

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF DURAND, WINNEBAGO COUNTY, ILLINOIS, AMENDING THE VILLAGE OF DURAND'S CODE OF ORDINANCES, CHAPTER 12, "OFFENSES-MISCELLANEOUS", SECTION 12-7**

**WHEREAS**, the Village of Durand ("Village") has adopted a Code of Ordinances ("Village Code"); and

**WHEREAS**, Chapter 12 of the Village Code governs Miscellaneous Offenses and Provisions; and

**WHEREAS**, the Village has determined that the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affects and is detrimental to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village; and

**WHEREAS**, the Village desires to amend the Village Code to provide for the regulation of noise within the Village; and

**WHEREAS**, the Village has determined it is in the best interest of the Village and its citizens to make such amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Durand, Winnebago County, Illinois, as follows:

1. The foregoing recitals shall be and are hereby incorporated into and made part of this Ordinance.
2. Chapter 12 of the Village Code is hereby amended to include a new Section 12-7 to be entitled "Noise", which shall read as follows:

**"Sec. 12-7. Noise.**

**A. Purpose of Section.**

It is found and declared that:

- i. The making and creation of loud, unnecessary or unusual noises within the limits of the Village is a condition which has existed for some time and the extent and volume of such noises is increasing.
- ii. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to

public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village.

- iii. The necessity in the public interest for the provisions and prohibitions contained in this Section is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in this Section are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Village and its inhabitants.
- iv. No person owning, or in possession or control of, any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated, or be dangerous or detrimental to the public health.

**B. Penalty for Violation of Section.**

Any person or persons, corporation, firm, or organization which shall violate any provision of this Ordinance shall be fined not less than two hundred fifty and 00/100 dollars (\$250.00) nor more than seven hundred fifty and 00/100 dollars (\$750.00), plus any court costs. Each day any violation of this ordinance shall continue shall constitute a separate offense. The number of repeated violations shall be taken into account when assessing the fine amount. This Section may be enforced by the Winnebago County Sheriff's Department and/or the Village.

**C. Disturbing, Endangering Health, Peace or Safety of Others.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village.

**D. Acts Specifically Declared to be Violations of this Section.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but such enumeration shall not be deemed to be exclusive, namely:

- i. *Radios; phonographs; sound-producing or reproducing machines and devices.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, chamber or outside area in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. on Sunday through Thursday; and between the hours of midnight through 7:00 a.m. on Friday and Saturday, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or area in which it is located shall be *prima facie* evidence of a violation of this section.
- ii. *Loudspeakers; amplifiers for advertising.* The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets or public way for the purpose of commercial advertising or attracting the attention of the public to any building or structure except with permission of the Village Chief of Police. The term “public way” means all streets, alleys, sidewalks, boulevards, public parking lots, and other public rights-of-way.
- iii. *Yelling, shouting, hooting, whistling or singing.* Yelling, shouting, hooting, whistling, or singing on the public streets or public property, particularly between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday or 11:00 p.m. and 7:00 a.m. on Friday and Saturday, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- iv. *Animals; birds.* The keeping of any animal or bird which by causing frequent or long continued noise, including, but not limited to, barking, howling, crying, squawking, chirping, or hissing, which shall disturb the comfort or repose of any persons in the vicinity.
- v. *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.

- vi. *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building or structure between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, and 6:00 p.m. and 8:00 a.m. on weekends, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Village.
- vii. *Schools; courts; churches.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use.
- viii. *Piledrivers; hammers; other power tools or devices.* The operation between the hours of 9:00 p.m. and 6:00 a.m. of any piledriver, power mower, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other power tool, saw or device, the use of which is attended by loud or unusual noise.
- ix. *Blowers.* The operation of any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficient to deaden such noise.”

E. Exceptions to Regulations.

The following are exempt from the regulations set forth in Section D:

- (1) Sirens and bells on emergency vehicles;
- (2) Fire and burglar alarms;
- (3) Emergency management warning systems;
- (4) Train whistles and horns;
- (5) Authorized fireworks displays; and
- (6) Authorized concert, parades, and events previously approved by the Village.”

- 3. Except as amended in this Ordinance, all other provisions and terms of the Village Code shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

4. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED** by the Village Board this \_\_\_\_ day of \_\_\_\_\_, 2020

**APPROVED** by the President of the Village Board this \_\_\_\_ day of \_\_\_\_\_, 2020

**EFFECTIVE** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Robert Corwin, President  
Village of Durand, Illinois

ATTEST:

\_\_\_\_\_  
Mary Sphatt, Clerk  
Village of Durand, Illinois

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_