

9-5-20. - NOISES PROHIBITED.

It shall be unlawful for any person within the City to make, continue, or permit any loud, unnecessary or unusual noise which annoys a reasonable person of ordinary sensibilities, disturbs, injures or endangers the comfort, health, peace or safety of others within the limits of the City. Noise in violation of this Section is a public nuisance.

The following acts are declared to be loud, disturbing and unnecessary noise in violation of this Section, however, this shall not be construed to exclude other noise violating this Section.

(A) Vehicles:

1. *Engine Exhausts:* The discharge into the open air within the City of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
2. *Defect in Vehicle or Load:* The use within the City of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud and unnecessary grinding, grinding, rattling or other noises.
3. *Loading, Unloading; Opening Boxes:* The creation within the City of loud and excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same.
4. *Vehicular Noise:*
 - a. *Motor Vehicle Alarms:* The use of a continuous, audible signal device which acts as a vehicle burglar alarm, when such device is not limited in operation to four (4) minutes after activation, and is capable of further activation without being reset to become active again.
 - b. *Horns, Signaling Devices:* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
 - c. *Police Authority to Abate:* In addition to the general penalty provided in Section 1-4-1 of this Code, any violation of this Subsection (A)4. will automatically give the Evanston Police Department the authority to take reasonable measures to abate the noise or tow the vehicle to a City vehicle pound, and impose towing charges which shall be paid by the registered owner of the vehicle.
 - d. *Owner's Responsibility:* Owners who violate this Subsection (A)4. shall assume the risk of any damage which may be caused by efforts of the City to abate the nuisance.
5. *Audio Systems:*
 - a. No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player, or other device for receiving broadcast or reproducing recorded sound if the device is located in any motor vehicle on a "street", as defined in Section 1-3-2 of this Code, and if the sound generated by the device is audible to a person, including, but not limited to, a peace officer, with normal hearing at a distance seventy-five (75) feet or greater. This Subsection does not apply to authorized emergency vehicles as defined in Section 9-2-10 of this Title; nor to persons who are producing noise pursuant to a valid permit, as required by this and other sections of this Code, which allows noise production otherwise prohibited by this Subsection.

- b. Any person found guilty of violating this Subsection (A)5. shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense, not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) for a second offense committed within one year of the first offense, and not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each subsequent offense committed within one year of the first offense.
- (B) *Steam Whistles:* The blowing within the limits of the City of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work; as a warning of fire, danger, or other emergency, or upon request of proper City authorities.
- (C) *Construction, Repair of Buildings:* The creation (including excavating), demolition, alteration or repair of any building within the City, other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and 8:00 a.m. and 5:00 p.m. on Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the City Manager or his/her designee which permit may be granted while the emergency continues. If the City Manager or his/her designee, determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and before 8:00 a.m. and after 5:00 p.m. on Saturdays, and if it shall further be determined that loss or inconvenience would result to any party in interest, said official may grant permission for such work to be done between the hours of 9:00 p.m. and 7:00 a.m. on weekdays, and before 8:00 a.m. and after 5:00 p.m. on Saturdays upon request. Sandblasting, jackhammering, or similar noise producing activities are prohibited between 6:00 p.m. and 7:00 a.m. weekdays, between 6:00 p.m. Friday and 8:00 a.m. Saturday, and between 5:00 p.m. Saturday and 7:00 a.m. Monday unless special permission is granted by the City Manager or his/her designee. In addition, any other construction noise which exceeds a decibel level of eighty (80) (measured from the property line from which the noise is emanating) is prohibited between 6:00 p.m. and 7:00 a.m. weekdays, between 6:00 p.m. Friday and 8:00 a.m. Saturday, and between 5:00 p.m. Saturday and 7:00 a.m. Monday unless special permission is granted by the City Manager or his/her designee.
- (D) *Drums; Hammers; Blowers:*
1. *Drums:* The use within the City of any drum or other instrument or device for the purpose of attracting attention, by the creation of noise, to any place of business or entertainment or place of public assembly.
 2. *Pile Drivers, Hammers:* The operation within the City between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noises.
 3. *Blowers:* The operation within the City of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise.
 4. *Leaf Blowers:* A person may use any backpack mounted or handheld gasoline powered leaf blower type of machine only during the following days of each year:
 March 30 to May 15; and
 September 30 to the first Thursday of December.
 A person may use any backpack mounted or handheld gasoline powered leaf blower type of machine on those days only during the following times:
 Monday through Friday, 7:00 a.m. to 9:00 p.m.
 Weekends or holidays, 9:00 a.m. to 5:00 p.m.

Any person who uses a leaf blower or any person who permits the private or commercial use of a leaf blower on their property during restricted days or times, shall be fined one hundred dollars (\$100.00).

- (E) *Factories, Machinery:* The operation within the City of any factory within two hundred (200) feet of any residence wherein is used machinery or other apparatus which cause loud or unusual noises, without exercising reasonable care to limit such noise and to confine the same.
- (F) *Loudspeakers, Amplifiers, Paging Systems:*
1. *Use for Advertising:* The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets of the City for the purpose of commercial advertising or of attracting the attention of the public to any building or structure, except when a permit has been first procured from the City Manager or his/her designee.
 2. *Location Within One Hundred Fifty Feet of Residentially Zoned Property:* The operating of, or permitting to be operated, any receiving set, phonograph, loudspeaker, sound amplifier, paging system or other machine or device for the production or reproduction of sounds in such a manner that distinct and loudly audible noises are emitted upon or proximate to a public way, which public way is within one hundred fifty (150) feet of property used for residential purposes.
 3. *Restrictions Upon Hours of Permitted Use:* No machine or device specified in Subsection (F)1. or (F)2. of this Section shall be operated between the hours of 10:00 p.m. and 7:00 a.m. from Sunday evening through Friday morning, and between 11:00 p.m. and 7:00 a.m. from Friday evening through Sunday morning and on those evenings preceding national holidays and legal school holidays enumerated in 105 ILCS 5/24-2, in such a manner as to be plainly audible at a distance of fifty (50) feet from the location of such set, instrument or device.
- (G) *Radios, Phonographs:*
1. *Time and Use Restrictions:* The playing, using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television receiving set 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 neighboring inhabitants or with louder volume than is necessary for the convenient hearing of the persons who are in the room, chamber, vehicle or outdoor area within the City limits in which or where such machine or device is played, used or operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. from Sunday evening through Friday morning, and between 11:00 p.m. and 7:00 a.m. from Friday evening through Sunday morning and on those evenings preceding national holidays and legal school holidays enumerated in 105 ILCS 5/24-2 in such a manner as to be plainly audible at a distance of fifty (50) feet from the location of such set, instrument or device, shall be prima facie evidence of a violation of this Section.
 2. *Permit Required:* Any person, group, association, organization, business or other similar entity desiring to use in an outdoor area any machine or device specified in this Section for producing or reproducing sound must first obtain a permit for said use. Application for such permit shall be made to the office of the City Manager or his/her designee on a form provided by that office. The City Manager or his/her designee shall provide notice to ward aldermen of applications. No permits for any machine or device specified in this Section may be issued for block parties. Violation of this Section shall subject the unauthorized user to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- (H) *Schools, Courts, Churches and Hospitals:* The creation within the City of any excessive noise in the vicinity of any school, institution of learning, church, court or hospital, while the same is in use, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital,

provided conspicuous signs are displayed in the vicinity of any such building indicating that the same is a school, hospital, court or church.

- (I) *Hawkers, Peddlers*: The shouting and crying within the City of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (J) *Yelling, Shouting*: Yelling, shouting, hooting, whistling or singing on the public streets of the City, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence or of persons in the vicinity, within the limits of this City.
- (K) *Animals, Birds*: The keeping of any animal or bird shut up or tied up in any yard, enclosure, stable, house or other place within the City which, by barking, howling, crying, singing or causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.

(Code 1957, § 29-48; Ord. No. 72-0-64; Ord. No. 109-0-82; Ord. No. 20-0-92; Ord. No. 1-0-95; Ord. No. 15-0-98; Ord. No. 55-0-98; Ord. No. 12-0-07; Ord. No. 21-0-07; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-5-20)), 1-23-2012; Ord. No. 35-O-15, §§ 1, 2, 3-23-2015)