

ARTICLE III. - NOISE^[3]

Footnotes:

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Cross reference— Noisy animals, § 18-8; disturbing noises from dog services, § 26-384; sound amplifiers, § 26-1321 et seq.; use of loud noises or speaking devices by transient merchants, § 26-1375; offenses and miscellaneous provisions, ch. 70.

Federal law reference—Noise control, 42 U.S.C.A. § 4901 et seq.

State Law reference— Noise, 415 ILCS 5/23 et seq.

Sec. 42-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction means on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including but not restricted to clearing land, earthmoving, blasting and landscaping.

Emergency work means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

Exhaust system means the system composed of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

Motor vehicle means every vehicle (including motorcycles) which is self-propelled, and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.

Muffler means a device for abating the sounds of escaping gases of an internal combustion engine.

Noise pollution means the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

(Code 1979, § 55.191)

Cross reference— Definitions generally, § 1-2.

Sec. 42-72. - Penalties.

Any person who violates any provision of this article shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.

(Code 1979, § 55.196; Ord. No. 00-10-C-2947, § 8(55.38), 10-16-2000)

Sec. 42-73. - Notice of violation.

Whenever any person violates any provision of this article, such person shall be served with a violation notice providing for an opportunity to appear in court to answer the charge of such violation.

(Ord. No. 00-10-C-2947, § 8(55.38), 10-16-2000)

Sec. 42-74. - Stipulated settlements.

The Village Manager or designee is authorized to accept the amounts specified in Section 1-7 in settlement for violations of the specified Code sections and to establish settlement dates for each such violation. For violations where a showing of compliance is applicable, settlement as provided for this section shall only be authorized upon a showing of compliance.

(Ord. No. 00-10-C-2947, § 8(55.38), 10-16-2000)

Sec. 42-75. - Declaration of nuisance.

Any emission of noises from any source in violation of this article shall be deemed and is hereby declared to be a public nuisance and may be subject to Sections 42-36 and 42-37.

(Code 1979, § 55.195)

Sec. 42-76. - Standards for determination of violation.

The standards which shall be considered in determining whether a violation of this article exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The proximity of the noise to residential sleeping facilities.
- (6) The nature and zoning of the area within which the noise emanates.
- (7) The time of day or night the noise occurs.

(Code 1979, § 55.194)

Sec. 42-77. - Prohibited noise generally.

It shall be unlawful for any person within the Village to make, continue, or cause to be made or continued, except as a danger warning signal, or in case of urgent necessity in the interest of public safety, any excessive, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, convenience, health, peace or safety of others, within the limits of the Village.

(Code 1979, § 55.19)

Sec. 42-78. - Specific noises prohibited.

The following are hereby declared to be excessive, loud, disturbing and unnecessary noises in violation of this article; however, this shall not be construed to exclude other noises coming within the definition of this article:

- (1) *Building or construction operations.* The use of any pile driver, shovel, hammer derrick, hoist tractor roller or other mechanical apparatus operated by fuel or electric power in building or construction operations other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with written permission from the Village Manager or designee, which permission may be granted for a period not to exceed 3 days or less while the emergency continues and which permit may be renewed for periods of 3 days or less while the emergency continues, provided the Village Manager or designee should determine that the public health and safety will not be impaired by such acts. Within the hours of 6:00 p.m. and 7:00 a.m., if the Manager shall further determine that loss or inconvenience would result to any party in interest, the Manager may grant permission for such acts to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made.

(2)

Lawn care equipment. The use of any lawn care equipment, other than between the hours of 8:00 a.m. and 9:00 p.m. on Monday through Friday, between 9:00 a.m. and 9:00 p.m. on Saturdays, and between 10:00 a.m. and 9:00 p.m. on Sundays and holidays.

- (3) *Horns or signaling devices of vehicles.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Village, except as a warning signal.
- (4) *Noisy animals or birds.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (5) *Radios, stereos, amplifiers, phonographs, etc.* The using or operating of or permitting to be played, used or operated any radio receiving device, musical instrument, stereo, amplifier, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the occupants of the neighboring properties. The operation, use or playing of any such equipment in a manner as to be audible at a distance of 25 feet from the property line where the sound originates shall be prima facie evidence of a violation of this section. However, the utilization of lawn care or construction equipment or the sounding of horns or whistles on locomotives as provided for in this section, the placement of air conditioner units in accordance with applicable Village codes and standards or the utilization of an amplifier for which a Village permit has been issued shall not be considered a violation of this subsection.

(Code 1979, § 55.192; Ord. No. 15-8-C-4174, § 2, 8-17-2015)

Sec. 42-79. - Motor vehicle equipment and operation.

- (a) *Exhaust system.* No person shall operate or cause or allow the operation of a motor vehicle on a public right-of-way unless it is at all times equipped with an adequate muffler or other dissipative device which is in constant operation and properly maintained to prevent any excessive or unusual noise, free from defects which affect sound reduction, and not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusually disturbing or loud noise.
- (b) *Tires.* No person shall operate or cause or allow the operation of a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; however, such noise resulting from emergency operation to avoid imminent danger shall be exempted.
- (c) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise is prohibited.

(Code 1979, § 55.193)

Cross reference— Traffic and vehicles, ch. 106.

State Law reference— Adequate mufflers, 625 ILCS 5/12-602.

Sec. 42-80. - Reserved.

Editor's note— Ord. No. 11-12-C-3866, § 1, adopted Dec. 15, 2011, deleted § 42-80, which pertained to sounding of horns or whistles of locomotives and derived from the Code of 1979, § 55.30.

Secs. 42-81—42-100. - Reserved.