

ARTICLE III. - NOISES

Sec. 15-61. - Musical instruments generally.

- (a) No person shall use or perform with any hand organ or other musical instrument or device for pay or in expectation of payment, in any of the streets or public places in the city before 9:00 a.m. or after 9:00 p.m. of each day.
- (b) Any person or persons engaged in such performance pursuant to a valid permit issued by the city or other entity connected to or sanctioned by the city, shall be exempt from the prohibition contained in paragraph (a) above, provided that said person or persons comply with the terms of the permit.

(Code 1957, § 20-1; Ord. No. 14314, § 1, 6-17-97)

Sec. 15-62. - Radios, phonographs, etc.

- (a) No person shall allow or cause to be used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, compact disc player, DVD player or other machines or devices for the producing or reproducing of sound in such a manner as to unreasonably disturb or to substantially interfere with the peace, quiet, comfort and repose of persons of ordinary sensibilities occupying, owning or controlling nearby properties or persons making use of public properties for their intended purposes, particularly between the hours of 11:00 p.m. and 7:00 a.m. in the Central Business District, as defined in Article 8 of the Zoning Code of the City of Peoria and between 10:00 p.m. and 7:00 a.m. in the rest of the city.
- (b) The minimum fine for a violation of this section, which violation occurs, outside the Central Business District, between the hours of 12:00 midnight and 5:00 a.m., shall be \$500.00.

(Code 1957, § 20-2; Ord. No. 15771, § 1, 5-17-05; Ord. No. 16001, § 2, 9-19-06)

Sec. 15-63. - Sound advertising devices.

- (a) No person shall make or cause, permit or allow to be made any noise of any kind, by means of any radio, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (b) No person shall operate or cause to be operated any motor vehicle or horse-drawn vehicle, having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music or any other sound for commercial sound advertising purposes in the city with such sound-amplifying equipment in operation.
- (c) Any person or persons engaged in the production or reproduction of sound for the purpose of attracting attention to an event or events licensed, permitted or otherwise sanctioned by the city or other entity connected to the city, shall be exempt from the prohibition contained in paragraph (a) above, provided that said person or persons comply with the terms of the permit.

(Code 1957, §§ 20-3, 20-4; Ord. No. 14314, § 2, 6-17-97)

Sec. 15-64. - In the air; on the water.

No person shall operate or cause to be operated any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air, having attached thereto or emitted therefrom any machine or device for the amplification of music, the human voice or any other noise or sound, with such machine or device in operation.

(Code 1957, § 20-5)

Sec. 15-65. - Steam whistles.

- (a) No person shall allow or cause to be blown within the city, the steam whistle of any stationary steam plant as a signal for commencing or suspending work, or for any other purpose.
- (b) This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire or collision, or other imminent danger; nor for the necessary signals by the trucks of the fire department of the city.

(Code 1957, § 20-6)

Sec. 15-66. - Horns or signalling devices on vehicles.

No person shall allow or cause to be blown any horn or signalling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signalling 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 signalling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signalling device when traffic is for any reason held up.

(Code 1957, § 20-7)

Sec. 15-67. - Engine exhausts.

No person shall allow or cause the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(Code 1957, § 20-8)

Sec. 15-68. - Motor vehicle mufflers.

- (a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

Decibel means a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Muffler means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

Sound level meter means an instrument standardized by the American Standards Association for measurement of intensity of sound, namely, Z24.3-1944.

Sound limits means all sound emanating from any motor vehicle, measured upon the "A" weighing scale of a second level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:

Distance in Feet	Maximum Permitted Sound Level in Decibels
50	85
45	86

40	87
35	88
30	89.5
25	91
<u>20</u>	93
15	95.5

(b) No person shall operate any motor vehicle upon a public street or highway within the city unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purpose of this section, if sound in excess of the sound limit set forth in this section shall emanate from a vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

(Code 1957, § 20-8)

Sec. 15-69. - Blowers, power fans, electric motors, or internal combustion engines.

No person shall allow or cause the operation of any noise creating blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such blower, power fan, electric motor, or internal combustion engine between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet or more from such blower, power fan, electric motor, or internal combustion engine shall be prima facie evidence of a violation of this section.

Provided, however, that the sweeping and snow removal or parking lots in the central business district, commercial districts, office districts, and industrial districts, as defined by the City of Peoria Zoning Ordinance, shall be permitted at all hours.

(Code 1957, § 20-9; Ord. No. 13504, § 1, 12-15-92; Ord. No. 14412, § 1, 12-2-97)

Sec. 15-70. - Yelling, shouting, singing on streets, etc.

No person shall yell, shout, hoot, whistle or sing on the public streets, 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 quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(Code 1957, § 20-10)

Sec. 15-71. - Noise on streets in vicinity of schools, hospitals, etc.

No person shall create or cause to be created any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(Code 1957, § 20-11)

Sec. 15-72. - Noise on property adjacent to school.

No person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied or otherwise used by a school, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

(Code 1957, § 20-11.1)

Sec. 15-73. - Disturbing a school gathering or function.

No person, while on public or private grounds adjacent to any building or land owned, occupied or otherwise used by a school, or in any building owned, occupied or otherwise used by a school, in or on which any gathering or function is in progress, whether in the daytime or nighttime, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function.

(Code 1957, § 20-11.2)

Sec. 15-74. - Transportation of rails, pillars, columns of iron, steel, etc.

All rails, pillars and columns of iron, steel or other metal, which are being transported over and along the streets of the city upon carts, drays, cars or other vehicles or in any other manner, shall be so loaded as to avoid loud noises or disturbing the peace and quiet of such streets.

(Code 1957, § 20-12)

Sec. 15-75. - Radios, phonographs, etc. on the public way.

No person shall play, use, operate or permit to be played, used or operated any radio, tape recorder, cassette player, device for receiving broadcast sound or reproducing recorded sound, or any other sound amplification system if the device is located:

- (1) On the public way; or
- (2) In any motor vehicle on the public way;

and the sound can be heard from 75 feet or more. This section does not apply to authorized emergency vehicles. This section does not apply when such sound amplification system is being operated to request assistance or warn of a hazardous condition.

"Public way" means any and all streets, alleys, sidewalks, boulevards and rights-of-way.

The minimum fine for a violation of this section shall be set forth in section 1-5 of this Code for each offense.

(Ord. No. 14718, § 1, 4-27-99; Ord. No. 15771, § 2, 5-17-05; Ord. No. 15922, § 1, 4-25-06; Ord. No. 16102, § 1, 4-3-07)

Sec. 15-76. - Noise.

The minimum fine for a violation of Article III of this chapter, sections 15-61—15-75, shall be set forth in section 1-5 of this Code for each offense.

(Ord. No. 15400, § 2, 12-10-02; Ord. No. 16102, § 1, 4-3-07)

Sec. 15-77. - Vehicle seizure and impoundment.

(a) A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in violation of section 15-75 of this code shall be subject to seizure and impoundment under this section. A motor vehicle used in violation of section 15-75 of this Code shall be declared a public nuisance. The owner of

record of such vehicle shall be liable for the towing and storage of the vehicle. For a second offense within a two-year period involving the same vehicle, the owner of record of such vehicle shall be liable to the city for a penalty of \$250.00 in addition to fees for the towing and storage of the vehicle; for a third or subsequent offense within a two-year period, the owner of record of such vehicle shall be liable to the city for a penalty of \$500.00 in addition to fees for the towing and storage of the vehicle.

- (b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or a tow company from the rotation tow list set forth in Chapter 30 of this Code. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this section. Said vehicle shall be impounded pending the completion of hearings provided for in subsections (c) and (d) herein, unless the owner of the vehicle pays for the towing and storage of the vehicle. For a second offense, said vehicle shall be impounded pending the completion of hearings provided for in subsections (c) and (d) herein, unless the owner of the vehicle posts with the city a cash bond in the amount of \$250.00, or, for a third or subsequent offense within a two-year period, \$500.00, plus fees for the towing and storage of the vehicle.
- (c) Whenever the owner of a vehicle seized pursuant to this section requests a preliminary hearing within 24 hours after the seizure, a hearing officer of the city shall conduct such preliminary hearing within 72 hours after said seizure. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle, operated with the permission, express or implied, of the owner, was used in the commission of any crime set forth in this section, the hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle posts with the city a cash bond in the amount of \$250.00, or, for a third or subsequent offense within a two-year period, \$500.00, plus fees for the towing and storage of the vehicle. If the hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.
- (d) Within ten days after a vehicle is seized and impounded pursuant to this section, the city shall notify by certified mail, return receipt requested, the owner of record at his/her last know address as indicated by the vehicle's registration of his/her right to request a hearing before the hearing officer that will be conducted to determine whether the subject vehicle is eligible for impoundment pursuant to this section. However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and fees and remaining towing/storage facility may be sold or disposed of by the city or the tow operator in accordance with applicable law. The owner of record seeking a hearing must file a written request for a hearing with the city legal department no later than 15 days after the notice was mailed or otherwise given under this subsection. The hearing shall be scheduled and held unless continued by order of the hearing officer, no later than 45 days after the request for a hearing has been filed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in the commission of a violation of section 15-75, the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays towing and storage of the vehicle, or for a second offense, a penalty of \$250.00, or, for a third or subsequent offense within a two-year period, \$500.00, plus fees for towing and storage of the vehicle. The penalty and fees shall be a debt due and owing the city. However, if a cash bond has been posted, the bond

shall be applied to the penalty. If the hearing officer determines that the vehicle was not used in commission of such a violation, he/she shall order the return of the vehicle or cash bond and the city shall be liable for towing and storage fees.

- (e) Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this section, or the time at which a final judgment is rendered in favor of the city, may be disposed of as an unclaimed vehicle as provided by law. As used in this section, the "owner of record" of a vehicle means the record title holder.
- (f) Fees for towing and storage of a vehicle under this section shall be the same as those charged pursuant to section 30-298 of this Code.
- (g) This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to vehicle seizure and impoundment. Nothing herein precludes prosecution for violation of section 15-75 in addition to or in lieu of the procedures set forth in this section.
- (h) After the expiration of the time during which the owner of record may seek judicial review of the city's action under this section and if no judicial review is pending, a person with a lien of record against a vehicle impounded under this section may obtain possession of the vehicle if he pays the penalty in addition to fees for towing and storage of the vehicle imposed under subsection (b) of this section for any motor vehicle described in subsection (e), prior to the sale of said vehicle. Said lien holder shall be given notice of impoundment pursuant to 625 ILCS 5/4-205(b), and may notify the city police department of his intent to obtain possession of the vehicle under this subsection at any time after receiving notice and prior to sale of said vehicle. Said lien holder shall make the payments called for herein on or before the date he may obtain possession. pays

(Ord. No. 15922, § 2, 4-25-06; Ord. No. 16295, § 1, 6-24-08)

Secs. 15-78—15-95. - Reserved.