

**PREPARED BY:**

**CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:**

**CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
P.O. BOX 3020  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60566-7020**

**ORDINANCE NO. 16 – 142**

**AMENDING SECTION 4 (STANDARDS) OF CHAPTER 14 (PERFORMANCE  
STANDARDS) OF TITLE 6 (ZONING ORDINANCE) OF THE NAPERVILLE  
MUNICIPAL CODE PERTAINING TO  
PERFORMANCE OF LANDSCAPE MAINTENANCE**

**WHEREAS**, the City of Naperville, in its authority as a Home Rule community, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, Section 1 (Intent) of Chapter 14 (Performance Standards) of the Naperville Municipal Code notes that it is the intent of the provided regulations to ensure that each permitted use shall be a good neighbor to adjoining properties by controlling the emission of noise, odor, exterior lighting, vibration, smoke, particulate matter, gases, and wastes, as well as state the conditions of construction and operation with which uses will be expected to comply; and

**WHEREAS**, Section 4 (Noise) of Chapter 14 (Performance Standards) establishes allowable noise limits, as measured at the property line for varying uses, but exempts noises customarily resulting from the maintenance of grounds from compliance with said noise limitations between the hours of 7:00 a.m. and 7:00 p.m., seven days per week; and

**WHEREAS**, a growing number of residential households within the City of Naperville hire commercial landscape contractors who utilize more substantial equipment which generates greater levels of noise, thereby impacting neighboring residential properties; and

**WHEREAS**, the City is proposing additional regulations to improve the compatibility of commercial landscape contractor operations within residential neighborhoods; and

**WHEREAS**, the City of Naperville has given general public notice and conducted a public hearing on July 20, 2016 before the Planning and Zoning Commission with respect to the proposed amendments, as required by law; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the proposed amendments on July 20, 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS**, in exercise of its home rule authority, as follows:

**SECTION 1**: The recitals set forth above are incorporated herein.

**SECTION 2**: Section 4 (Standards) of Chapter 14 (Performance Standards) of Title 6 (Zoning Ordinance) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language, as follows:

1.2.2. Daytime Building or Construction Operations and Performance of Landscape Maintenance: Between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00 p.m.), noises customarily resulting from construction work and from the maintenance of grounds shall be exempt from the limitations listed in table 1 of this Section.

1.2.2.1. Notwithstanding the provisions above, noise resulting from landscape related work on property improved with single-family or duplex residential structures, including but not limited to mowing and other landscaping activities, which are undertaken by a commercial landscape contractor shall not occur before eight o'clock (8:00) a.m. or after six o'clock (6:00) p.m. on Saturdays and Sundays. For the purposes of this subsection, a commercial landscape contractor is defined as an entity hired to perform landscape work, including but not limited to mowing grass, tree or bush trimming or cutting, leaf blowing, and landscape construction.

1.2.2.2. The hourly restrictions provided in Section 1.2.2. herein specific to maintenance of grounds shall not be applicable to public or private golf courses located within the City.

**SECTION 3:** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this 6<sup>th</sup> day of September, 2016.

AYES:           ANDERSON, BRODHEAD, GALLAHER, GUSTIN, KRUMMEN,  
                    OBARSKI

NAYS:           CHIRICO, COYNE, HINTERLONG

ABSENT:       NONE

APPROVED this 7<sup>th</sup> day of September, 2016.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk