

ORDINANCE NO. 15-21

**AN ORDINANCE AMENDING SECTIONS 8.16.040 AND 20.06.020 OF THE
"CARPENTERSVILLE MUNICIPAL CODE," AS AMENDED,
REGARDING NOISE VIOLATIONS AT RESIDENTIAL PROPERTIES**

WHEREAS, Section 8.16.040.A of the "Carpentersville Municipal Code," as amended ("**Village Code**"), regulates the use of sound amplification devices on residential properties in the Village; and

WHEREAS, the Village President and Board of Trustees desire to amend Section 8.16.040.A and 20.06.020 of the Village Code to: (i) require the owners of residential properties to ensure compliance with the noise regulations of Section 8.16.040.A of the Village Code; and (ii) update the fines applicable to violations of Section 8.16.040.A of the Village Code; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interest of the Village and its residents to amend the Village Code, as set forth in this Ordinance;

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

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: AMPLIFIED SOUND - RESIDENTIAL PROPERTIES.

Section 8.16.040, titled "Specific noise restrictions," of Chapter 8.16, titled "Noise," of Title 8, titled "Health and Safety," of the Village Code is hereby amended to read as follows:

"8.16.040 – Specific noise restrictions.

A. Amplified Sound — Residential Properties.

1. No person shall cause, allow or permit the operation of any sound amplification device between the hours of 10:00 p.m. and 7:00 a.m. daily, which is plainly audible for a period of one minute or longer on any residential property at a distance of ~~twenty-five (25)~~ feet or more when measured from the source property line or, when the source is generated from public property when measured from the source location.
2. No person shall cause, allow or permit the operation of any sound amplification device between the hours of 7:00 a.m. and 10:00 p.m. daily, which is plainly audible for a period of one minute or longer on any residential property at a distance of ~~seventy-five (75)~~ feet or more when measured from the source property line, or, when the source is generated from public property when measured from the source location.

Additions are bold and double-underlined; deletions are struck through.

3. The owners and tenants of residential property shall be jointly and severally responsible for compliance with this Section 8.16.040.A."

SECTION 3: FINES.

Section 20.06.020, titled "Schedule of non-standard fines," of Chapter 20.06, titled "Fines," of Title 20, titled "Fees and Fines," is hereby amended to add the following new entry:

"Violation	Minimum Fine	Maximum Fine
<u>Title 8, Section 8.16.040.A, Amplified Sound on Residential Properties</u>	<u>1st offense: \$250.00</u> <u>2nd offense: \$500.00</u> <u>3rd offense: \$1,000.00</u>	<u>1st offense: \$250.00</u> <u>2nd offense: \$500.00</u> <u>3rd offense: \$1,000.00</u>

SECTION 4: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purposes and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Humpfer, seconded by Trustee Schultz, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 19th day of May, 2015, pursuant to a roll call vote as follows:

AYES: 6 (Burroway, Stephens, Humpfer, Sabbe, Rehberg, Schultz)

NAYS: 0

ABSENT: 0

APPROVED by me this 19th day of May, 2015.

Ed Ritter
Village President

(SEAL)

ATTEST:
Therese Wilde
Village Clerk

Additions are bold and double-underlined; deletions are struck through.