

ORDINANCE NO. 09-032

AN ORDINANCE AMENDING PORTIONS OF THE LANSING MUNICIPAL CODE,  
RELATING TO THE ABATEMENT AND PREVENTION OF  
UNREASONABLY LOUD NOISE

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WHEREAS, the President and Board of Trustees of the Village of Lansing are cognizant of the fact that the existing Municipal Code has limited provisions relating to the abatement and prevention of unreasonably loud noise; and

WHEREAS, pursuant to the recommendations of the Lansing Police Department certain comprehensive revisions in the present ordinance are appropriate and required.

NOW, THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the VILLAGE OF LANSING, Cook County, Illinois, in the exercise of its home rule powers, as follows:

Section 1: ARTICLE I, Section 26-17 entitled "Noise Abatement" is hereby amended by deleting the present provision therein and inserting in its place and stead, the following:

SEC. 26-17 NOISE

**Purpose.**

This article is intended to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the Village through the reduction, control and prevention of unreasonably loud and raucous sounds, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. Nothing in this article shall be construed as preventing the lawful exercise of right of free speech protected by the Constitutions of the United States or the State of Illinois.

**Scope.**

This article applies to the control of all sound originating within the jurisdictional limits of the Village.

**Definitions.**

When used in this article:

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utility when restoring utility service.

*Noise sensitive area* includes, but is not limited to, the land on which a school, hospital, nursing home, church, court, public library, or similar institution is located and the area within two hundred fifty (250) feet of a school, hospital, nursing home, church, court, public library, or similar institution.

*Person* means any individual, firm, association, partnership, joint venture or corporation.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public that is owned or controlled by a government entity.

*Public space* means any real property or structures on real property owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

*Residential area* means any real property which contains a structure or building in which one (1) or more persons reside, provided that the structure or building is properly zoned or is legally conforming for residential use in accordance with the terms and maps of the Village's zoning ordinance.

**General prohibition.**

A. No person shall make, continue, or cause to be made or continued, the following:

1. Any unreasonably loud or raucous noise; or
2. Any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Village; or
3. Any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of

neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Furthermore no person owning or in possession, charge or control of any building or premises shall use the same, or permit the use of the same, or rent the same; to be used for any business or employment, or for any purpose of pleasure or recreation, if such use shall, from its noise or boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or be dangerous or detrimental to health.

C. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;
2. The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is recurrent, intermittent or constant.

**Noises prohibited.**

The following acts are declared to be per se violations of this article. This list does not constitute an exclusive list.

1. Unreasonable noises: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of residences or which will not detrimentally affect the operators of other places of business are exempted from this provision.

2. Non-emergency signaling devices: Sounding or permitting the sounding of any amplified signal from any bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes from any place more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, seasonal contribution solicitors, or by the Village for traffic control purposes are exempt from the operation of this provision.

3. Emergency signaling devices: The intentional sounding or permitting 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 except as provided in subsection a. below. Local, state and federal governments are exempt from this prohibition.

a. Testing of an emergency signaling device shall occur between 7:00 A.M. and 7:00 P.M. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes.

4. Radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices: The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible for any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passersby, or is plainly audible at a distance of seventy-five (75) feet from any person in a commercial industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. This subsection shall not apply to violation of ILCS 5/12-611 of the Illinois Vehicle Code.

5. Yelling, shouting and similar activities: Yelling, shouting, whistling or singing in residential or noise sensitive areas or in public places, between the hours of 11:00 P.M. and 7:00 A.M. of the following day, or at anytime or place so as to unreasonably disturb the quiet, comfort or repose of reasonable persons of ordinary sensitivities.

6. Animals and birds: Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, veterinary hospitals, pet shops, or pet kennels (licensed under and in compliance with licensing and permitting provisions set forth in this Code, and which use reasonable measures to minimize such sounds emanating from their property) are exempt from this subsection.

7. Noise sensitive areas--schools, courts, churches, hospitals and similar institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which unreasonably disturbs the persons in these institutions.

8. Blowers and similar devices: In residential or noise sensitive areas, between the hours of 9:00 P.M. and 7:00 A.M. of the following day, the operation of any noise-creating blower, gas or electric lawn mowers, weed wackers, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases, fuels, or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. This subsection shall not apply to snow blowers and other snow removal machinery, or emergency generators needed due to power outages.

9. Commercial establishments: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 11:00 P.M. and 7:00 A.M. of the following day, which is plainly audible at a distance of seventy five (75) feet from any residential property.

10. All outside activity conducted by a business, group, or organization within the village on property which is adjacent to residentially-zoned property, between the hours of 11:00 P.M. and 7:00 A.M.

Exceptions from this restriction are the following incidental outside activities:

- (1) Automobile service stations; and
- (2) Drive-up facilities.

11. Outside construction All outside construction on residentially zoned property or on property which is adjacent to residentially zoned property shall be conducted between the hours of 7:00 A.M. to 8:00 P.M.

**Exemptions.**

Sounds caused by the following are exempt:

1. Repairs of utility structures which are damaged, in disrepair, or out of service, and such condition poses a clear and immediate danger to life or health, or significant loss of property.
2. Sirens, whistles or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense or police activity.
3. Repairs or excavations of bridges, streets or highways by or on behalf of the Village, the State of Illinois, or the federal government, between the hours of 10:00 P.M. and 7:00 A.M. of the following day, when public welfare and convenience renders it impractical to perform the work between 7:00 A.M. and 10:00 P.M.
4. Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school/university grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school/university athletic entertainment events.
5. Other outdoor events. Outdoor gatherings, public dances, shows, parades, festivals and other similar outdoor events, provided that permission has been obtained from Mayor of the Village or a designee.
6. The operations of aircraft and associated air craft activities in conjunction with the conduct and operations of the Lansing Municipal Airport

7. Any event that is sponsored by and directly controlled by the Village or its designee.
8. Outdoor church activities that cannot be heard from a distance of more than seventy five (75) feet beyond the church property boundaries between 11:00 P.M. and 7:00 A.M. of the following day, except that a church may sound chapel bells periodically so long as each said ringing does not continue for an unreasonable amount of time.

## SOUND TRUCKS

### Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sound-amplifying equipment* means any machine or device for the amplification of the human voice, music or any other sound. The term "sound-amplifying equipment" does not include the following:

- (1) Standard automobile radios when used and heard only by the occupants of the vehicle in which installed; or
- (2) Warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

*Sound truck* means any vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

### Exceptions.

Nothing contained in this division shall be construed to prohibit the use of amplifying equipment in connection with any athletic, competitive, recreational or public event held on public playgrounds, athletic fields or in public parks.

### Compliance required.

It shall be unlawful for any person to use or cause to be used in the village any sound truck, with its sound-amplifying equipment in operation, except in compliance with the regulations in this division.

### Sounds permitted.

The only sounds permitted in sound trucks are music or human speech.

### Hours of operation.

The operation of sound trucks is permitted for three hours each day, except on Sundays when no operation shall be authorized. The permitted three hours of operation shall be between the hours of noon and 1:00 p.m. and between the hours of 5:00 p.m. and 7:00 p.m.

#### Traveling speed.

Sound-amplifying equipment shall not be operated unless the sound truck, upon which such equipment is mounted, is operated at a speed of at least ten miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each stop.

#### Quiet zones.

Sound from sound trucks shall not be issued within 100 yards of any hospital, school (during school hours) or church during services.

#### Human speech volume.

The sound of human speech shall be controlled so that it will not be audible from a distance in excess of 100 feet from the sound truck, and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

#### Wattage.

No sound-amplifying equipment on sound trucks shall be operated with an excess of 15 watts of power in the last stage of amplification.

#### **Enforcement.**

1. The chief of police or his designees will have primary responsibility for the enforcement of the noise regulations herein. Nothing in this article shall prevent the police chief or his designees from obtaining voluntary compliance by way of warning, notice or education.
2. If a person's conduct would otherwise violate this article and consists of any of the following: a) speech or communication protected by the Constitution of the United States or the State of Illinois; b) a gathering with others to hear or observe speech or communication protected by the Constitution of the United States or the State of Illinois; or c) a gathering with others to lawfully picket or otherwise express, in a non-violent manner, a position on a social, economic, political or religious questions, then the person must be ordered to, and have the opportunity to, move, disperse or otherwise remedy the violation prior to arrest or a citation being issued.

#### **Penalties.**

1. A violation of the provisions of this article is punishable by a ticket or citation carrying a fine of no less than fifty dollars (\$50.00) for a first offense. However, this subsection shall not be construed as requiring the Lansing Police Department to cite a person for violation of this article if, in its discretion, the Department determines that it is in the best interest of the community to utilize other lawful means to gain compliance.
2. A subsequent violation of this article by the same person, which occurs within thirty (30) days of receiving a previous ticket, is punishable by a ticket carrying a fine of no less than two hundred fifty dollars (\$250.00).

3. Each occurrence of a violation of this article or, in the case of continuous violations, constitutes a separate offense and may be punished separately.

Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance be, and the same are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 20th day of October, 2009.

AYES: 6 Trustees: Myers, Stole, Lyzenga, Butler, Kapteyn and Lucas

NAYS: 0

ABSENT: 0

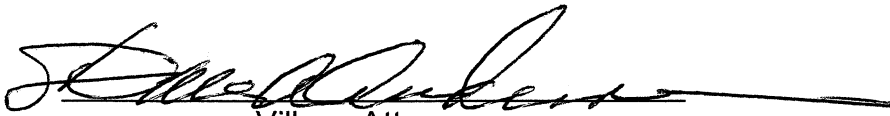
APPROVED this 20th day of October, 2009.

  
Village President

ATTEST:

  
Village Clerk

PREPARED BY AND APPROVED AS TO FORM:

  
Village Attorney