

ORDINANCE 2015-O-22

**AN ORDINANCE AMENDING CHAPTER 96 OF THE MUNICIPAL CODE OF
WINTHROP HARBOR REGULATING EXCESSIVE NOISE**

WHEREAS, the peace and quiet in our residential areas is one of the most attractive things that bring people to this Village, and which provide our residents with a very high quality of life, and

WHEREAS, excessive noise, particularly at hours when most residents are sleeping can severely disrupt the peace, generate anger and prevent residents from enjoying that high quality of life, and

WHEREAS, in Chapter 96 of the Winthrop Harbor Municipal Code, the Village currently regulates only noise generated by amplified sound on the public roadway, and

WHEREAS, the Illinois Vehicle Code prohibits amplified sound systems in vehicles from being operated at sound levels that audible at more than 75 feet from the vehicle (625 ILCS 5/12-611); and

WHEREAS, the Village Board finds that adopting a completely new, broader-based noise ordinance which is reasonably tailored to allow the fair use of private property while preventing that use from intruding into the neighbors' enjoyment is necessary and an appropriate use of the Village's police powers,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Chapter 96 of the Winthrop Harbor Municipal Code is hereby repealed and replaced, and it shall hereafter read as follows:

96.01 EXCESSIVE NOISE PROHIBITED.

(A) **Vehicles.** No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player, compact disc player, MP3 player IPOD or other device for receiving broadcast sound or reproducing recorded sound if the device is located on the public way or in any motor vehicle on the public way if the sound generated by the device is audible at a distance of 75 feet or more from the device.

(B) **On Public Property.** No person, for purposes of entertainment or communication may generate any sound by any means that it is audible at a distance 100 feet or greater from the point of generation.

(C) **On Private Property.** No person, for purposes of entertainment or communication may generate any sound by any means that it is audible at a distance 100 feet or greater from the property line of the private property where the sound is generated.

96.02 EXCEPTIONS:

This section shall not apply to any of the following:

- (A) Sound generated in conjuncture with a Village-sponsored event;
- (2) A person participating in a parade, public assembly or athletic event for which, a special event permit has been obtained from the Village;
- (C) An emergency warning device or alarm sounded for emergency purposes;
- (D) Sound generated between the hours of 7:00 a.m. and 8:00 p.m. in construction, demolition or repair work;
- (E) Sound generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a governmental body or agency;
- (F) Sound generated by church bells.

96.09 **PENALTY.** Refer to the chart of fines set forth in Section 39.07 of this Code.

SECTION TWO: Section 39.07 of the Winthrop Harbor Municipal Code is hereby amended by the following modification of one line item relating to violations of Section 96.01 which shall hereafter read as follows (deletions ~~stricken~~, additions underlined):

Section	Offense	1 st	2 nd	3 rd and Subsequent
96.01	Excessive Noise	\$50	\$75	\$75 <u>\$150</u>

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 6TH DAY OF OCTOBER, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Marabella, McCarthy, Robards, Weiss

NAYS: Braden, Hargett

ABSENT: None

FIRST READING: Waived October 6, 2015

SECOND READING: Waived October 6, 2015

ORDINANCE PASSED: October 6, 2015