

# Chapter 10.30

## NOISE

### 10.30.010: DEFINITIONS:

Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definition of terms used in this chapter shall be the same as used in the Illinois environmental protection act at 415 Illinois Compiled Statutes 5/1 et seq., as amended, and the Illinois administrative code title 35: environmental protection, subtitle H: noise, chapter I: pollution control board, part 900 et seq., as amended.

**CITY PROPERTY:** Any street, alley, sidewalk, park, parkway or mall, owned, controlled or managed by the city of Elgin and on which a special event has been authorized and permitted pursuant to [title 13, chapter 13.25](#) of this code, as amended.

**DAYTIME HOURS:** Seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., local time.

**FESTIVAL PARK:** The city of Elgin park located on South Grove Avenue and bounded by the Fox River on the west, Prairie Street on the north, South Grove Avenue on the east, and Lake Street on the south.

**LANDSCAPING POWER EQUIPMENT:** Any mechanically powered saw, leaf blower, lawn mower, hedge trimmer, grass trimmer, edger, or any other similar tool or device, but not including snowblowers.

**LEAF BLOWER:** Any portable machine mechanically powered used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces.

**NIGHTTIME HOURS:** Ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M., local time.

**SOUND AMPLIFICATION DEVICE:** Any loudspeaker, stereo, radio, tape recorder, cassette player, compact disc player, DVD player, digital music player, phonograph, microphone, speaker or other device, equipment or system by which sounds are magnified.

**SOUND LEVEL:** Expressed in decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in American National Standards Institute standard section 1.4-1971 (specification for sound level meters). All references to decibels in this chapter utilize the A-level weighting scale, abbreviated dBA, measured as set forth in this section. Decibels shall be measured with a type II general purpose sound level meter. Impulsive sound shall be measured using a fast sound level meter response. Sound other than impulsive sound shall be measured using a slow sound level meter response.

**TYPE II GENERAL PURPOSE SOUND LEVEL METER:** A device for measuring sound level in dBA units within the performance specifications as provided by the American National Standards Institute. (Ord. G30-09 § 1, 2009; Ord. G72-06 § 3, 2006; Ord. G61-00 § 1, 2000)

### 10.30.020: GENERAL NOISE LIMITATIONS:

- A. No person shall cause or allow the emission of sound from an industrial property in the city to any receiving residential property in the city during daytime hours that exceeds sixty one (61) dBA, or fifty six (56) dBA for impulsive sound, when measured at any point within such receiving residential property, provided however, that no measurement of sound level shall be made less than twenty five feet (25') from the property line of such industrial property noise source.
- B. No person shall cause or allow the emission of sound from an industrial property in the city to any receiving residential property in the city during nighttime hours that exceeds fifty one (51) dBA, or forty six (46) dBA for impulsive sound, when measured at any point within such receiving residential property, provided however, that no measurement of sound level shall be made less than twenty five feet (25') from the property line of such industrial property noise source.
- C. No person shall cause or allow the emission of sound from a commercial property in the city to any receiving residential property in the city during daytime hours that exceeds fifty five (55) dBA, or fifty (50) dBA for impulsive sound, when measured at any point within such receiving residential property, provided however, that no measurement of sound level shall be made less than twenty five feet (25') from the property line of such commercial property noise source. For the purposes of this chapter, city property and property zoned within the CF community facility district not improved with a residence shall be deemed to be a commercial property.
- D. No person shall cause or allow the emission of sound from a commercial property in the city to any receiving residential property in the city during nighttime hours that exceeds forty four (44) dBA, or forty five (45) dBA for impulsive sound, when measured at any point within such receiving residential property, provided however, that no measurement of sound level shall be made less than twenty five feet (25') from the property line of such commercial property noise source. For the purposes of this chapter, city property and property zoned within the CF community facility district not improved with a residence shall be deemed to be a commercial property.
- E. No person shall cause or allow the emission of sound from any motor vehicle in the city to any receiving residential property in the city during nighttime hours that exceeds forty five (45) dBA for a period of greater than two (2) minutes when measured at any point within such receiving residential property, provided however, that no measurement of sound level shall be made less than fifty feet (50') from the rear bumper of the motor vehicle, or when no such bumper exists, from the rearmost wheel of the motor vehicle. For the purposes of this section, "motor vehicle" shall be defined as any self-propelled wheeled vehicle designed primarily for the transportation of persons or goods. (Ord. G30-09 § 2, 2009; Ord. G71-03 § 1, 2003; Ord. G61-00 § 1, 2000)

### **10.30.025: SOUND AMPLIFICATION DEVICES; RESIDENTIAL PROPERTIES:**

No person shall operate or permit operation of any sound amplification device or system from any residential property within the city which can be heard from a distance of seventy five feet (75') or

more from any property line of such residential property during nighttime hours or which can be heard from one hundred fifty feet (150') or more from the property line of any such residential property during daytime hours. (Ord. G72-06 § 4, 2006)

### **10.30.030: LANDSCAPING POWER EQUIPMENT LIMITATIONS:**

No person shall use or operate any landscaping power equipment on any residential dwelling unit property in the city, or within fifty feet (50') of a residential dwelling unit property line in the city when used or operated on any public right of way in the city, prior to seven o'clock (7:00) A.M. and after eight o'clock (8:00) P.M. on Mondays through Fridays, prior to eight o'clock (8:00) A.M. and after eight o'clock (8:00) P.M. on Saturdays, and prior to nine o'clock (9:00) A.M. and after eight o'clock (8:00) P.M. on Sundays and legal holidays. (Ord. G61-00 § 1, 2000)

### **10.30.040: EXCEPTIONS:**

In addition to the exceptions set forth in the Illinois administrative code title 35: environmental protection, subtitle H: noise, chapter I: pollution control board, part 900 et seq., as amended, this chapter and the regulations contained herein shall not apply to the emergency services or operations of any governmental unit, public utility or any such activities performed on behalf of any such governmental unit or public utility. (Ord. G61-00 § 1, 2000)

### **10.30.045: FESTIVAL PARK SPECIAL REGULATIONS:**

The following additional special regulations shall apply to Festival park:

- A. No person shall cause or allow the emission of sound from Festival park that exceeds seventy five (75) dBA, when measured at a distance of one hundred feet (100') from the source of such sound, between the hours of twelve o'clock (12:00) noon to four o'clock (4:00) P.M. on Fridays, Saturdays and Sundays and on the holidays of Memorial Day, the 4th of July and Labor Day.
  
- B. No person shall cause or allow the emission of sound from Festival park that exceeds one hundred (100) dBA, when measured at a distance of one hundred feet (100') from the source of such sound, between the hours of four o'clock (4:00) P.M. to eleven o'clock (11:00) P.M. on Fridays, Saturdays and Sundays and on the holidays of Memorial Day, the 4th of July and Labor Day.
  
- C. In the event of any conflict between the provisions of this section and the other provisions within this chapter, the provisions of this section shall control. (Ord. G30-09 § 3, 2009)

**10.30.050: PENALTY FOR VIOLATION:**

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter, shall be guilty of an offense. Any person convicted of an offense under this chapter, in addition to other legal and equitable remedies available to the city, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
- B. Any person shall be guilty of a separate offense for each and every day during any portion of which any violation or provision of this chapter is committed, continued or permitted on any such person and he should be punished accordingly.
- C. The levy and/or payment of any penalty or fine in this chapter shall not be deemed a waiver of the power of the city of Elgin to suspend, revoke or refuse to renew any permit otherwise issued by the city of Elgin. (Ord. G61-00 § 1, 2000)

**10.30.060: SEVERABILITY:**

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and its application to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved with the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included. (Ord. G61-00 § 1, 2000)