

ARTICLE II. - NOISE<sup>[2]</sup>

Footnotes:

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**Cross reference**— *Animal noise, § 18-7; noises to attract attention of auctions and auctioneers, § 26-587.*

## DIVISION 1. - GENERALLY

## Sec. 38-26. - Unreasonable noises prohibited.

The creation of any unreasonably loud and disturbing noise in the town is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. Except as otherwise provided, a minimum fine of \$50.00 and a maximum fine of \$250.00 shall be imposed for violations of this chapter.

(Code 1958, § 24-1; Ord. No. 270-03, § 2, 12-9-2003)

## Sec. 38-27. - Acts declared to be unreasonable noises.

The following acts, among others, are declared to be loud, disturbing and unreasonable noises in violation of section 38-26, but such enumeration shall not be deemed to be exclusive:

- (1) *Blowing horns, etc.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except when reasonably necessary to ensure safe operation; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unreasonable period of time.
- (2) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or a warning of danger.
- (3) *Building operations.* The erection including excavating, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except for urgent necessity in the interest of public safety and then only with a permit from the town clerk, which permit may be renewed for a period of three days or less while the emergency continues.
- (4) *Exhaust discharge.* The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device that will effectively prevent loud noises therefrom.
- (5) *Fireworks.* The use of firecrackers and other noisemaking explosives and devices unless a written permit is first obtained as provided by law.
- (6) *Hawking and peddling.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (7) *Keeping of animals.* The keeping of any animal or bird which, by causing frequent or loud noise, shall disturb the comfort and repose of any person in the vicinity.
- (8) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (9) *Proximity to churches, schools, courts, hospitals.* The creation of any excessive noise on any street adjacent to any church, school, institution of learning or court while such is in session or adjacent to any hospital which unreasonably interferes with the workings of such institutions, provided conspicuous signs are displayed in such streets indicating that such is a church, school, hospital or court street.
- (10) *Attracting attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or device for the purpose of attracting attention or intended to attract attention to any performance, show, sale or display of merchandise without obtaining a written permit from the town clerk.

- (11) *Playing of radio, phonograph or musical instrument.* The playing of any radio, phonograph, musical instrument, or music from any other source whatsoever including, without limitation, a radio, compact disc player, disc jockey or band in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- (12) *Use of vehicles.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other noise.
- (13) *Outside noise.* The making, causing or permitting of any unreasonable noise or the playing of any music, whether from a radio, compact disc player, disc jockey, band or any other source, outside of a dwelling, hotel or other type of residence including, without limitation, in a yard, in a garage, shed or similar structure between the hours of 9:00 p.m. and 8:00 a.m. Central Standard Time or Central Daylight Time (as applicable). This Section shall not apply to Town-sponsored events, events hosted by units of government or events that have been approved by the Town.

(Code 1958, § 24-2; Ord. No. 54-08, § 3.00, 5-27-2008; Ord. No. 47-14, § 3.00, 6-10-2014)

**State Law reference—** Public displays of fireworks, 425 ILCS 35/2.

Sec. 38-28. - Sound trucks in residential districts.

It shall be unlawful for any person to use in a residential district, as defined by the zoning ordinance in appendix A to this Code, any sound truck or other sound amplifying system attached to a motor vehicle except by prior permission of the town clerk.

(Code 1958, § 24-3)

**Cross reference—** Traffic, ch. 94; vehicles, ch. 106.

Sec. 38-29. - Business noises in residential sections.

The blowing of horns as defined in section 38-27, the blowing or burning of carbon from cylinders testing engines, operating machinery or the performance of any kind of work of any nature whatsoever which produces noises of any kind audible outside of any garage, shop or other place of business located in or adjacent to a residential section of the town between the hours of 9:00 p.m. on Saturday night and 6:00 a.m. on the following Monday or between the hours of 9:00 p.m. and 6:00 a.m. on any other day shall be a violation of section 38-26, and the violator shall be subject to a fine of not less than \$50.00 or more than \$750.00.

(Code 1958, § 24-4; Ord. No. 53-90, § 1, 9-11-1990)

**Cross reference—** Businesses, ch. 26.

Sec. 38-30. - Air conditioning units.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*EPA noise pollution control regulations* means noise regulations as adopted by the state pollution control board on July 26, 1973, and published in the Pollution Control Board Newsletter, number 70, which regulations were effective August 9, 1973, and such other amended regulations as may be passed from time to time.

*Ton capacity* means the capacity of output effect of a cooling or refrigerating apparatus equal to the removal of heat to freeze one ton of water at 32 degrees Fahrenheit into ice at 32 degrees Fahrenheit per 24 hours. One-ton capacity is equal to 288,000 Btu's in 24 hours.

*Window air conditioner* means a unit which is ordinarily installed in a window or into a wall and which has a ton capacity of 1½ tons or less.

- (b) *Applicability.* This section shall apply to areas zoned R-1 and R-2, only, as defined in the zoning ordinance in appendix A to this Code.
- (c) *Noise restrictions.*
- (1) The noise pollution control regulations adopted by the state pollution control board on July 26, 1973, are adopted as the regulations of this section for the purpose of determining sound levels of window air conditioners and central air conditioning condenser units.
  - (2) It shall be unlawful for any person to cause or allow the emission of sound from the operation of a window air conditioner or central air conditioning condenser unit during the hours of 11:00 p.m. to 6:30 a.m. which exceeds the minimum standards set forth in the state environmental protection agency regulations referred to in subsection (c)(1) of this section.
  - (3) Sound pressure level measurements shall be taken at any property lot line of the receiving land and shall be made in substantial conformity with standards and recommended practices established by the American National Standards Institute, Inc., and the Society of Automotive Engineers, Inc., and the latest revisions thereof.
- (d) *Placement of units.*
- (1) Notwithstanding subsections (a) through (c) of this section, no person shall cause or allow any window, casement-type air conditioner or central air conditioning condenser unit to be placed in his building in such a manner as to permit the discharge of exhaust air therefrom to blow into a window or other opening of any adjacent building at any time.
  - (2) All air conditioning units, whether window-type units or central air conditioning condenser units, shall be maintained in proper working order and shall be set on rubber shock mounts so as to minimize vibration therefrom.
- (e) *Penalties.*
- (1) Any person who shall willfully violate this section shall, upon conviction, be fined not to exceed \$750.00 for each offense.
  - (2) Any violation of this section shall be presumed willful if after, receiving written notice from the commissioner of public health or building commissioner of such violation, such person shall not correct the violation or discontinue the use of the offending unit. Notice shall be deemed sufficient if mailed to the building occupant by regular mail or by certification by the commissioner of public health or building commissioner that such notice was personally served upon the occupant of the offending premises.
  - (3) In addition to subsections (e)(1) and (2) of this section, the town attorney may institute civil proceedings for the purpose of abating the use of any offending air conditioning unit or to enforce compliance with this section.

(Code 1958, § 24-5(a), (b)(2)—(4), (c)—(e); Ord. No. 27-77, 8-2-1977)

#### Sec. 38-31. - Vehicle burglar alarms.

- (a) In any vehicle equipped with a continuous or intermittent audible signal device which acts as a burglar alarm, such device shall be limited in operation to four minutes after activation and shall be incapable of further operation until reset to become active again.
- (b) No person shall install or maintain in any vehicle registered in the town any continuous or intermittent audible signal device for use as a burglar alarm unless the device is equipped with an automatic shutoff mechanism to terminate the alarm sound after four minutes and an automatic reset mechanism to reengage the alarm for further operation. No person shall operate or park on any roadway any vehicle equipped with any continuous or intermittent audible signal device for use as a burglar alarm unless the device is equipped with an automatic shutoff mechanism to terminate the alarm sound after four minutes and an automatic reset mechanism to reengage the alarm for further operation.
- (c)

Any person who violates this section shall be subject to a fine of \$50.00 for each offense. Any person who violates this section a second time shall be subject to a fine of \$75.00. Any person who violates this section a third or subsequent time shall be subject to a fine of \$100.00. Each installation and each use of an alarm in violation of this section shall constitute a separate and distinct offense; however, it shall not be a violation of this section to operate a device for a period of time in excess of four minutes if the device is designed to be triggered by the unauthorized opening of the hood, trunk or door of the vehicle or by the breaking of a window, and the operation of the device in excess of four minutes was so caused. A violation of this section on a roadway is declared a public nuisance which may be abated by removing such vehicle pursuant to the procedures for impoundment set forth in division 7 of chapter 94 of this Code.

(Ord. No. 49-99, § 1, 3-9-1999)

Secs. 38-32—38-55. - Reserved.

## DIVISION 2. - TEMPORARY QUIET ZONES

Sec. 38-56. - License.

- (a) *Required; application.* A temporary zone of quiet may be established in a block in which one-fourth of the buildings are used exclusively for residence purposes, in the manner provided in this section. Any person desiring to have a temporary zone of quiet established around a residence premises where a person is dangerously ill, located in any block within the town in which one-quarter of the buildings are used exclusively for residence purposes, may apply therefor in writing to the commissioner of public health and shall truly state in the application the name of the person who is ill, the location of the premises, the character and state of the illness, and the name and address of the physician in attendance upon such ill person. Such application shall be accompanied by a certificate of the physician attending such ill person, setting forth that he is the physician in attendance upon such ill person, at the location described in the application, and stating the character of the illness and that, in the opinion of such physician, the life of the ill person will be endangered unless a temporary zone of quiet is established around the premises where such ill person is located and giving such other information as may be required by the commissioner of public health.
- (b) *Investigation; approval.* Upon the filing of such application and physician's certificate, the commissioner of public health shall cause an investigation to be made. If satisfied that the life of such ill person will be endangered unless a temporary zone of quiet is established around the premises, he shall approve such application in writing. Upon the payment by the applicant to the town collector of the investigation fee as established in subsection (c) of this section, the commissioner of public health shall in writing notify the superintendent of police of the approval of such application, and thereupon a temporary zone of quiet shall be established in all territory embraced within a reasonable distance, to be determined by the superintendent of police, not exceeding 250 feet, of the premises. No temporary zone of quiet established pursuant to this section shall be maintained or continued upon one application for a longer period than 14 days from the date when the zone is established.
- (c) *Fee.* The applicant for a temporary zone of quiet shall pay to the town collector, prior to the approval of the application by the commissioner of public health, a fee of \$10.00 for the investigation and establishment of such temporary zone of quiet.

(Ord. of 1-6-1930, §§ 66, 67; Code 1958, §§ 33-143, 33-144)

Sec. 38-57. - Posting signs.

It shall be the duty of the superintendent of police to place or cause to be placed in some conspicuous place on every street on which may be situated the premises around which a temporary zone of quiet shall be established and at points marking the boundaries of such temporary zone of quiet, at a distance of not to exceed 250 feet in either direction from such premises, signs or placards displaying the words "notice—temporary zone of quiet." Such signs or placards shall be maintained until such temporary zone of quiet is discontinued.

(Ord. of 1-6-1930, § 68; Code 1958, § 33-145)

Sec. 38-58. - Unreasonable noise deemed nuisance.

The making, causing or permitting to be made of any unreasonable noise or the playing of itinerant musicians upon the public streets, avenues or alleys within any temporary zone of quiet that disturbs or that may tend to disturb the peace and quiet of the person who is ill in the premises around which such temporary zone of quiet is established is declared to be a nuisance and is prohibited.

(Ord. of 1-6-1930, § 69; Code 1958, § 33-146)

Secs. 38-59—38-85. - Reserved.

DIVISION 3. - SCHOOLS

Sec. 38-86. - Zones of quiet established.

There are created and established zones of quiet during hours in all streets and alleys surrounding every block within which is located a building used, controlled, leased or operated for free common school education in the town.

(Ord. of 1-6-1930, § 70; Code 1958, § 33-147)

Sec. 38-87. - Posting signs.

It shall be the duty of the superintendent of public works to place or cause to be placed on lampposts or on some other conspicuous place, as near to each of the corners as practicable of every such block wherein such zone of quiet is established, as provided in section 33-147, signs or placards displaying the words "notice—zone of quiet."

(Ord. of 1-6-1930, § 71; Code 1958, § 33-148)

Sec. 38-88. - Unreasonable noise deemed nuisance.

The making, causing or permitting to be made of any unreasonable noise of any kind whatsoever or the making of noises by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn or similar mechanical device or the making of noises for the purpose of advertising any goods, wares or merchandise or of attracting the attention or inviting the patronage of any person to any business whatsoever or the playing of itinerant musicians upon the public streets, avenues, or alleys within any zone of quiet established in this division or the making of any other noise that disturbs or that may tend to disturb the peace and quiet of any of the employees, scholars or pupils in any building so used, controlled, leased or operated for free common education is declared to be a nuisance and is prohibited.

(Ord. of 1-6-1930, § 72; Code 1958, § 33-149)

Secs. 38-89—38-115. - Reserved.