

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK WITH RESPECT TO THE CONTROL OF NOISE WITHIN THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WITNESSETH:**

Be it ordained by the Governing Body of the City of Forest Park as follows:

**SECTION 1.** That Title 11, Chapter 5 of the Code of Ordinances, City of Forest Park is hereby amended by deleting said chapter in its entirety and replacing it with a new Chapter 5 as set forth on Exhibit A.

**SECTION 2. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 3. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 4. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 5. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the

remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 6. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7. Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor Angelyne Butler

ATTEST:

\_\_\_\_\_ (SEAL)  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

### CHAPTER 5 - NOISE

#### Sec. 11-5-1 General prohibition.

It shall be unlawful for any person to make or cause to be made any loud, raucous or unusual noise which interferes with the comfort, repose and peace of others or which endangers the health or safety of others within the city in such a manner that such noise is plainly audible at a distance of 100 feet or more from the place where the noise is emanating from. Such noises as contemplated by this section shall include but not be limited to:

- (a) The sounding of any horn, whistle, claxon, siren, audible signal device, bell or other similar device when such sound is not made in connection with a necessary alert, emergency situation or traffic warning;
- (b) The discharge into open air of the exhaust of any steam engine, stationary internal-combustion engine, diesel engine, boat motor, motor vehicle, truck, motorcycle, motorbike, motor scooter, go-cart, or other vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (c) The operation of a radio, phonograph or television at a volume which carries the sound beyond the boundaries of the premises on which the same is operated;
- (d) Yelling, shouting, hooting, whistling or singing (except in places of worship);
- (e) The keeping of any animal or fowl which makes a frequent or continuing sound;
- (f) The use of any musical instrument or drums;
- (g) The use of or operation of any mechanical device, blower, hydraulic device, machine or equipment;
- (h) The erection, demolition, alteration or repair of buildings between the hours of 10:00 p.m. and 7:00 a.m.;
- (i) The operation of grading or excavation equipment between the hours of 10:00 p.m. and 7:00 a.m.;
- (j) The shouting, crying, ringing of bells or other sounds made or caused to be made by peddlers, hawkers and vendors;
- (k) The dragging or hauling of any object which creates noise;

### **Sec. 11-5-2 Solid Waste Collection**

It shall be unlawful for any person within any residential area, or within a radius of 500 feet therefrom, to load, unload, open or otherwise move about or handle boxes, crates, containers, garbage containers or other objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner that a reasonable person of normal sensitiveness residing in the residential area is caused discomfort, annoyance and denial of the reasonable use of property;

### **Sec. 11-5-2 Vehicle Noise**

It shall be unlawful for any person within any residential area, or within a radius of 500 feet therefrom, to operate, run up or test any motor vehicle, truck tractor or machinery engine between the hours of 10:00 p.m. and 7:00 a.m. and which creates a noise of such a high level or of such a duration that a reasonable person of normal sensitiveness residing in the residential area is caused discomfort, annoyance and denial of the reasonable use of property. This subsection shall not apply to any vehicle being operated on an authorized place, street, road or highway in a manner not inconsistent with other noise ordinances or laws.

### **Sec. 11-5-2 Sound amplification devices.**

Nothing in this Chapter 5 shall be construed to prohibit the operation of a sound amplification device, whether stationary or attached to a vehicle, provided the same is operated under the terms and conditions as follows:

- (a) Should any person desire permission to operate a sound amplification device for the purpose of advertising, soliciting, attracting attention, announcing a sporting event, or exercising the right of free speech as guaranteed by the United States Constitution, he shall be allowed to do so only after he has applied for and received a permit from the city; and such operation without such permit is declared unlawful.
- (b) An application for a permit to operate a sound amplification device shall be in writing, filed with the city, and shall set forth the equipment to be used, the place or route to be followed, the intensity of sound level expected, the purpose of such use and the days and hours such use is desired.
- (c) The city shall consider such application at its earliest convenience and shall exercise its discretion after considering all pertinent facts. The city may require the applicant to demonstrate the equipment before issuing the permit. The city shall not withhold a permit so as to deprive any person of his constitutional rights, but shall have the right to control sound and noise emitted in the city for the general health and welfare of its citizens. Each permit issued shall be issued for a specific term.