

ORDINANCE NO. 19-8-21

**AN ORDINANCE AMENDING CHAPTER 9, OFFENSES
AND MISCELLANEOUS PROVISIONS, ARTICLE I, IN
GENERAL, BY CHANGING SECTION 9-2, AIR
POLLUTION; NOISE, AND ADDING SECTION 9-2.2, NOISE,
OF THE MUNICIPAL CODE OF THE CITY OF BURBANK,
ILLINOIS**

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Treasurer

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City Attorney

ORDINANCE NO. 19-8-21

AN ORDINANCE AMENDING CHAPTER 9, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I, IN GENERAL, BY CHANGING SECTION 9-2, AIR POLLUTION; NOISE, AND ADDING SECTION 9-2.2, NOISE, OF THE MUNICIPAL CODE OF THE CITY OF BURBANK, ILLINOIS

BE IT ORDAINED by the City Council of the City of Burbank, Cook County, Illinois, as follows:

Section 1

That Chapter 9, Offenses and Miscellaneous Provisions, Article I, In General, Section 9-2, Air Pollution; Noise, of the Municipal Code of the City of Burbank, Illinois be amended by deleting subsection (d), Noise.

Section 2

That Chapter 9, Offenses and Miscellaneous Provisions, Article I, In General, of the Municipal Code of the City of Burbank, Illinois be amended by adding Section 9-2.2, Noise, as follows:

Sec. 9-2.2. Noise.

(a) *Definitions.* For the purposes of this section, the following terms shall have the meanings ascribed to them herein unless the context clearly requires otherwise. Terms not defined herein shall be ascribed their plain and ordinary meanings. All technical acoustical terminology and standards used in this section that are not defined herein shall be construed in conformance with the American National Standards Institute, Inc. publication entitled "Acoustical Terminology" or its successor publication.

American National Standards Institute, Inc. or ANSI means that organization or a successor entity, responsible for accrediting industry standards including standards for sound and sound measurement devices.

Decibel or dB means a unit of measurement for describing the amplitude of sound or sound pressure level at a specified location.

dB(A) shall mean the sound pressure level calculated using the "A" weighting network.

Noise means any audible sound.

Property line means the imaginary line including its vertical extension that separates one parcel of real property from another. For purposes of this section, the location of a property line may be based on the best estimate of a law enforcement officer seeking to measure noise in accordance with the provisions of this section.

Receiving property means a parcel of property zoned or used residentially affected by noise which is located adjacent to a source property.

Sound meter means an instrument used for the measurement of noise levels in a specific manner and which complies with standards established by the American National Standards Institute specifications for sound level meters.

Source property means that property on which noise is generated.

(b) *Noise Prohibition.* It shall be unlawful for any person to cause, allow, or permit the production or amplification of any noise on any source property that exceeds the noise level limits on any receiving property as follows:

Time	Maximum dB(A)
7:00 A.M to 9:00 P.M.	70 dB(A)
9:01 P.M. to 6:59 A.M.	60 dB(A)

(c) *Measurement.*

(1) Noise shall be measured on the A-weighted scale with a sound meter satisfying at least the applicable requirement for Type 2 sound meters as defined by the American National Standards Institute. Prior to measurement, the sound meter shall be calibrated according to the manufacturer's specifications.

(2) Noise measurements shall be made at least four (4') feet above the ground, and at a point at least ten feet away from any walls, barriers, or other obstructions. Noise levels should be measured no closer than the property line of the source property. Noise levels may be measured from a public street or other public right-of-way. If the source property is a multi-family dwelling unit, the receiving property is another multi-family dwelling unit, and the noise is coming from the interior of the source property, then noise levels should be measured within a multi-family dwelling unit adjacent to the dwelling unit from which the noise is generated at a point in the center of the room most affected by the noise that is at least three feet from any wall, ceiling, or partition.

(3) Sound meters shall be maintained in good working order and properly calibrated. The microphone of the sound meter shall be positioned so as not to create any unnatural enhancement or diminution of the noise being measured, and a windscreen shall be used at all times.

(4) Noise shall be measured utilizing a measurement period of at least sixty seconds and a violation of this section shall occur if the noise level exceeds the maximum decibel levels for more than 20 percent of such measurement period.

(5) The law enforcement officer measuring noise pursuant to this section shall document all noise measurement results, which documentation may include the following information:

- A. the sound meter used, including name, make, type, and serial number;
- B. the date of the last laboratory calibration;
- C. verification that the sound meter was properly calibrated at the time of the measurement;
- D. the location of the measuring area including the approximate distance from the source of the noise;
- E. a description of the measuring area;
- F. the time and date the noise measurement was taken;
- G. the name of any observers; and
- H. the general weather conditions.

(d) *Exceptions.* The following types of noise are exempt from the application of this section:

(1) noise from the use of power tools, construction equipment, or landscaping and yard maintenance equipment between the hours of 7:00 A.M. to 9:00 P.M.;

(2) any fire, burglar, or other alarm or warning device when being tested or identifying an actual threat to the safety of person or property;

(3) noise generated by a back-up emergency power generator during a power outage or declared local state of emergency;

(4) noise from any City or other governmental vehicle, equipment or activity or when otherwise authorized by permit thereof.

(e) *Enforcement.*

(1) All law enforcement officers are authorized to enforce this section.

(2) When enforcing this section, law enforcement officers shall adhere to the following procedures:

- A. The office shall investigate and determine if the noise should be measured to determine if there is a violation of the noise level limits contained in subsection (b).
- B. Measurement techniques shall be done in accordance with subsection (c).
- C. If the noise level is found to be in violation of this section, the officer shall give a warning to the person responsible for the noise.
- D. The person receiving the warning shall have a reasonable time-period to comply with the warning. Absent special circumstances, a reasonable time-period is two (2) minutes.
- E. It is sufficient warning if the person responsible for such noise has been warned of, or cited for, a violation of this section within the previous ninety (90) days.
- F. If the noise is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise reoccurs after warning and abatement, the person so warned and not complying shall be cited.

(f) *Administration.* Violations of this section may be administered through Chapter 9, Offenses and Miscellaneous Provisions, Article II, Administrative Adjudication of Non-vehicular Regulations Violations.

(g) *Penalty.* Any person violating this found in violation of this section shall be fined not less than \$250.00 and not more than \$2,000 for each violation. The hearing officer shall take into account the number of times a person has been found in violation of this section when determining an appropriate fine. Each instance noise is measured in excess of the allowable limits shall constitute a separate and distinct offense.

Section 3

This ordinance was passed pursuant to the home rule powers of the City of Burbank.

Section 4

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.


Section 5

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith. This ordinance is authorized to be published in pamphlet form.

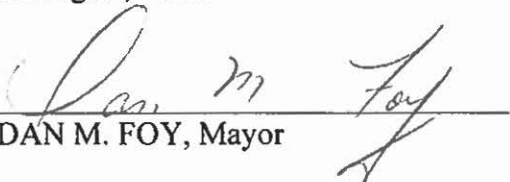
Section 6

This ordinance shall be in full force and effect after passage, approval and publication.

This ordinance was passed and deposited in the office of the City Clerk of the City of Burbank this 18th day of August, 2021.


BARRY J. SZYM CZAK, City Clerk

APPROVED by me the 18th day
of August, 2021.


DAN M. FOY, Mayor



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Burbank, in accordance with law, this 18th day of August, 2021.


BARRY J. SZYM CZAK, City Clerk

