

Chapter 21 - NOISE^[1]

Footnotes:

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Cross reference— *Animals disturbing the peace, § 7-10; nuisances generally, Ch. 22***State Law reference**— *Noise generally, Ill. Rev. Stat. Ch. 111½, § 1023 et seq.*

ARTICLE I. - IN GENERAL

Secs. 21-1—21-10. - Reserved.

ARTICLE II. - NONVEHICULAR NOISE

Sec. 21-11. - 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:

Boundary line means:

- (1) In the case of a residential unit, the boundary line shall be the perimeter of such unit. Residential unit shall be that area under the exclusive use or control of the owner or occupant.
- (2) In the case of publicly owned property, the boundary line shall be the perimeter of the publicly owned property or right-of-way.
- (3) In all other cases, the boundary line shall be the perimeter of the lot.

Commercial means a use of the property for purposes other than residential.

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

Residential means a legal use of property for temporary or permanent dwelling purposes.

(C.B. No. 82-208, § 1, 10-5-82)

Cross reference— Definitions and rules of construction generally, § 1-3.

Sec. 21-12. - Applicability.

The provisions of this article shall apply to all sources of sound except:

- (1) Motor vehicles, as defined in the Illinois Vehicle Code (Ill. Rev. Stat. Ch. 95½), in operation on a public right-of-way;
- (2) Aircraft in flight; and
- (3) Railroad equipment in operation on railroad right-of-way.

(C.B. No. 82-208, § 1, 10-5-82)

Sec. 21-13. - Reserved.

Editor's note— Section 1 of C.B. 92-28, adopted Jan. 21, 1992, repealed former § 21-13, which pertained to general prohibition of noise and derived from C.B. No. 82-208, § 1, adopted Oct. 5, 1982.

Sec. 21-14. - Specific prohibitions.

In addition to the prohibition contained in section 21-13, no person shall conduct any of the following activities if any such activity produces clearly audible sound beyond the boundary line of the property or residential unit on which or in which the activity is conducted:

- (1) Construction between 10:00 p.m. and 7:00 a.m.;
- (2) The operation of power tools or power equipment, except that such tools or equipment may be used between the hours of 7:00 a.m. and 10:00 p.m. for reasonable lengths of time;
- (3) The operation of any bell, siren, whistle, or similar device, except that amplified or unamplified bells or chimes may be used for noncommercial purposes for reasonable lengths of time;
- (4) The operation of any device for killing, trapping, attracting or repelling insects except that such device may be used between the hours of 7:00 a.m. and 10:00 p.m.;
- (5) Except as specified in subsection (3) of this section, the operation or use of any sound amplification device, except that sound amplification devices may be used in commercial areas between the hours of 7:00 a.m. and 10:00 p.m. if the sound produced by such device is not clearly audible at the boundary line of any residential unit, and not clearly audible at any one location for an unreasonable length of time;
- (6) The use of any musical instrument, except that single musical instrument without amplification may be used between the hours of 7:00 a.m. and 10:00 p.m. for reasonable lengths of time.

(C.B. No. 82-208, § 1, 10-5-82; C.B. No. 83-116, 7-5-83)

Sec. 21-15. - Exemptions.

The following activities are exempted from the prohibitions set out in section 21-14:

- (1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger.
- (2) Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- (3) Parades, concerts, festivals, fairs or other such activities which are open to the general public and operated or conducted in accordance with other applicable ordinances and pursuant to a permit under chapter 24; block parties shall not be considered open to the general public.
- (4) Athletic, musical or cultural activities or events, including practices and rehearsals, conducted by or under the auspices of governmental units or educational institutions.
- (5) Parties sponsored by private individuals on private property, not open to the general public, and for which the sponsor has obtained a permit pursuant to Chapter 24 shall be exempt from subsections (5) and (6) of Section 21-14, but shall be subject to the restrictions provided in subsection (8) of this section.
- (6) Outdoor activities conducted pursuant to the issuance of a Class T retail liquor license in accordance with the requirements of Chapter 5 of this Code shall be exempt from subsections (5) and (6) of Section 21-14, but shall be subject to the restrictions set forth in subsection (8) of this section.
- (7) Outdoor activities conducted on the premises of the holder of a retail liquor license, or pursuant to the issuance of a Class T retail liquor license, in accordance with the requirements of Chapter 5 of this Code shall be exempt from subsections (5) and (6) of Section 21-14, but shall be subject to the restrictions set forth in subsection (8) of this section.
- (8) Permissible hours for musical instruments and amplified sound for exempt activities.
 - (a) Persons conducting or participating in exempt activities in accordance with subsections (5) and (6) of this section shall only be permitted to use or operate musical instruments and/or sound amplification devices which are clearly audible beyond the boundary line of the property or dwelling unit in question during the following periods of time:
 1. between the hours of 7:00 a.m. and midnight on Friday, Saturday, any Sunday which falls immediately before a holiday observed on a Monday by the Federal Government, and July 3 of any year.

2. except as otherwise provided in (a)1 above, between the hours of 7:00 a.m. and 11:00 p.m. on Sunday through Thursday.

(b) Revocation of permit or T-license.

1. In the event the Police Department receives complaints from more than one person regarding sound from amplification devices from such an exempt event during a time when said event is otherwise permissible, the Police Department verifies that such sound may be heard beyond the boundary lines of the property for which the permit or T-license was issued; and if, in the opinion of the Police Chief or his/her designee, such amplified sound constitutes a threat to the public health, safety or welfare, the Police Chief or his/her designee, may revoke the permit or T-license as the case may be, and cause the party or event to be shut down.
2. Any person whose permit is revoked pursuant to this section may request and receive a meeting with the Police Chief or his/her designee to be heard on the revocation within fourteen (14) days from the date of revocation.

(C.B. No. 82-208, § 1, 10-5-82; C.B. No. 86-245, § 1(Attach. A, § 64), 9-16-86; C.B. No. 94-76, § 1, 4-5-94; C.B. No. 2006-205, § 2, 8-1-06)

Sec. 21-16. - Presumption of accountability.

- (a) The occupant of the property or residential unit, or the agent of the occupant on which a generally or specifically prohibited activity takes place shall be presumed to have permitted the activity to occur.
- (b) The occupant of the property or residential unit, or the agent of the occupant who shall permit another person to create a noise or conduct an activity in violation of this article shall be deemed responsible for the noise or activity to the same extent as the person creating the noise or conducting the activity and shall be subject to the same punishment.

(C.B. No. 82-208, § 1, 10-5-82)

Sec. 21-17. - Waiver.

- (a) The City Manager may temporarily waive or alter the time limits contained in section 21-14 in the following events:
 - (1) The City or another governmental entity is engaged in a construction project; and
 - (2) The public interest will be served by the increased number of hours during which construction might take place; and
 - (3) The impact upon residential units will be slight when compared to the public benefit of completing the construction expeditiously.
- (b) The City Manager shall, at the inception or during any construction projects conducted by the City or other governmental entity, make a written determination that each of the above factors is present and shall forward such determination to the City Council prior to the commencement of construction during hours other than as provided for in section 21-14.
- (c) The Director of Public Works shall take steps to notify persons that are or may be affected by the City Manager's determination prior to the commencement of construction.

(C.B. No. 98-240, § 1, 9-1-98)

Secs. 21-18—21-30. - Reserved.

ARTICLE III. - VEHICULAR NOISE

Sec. 21-31. - Applicability, exemption; definitions.

The provisions of this article shall apply only to motor vehicles as defined in the Illinois Vehicle Code (Ill. Rev. Stat., Ch. 95½) in operation or located on a public right-of-way, except it shall not apply to motor vehicles engaged in interstate commerce. The definitions set out in the Illinois Vehicle Code shall apply to this article.

(C.B. No. 82-208, § 1, 10-5-82; C.B. No. 91-42, § 1, 3-19-91)

Cross reference— Definitions and rules of construction, § 1-3.

Sec. 21-32. - Sound amplification systems.

- (a) No person shall operate or permit the operation of any sound amplification system in or on any motor vehicle which can be heard outside the vehicle for seventy-five (75) or more feet when the vehicle is operated or located on a public right-of-way, unless such system is being operated to request assistance or warn of a hazardous situation.
- (b) This section does not apply to authorized emergency vehicles.

(C.B. No. 82-208, § 1, 10-5-82; C.B. No. 91-42, § 2, 3-19-91; C.B. No. 2000-10, § 1, 1-18-00)

Sec. 21-33. - Equipment.

No person shall own or use a vehicle or permit the use of a vehicle which:

- (1) Is equipped with a siren, whistle, bell, or gong signaling device unless such vehicle is an emergency vehicle or unless such device is capable of being used only as an antitheft device and cannot be used as an ordinary warning signal;
- (2) Is not equipped with a muffler and exhaust system which is in constant operation and good working order;
- (3) Is equipped with an exhaust system which has been modified so as to amplify or increase the noise of such vehicle above that emitted by the exhaust system originally installed on the vehicle.

(C.B. No. 82-208, § 1, 10-5-82)

Sec. 21-34. - Presumption of accountability.

- (a) The registered owner of a vehicle which is operated in violation of sections 21-32 or 21-33 shall be presumed to have permitted the prohibited use and to have been in control of such vehicle.
- (b) The registered owner of a vehicle who shall permit the operation or use of a vehicle in violation of this article shall be deemed responsible for such violation to the same extent as the person in actual operation or control of the vehicle and shall be subject to the same punishment.

(C.B. No. 82-208, § 1, 10-5-82)

Sec. 21-35. - Violations.

The violations of this article shall be deemed traffic violations and uniform citations may be used for violations thereof.

(C.B. No. 82-208, § 1, 10-5-82)