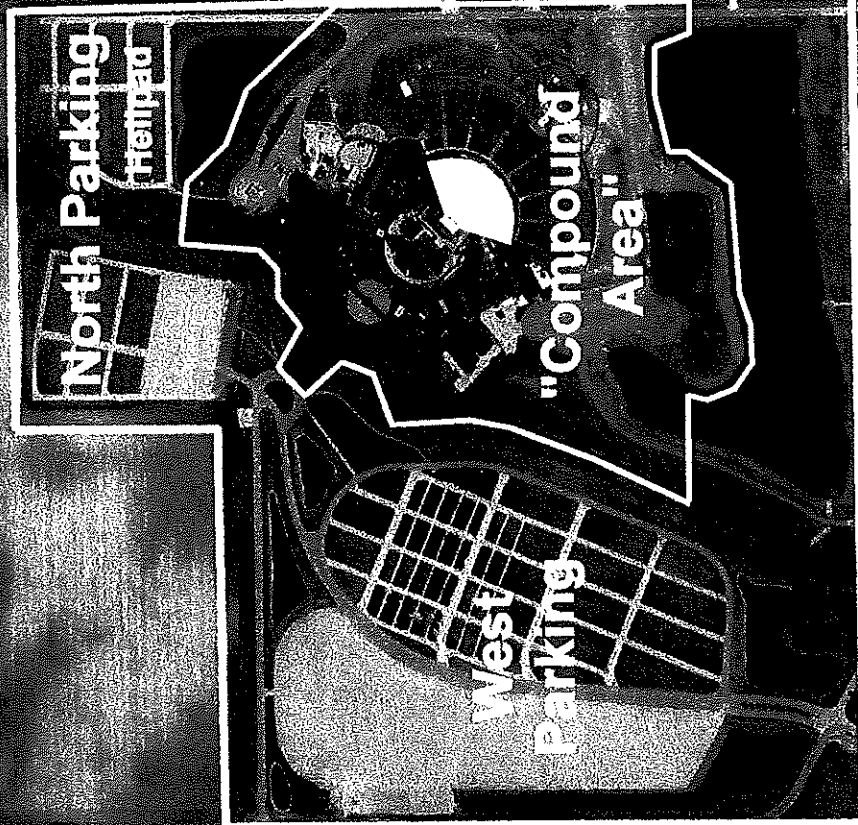


Exhibit D

Uses and Structures

The purpose of this "Exhibit D – Uses and Structures" is to provide a list of Permitted Uses pursuant to this planned development. The following uses, in addition to those permitted in the CC District – Recreation and Entertainment Subdistrict, shall be permitted on the Real Estate.

I. Primary Entertainment Uses.

Primary entertainment uses include any entertainment related uses, whether conducted indoors or outdoors, including but not limited to the following:

1. Amphitheater for concerts, the enactment of the performing arts or other entertainment uses (including but not limited to: stage house; pavilion seating; lawn seating; sound amplification systems; lighting towers; hospitality and guest rooms and suites).
2. Laser Light or Special Effects Shows.
3. Conventions, Trade Shows or Exhibitions.
4. Fairs, Carnivals or Festivals.
5. Recreation, Athletic, and Sporting Events, Fields and Facilities (including but not limited to: Athletic Fields for Sporting Events, Leagues and Practices; Boat Races; Water Ski Exhibitions; Equestrian Events; Rodeo, indoor only).
6. Movie, Slide Shows or Video Displays, limited to Compound Area.
7. Indoor Entertainment Facilities.
8. Dining or Banquet Catering Facilities (including but not limited to: commissary; food and beverage service; beer, wine and liquor sales).
9. Campgrounds.

II. Weekend / Seasonal Entertainment Uses.

Weekend / seasonal entertainment uses are those functions, events and other uses which generally occur over a weekend (from Friday noon through Sunday, plus holidays) or during certain seasons of the year to which the function, event or other use is directly related, whether conducted indoors or outdoors, including but not limited to:

1. Holiday Light Show.

2. Motor Sport and Vehicular Activities, Courses or Events (including but not limited to: car, truck or camper/RV shows, including sales and temporary storage; new car test drive events).
3. Firework Displays and Shows.
4. Corn Maze, Haunted House or Pumpkin Chunking.
5. Hot Air Balloon Races or Display.

III. Accessory Uses.

Accessory uses which are typically or commonly associated with any of the above listed entertainment uses, including but not limited to:

1. General – Accessory Uses which may be located anywhere on the subject real estate:
 - a. Entrance / Ticket Facilities (including but not limited to: entry plazas; bridge and ticket gates; and, box office).
 - b. Property Management Facilities (including but not limited to: property management / grounds office buildings; maintenance buildings; storage buildings; workshops; parking operations house; and, the like).
 - c. Pyrotechnics / Fireworks.
 - d. Helipad.
 - e. Temporary Structures (i.e., tents, port-o-lets, picnic tables, benches, bleachers, etc., erected for and in connection with scheduled events).
 - f. Sky Tracker Lights.
 - g. Amusement Rides and Games.
2. Compound Area – Accessory Uses which are permitted only with the Compound Area as depicted on "Exhibit C – Development Plan":
 - a. Restroom and related accommodations.
 - b. Office.

- c. Concession and Merchandise Stands (including but not limited to: food and beverage sales; beer stands; stands for the sale of event related merchandise; stands for the rental of customer convenience items such as lawn chairs; and, the like).
- d. Plaza Areas (including but not limited to: plaza stage; party plaza shelters; and, VIP Club and plaza).
- e. Merchandise Building (including but not limited to: office; storage; warehouse; and, sales administration, related to merchandise tracking, preparation and on-site sales).
- f. Dressing Rooms/Hospitality Rooms.
- g. Vendor Kiosks or Stations.
- h. Specialty Lights for Individual Productions, Concerts or Shows.

Exhibit E

Development Standards

The Development Standards contained in this "Exhibit E – Development Standards" shall be applicable to Recreation and Entertainment Uses and those uses specified in "Exhibit D – Uses and Structures" and located on the Real Estate. Any other use developed on the Real Estate which is not a Recreation and Entertainment Use or not specified in said "Exhibit D – Uses and Structures" shall comply with the requirements of the CC District – Regional Recreation and Entertainment Subdistrict. In the event of any conflict or inconsistency between the Development Standards contained in this "Exhibit E – Development Standards" and the requirements of the CC District – Regional Recreation and Entertainment Subdistrict of the Unified Development Ordinance of the City of Noblesville as related to the development of any Recreation and Entertainment Use specified in "Exhibit D – Uses and Structures", the Development Standards contained in this "Exhibit E – Development Standards" shall control.

1. Purpose and Applicability of Recreation and Entertainment PD

The purpose of this Recreation and Entertainment PD Overlay District is to address existing and future Recreation and Entertainment Uses and the uses specified on "Exhibit D – Uses and Structures" on the Real Estate. This planned development permits a range of full service entertainment facilities and uses. Recreation and Entertainment Uses and the uses specified on "Exhibit D – Uses and Structures" include an outdoor amphitheater (which may be used for concerts, the enactment of the performing arts or other entertainment events) and may provide for events such as sports tournaments, trade shows, large scale exhibitions, and other reasonably related facilities.

2. Bulk Requirements for Recreation and Entertainment Uses

Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, the only Bulk Regulations applicable to Recreation and Entertainment Uses and those uses specified in "Exhibit D – Uses and Structures" shall be those specified in Table 8.E.7.

3. Lighting for Recreation and Entertainment Uses

Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, any new outdoor light fixtures for off-street parking area, off-street loading areas and pedestrian ways open to the public and for additions, expansions or improvements for Recreation and Entertainment Uses and those uses specified in "Exhibit D – Uses and Structures" shall be developed in a manner which is consistent with the existing outdoor light fixtures and shall not be required to comply with the provisions of the Unified Development Ordinance for the City of Noblesville, provided however, outdoor light fixtures for "Recreation, Athletic, and Sporting Events, Fields and Facilities", shall be subject to Special Consideration.

4. Parking and Loading for Recreation and Entertainment Uses

Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, off-street parking areas and off-street loading areas for Recreation and Entertainment Uses and those uses specified in "Exhibit D – Uses and Structures" shall not be required to comply with the provisions of the Unified Development Ordinance for the City of Noblesville.

5. Landscaping / Screening for Recreation and Entertainment Uses

Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, the provisions of "Article 8, Part E, Section 7, D., i. – Landscaping / Screening" or the specifications in the "Schedule Of CC District Landscape Requirements" shall not be applicable to:

- a. any development within the Compound Area;
- b. any Recreation and Entertainment Use located outside of the Compound Area (as depicted on "Exhibit C – Development Plan"), but on the Real Estate; or,
- c. any other use specified in "Exhibit D – Uses and Structures" located outside of the Compound Area (as depicted on "Exhibit C – Development Plan"), but on the Real Estate.

6. Architecture for Recreation and Entertainment Uses

- a. The architectural requirements of the CC District – Regional Recreation and Entertainment Subdistrict shall apply to:
 - (1) any use which is not an Entertainment and Recreation Use or not specified in "Exhibit D – Uses and Structures" (including office or industrial uses) developed on the Real Estate; or,
 - (2) any new permanent buildings or structures for Entertainment and Recreation Uses or uses specified in "Exhibit D – Uses and Structures" and which are located outside of the Compound Area (as depicted on "Exhibit C – Development Plan").
- b. Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, the architectural requirements of the CC District – Regional Recreation and Entertainment Subdistrict shall not apply to any buildings or structures located within the Compound Area (as depicted on "Exhibit C – Development Plan").

7. Administration for Recreation and Entertainment Uses

Notwithstanding anything in the Unified Development Ordinance for the City of Noblesville to the contrary, developments within the Compound Area (as depicted on "Exhibit C – Development Plan") shall not be subject to the Detailed Site Plan review requirements of the Unified Development Ordinance for the City of Noblesville.

Exhibit F

Program of Signs

The purpose of this "Exhibit F – Program of Signs" is to provide for signs specific to Entertainment and Recreation Uses and uses specified in "Exhibit D – Existing Uses and Improvements" which are located on the Real Estate which adequately regulate circulation and allow signage for other necessary capabilities while minimizing the impact of such signs on adjacent land uses. In the event of any conflict or inconsistency between the requirements of this "Exhibit F – Program of Signs" and the requirements of the Unified Development Ordinance for the City of Noblesville, the requirements of this "Exhibit F – Program of Signs" shall control. Signs for Entertainment and Recreation Uses and uses specified in "Exhibit D – Existing Uses and Improvements" within this planned development shall be subject to the following regulations:

1. Location of Primary Signs and Secondary Signs.

The location of Primary Signs (Sign Type A) and Secondary Signs (Sign Type B) shall be as illustrated on the "Attachment to Exhibit F - Entertainment Use Sign Location Plan" dated April 23, 2003. Said Entertainment Use Sign Location Plan may be amended from time to time upon approval of the Director.

2. Type of Primary Signs and Secondary Signs.

Primary Signs and Secondary Signs shall be limited to ground signs.

3. Primary Signs and Secondary Signs Requirements.

a. Primary Signs:

- | | | |
|-----|---------|---|
| (1) | Size | 65 square foot maximum |
| (2) | Height | 6 foot maximum |
| (3) | Setback | 10 foot minimum from proposed right-of-way. |

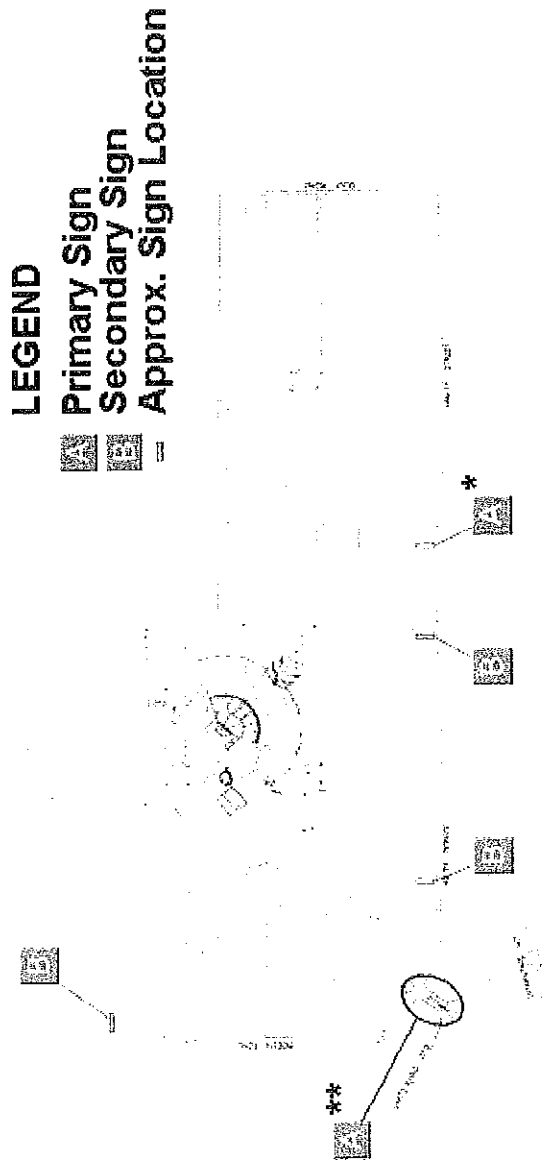
Note: The Primary Sign located at the main entrance drive from SR 238 to the entertainment facility at the time of adoption of this ordinance is hereby recognized as legally established non-conforming which may be maintained in accordance with the provisions of Article 11, Section 10, Non-Conforming Signs. This legally established non-conforming sign shall be removed at such time as a new Primary Sign "A" is constructed at the main entrance drive according to the Entertainment Use Sign Location Plan attached to this exhibit.

- b. Secondary Signs:
 - (1) Size 30 square foot maximum
 - (2) Height 4 foot maximum
 - (3) Setback 10 foot minimum from proposed right-of-way
- 4. Primary Signs and Secondary Sign Design.
 - a. All Primary Signs and Secondary Signs shall utilize a consistent design theme. The design theme may change from time to time, provided that all Primary Signs and Secondary Signs are updated to be consistent with the new design theme.
 - b. Any Primary Sign may include an Electronic Message Center (EMC) as part of the sign area, provided such EMC does not exceed forty (40) percent of the total sign area.
 - c. All Primary Signs and Secondary Signs shall be limited to not more than ten (10) items of information at any one time. Words, letters or logos of less than three (3) inches in height are not regulated by this provision.
- 5. Compound Signs.
 - a. Any sign located with the Compound Area (as depicted on the "Exhibit C – Development Plan" dated March 24, 2003) and which is not visible from, or only incidentally visible from, a perimeter right-of-way, shall be exempt from the regulations of the Unified Development Ordinance of the City of Noblesville.
 - b. Existing legally established wall signs within the Compound Area (as depicted on the "Exhibit C – Development Plan" dated March 24, 2003) which are visible from a perimeter right-of-way may be maintained (including the changing or replacement of sign copy, sign cabinet, or sign structure) provided the overall sign area of such wall sign is not increased.
- 6. Lot Identification Signs.
 - a. Lot Identification Signs are intended to assist customers to identify parking lots or rows within a parking lot.
 - b. Lot Identification Signs shall comply with the following requirements:
 - (1) Maximum Size: Fifteen (15) square feet.

- (2) Maximum Number:
 - (a) If light pole mounted:
 - i. One (1) per light pole; or,
 - ii. Two (2) per light pole if limited to twelve (12) square feet per sign.
- (3) Maximum Height:
 - (a) Ground Sign - Five (5) feet; or,
 - (b) Light Pole Mounted - Not to exceed the top of a pole.
- (4) Minimum Height: Not less than eight (8) feet from ground to bottom of sign if light pole mounted.
- (5) Sign Information: Not more than ten (10) items of information shall be provided, which shall include a Lot and Row identification that shall occupy a minimum of sixty (60) percent of the sign face. The sign may also include the name of the entertainment facility and the name of the corporate sponsor of such Lot, each name shall not individually exceed twenty (20) percent of the sign area. Words, letters or logos of less than three (3) inches in height are not regulated by this provision.
- (6) Additional Requirements for Light Pole Signs:
 - (a) Light Pole Signs may be of rigid or flexible construction. If made of a flexible material (e.g., cloth), such Light Pole Sign shall be mounted with upper and lower horizontal supports;
 - (b) Light Pole Signs within the same parking lot shall be located at the same relative height throughout the parking lot;
 - (c) Light Pole Signs within the same parking lot shall be of the same dimensions; and,
 - (d) When two (2) Light Pole Signs are located on one (1) light pole, the light pole signs shall be located immediately across from each other.

Attachment to Exhibit F

Entertainment Use Sign Location Plan April 23, 2003



- * - Sign to be located across from Road A.
- ** - Any new Primary Sign within this area shall be located entirely within the Entertainment Use property.

Exhibit G

17.00
(5)

200300058879
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
06-19-2003 At 10:06 am.
ORDINANCE 17.00

ORDINANCE NO. 40-5-03 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF NOBLESVILLE, INDIANA, ADOPTING CITY NOISE REGULATIONS

WHEREAS, the Common Council of the City of Noblesville, Indiana, has the authority to adopt regulations governing the generation of sound within the City's corporate limits, pursuant to Indiana Code § 36-8-2-8; and,

WHEREAS, the generation of excessively loud sound may infringe upon the rights of property owners and others to the peaceful and quiet enjoyment of their property; and,

WHEREAS, the generation of excessively loud sound may present a danger to the public by preventing drivers and pedestrians from hearing emergency vehicles or audible signals of other drivers, and by distracting drivers and pedestrians from dangers in the public way; and

WHEREAS, prolonged exposure to high decibel levels of sound can result in permanent hearing damage.

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

Section 1. This ordinance shall apply to all persons, corporations, entities, and landholders who are within the boundaries of the properties described in the legal description provided in Exhibit "A."

Section 2. All terminology used in this plan, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI).

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).

Ambient Noise Level: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location when sound is not being electronically amplified at a location.

Exceedance Levels L10 and L1: The A-weighted sound levels which exceed ten percent (10%) and one percent (1%), respectively, of the specified measurement period.

Intrusive Noise: That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or information content as well as the prevailing ambient noise level.

Noise: Any sound which annoys or disturbs human beings or which causes or tends to cause an adverse psychological or physiological effect on human beings.

Sound Amplification Equipment: Any device for the amplification of the human voice, music, instruments, or any other sound associated with Mass Assemblies.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter or recording device, and frequency weighting network for the measurement of sound level, which satisfies the requirements for Type S2A meters, as set forth in the American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

Section 3. It shall be unlawful for any person, corporation, entity, or landowner within the land area specified in Section 1 to cause or permit any person, machine, electronic device, or any other means of generation of sound to be generated, which causes sound levels to exceed the levels prohibited by this Ordinance.

Section 4. No person, corporation, entity, or landowner shall permit any noise to be generated or produced which exceeds 75 dB/A for more than two (2) minutes per hour, measured

at a point no closer than one-half mile from the boundary of the property line from which the sound is generated.

Section 5. It shall be unlawful for any person, corporation, entity, or landowner to generate or permit the generation of sound from their property through electronic amplification at a level above 25 dB/A above ambient noise level for more than two (2) minutes per hour at the property line where the sound is generated between the hours of 11:00 PM to 9:00 AM, daily from Sunday evening through Friday morning and from 11:30 PM to 9:00 AM, daily from Friday evening through Sunday morning.

Section 6. Citations for violations of this Ordinance may be issued by any sworn member of the Noblesville Police Department. Any person who violates the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not more than:

First Offense	Up to \$250.00
Second Offense within 2 years	Up to \$500.00
Third Offense within 2 years	Up to \$1,000.00
Fourth and subsequent offenses within 2 years	Up to \$2,500.00

The Noblesville City Court shall be the court of proper venue and jurisdiction for the enforcement of this Ordinance. Citations for violations of this ordinance shall be issued by a sworn member of the Noblesville Police Department. Any fine imposed by this ordinance may be suspended if the court finds that the violation was the result of natural causes or circumstances beyond the control of the person charged with the violation of this ordinance.

Section 7. Nothing in this Ordinance shall be construed to limit any other rights or actions that may exist in law or in equity.

Section 8. If any portion of this Ordinance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given legal effect.

Section 9. All prior ordinances, or parts thereof inconsistent with any provisions of this Ordinance, including, without limitation, Ordinance No. 42-12-99, are hereby repealed.

Section 10. This Ordinance shall be in full force and effect from and upon its adoption in accordance with the law.

SO ORDAINED this 10th day of June, 2003.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

Rex Dillinger

Alan Hinds

Laurie E. Hurst

Jack Martin

Jay McCoskey

Dale Snelling

James R. Snyder

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,
this 10th day of June, 2003.

Dennis R. Redick

Dennis R. Redick, Mayor of the
City of Noblesville, IN.

ATTEST:

Janet S. Jaros
Janet S. Jaros, Clerk-Treasurer
City of Noblesville, IN.

Exhibit A

Legal Description

Part of the South Half of Section 14, Township 18 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Section 14; thence North 00 degrees 18 minutes 15 seconds East along the West line of the Southwest Quarter of said Section 14, a distance of 1998.47 feet to the Northwest Corner of 20 acres off the South side of the North Half of the West Half of the Southwest Quarter of said Section 14; thence North 89 degrees 59 minutes 48 seconds East along the North line of said 20 acres, 1311.94 feet to the Northeast corner of said 20 acres; thence North 00 degrees 11 minutes 04 seconds East along the East line of the West Half of said Southwest Quarter, a distance of 665.20 feet to the North line of said Southwest Quarter; thence South 89 degrees 57 minutes 43 seconds East along said North line 1310.55 feet to the Northeast corner of said Southwest Quarter; thence South 00 degrees 03 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 1328.50 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 14; thence North 89 degrees 57 minutes 23 seconds East along the North line of the South Half of said Southeast Quarter a distance of 2628.70 feet to the Northeast corner of the South Half of said Southeast Quarter; thence South 00 degrees 03 minutes 53 seconds East along the East line of said Southeast Quarter a distance of 1324.75 feet to the Southeast corner of said Southeast Quarter; thence South 89 degrees 52 minutes 29 seconds West along the South line of said Southeast Quarter a distance of 2631.70 feet to the Southwest corner of said Southeast Quarter, also being the Southeast corner of the Southwest Quarter of said Section 14; thence South 89 degrees 52 minutes 22 seconds West along the South line of said Southwest Quarter a distance of 1907.27 feet to the Southeast corner of a Cemetery Tract; thence on the following three courses along the boundary of said Cemetery: 1) North 00 degrees 18 minutes 16 seconds East 175.00 feet; 2) South 89 degrees 52 minutes 22 seconds West 150.00 feet; 3) South 00 degrees 18 minutes 16 seconds West 175.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 52 minutes 22 seconds West along said South line 575.00 feet to the Point of Beginning.

Exhibit H

ORDINANCE NO. 42-12-99

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF NOBLESVILLE, INDIANA, ADOPTING CITY NOISE REGULATIONS

WHEREAS, the Common Council of the City of Noblesville, Indiana, has the authority to adopt regulations governing the generation of sound within the City's corporate limits, pursuant to Indiana Code §36-8-2-8; and

WHEREAS, the generation of excessively loud sound may infringe upon the rights of property owners and others to the peaceful and quiet enjoyment of their property; and

WHEREAS, the generation of excessively loud sound may present a danger to the public by preventing drivers and pedestrians from hearing emergency vehicles or audible signals of other drivers, and by distracting drivers and pedestrians from dangers in the public way; and

WHEREAS, prolonged exposure to high decibel levels of sound can result in permanent hearing damage.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Indiana, as follows:

1. No person shall play, use or operate any machine or device for the producing or reproducing of sound, including, but not limited to, loudspeakers, radios, CD players, television sets, musical instruments, phonographs, cassette players or any other machine designed or intended to produce or reproduce sound, nor operate any motor vehicle that contains a modified or defective exhaust system, if such machine, device or vehicle is located in or on any of the following:

- (a) Any public property, including any public right-of-way, highway, building, sidewalk, public space, park or thoroughfare and the sound generated therefrom is (i) clearly audible forty (40) feet or more from its source, or (ii) is at a level of 90 decibels (90dB) or more when measured from a distance of not less than six (6) feet from its source; or
- (b) Any private property and the sound generated therefrom is (A) clearly audible forty (40) feet or more outside of said private property line, or (B) is at a level of 90 decibels (90dB) or more when measured from a distance of not less than six (6) feet from said private property line.

2. The following are exempted from the provisions of this Ordinance:

- (a) Sounds emitted from authorized emergency vehicles.
- (b) Lawn mowers, garden tractors, construction equipment, and power tools, when properly muffled, between the hours of 7:00 a.m. and 10:00 p.m. only.
- (c) Burglar 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.
- (d) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or other events authorized by the Board of Public Works and Safety or another appropriate governmental entity.
- (e) Attendant noise connected with the actual performance of athletic or sporting events and practices related thereto.

- (f) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.
- (g) Sounds associated with the use of legal fireworks.
- (h) Sounds associated with the use of an approved public safety training facility between the hours of 7:00 a.m. and 10:00 p.m.
- (i) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary, incidental and within the normal range appropriate for such use.

3. Any person who violates the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not more than:

First offense	Up to \$250.00
Second offense within 2 years	Up to \$500.00
Third offense within 2 years	Up to \$1,000.00
Fourth and subsequent offenses within 2 years	Up to \$2,500.00

4. The Noblesville City Court shall be the court of proper venue and jurisdiction for the enforcement of this Ordinance.

5. Citations for violations of this Ordinance may be issued by any sworn member of the Noblesville Police Department and upon property operated by the Noblesville Schools by a sworn special police officer appointed under Indiana Code Section 36-8-3-7 to serve the Noblesville Schools.

6. Nothing in this Ordinance shall be construed to limit any other rights or actions that may exist in law or in equity.

7. If any portion of this Ordinance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as

enforcement of same can be given legal effect.


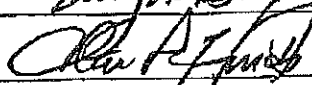
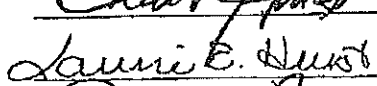
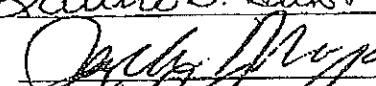
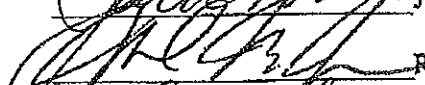
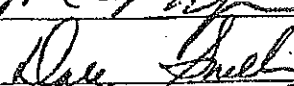
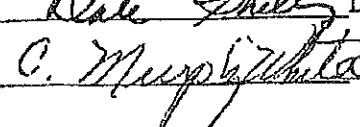
8. All prior ordinances, or parts thereof inconsistent with any provision of this Ordinance, are hereby repealed.

9. This Ordinance shall be in full force and effect on and after the 1st day of February, 2000.

10. The Clerk Treasurer of the City shall cause this Ordinance to be published pursuant to law and codify this Ordinance within the Code of Ordinances of the City of Noblesville.

PASSED by the Common Council of the City of Noblesville, Indiana, this 7th day of December, 1999, by a vote of 7 ayes and 0 nays.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

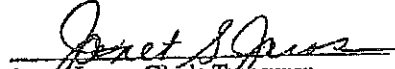
	Aye	Nay
	<u>Terry L. Busby</u>	<u> </u>
	<u>Alan Hinds</u>	<u> </u>
	<u>Laurie E. Hurst</u>	<u> </u>
	<u>Jack Martin</u>	<u> </u>
	<u>Rick B. Moore</u>	<u> </u>
	<u>Dale Snelling</u>	<u> </u>
	<u>C. Murphy White</u>	<u> </u>

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,
this 27th day of December, 1999.



Dennis R. Redick, Mayor
City of Noblesville, Indiana

ATTEST:


Janet Jaros, Clerk-Treasurer
City of Noblesville, Indiana