

ORDINANCE 00 - 29

**AN ORDINANCE TO REGULATE NOISE
AND HOURS OF OPERATIONS
WITHIN THE VILLAGE**

WHEREAS, the Village President and Board of Trustees of the Village of East Dundee (the "Village") have determined that the making, creation or maintenance of excessive unnecessary noises which are unusual and avoidable in their time and place is a detriment to the public health, comfort, convenience, and welfare of the residents of the Village; and,

WHEREAS, the Village President and Board of Trustees feel that it is in the best interest of the community to set specific hours of operations for activities that create or are accompanied with loud noises that disturb the peace of the surrounding neighborhood.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section One: That Chapter 12, **Nuisances**, Section 12.11, **Noise**, be amended to include the following, which is attached hereto and made part hereof.

Section Two: That Chapter 12, **Nuisances**, Section 12.02 (d)(8), **Public Nuisances Affecting Peace and Safety**, be amended to repeal Paragraph 8 in its entirety.

Section Three. Severability. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgement shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

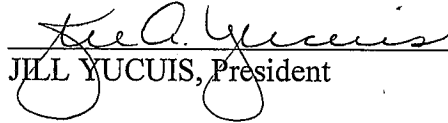
Section Four. Repeal. All ordinances, resolutions, motions, or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publication is hereby authorized as provided by law.

Adopted this 18th day of December, 2000, pursuant to a roll call vote as follows:

AYES: Bartels, Szalla, Zaeske, Ahrens, Arnone.
NAYES: None.
ABSENT: Ruffulo.

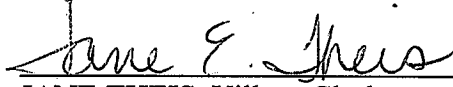
Approved by me this 18th day of December, 2000.



JILL YUCUIS, President

Published in pamphlet form this 22nd day of December, 2000, under the authority of the President and Board of Trustees.

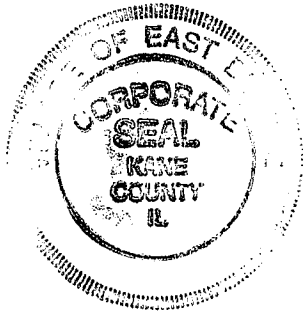
ATTEST:



JANE THEIS, Village Clerk

Recorded in the Village Records on December 22nd, 2000.

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CHAPTER 12, NUISANCE,
SECTION 12.11, NOISE

PARAGRAPH:

- a Prohibitions Generally
- b Horns and Whistles
- c Audio, Musical and Similar Equipment
- d Engine Exhaust
- e Defect in Vehicle or Load
- f Refuse Collection
- g Construction Activities
- h Lawn, Garden, and Landscape Maintenance Activities
- i Exemptions
- j Application for Special Permit
- k Violation

(a) **PROHIBITIONS GENERALLY**

1. It is unlawful to make or cause to have made any noise or sounds of such volume or of such nature as to cause annoyance to the residents of the village.
2. It is unlawful to disturb the peace or quiet by the creating of excessive and unnecessary noise.

(b) **HORNS AND WHISTLES**

It is unlawful to blow or cause to be sounded any horn, whistle, or other signaling device of any unreasonably loud or harsh sound in the Village except as a signal for starting or stopping work or in emergencies as to avoid or to prevent injury to persons or property.

(c) **AUDIO, MUSICAL, AND SIMILAR EQUIPMENT**

1. It is unlawful to play, use, operate, or permit to be played or operated, in any building or on any public or private premises any radio, phonograph, microphone, musical instrument, television, loudspeaker, sound amplifier, or similar equipment in such a manner as to disturb the peace, quiet, comfort of neighboring residents except in conjunction with a Village-permitted special event or block party.
2. In residential zoning districts, the operation of any radio, phonograph, microphone, musical instrument, television, loudspeaker, sound amplifier, or similar equipment between the hours of 11:00 p.m. and 7:00 a.m., in such a

manner as to be plainly audible at a distance of fifty feet (50') from the location of such set, instrument, or device, shall be prima facie evidence of a violation of this Section.

3. No person shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane, or indecent language or sounds, or any false representation of any matter, product or project advertised thereby, the sale of which is prohibited by law, ordinance, or statute.
4. It is prohibited to play, use, operate or permit to be played, used, or operated any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier, or similar equipment for producing sound which is audible upon the public street of the Village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure except when a permit has been first procured from the Village Administrator as required by this code.

(d) **ENGINE EXHAUST**

It is unlawful to discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(e) **DEFECT IN VEHICLE OR LOAD**

It shall be unlawful to use any automobile, motorcycle, vehicle, wagon, or cart so defective or loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noises.

(f) **REFUSE COLLECTION**

It shall be unlawful for any refuse collector or firm to collect, gather, load, remove, empty, haul or otherwise transport any refuse, recycling or other waste materials from any container, dumpster or other storage unit within the Village, except between the hours of 6:00 a.m. and 7:00 p.m., on any day.

(g) **CONSTRUCTION ACTIVITIES**

Any activity in the construction of any building or structure (including excavation, demolition, alteration, or repair), or the laying of pavement, including but not limited to the making of an excavation, clearing of surface land, and loading or unloading materials, equipment, or supplies, anywhere in the Village shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday; 8:00 a.m. to 8:00 p.m. on Sunday.

(h) **LAWN, GARDEN, AND LANDSCAPE MAINTENANCE ACTIVITIES**

Any lawn, garden, or landscape maintenance activities involving the operations of any gasoline or electric powered equipment including without limitation mowers, tractors, trimmers, vacuums, blowers, tillers, hedge clippers, grinders, shredders, chainsaws, or sod cutter, or other equipment the use of which is attended with a noise that is plainly audible at a distance of fifty feet (50') from the boundaries of the premises upon which such equipment is operated or used, shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday; 8:00 a.m. to 8:00 p.m., on Sunday.

(i) **EXEMPTIONS**

The following exemptions shall be provided from the terms and restrictions provided in this section:

1. Street sweeping operations on public right-of-ways, public parking lots, or private parking lots in non-residential zoning districts.
2. Construction and lawn maintenance operations performed by or on behalf of the Village or Dundee Township Park District on publicly owned property.
3. Construction and / or lawn maintenance activities required as a result of a storm or emergency situation to provide for the protection, safety and welfare of the Village.
4. Work related to sewer, water, power or utility interruptions.
5. Snow removal operations on any public or private property, parking lot, or right-of-way.

(j) **APPLICATION FOR SPECIAL PERMIT**

1. Applications for a special permit for relief from the noise restrictions designated in this ordinance on the basis of undue hardship may be made to the Village Administrator. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.
2. Permit issuance shall be provided if the following conditions are found:
 - (i) That the additional time is necessary for the applicant to alter or modify his activity or operation to comply with this ordinance; or

(ii) The activity, operation, or noise source will be of temporary duration and cannot be done in a manner that would comply with other subsections of this ordinance; or

(iii) That no other reasonable alternative is available to the applicant.

3. The Village Administrator may prescribe any conditions or requirements he deems necessary to minimize the adverse effects upon the community or the surrounding community or the surrounding neighborhood.

(k) **VIOLATION – PENALTY**

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.