

City of St. Charles, Illinois

Ordinance No. 2008-M-77

**An Ordinance Amending Title 9, "Public Peace, Morals
and Welfare," Chapter 9.24, "Noise" of the St. Charles
Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
November 3, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, November 7, 2008**

Nancy Gamson
City Clerk



(SEAL)

City of St. Charles, Illinois
Ordinance No. 2008-M-77

**An Ordinance Amending Title 9, "Public Peace, Morals and Welfare",
 Chapter 9.24, "Noise", of the St. Charles Municipal Code**

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Title 9, Chapter 24 ("Noise") is hereby deleted in its entirety and the following language be inserted in lieu thereof:

"Chapter 9.24 Noise

9.24.010 Purpose, Intent and Declaration

The purpose of this Chapter 9.24 is to limit Noise-Generating Activities, which when conducted at specific times of the day, may annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others within the City. Noise-Generating Activity conducted in violation of the provisions of this Chapter 9.24 is hereby declared a public nuisance.

9.24.020 Noise-Generating Activities defined

The following activities are hereby declared "Noise-Generating Activities" and are subject to the provisions as set forth in this Chapter 9.24:

Noise-Generating Activity	Descriptions
Refuse Collection	The collection of any type of refuse, garbage, recyclable materials, landscape waste, hazardous waste, construction debris, or any other waste or debris.
Construction Activity	All types of construction activity, whether or not a building permit is required, and any related deliveries of construction personnel, materials, tools, or equipment.
Outdoor Maintenance Activity	Activities conducted outside or within a partially enclosed space, such as an open garage, that generate noise, including but not limited to: maintenance and repair of buildings, structures, lots, yards, landscaping, and vehicles or other mechanical equipment.
Truck Idling	The continuous running of engines or cooling units of a truck or semi-trailer while the vehicle is stationary.
Commercial Deliveries	The loading or unloading of products, materials, supplies or any other item from a truck or semi-trailer.
Amplified Sounds	Any stationary or portable electronic sound reproduction system utilizing loudspeakers including but not limited to: amplified live

	or recorded music; public address systems; systems used to communicate with customers in vehicles; horns and signal devices; sound produced by any machine or other device for the amplification of the human voice, music or any other sound.
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9.24.030 Property Classifications established

The designations set forth below shall classify all properties within the corporate limits of the City into a Property Classification for purposes of establishing regulation of Noise-Generating Activities:

Property Classifications	Descriptions
Mixed-Use	Property contained in the following areas: - CBD-1 Central Business Zoning District as designated on the Official Zoning Map contained in Title 17 "Zoning", as amended
Residential	A property containing a residential dwelling unit, except for Mixed-Use Property, regardless of zoning classification.
Non-Residential	All property not designated as a Residential Property or Mixed-Use Property
Non-Residential adjacent to Residential	Any Non-Residential Property located a distance of 300 ft. or less from a Residential Property, measured as the shortest distance from the property line of the Residential Property to the property line of the Non-Residential Property; except for Non-Residential Property which is entirely separated from a Residential Property by the following arterial streets: <input type="checkbox"/> Main Street <input type="checkbox"/> Randall Road <input type="checkbox"/> Kirk Road

9.24.040 Application of Noise Standards

For purposes of this Chapter 9.24, a noise shall be determined to be "clearly audible" when noise generated by a Noise-Generating Activity can be heard and readily differentiated from any ambient noise in the vicinity, including noise generated by vehicle traffic. A noise that is "clearly audible" may be constant, recurrent, or intermittent.

Locations used to determine if a noise is "clearly audible":

- A. Property line: Noise shall be measured outside along the perimeter of the property, including within the public right-of-way adjacent to the property line.
- B. Perimeter of the dwelling unit: Noise shall be measured inside or outside the building at a location adjacent to the unit, including common use hallways within the building.

9.24.050 Applicability to Streets

Provisions regulating Noise-Generating Activities on a property shall extend into all streets, including private streets and public rights-of-way, adjacent to said property. Where properties with different Property Classifications are adjacent to the same street, the provisions shall apply to only half of the street directly adjacent to the property.

9.24.060 Regulation for Mixed-Use Property

The restrictions set forth below shall apply to Mixed-Use Property as designated under Section 9.24.030, and any streets adjacent thereto:

Noise-Generating Activity	Time Activity Prohibited or Subject to a Noise Standard	Noise Standard
Refuse Collection	Prohibited from 10:00 pm to 6:30 am	-
Construction Activity	Prohibited from 10:00 pm to 7:00 am	-
Outdoor Maintenance Activity	Prohibited from 10:00 pm to 7:00 am	-
Commercial Deliveries	Subject to Noise Standard from 10:00 pm to 7:00 am	Prohibited in streets. Shall not be clearly audible at the property line.
Amplified Sounds	Outdoor sources: Prohibited from 10:30 pm to 10:00 am	Shall not be clearly audible at the property line.
	Indoor sources: Subject to Noise Standard from 10:30 pm to 10:00 am	For residential dwelling units: Shall not be clearly audible at the perimeter of the dwelling unit.

9.24.070 Regulation for Residential Property

The restrictions set forth below shall apply to Residential Property as designated under Section 9.24.030, and any streets adjacent thereto:

Noise-Generating Activity	Time Activity Prohibited or Subject to a Noise Standard	Noise Standard
Refuse Collection	Prohibited from 7:00 pm to 7:00 am	-
Construction Activity	Prohibited from 7:00 pm to 7:00 am	-
Outdoor Maintenance Activity	Prohibited from 10:00 pm to 7:00 am	-
Amplified Sounds	Outdoor sources: Prohibited from 10:00 pm to 10:00 am	Single-Family Dwelling: Shall not be clearly audible at the property line.
	Indoor sources: Subject to	

	noise standard from 10:00 pm to 10:00 am	Multiple-Family Dwelling: Shall not be clearly audible at the perimeter of the dwelling unit.
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9.24.080 Regulation for Non-Residential Property

Noise-Generating Activities shall not be restricted on Non-Residential Property, except for Non-Residential Property Adjacent to Residential Property as set forth in Section 9.24.090.

9.24.090 Regulation for Non-Residential Property Adjacent to Residential Property

The restrictions set forth in this section shall apply to Non-Residential Property adjacent to Residential Property, as defined in Section 9.24.030, and any streets adjacent thereto:

Noise-Generating Activity	Time Activity Prohibited or Subject to a Noise Standard	Noise Standard
Refuse Collection	Prohibited from 10:00 pm to 6:00 am	-
Construction Activity	Prohibited from 10:00 pm to 6:00 am	-
Outdoor Maintenance Activity	Subject to noise standard from 10:00 pm to 6:00 am	Prohibited in streets. Shall not be clearly audible at the perimeter of the property, measured at a location along the property line that is adjacent to a Residential Lot.
Commercial Deliveries	Subject to noise standard from 10:00 pm to 6:00 am	
Truck Idling	Subject to noise standard from 10:00 pm to 6:00 am	
Amplified Sounds	Outdoor sources: Prohibited from 10:00 pm to 7:00 am	
	Indoor sources: Subject to noise standard from 10:00 pm to 7:00 am	

9.24.100 Exemptions

The activities set forth below shall be exempt from the provisions of this Chapter 9.24:

1. Activities conducted by any governmental entity.
2. Emergency building, infrastructure, or utility repairs in response to natural disasters, accidents, equipment or structural failures, or other public safety concerns.
3. Emergency noises, including: the operation of any emergency vehicle or apparatus and related radios, sirens, horns, and bells; cries for assistance, warning

calls, or sirens used to alert persons of an emergency, danger, or crime; security and fire alarms.

4. Snow removal.
5. Noise generated by the use of a property which is specifically regulated by the provisions of Title 17, Chapter 17.20, as amended, when a specific standard regulating noise levels or hours of operation is contained therein, including but not limited to Temporary Outdoor Entertainment and Outdoor Dining, as defined in Title 17.
6. Any noise generated by locomotives engines and train cars.
7. Parades, fireworks, cultural events/activities, special events and other activities authorized by the City Council.

9.24.110 Noise regulated by other provisions of this Code

Regulation of noise contained elsewhere in this code shall be separate from the provisions of this Chapter 9.24, including but not limited to provisions contained in Title 6, "Animals"; Title 10, "Vehicles and Traffic"; and Title 17, "Zoning". In case of conflict with this Chapter, the most restrictive regulation shall control.

9.24.120 Noise-Generating Activity Prohibited – Penalty.

It shall be unlawful for any person to make or to continue, cause or to knowingly allow a Noise-Generating Activity, as defined in Section 9.24.020, in violation of this Chapter.

Notwithstanding any other provision of this code, any person violating any provisions of this Chapter 9.24 shall be subject to a fine not less than those established in the schedule set forth below and not more than seven hundred fifty dollars (\$750):

<i>Description of Violation</i>	<i>Minimum Fine Amount</i>
First violation in any 365 day period	\$50
Second violation in any 365 day period	\$200
Third violation in any 365 day period	\$300
Fourth violation in any 365 day period	\$400
Fifth and subsequent violations in any 365 day period	\$500

For purposes of this Chapter 9.24, and in determining the appropriate amount due hereunder:

- A. Each day a violation occurs or continues shall be deemed a separate violation.
- B. All violations of any provision of this Chapter 9.24 that are committed by the same person, or any firm controlled by such person, shall be deemed a separate violation, regardless of whether or not the violations occur at the same location.

9.24.130 Presumption of Accountability

The occupant or the agent of the occupant of the property, who shall knowingly permit another person to create a noise or conduct an activity in violation of this Chapter, shall

be deemed responsible for the noise or activity to the same extent as the person creating the noise or conducting the activity and shall be subject to the same penalty.

Any person in charge of operating, ordering, directing or allowing the operation or maintenance of the motor vehicle, device, or machine creating a Noise-Generating Activity as prohibited in this Chapter, shall be deemed guilty of violating this chapter.

9.24.140 Legal Remedies Not Impaired

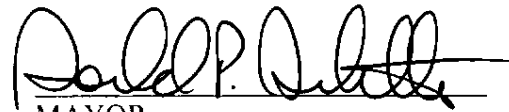
Nothing in this Chapter shall be construed to impair, in any way, any cause of action or other legal or equitable remedy therefore of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earthshaking vibration in such place or manner or at such levels, so as to constitute a common law nuisance.”

SECTION TWO. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 3rd day of November, 2008.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 3rd day of November, 2008.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 3rd day of November, 2008.


MAYOR

ATTEST:


CITY CLERK



COUNCIL VOTE:

AYES: 8

NAYS: 1

ABSENT: 1

ABSTAIN:

State of Illinois)
)
) ss. ,
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

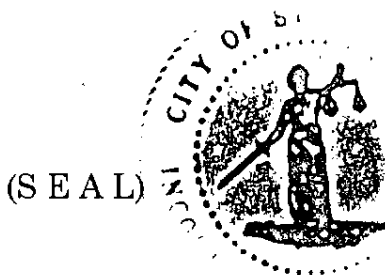
I further certify that on November 3, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-77, entitled

"An Ordinance Amending Title 9, "Public Peace,
Morals and Welfare," Chapter 9.24, "Noise" of the St.
Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2008-M-77, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 7, 2008, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 3rd day of November 2008.



Nancy Garrison
Municipal Clerk