



**DATE:** February 8, 2024

**TO:** Village Board

**FROM:** Randy Recklaus, Village Manager

**SUBJECT:** Updated Draft Noise Ordinance

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**Background:**

The Village has adopted State of Illinois Noise Pollution Control Regulations or Noise Pollution Act (the Act). The Act indicates that a person “must not cause or allow the emission of sound beyond the boundaries of that person’s property, that causes noise pollution or violates any provision within the chapter.” In practice, the Village has found that the rules are extremely subjective unless the Village were to invest in either sound measurement equipment or keep a consultant on retainer who can measure sound precisely. Perceptions of sound can vary widely based on wind conditions and other ambient noise. Using such equipment or consultants in a timely manner when an alleged violation is underway can be very difficult. Such equipment is costly and must be calibrated on a regular basis in order to hold up in court.

In practice, the Village has used a far more subjective “reasonable” test when noise complaints reported. Police Officers attempt to get voluntary compliance to resolve neighbor complaints. In many instances, one neighbor may find a noise objectionable, while others may have no issue with it. Each individual Officer may also have different standards on what is or isn’t reasonable. This has created a subjective and often uneven system for dealing with noise complaints.

**Analysis:**

As noted above, Staff does not believe that the enforcement of detailed technical standards is practical on a day-to-day basis. Regulations would have to be written and enforced in an extremely technical way that may run counter to realistic

expectations by neighbors depending on the circumstances. We may find ourselves having to issue citations in some instances where noises that are technically in violation of our codes are objectionable to very few people, and other situations where noises are found to be objectionable by many, even though they do not violate standards. Conversely, a more open-ended standard, can lead to other problems as we experience today, where a loose “reasonable” standard is unevenly applied to different situations.

Therefore, Staff worked with the Village Attorney to develop a new draft ordinance that provides additional objectivity to Police Officers who field noise complaints, while allowing for some acknowledgement that the context of each situation is somewhat different and that some discretion is warranted.

### **Summary of Draft Ordinance:**

The Village Attorney worked with Staff to develop the attached draft ordinance. Some key components of the ordinance are:

- A list of specific prohibitions such as but not limited to:
  - General prohibitions on harsh, prolonged, unnatural, noises that interfere with peace and comfort of residences or places of business,
  - non-emergency signaling devices such as car alarms for periods of longer than one minute,
  - radios, televisions, portable speakers, etc. that are plainly audible at a distance of 75 feet from the source property,
  - Amplified loudspeakers, public address systems during the hours between 10pm and 7am on weekdays excepted as permitted elsewhere in the code and between 10pm and 10am on weekends and holidays when it is within residential (zoned in the “R” categories) or noise sensitive areas, or within a public space.
  - Loading unloading noises between 10pm and 7am- except downtown during the Alfresco season, where 6am deliveries would be allowed.
  - Yelling and shouting in residential, noise sensitive areas, or in public places between 10pm and 7am (including the Alfresco zone).
  - Animals and bird noises
  - Construction noises for activity outside of approved construction hours
  - Use of blowers or combustion engines in residential areas (defined by the “R” zoning districts) between 7am and 7pm.

- General Noise in residential areas (again “R” Districts, not the downtown) and areas adjacent to residential areas between 10pm and 7am.
- There are also exemptions to the rules including:
  - Repairs of utility systems and Village infrastructure
  - Sirens on emergency vehicles
  - Outdoor school and playground activities
  - Outdoor events including athletic events approved by the Village
  - Village or Park District managed events
  - Church activities that cannot be heard more than 100 feet beyond the church property boundaries between 10pm and 6am. Church bells are also exempted
- Fines of up to \$750 can be assessed

Staff believes that this new system will provide more guidance to Police Officers in the field, and more clarity to residents and business owners on what they can and cannot do and can expect from their neighbors. This email provides only a summary of the proposal and I would encourage you to review the draft ordinance prior to Monday’s meeting. I am happy to answer any questions that you may have.

**Staff Recommendation:**

Discussion of the draft noise ordinance at the February 12<sup>th</sup> Committee of the Whole Meeting for approval at a future Village Board meeting.

CC: Chief Pecora, Diana Mikula, Hart Passman, Cris Papierniak, Michael Mertes