

CITY OF WEST CHICAGO

ORDINANCE NO. 21-O-0015

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, NOISE CONTROL
REGULATION OF THE WEST CHICAGO CODE OF ORDINANCES**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF WEST CHICAGO
June 7, 2021**

Published in pamphlet form by the authority of the City Council of the City of West Chicago,
DuPage County, Illinois, on the 8th day of June, 2021.

ORDINANCE NO. 21-O-0015

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, NOISE CONTROL REGULATION OF THE WEST CHICAGO CODE OF ORDINANCES

WHEREAS, the City of West Chicago has a significant governmental interest in protecting the health, safety, and welfare of the general public and in preserving the public order;

WHEREAS, loud and disturbing noise degrades the City's environment in that it: (a) is harmful to the health, welfare, and safety of residents and visitors, (b) interferes with the comfortable enjoyment of life and property, (c) interferes with the well-being, tranquility, and privacy of the home, and (d) causes and aggravates health problems;

WHEREAS, both the effective control and elimination of loud and disturbing noise are essential to the health and welfare of the City's residents and visitors and to the conduct of the normal pursuits of life, including work, education, recreation, and communication;

WHEREAS, the City has a substantial interest in protecting residents and visitors from loud and disturbing noise;

WHEREAS, the use of sound amplification equipment, such as bullhorns, megaphones, and loudspeakers, creates loud and disturbing noise that may, when used at particular times and places, substantially and unreasonably invade and harm the privacy, peace, health, and welfare of City residents and visitors;

WHEREAS, the City's existing noise regulations currently measure sound using an A-weighted decibel scale; however that scale does not fully measure the volume of music;

WHEREAS, also measuring the volume of music using a C-weighted decibel scale would best quantify the volume of low-frequency sound (for example, bass produced in music and noise generated by compressors, pumps and diesel engines);

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Illinois, that:

Section 1. Chapter 10, Article V, Sections 10-36 and 10-37 of the West Chicago City Code are amended as follows:

ARTICLE V. - NOISE CONTROL REGULATION

Sec. 10-36. - Definitions.

All terms used in this article not otherwise defined herein shall have the meanings set forth in applicable publications of the American National Standard Institute (ANSI) or its successor body.

A-weighted level (dBA): The sound pressure level in decibels as measured using the A-weighting network on a sound level meter. The unit of measurement is designated dBA.

C-weighted level (dBC): The sound pressure level in decibels as measured using the C-weighting network on a sound level meter. The unit of measurement is designated dBC.

Decibel (dB) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty (20) micronewtons per square meter).

Sound pressure level meter means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on the dBA and dBC scale.

Sec. 10-37. - Standards.

No person shall cause, suffer, allow or permit sound from any source which, when measured from property boundary of the receiving residential land, is in excess of the following standards:

- (a) Between the hours of 7:00 a.m. and 10:00 p.m., sound which has an A-weighted sound pressure of 60 dBA.
- (b) Between the hours of 10:00 p.m. and 7:00 a.m., sound which has an A-weighted sound pressure of 55 dBA.
- (c) Between the hours of 7:00 a.m. and 10:00 p.m., sound which has a C-weighted sound pressure level of 70 dBC.
- (d) Between the hours of 10:00 p.m. and 7:00 a.m., sound which has a C-weighted sound pressure level of 65 dBC.

Sec. 10-38. - Variance permits.

Variance permits may be issued, in writing, by the city administrator, or his designee, to exceed the noise standards set forth in this article as follows:

- (1) A temporary variance permit may be issued upon request, provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
- (2) A permanent variance permit may be issued upon request, following an investigation into the source of the noise, including what, if any, measures can be taken to reduce or eliminate the noise, the cost of any such measure, and an overall evaluation of the request, including the severity of the problem weighed against the cost of remedial measures, the benefit of the public and the impact on the noise source.

Any permanent variance may be revoked by the city administrator, or his designee, if there is a significant change in the facts from the time the original variance was granted and if, following the same procedures involved in issuing the original permit, the city administrator, or his designee, should conclude it is in the best interest of the public to revoke the permit.

Sec. 10-39. - Exemptions.

The following uses, activities and/or noises are exempt from the provisions of this article:

- (1) *Emergency operations.* Emergency short term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery shall be exempt, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
- (2) *Noises required by law.* Any noise required specifically by law for the protection or safety of people or property, including, but not necessarily limited to, back-up alarms on trucks and police/fire/ambulance sirens.
- (3) *Lawn maintenance and snow removal equipment.* Any powered or non-powered equipment which is deemed necessary for the purpose of snow removal or lawn maintenance by the property owner. However, lawn maintenance equipment, even when used to remove snow, may only be used after 7:00 a.m. or before 8:00 p.m. Monday through Friday and after 8:00 a.m. or before 8:00 p.m. Saturday and Sunday. The equipment must be kept in good repair and maintained.
- (4) *Community events.* Community events such as parades, festivals, sports events, 4th of July celebrations and other events sanctioned or sponsored in whole or in part by local governments, schools or charitable or service organizations.
- (5) *Emergency notification.* Noise made to alert persons to the existence of an emergency, danger or attempted crime.
- (6) *Aircraft.* Aircraft operated in conformity with, or pursuant to, federal law and regulations and any aircraft operating under technical difficulties or in any kind of distress.
- (7) *Trains.* Noise resulting from normal operations of railroad trains.
- (8) *Church bells.* Noise made by churches using bells as part of their religious observance.

Sec. 10-40. - Electronic sound systems.

The use within a dwelling unit of a stationary or portable electronic sound reinforcement and/or sound reproduction system utilizing loudspeakers, such that loud or raucous sounds radiate from the dwelling unit and are clearly audible from a distance of fifty (50) feet from such dwelling unit, or, if said dwelling unit is part of a multi-family building, are clearly audible beyond the perimeter of the dwelling unit, shall be prohibited during the following hours:

Sunday	10:00 p.m.	-	Monday	7:00 a.m.
Monday	10:00 p.m.	-	Tuesday	7:00 a.m.
Tuesday	10:00 p.m.	-	Wednesday	7:00 a.m.
Wednesday	10:00 p.m.	-	Thursday	7:00 a.m.
Thursday	10:00 p.m.	-	Friday	7:00 a.m.
Friday	12:00 midnight	-	Saturday	7:00 a.m.
Saturday	12:00 midnight	-	Sunday	7:00 a.m.

Sec. 10-41. - Nuisance declared.

Violation of any of the provisions of this article is hereby declared to be a public nuisance.

Sec. 10-42. - Penalty.

In addition to any other relief granted by the courts, any person violating any of the provisions of this article shall be subject to a fine per section 1-8, general penalty, of this Code. For purposes of this subsection, and in determining the appropriate amount due hereunder:

- (a) A separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues.
- (b) All violations of any provision of this article that are committed by the same person, or any firm controlled by such person, shall be counted, regardless of whether or not the violations occur at the same location.
- (c) Any finding or plea of guilty or no contest upon a citation shall be deemed a violation.

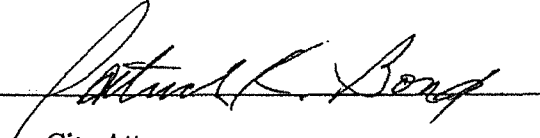
Section 2. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict, expressly repealed.

Section 3. That this Ordinance shall be in full force and effect ten (10) days after its passage, approval, and publication in pamphlet form in the manner required by law.

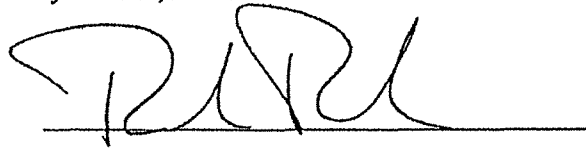
PASSED, this 7th day of June, 2021

Alderman L. Chassee	<u>Aye</u>	Alderman J. Beifuss	<u>Aye</u>
Alderman J. Sheahan	<u>Aye</u>	Alderman H. Brown	<u>Aye</u>
Alderman A. Hallett	<u>Absent</u>	Alderman C. Dettmann	<u>Aye</u>
Alderman S. Dimas	<u>Aye</u>	Alderman M. Birch-Ferguson	<u>Aye</u>
Alderman C. Swiatek	<u>Aye</u>	Alderman M. Garling	<u>Absent</u>
Alderman R. Stout	<u>Aye</u>	Alderman J. Short	<u>Aye</u>
Alderman J. Jakabcsin	<u>Aye</u>	Alderman J. Morano	<u>Aye</u>

APPROVED as to form:

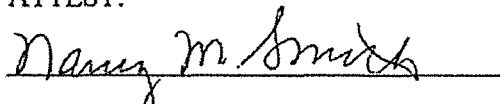

City Attorney

APPROVED this 7th day of June, 2021.



Mayor, Ruben Pineda

ATTEST:



Nancy M. Smith, City Clerk

PUBLISHED: 6-08-2021

STATE OF ILLINOIS)
COUNTY OF DU PAGE)

CERTIFICATE

I, Nancy Smith, Certify that I am the duly elected and acting City Clerk of the City of West Chicago, DuPage County, Illinois.

I further certify that on June 7, 2021 the Corporate Authorities of such municipality passed and approved Ordinance No. 21-O-0015 entitled:

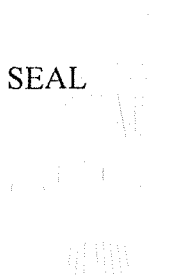
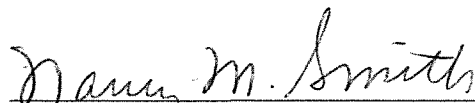
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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 21-O-0015 including the ordinance and a cover sheet hereof was prepared, and a copy of such ordinance posted in the municipal building, commencing on June 8, 2021 continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the Office of the City Clerk.

Dated at West Chicago, Illinois, this 7th of June, 2021.

SEAL

Nancy Smith, City Clerk