

8.03 Loud and Unnecessary Noise Prohibited.

(1) Definitions and Standards. All terminology used in this ordinance not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (a) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (b) "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action.
- (c) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.
- (d) "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (e) "Motor vehicle" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles.
- (f) "Motorboat" means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices, jet boats, and personal watercraft.
- (g) "Motorcycle" means an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters, mini-bikes, and four wheelers.
- (h) "Noise disturbance" means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.
- (i) "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.
- (j) "Sound Level Meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.
- (k) "Street" means any public right-of-way, avenue, boulevard, highway, sidewalk, or alley or similar place which is owned or controlled by the Village.

(2) Prohibited Acts. No person shall make, continue, or cause to be made or continued, any noise disturbance. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. The following acts, and the causing thereof, are declared to be in violation of this ordinance, but this list shall not be deemed to be exclusive:

(a) The sounding of any horn or signaling device on any automobile, motorcycle, other vehicle on any street or public place in the Village for three (3) seconds in any period of one minute or less, except as a danger warning; the creation of any reasonably loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is, for any reason, held up.

(b) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, "boom box" or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner; or operating playing or permitting the operation or playing of any radio, television, phonograph, "boom box", drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound;

(i) between the hours and at levels set forth in this ordinance in such a manner as to create a noise disturbance across a real property boundary;

(ii) in such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or

(iii) in such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a bus or similar common carrier.

(c) The owning, possessing, or harboring of any animal or bird that frequently or for a continued duration howls, barks, meows, squawks, or makes other sounds which create noise disturbance across a residential real property boundary. This provision shall not apply to public zoos.

(d) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat, except through a muffler, or other device that will effectively prevent loud or explosive noises.

(e) The erection (including excavation), demolition, alteration, or repair of any building, as well as the operating of any pile drive, compressor, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 A.M. and 10:00 P.M.; provided, however, the Chief of Police shall have the authority, upon determining that the loss that would result would be extraordinary and of such nature as to warrant special considerations, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 P.M. and 7:00 A.M.

(f) The use of firing of explosives, firearms, or similar devices that create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way.

- (g) Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property line.
- (h) The creation of any excessive noise on any street adjacent to any school or church while the same are in use, or adjacent to any nursing facility, which unreasonable interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in a nursing facility.
- (i) Using or operating for any purpose any loudspeaker, public address system, or similar device (i) such that the sound therefrom creates a noise disturbance across a real property boundary; or (ii) between the hours of 10:00 P.M. and 7:00 A.M. the following day on a public right of way or public space.
- (j) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires or the excessive acceleration of the engine.
- (k) Excessive and disturbing yelling, shouting, hooting, whistling, or singing in residential or public street right-of-ways between the hours of 10:00 p.m. and 7:00 a.m.. or any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

(3) Exceptions. The provisions of this noise ordinance shall not apply to the following:

- (a) Any vehicle of the Village while engaged in necessary public business.
- (b) Excavations or repairs of streets or other public construction by or on behalf of the Village, County, or State at night when public welfare and convenience justifies the work.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public address that are non-commercial in nature.
- (d) The emission of sound for the purpose of alerting persons to the existing of an emergency or in the performance of emergency work.
- (e) Lawnmowers, chainsaws, powered garden equipment, snow blowers, electric insect killing/repelling devices, leaf blowers, and other non-construction maintenance equipment that are operated only during the hours between 7:00 A.M. and 10:00 P.M. Snow blowers operated outside of the hours between 7:00 A.M. and 10:00 P.M. shall be excepted from the provision of this noise ordinance only if the operator's hours of employment require him to operate a snow blower at other times in order to reach his place of employment at his required starting time.
- (f) The Village Board may grant exceptions to persons upon evidence of substantial hardship or because of special events. The exceptions may be limited as to noise levels, days, hours, and duration.

(4) Stationary Noise Limits.

- (a) Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zone	7 A.M. to 10 P.M.	10 P.M. to 7 A.M.
Residential	75 dBA	65 dBA
Commercial	82 dBA	70 dBA
All Other Zones	82 dBA	70 dBA

(b) In commercial zones, music provided for the entertainment of customers on Friday, Saturday, and the evenings prior to legal holidays or other special events need not comply with the nighttime decibel levels above prior to 12 o'clock midnight.

(c) Construction equipment in any zone may be operated between the hours of 7:00 A. M. and 10:00 P.M., provided the equipment does not exceed a maximum sound level of 80 dBA measured at the property line of the location at which the equipment is in use.

(d) The maximum noise level for a motorboat shall not exceed 86 dBA.

(5) **Methods of Measuring Noise.**

(a) Noise measured shall be made with a sound level meter.

(b) Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.

(c) If a Village police officer deems it necessary or advisable to enforce this ordinance on behalf of the general public, without receipt of a specific citizen complaint, noise measurements may be made at the lot line of a parcel that abuts and is parallel with an existing public street.

(d) As used herein, the term lot line means the perimeter line of a lot or parcel of land. The term lot line is interchangeable with the term property line.

(6) **PENALTIES.** Any person who violates this section shall forfeit not more than \$500.00, together with the costs of prosecution and may be ordered to pay restitution and complete community service. Every day that a violation exists shall be considered a separate offense.

(7) **SEVERABILITY.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety, or any part thereof, other than that so declared to be invalid. The balance of the ordinance not found invalid shall be enforced.