

AN ORDINANCE AMENDING CHAPTERS 8 AND 19
OF THE MUNICIPAL CODE OF THE VILLAGE OF ARLINGTON HEIGHTS
REGARDING STREET PERFORMERS AND NOISE AMPLIFICATION

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, pursuant to Chapter 8 of the Municipal Code of Arlington Heights, Illinois, 1995, as amended ("*Village Code*"), the Village sets forth rules and regulations to prevent and abate offenses relating to public peace and welfare; and

WHEREAS, the President and Board of Trustees desire to amend Chapter 8 of the Village Code to add regulations relating to street performers, and related provisions of Chapter 19 of the Village Code relating to noise amplification; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village and its residents to amend Chapters 8 and 19 of the Village Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. STREET PERFORMERS. Article V, titled "Other Offenses Relating to Public Peace and Welfare," of Chapter 8, titled "Public Safety, Morals and Welfare," of the Village Code is hereby amended to add a new Section 8-527, which new Section reads as follows:

"Sec. 8-527 Street Performers.

- a. Definition. For purposes of this Section 8-527, a "street performer" is defined as any person actively providing a public performance or public entertainment within a public right-of-way or public park, whether or not performing in exchange for requested donations.**
- b. Hours of Performance. Except as part of a special event sponsored or approved by the Village, no street performer may perform or provide entertainment within a public right-of-way or public park before 10:00 a.m. or after 9:00 p.m. on any day.**
- c. Location. No street performer may obstruct safe vehicular, bicycle, or pedestrian passage along any street or sidewalk, or ingress and egress between a public right-of-way and any building.**
- d. Structures. Street performers may not use or erect tents or other structures in connection with street performance.**

- e. Sound Amplification. Except as part of a special event sponsored or approved by the Village, no street performer may: (1) amplify sound in violation of Section 19-203.1 of this Code; or (2) plug any electrical device into any Village-owned outlet, generator, or other source of electrical current.**
- f. Compliance with Village Orders. Street performers may not perform to the extent that their performance constitutes a threat to public health, safety, or welfare, as determined and directed by authorized officers of the Village Police Department.**

SECTION 3. STREET PERFORMERS. Section 19-203, titled “Nuisances,” of Article II, titled “Nuisances,” of Chapter 19, titled “Health and Sanitation,” of the Village Code is hereby amended further to read as follows:

“Sec. 19-203 Nuisances. Any one or more of the following shall be deemed to be and are hereby declared nuisances:

* * *

- l. Use of a microphone, speaker, megaphone, or mechanical amplification device within the area bounded by Arlington Heights Road, Sigwalt Street, Chestnut Avenue, Wing Street, Highland Avenue, and the Union Pacific Railroad right-of-way, except as part of a special event sponsored or approved by the Village.**

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 purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5. PUBLICATION. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois

SECTION 6. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS ___ day of _____, 2023.

Village President

ATTEST:

Village Clerk

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