

VILLAGE OF FOREST VIEW

ORDINANCE NO. 24-06

**AN ORDINANCE AMENDING TITLE 6 OF THE FOREST VIEW VILLAGE CODE
BY ADDING A NEW CHAPTER 8, "NOISES"**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, this 28th
day of May, 2024.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 28th day
of May, 2024.**

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AN ORDINANCE AMENDING TITLE 6 OF THE FOREST VIEW VILLAGE CODE
BY ADDING A NEW CHAPTER 8, "NOISES"

BE IT ORDAINED by the President and Board of Trustees of the Village of Forest View, Illinois as follows:

SECTION 1: Amendment. Title 6 of the Forest View Municipal Code is hereby amended by repealing Chapter 8, and replacing it with the following adding the following Chapter 8, "Noises":

- 6-8-1: Declaration Of Policy
- 6-8-2: Definitions
- 6-8-3: Unlawful Noise
- 6-8-4: Specific Limitations
- 6-8-5: Amplified Sound; Motor Vehicles
- 6-8-6: Emergency Signaling Devices
- 6-8-7: Mufflers
- 6-8-8: Exemptions
- 6-8-9: Authorized Complainants
- 6-8-10: Violation; Penalty

6-8-1: DECLARATION OF POLICY:

It is hereby declared that the making, creation or maintenance of excessive, loud, raucous or unnecessary noise within the village affects and endangers the public health, comfort, convenience, safety, and welfare of the people of the village. The provisions and prohibitions hereinafter contained are enacted for the purpose of securing and promoting the public health, safety, and welfare of the village and its residents.

6-8-2: DEFINITIONS:

Certain words and terms used in this chapter are hereby defined as follows:

EMERGENCY: An occurrence of a set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK: Any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actual or threatened by an emergency, or work by public or private utilities when restoring utility service.

EXCESSIVE, LOUD, RAUCOUS OR UNNECESSARY NOISE: Any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity; or any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any person.

PLAINLY AUDIBLE: Any sound that can be detected by a person using his or her hearing faculties, unaided by any mechanical device such as a hearing aid. For a sound to be plainly audible, it is not required that particular words or phrases are determinable or that the name, artist or type of instrument producing the sound can be determined. The detection of any rhythmic bass or reverberating type of sound is sufficient to constitute a plainly audible sound.

PROPERTY LINE: The boundary line of a parcel of real estate.

RESIDENTIAL PROPERTY: Any real property which contains a building constructed for a residential purpose or in which one or more persons reside, provided that the building is properly zoned or is legally nonconforming for residential use within the village.

SOUND AMPLIFICATION DEVICE: Any loudspeaker, amplifier, stereo, radio, television, tape recorder, compact disk player, DVD player, portable media player, or any other device or system by which sounds may be enhanced or magnified.

6-8-3: UNLAWFUL NOISE:

It is unlawful and shall constitute a nuisance for any person within the village to make, continue, or cause to be made or continued, any excessive, loud or raucous noise within the limits of the village.

6-8-4: SPECIFIC LIMITATIONS:

For the purposes of this chapter, acts declared to be excessive, loud, raucous or unnecessary noises include, but are not limited to, the following:

(A) Instruments And Sound Amplification Devices: The playing, using, operating or permitting to be played, used or operated of any musical instrument or sound amplification device, or combination thereof, played or operated in such a manner as to disturb the peace, quiet, comfort and repose of the neighboring inhabitants or at more volume than is necessary for the

convenient hearing for the person or persons who are in the room, chamber, vehicle or outdoor area, within the village limits, in which or where such instrument or sound amplification device is played, used or operated and who are voluntary listeners thereto. The playing, use or operation of any such instrument or sound amplification device between the hours of nine-thirty (9:30) P.M. and eight o'clock (8:00) A.M. Sunday through Thursday and ten-thirty (10:30) P.M. and eight o'clock (8:00) A.M. on Friday and Saturday in such manner as to be plainly audible for a continuous period of one minute or more at a distance of fifty feet (50') from the location of such instrument or sound amplification device shall be prima facie evidence of a violation of this section.

(B) Yelling, Shouting, And Similar Activities: Yelling, shouting, hooting, whistling or singing in the public parks, parkways and streets of the village, particularly between the hours of nine-thirty (9:30) P.M. and eight o'clock (8:00) A.M. Sunday through Thursday and ten-thirty (10:30) P.M. and eight o'clock (8:00) A.M. on Friday and Saturday, or at any other time or place so as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, business establishment, dwelling or residence or of any person in the vicinity within the limits of the village.

(C) Advertising Noise Or Attention: The playing, using, operating or permitting to be played, used or operated of any instrument or sound amplification device which is cast upon the public streets, parks and parkways of the village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure, except when a license has first been procured from the proper village authorities.

(D) Animals: The keeping of any animal within any yard, house, enclosure, garage or other place within the village, which by frequent or long continued barking, howling, crying, singing or other noise shall disturb the peace, quiet, comfort or repose of persons in any neighboring dwelling or residence or of persons in the vicinity within the limits of the village.

(E) Construction Or Landscaping: The conduct of any outside construction or landscaping activities such as construction tools or power equipment, or engage in any building or construction activities requiring the use of any equipment that creates a loud and disturbing noise, or use gasoline-powered landscape maintenance equipment, including, without limitation, leaf blowers, lawn mowers, chain saws, trimmers, edgers, mechanical tree or brush grinding equipment, or other mechanical landscape maintenance devices except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

(F) Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(G) Blowers And Generators: The use or operation of any noise creating blower, power fan, or internal combustion generator within twenty five feet (25') of any residential property between the

hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M.

(H) Defect In Vehicle Or Load: The use of any automobile, truck, cart, trailer, motorcycle or other vehicle, so out of repair or loaded in such a manner or with material of such nature so as to create loud, excessive or unnecessary grating, grinding, rattling or other noises.

(I) Loading/Unloading: Causing, allowing or permitting the loading, unloading, opening or handling of boxes, crates, containers, garbage cans or recyclable containers between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. daily when such operations are conducted on a property within the village located within one hundred feet (100') of any residential property within the village, measured from the property line of the residential property.

(J) Drums: The use of any drum or similar instrument or device for the purpose of attracting attention, by the creation of noise, to any place of business, entertainment or public assembly.

(K) Horns And Signaling Devices: The use or operation of any horn or signaling device on any motor vehicle within the village, except as a danger warning or in an emergency. No person shall use or operate any horn or signaling device operated by an engine exhaust or for the purpose of attempting to increase traffic flow or move traffic in any manner.

(L) Utility Equipment In Rights Of Way: Utility equipment located in the public right-of-way and in residentially zoned districts shall be operated in such a manner so as to minimize any possible disruption to residents and occupants of nearby buildings caused by noise. Backup generators, if needed, shall only be operated during periods of power outages, and for no more than one weekly testing period not to exceed fifteen (15) minutes, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 7:00 a.m. Except during periods of construction, power outages, or during authorized backup testing conforming to the time limitations in this subsection, at no time shall any utility facility, or group of ground or pole-mounted utility facilities, in a residentially zoned area be permitted to exceed 45 dBA at a ground level distance of twenty feet (20') as measured from the pole base or ground-mounted equipment, as applicable, or exceed any other applicable noise levels imposed by codes adopted by the Village.

6-8-5: AMPLIFIED SOUND; MOTOR VEHICLES:

No person shall cause, allow or permit the operation of any sound amplification device from any motor vehicle which is plainly audible outside the vehicle at a distance of seventy-five feet (75') or more. This provision shall not apply to any sound amplification device being operated by an authorized emergency vehicle.

6-8-6: EMERGENCY SIGNALING DEVICES:

No person shall sound, allow or permit the sounding outdoors of any emergency signaling device,

including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device except in an emergency or as a permitted test as specified herein. Permitted testing of an emergency signaling device may only occur between the hours of nine o'clock (9:00) A.M. and seven o'clock (7:00) P.M. Any testing shall use only the minimum cycle test time for the emergency signaling device, but in no event shall the test time exceed five (5) minutes.

6-8-7: MUFFLERS:

No person shall operate a motor vehicle within the village that is not equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No person shall operate a motor vehicle with a muffler or exhaust system modified with a cutout, bypass or similar device.

6-8-8: EXEMPTIONS:

Sounds caused by the following are exempt from the prohibitions contained in this chapter:

(A) Utility Repairs: Repairs of utility structures that pose a clear and immediate danger to life or safety.

(B) Emergency Vehicles: Sirens, whistles or bells lawfully used by emergency vehicles.

(C) Emergency Signals: The emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.

(D) Repairs: Repairs or excavations of bridges, streets or highways by or on behalf of the village, Cook County, the State of Illinois or the United States government between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M., when the public welfare and convenience renders it impractical to perform the work during hours otherwise allowed by ordinance.

(E) Outdoor Gatherings And Public Events: Outdoor gatherings and public events, provided that such events are village sponsored or a permit has been obtained from the appropriate permitting authority.

(F) Power Outages: Internal combustion engines when used during power outages to generate electricity, prevent freezing or to prevent flooding.

(G) The restrictions of this section shall not be applicable to situations requiring emergency repairs related to health or safety of persons or property. Once the emergency has been remedied, the property owner shall comply with this section.

6-8-9: AUTHORIZED COMPLAINANTS:

Any person witnessing a violation of the provisions of this chapter, including a police officer, is authorized to be a complainant on any complaint, citation or other notice of violation issued under this chapter.

6-8-10: VIOLATION; PENALTY:

Any person, firm or corporation violating or being liable under any of the provisions of this chapter shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for a first violation within the past twelve (12) months, not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00) for a second violation within the past twelve (12) months, and not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00) for a third or subsequent offense within the past twelve (12) months. A separate offense shall be deemed committed with each recurrence of a violation of the noise disturbance provisions of this chapter.

SECTION 2: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE FOLLOWING ROLL CALL VOTE this 28th day of May, 2024.

AYES: Trustees Grossi, Hubacek, Sudkamp, Liska

NAYS: Trustees Ramirez, Nevarez

ABSENT: NA

APPROVED this 28th day of May, 2024.

Nancy L. Miller
Village President

ATTEST:

Laura D. McGuffey
Village Clerk