

ORDINANCE NO. 2015- 10

**AN ORDINANCE REGULATING EXCESSIVE NOISE IN THE VILLAGE
OF WINNEBAGO, ILLINOIS**

WHEREAS, the making and creation of loud, unnecessary, unnatural, or unusual noises within the limits of the Village is a condition which has existed for some time and the extent and volume of such noises is increasing; and

WHEREAS, the making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual, and unnatural, in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village; and

WHEREAS, the necessity in the public interest for the provisions and prohibitions contained in this ordinance is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this ordinance are in pursuance of, and for the purpose of, securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the Village and its inhabitants.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

ARTICLE I
SHORT TITLE

The instant ordinance shall be known as and may be recited as the "Village of Winnebago Noise Ordinance".

ARTICLE II
DISTURBING, ENDANGERING HEALTH,
PEACE OR SAFETY OF OTHERS

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, unnatural, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the Village, unless such noise is necessary for the protection or preservation of property, or the health, safety, or life of some person. Further, no person owning, or in possession or control of, any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated, or be dangerous or detrimental to the public health. This section shall not apply to activities controlled by Article III hereinbelow.

ARTICLE III
ACTS DECLARED IN VIOLATION OF ORDINANCE

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive, namely:

- (1) **Radios; phonographs; sound-producing or reproducing machines and devices.** The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, or chamber, or outside area in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday or 11:00 p.m. and 7:00 a.m. on Friday and Saturday in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or outside area in which it is located shall be prima facie evidence of a violation of this ordinance.

- (2) **Loudspeakers; amplifiers for advertising.** The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets or public way for the purpose of commercial advertising, or attracting the attention of the public to any building or structure, except with permission of the Chief of Police. The term "public way" means all streets, alleys, sidewalks, boulevards, public parking lots, and other public rights-of-way.
- (3) **Yelling, shouting, hooting, whistling or singing.** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday or 11:00 p.m. and 7:00 a.m. on Friday and Saturday, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (4) **Animals; birds.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (5) **Exhausts.** The discharge into the open air of 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.
- (6) **Construction or repairing of buildings.** The erection (including excavating), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Village building inspector.
- (7) **Schools; courts; churches.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use.
- (8) **Hawkers.** A person who goes from place to place selling or offering to sell goods which he carries by shouting and/or crying, which disturbs the peace and quiet of the neighborhood.
- (9) **Piledrivers; hammers; other power tools or devices.** The operation between the hours of 9:00 p.m. and 7:00 a.m. of any piledriver, power mower, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other power tool, saw, or device, the use of which is attended by loud or unusual noise. Repairs to public service utilities shall be exempt from this ordinance.
- (10) **Blowers.** The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of

- operating gases or fluids, unless the noise from such blower or fan is muffled, and such engine is equipped with a muffler device sufficient to deaden such noise.
- (11) Any person owning, keeping, having in his possession, or harboring any animal which by frequent or habitual mission or generation of noise shall cause annoyance or disturbance to a reasonable person. A person shall not be found to be in violation of this ordinance unless sufficient evidence is presented, which evidence shall include at least one of the following:
- (a) A complaint made by one person, which is accompanied by audio or video recordings depicting ten or more minutes of continuous howling, yelping, barking or otherwise. "Continuous" means that the noise continues with no interruptions or only unreasonably brief interruptions;
 - (b) Complaints made by two or more persons, residing in different households, regarding the same dog(s) and owner(s), keeper(s) or harborer(s); or
 - (c) A complaint made by one neighbor, but which is corroborated by a responding animal control officer or law enforcement officer who observes howling, yelping, barking, or otherwise that would annoy or disturb a reasonable person.

ARTICLE IV **EXCEPTIONS TO REGULATIONS**

The following are exempt from the regulations in Article III:

- (1) Sirens and bells on emergency vehicles;
- (2) Fire and burglar alarms;
- (3) Emergency management warning systems;
- (4) Train whistles and horns;
- (5) Authorized fireworks displays; and
- (6) Authorized concerts and parades.

ARTICLE V

Any other Village ordinance or law otherwise regulating a specific type of noise not addressed herein that is not in conflict with the provisions of this ordinance shall remain in full force and effect.

ARTICLE VI
PENALTY

Any person or persons, corporation, firm, or organization which shall violate any provision of this ordinance shall be fined not less than two hundred fifty and 00/100 dollars (\$250.00) nor more than seven hundred fifty and 00/100 dollars (\$750.00), plus any court costs. Each day any violation of this ordinance shall continue shall constitute a separate offense. The number of repeated violations shall be taken into account when assessing the fine amount.

ARTICLE VII
EFFECTIVE DATE

This ordinance shall become effective immediately after its passage, approval, and publication in pamphlet form of three copies of said ordinance at the Village of Winnebago, Illinois, Office.

APPROVED:

Franklin J. Eubank, Jr., President of the Board of
Trustees of the Village of Winnebago, Illinois

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED:

_____ 9-14-2015

APPROVED:

_____ 9-14-2015

PUBLISHED

(in pamphlet form): _____