

## Chapter 10-7. Noise

### § 10-7-1. Purpose.

[9-2-2008(3)]

This chapter is intended to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the Village through the reduction, control and prevention of unreasonably 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 chapter shall be construed as preventing the lawful exercise of right of free speech protected by the Constitutions of the United States or the State of Illinois.

### § 10-7-2. Scope.

[9-2-2008(3)]

This chapter applies to the control of all sound originating within the jurisdictional limits of the Village.

### § 10-7-3. Definitions.

[9-2-2008(3)]

When used in this chapter:

#### **EMERGENCY**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate action.

#### **EMERGENCY WORK**

Any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utility when restoring utility service.

#### **NOISE SENSITIVE AREA**

Includes, but is not limited to, the land on which a school, hospital, nursing home, church, court, public library, or similar institution is located and the area within 250 feet of a school, hospital, nursing home, church, court, public library, or similar institution.

#### **PERSON**

Any individual, firm, association, partnership, joint venture or corporation.

#### **PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public that is owned or controlled by a government entity.

#### **PUBLIC SPACE**

Any real property or structures on real property owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

#### **RESIDENTIAL AREA**

Any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned or is legally non-conforming for residential use in accordance with the terms and maps of the Village's zoning ordinance.

## § 10-7-4. General prohibition.

[9-2-2008(3)]

- A. No person shall make, continue, or cause to be made or continued, the following:
1. Any unreasonably loud or raucous noise; or
  2. Any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Village; or
  3. Any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
1. The proximity of the sound to sleeping facilities, whether residential or commercial;
  2. The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
  3. The time of day or night the sound occurs;
  4. The duration of the sound; and
  5. Whether the sound is recurrent, intermittent or constant.

## § 10-7-5. Noises prohibited.

[9-2-2008(3)]

- A. The following acts are declared to be per se violations of this chapter. This list does not constitute an exclusive list.
1. Unreasonable noises. The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of residences or which will not detrimentally affect the operators of other places of business are exempted from this provision.
  2. Non-emergency signaling devices. Sounding or permitting the sounding of any amplified signal from any bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes from any place more than 10 consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, seasonal contribution solicitors, or by the Village for traffic control purposes are exempt from the operation of this provision.
  3. Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsection 3A below. Local, state and federal governments are exempt from this prohibition.
    - a. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
  4. Radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible for any person other than the player(s) or operator(s) of the device, and those persons who are authorized by the Village to use such devices, is prohibited. The use of such devices shall not be a violation of this chapter if the sound is not plainly audible to any person other than the player(s) or operator(s) of the device, and those persons who are authorized by the Village to use such devices.

person in a commercial industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. This subsection shall not apply to violation of ILCS 5/12-611 of the Illinois Vehicle Code.

5. Yelling, shouting and similar activities. Yelling, shouting, hooting, whistling or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, or at anytime or place so as to unreasonably disturb the quiet, comfort or repose of reasonable persons of ordinary sensitivities.
6. Animals and birds. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, veterinary hospitals, pet shops, or pet kennels (licensed under and in compliance with licensing and permitting provisions set forth in this Code, and which use reasonable measures to minimize such sounds emanating from their property) are exempt from this subsection.
7. Noise sensitive areas — schools, courts, churches, hospitals and similar institutions. The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which unreasonably disturbs the persons in these institutions.
8. Blowers and similar devices. In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m. of the following day, the operation of any noise-creating blower, power fan lawn mowers, weed wackers, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases, fuels, or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. This subsection shall not apply to snow blowers and other snow removal machinery.
9. Commercial establishments. Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, which is plainly audible at a distance of 50 feet from any residential property.
10. Outside construction All outside construction on residentially zoned property or on property which is adjacent to residentially zoned property shall be conducted between the hours of 7:00 a.m. to 8:00 p.m.

## § 10-7-6. Exemptions.

[9-2-2008(3)]

A. Sounds caused by the following are exempt from the prohibition set out in § 10-7-4.

1. Repairs of utility structures which are damaged, in disrepair, or out of service, and such condition poses a clear and immediate danger to life or 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 or police activity.
3. Repairs or excavations of bridges, streets or highways by or on behalf of the Village, the State of Illinois, or the federal government, between the hours of 10:00 p.m. and 7:00 a.m. of the following day, when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 10:00 p.m.
4. Outdoor school and playground activities. 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 entertainment events.
5. Other outdoor events. Outdoor gatherings, public dances, shows, parades, festivals and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

7. Outdoor church activities that cannot be heard from a distance of more than 100 feet beyond the church property boundaries between 10:00 p.m. and 7:00 a.m. of the following day, except that a church may sound chapel bells periodically so long as each said ringing does not continue for an unreasonable amount of time.

## § 10-7-7. Enforcement.

[9-2-2008(3)]

- A. The chief of police or his designees will have primary responsibility for the enforcement of the noise regulations herein. Nothing in this chapter shall prevent the police chief or his designees from obtaining voluntary compliance by way of warning, notice or education.
- B. If a person's conduct would otherwise violate this chapter and consists of any of the following: a) speech or communication protected by the Constitution of the United States or the State of Illinois; b) a gathering with others to hear or observe speech or communication protected by the Constitution of the United States or the State of Illinois; or c) a gathering with others to lawfully picket or otherwise express, in a non-violent manner, a position on a social, economic, political or religious questions, then the person must be ordered to, and have the opportunity to, move, disperse or otherwise remedy the violation prior to arrest or a citation being issued.

## § 10-7-8. Penalties.

[9-2-2008(3)]

- A. A violation of the provisions of this chapter is punishable by a ticket or citation carrying a fine of no less than \$50 for a first offense. However, this subsection shall not be construed as requiring the Thornton Police Department to cite a person for violation of this chapter if, in its discretion, the Department determines that it is in the best interest of the community to utilize other lawful means to gain compliance.
- B. A subsequent violation of this chapter by the same person, which occurs within 30 days of receiving a previous ticket, is punishable by a ticket carrying a fine of no less than \$250.
- C. Each occurrence of a violation of this chapter or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.