

ORDINANCE 2013 - _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE BLOOMINGTON CITY CODE ADDING SECTION 107 RELATING TO THE REGULATION OF NOISE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended by adding the following Section 107 to Chapter 28:

Chapter 28: Section 107: Noise.

(a) **Purpose.** This Section is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the residents of the City through the reduction, control, and prevention of loud and raucous sounds, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. Nothing in this Section shall be construed as preventing the lawful exercise of the right to free speech protected by the Constitutions of the United States and the State of Illinois.

(b) **Definitions.**

“Loud and Raucous Noise” shall mean any sound which because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City. The term includes, but is not limited to, the kinds of loud and raucous noise generated by the activities enumerated in subsection (d), but not including activities enumerated in subsection (f) of this Section.

(c) **General Prohibition.** It shall be unlawful for any person to make, continue, or cause to be made or continued or to allow to be made on premises under the person’s ownership or control any loud and raucous noise. Prohibited acts may be established both or either by the testimony of persons who have heard the noises and by recorded decibel levels.

(d) **Specific Acts Prohibited.** The following acts, as illustrations, among others, are declared to be loud and raucous in violation of this Section. This enumeration shall not be deemed to be exclusive. Specific acts include:

(1) **Sound Reproducing Devices, Loudspeakers, Amplifiers.** The using, operating or permitting to be played, used or operated any musical instrument, machine or electronic device, radio receiving set, phonograph, loudspeaker, sound amplifier or other objects for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is

necessary for the convenient hearing of the person or persons who are in the room, chamber, vehicle or outdoor area in which such machine or device is operated and who are voluntary listeners thereto.

- (2) **Loading, Unloading, Opening Boxes.** The creation of loud and raucous noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (3) **Construction or Repairing of Buildings and Public Improvement.** The creation (including excavation), demolition, alteration or repair of any structure or public improvement other than between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday, except in cases of necessity in the interest of public health and/or safety, and then only with a permit from the Public Works Director or his or her designee, which permit shall be granted for a period not to exceed three (3) days or less while the necessity continues and which permit may be renewed for periods of three (3) days or less while the necessity continues.
 - (4) **Schools, Courts, Churches and Hospitals.** The creation of any loud and raucous noise on any street adjacent to or across a real property boundary 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, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, court or church.
 - (5) **Blowers.** The operation of any noise-creating blower, power fan, or any internal combustion engine, between the hours of 7:00 p.m. and 9:00 a.m., the operation of which causes noise due to the explosion of operating gases, fuels, or fluids, provided that the noise is loud and raucous and can be heard across the property line of the property from which it emanates. This subparagraph shall not apply to snow blowers and other snow removal machinery nor to landscaping operations conducted on golf courses.
 - (6) **Yelling, Shouting.** Yelling, shouting, hooting, whistling, or singing, so as to create loud and raucous noise, which as a result annoys or disturbs the peace, quiet, comfort or repose of persons in the surrounding area.
- (e) **Decibel Levels.** No person shall make, continue, or cause to be made or continued or to allow to be made on premises under the person's ownership or control any continuous, predictable or recurring source of sound in such a manner as to create a sound pressure level, measured on a sound level meter using the A-weighting network, at or within the property limits of the receiving property which exceeds seventy (70) dB(A). Any person providing testimony on electronic measurements shall use procedures for the measurement of sound that conform to the standards and recommended practices established by the American National Standards Institute.

(f) **Exemptions.** Sounds caused by the following are exempt from the prohibitions set forth in this Section:

- (1) Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition pose a clear and immediate danger to life, health, or significant loss of property.
- (2) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, and all sounds associated with City responses to emergency events.
- (3) Reasonable activities conducted on public playgrounds and public or private school/university grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school/university athletic and school/university entertainment events.
- (4) Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- (5) Any event that is sponsored by and directly controlled by the City or its designee.
- (6) Chiming of bells or other similar sounds produced by a religious institution, school, or clock or bell tower.
- (7) Sounds measured within any manufacturing district; excluding sounds generated within any manufacturing district that are measured outside the boundary of the manufacturing district.

(g) **Penalty.** Any person found guilty of violating any of the provisions of this Section shall be fined not less than One Hundred Dollars (\$100.00) for the first offense and not less than Two Hundred Fifty Dollars (\$250.00) for any subsequent offense. A separate and distinct offense is deemed committed each day such violation continues.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this _____ day of June, 2013.

APPROVED this _____ day of June, 2013.

APPROVED:

Terri Renner, Mayor

ATTEST:

Tracey Covert, City Clerk