

ORDINANCE NO. 765

ORDINANCE REGULATING SOUND WITHIN THE VILLAGE OF GRANVILLE

WHEREAS, the Village of Granville, Illinois, A Municipal Corporation, considers it in the best interest of the public health, safety and morals to regulate noise within the Village of Granville.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Granville, Putnam County, Illinois, a municipal corporation, as follows:

SECTION 1. DEFINITIONS:

When used in this chapter:

"A' band level" means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

"Band pressure level of a sound for a specified frequency band" means the sound pressure level for the sound contained within the restricted band.

"Commercial district" means the following:

1. An area where offices, clinics and the facilities needed to serve them are located;
2. An area with local shopping and service establishment;
3. A tourist-oriented area where hotels, motels and gasoline stations are located;
4. A business strip along a main street containing offices, retail businesses and commercial enterprises;

Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

"Commercial district" means and includes, but is not limited to, any parcel of land zoned commercial under the zoning ordinance of the Village.

"Continuous noise" means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more over a period of eight hours.

"Cycle" means the complete sequence of values of a periodic quantity which occurs during a period.

"Decibel (db)" means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

"Device" means any mechanism which is intended to produce or which actually produces sound when operated or handled.

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

"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 utilities when restoring utility service.

"Fluctuating noise" means the sound pressure level of a fluctuating noise which varies more than six dbA during the period of observation when measured with the slow meter characteristic of a sound level meter.

"Frequency of a function periodic in time" means the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

"Industrial district" means an area in which enterprises and activities which involve the manufacturing, processing or fabricating of any commodity are located. "Industrial district" shall include, but not be limited to, any parcel of land zoned as an industrial district under the zoning ordinance of the Village.

"Light motor vehicle," for the purpose of this chapter, means any automobile, motorcycle, motor-driven cycle, motor scooter, light truck with gross vehicular weight of less than eight thousand pounds or any van.

"Microbar" means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

"Modified exhaust system" means an exhaust system in which:

- a. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise; or
- b. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices; or
- c. Devices have been added to the original noise abatement devices, such that noise levels are increased.

"Motor vehicle" means any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

"Noise sensitive area" means and 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 feet of a school, hospital, nursing home, church, court, public library, or similar institution.

"Nuisance" means the making, creating or causing to be made or continued of any boisterous or unreasonably loud noise which causes, constitutes or tends to provoke a disturbance and which is detrimental to the public health, safety, welfare or peace.

"Period of a periodic quantity" means the smallest increment of time for which the function repeats itself.

"Periodic quantity" means oscillating quantity, the values of which recur for equal increments of time. "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 or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the Village's zoning ordinance.

"Residential district" means an area of single- or multiple-family dwellings and shall include areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. "Residential district" shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

"Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall not include warning devices on authorized emergency

vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Section II. General prohibition.

- A. No person shall make, continue, or cause to be made or continued, the following:
- B. Any unreasonably loud or raucous noise;
- C. 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 of Oglesby; or
- D. 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.
- E. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
 - a. The proximity of the sound to sleeping facilities, whether residential or commercial;
 - b. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - c. The time of day or night the sound occurs;
 - d. The duration of the sound; and
 - e. Whether the sound is recurrent, intermittent, or constant.

The provisions of this chapter shall be applicable to any property owner and/or tenant, possessing real property and personal property, who allow and/or fail to restrict the prohibited or regulated noises from emitting from his property.

SECTION III. Noises prohibited.

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

- A. 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.

- B. Nonemergency Signaling Devices. Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than ten 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.
- C. 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 (C)(1) of this section. Local, state, and federal governments are exempt from this prohibition.

1. Testing of an emergency signaling device shall occur between seven a.m. and seven p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

D. 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 to 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 passers-by, or is plainly audible at a distance of seventy-five 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 multifamily or single-family dwellings. This subsection shall not apply to violations of 5/12-611 of the Illinois Vehicle Code.

E. Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices. The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound, except as may be permitted by the Village clerk or Village council, between the hours of ten p.m. and seven a.m. of the following day on weekdays, and ten p.m. and eight a.m. of the following day on weekends and holidays (holidays shall consist of Christmas Day, Thanksgiving Day, New Year's Eve, New Year's Day, Memorial Day, and Independence Day) in the following areas:

a. Within or adjacent to residential or noise-sensitive areas.

b. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous. This shall not apply to any public performance, gathering, or parade or which a permit has been obtained from the local government.

F. Yelling, Shouting, and Similar Activities. Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of ten p.m. and seven a.m. of the following day, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

G. 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.

H. Loading or Unloading Merchandise, Materials, Equipment. The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of ten p.m. and six a.m. of the following day.

I. Construction or Repair of Buildings, Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of six a.m. and nine p.m., on weekdays and eight a.m. and six p.m. on weekends. Local, state, and federal governments are exempt from this prohibition. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the following shall apply:

1. The director of property standards may, at his discretion, issue written permission, upon application, if he determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings between the hours of six p.m. and nine a.m. of the following day, will not be impaired, and if he further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

2. The director of public works may, at his discretion, issue written permission, upon application, if he determines that the public health and safety, as affected by loud and raucous noise caused by construction or excavation of roadways and sidewalks between the hours of six p.m. and nine a.m. of the following day, will not be impaired, and if he further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

J. 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.

K. Blowers and Similar Devices. In residential or noise sensitive areas, between the hours of nine p.m. and six a.m. of the following day, the operation of any noise-creating blower, power fan, 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 nor to landscaping operations conducted on golf courses.

L. 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 ten p.m. and six a.m. of the following day which is plainly audible at a distance of fifty feet from any residential property.

SECTION IV. Maximum sound pressure levels for continuous sounds.

A. Established—Measurement. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the Village, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

Table A-1

(Residential and Industrial)

EXPAND

	Sound Pressure Level Limit dbA	
District	Day	Night
	(7:00 a.m.—10:00 p.m.)	(10:00 p.m.—7:00 a.m.)
Residential	65	55

	Sound Pressure Level Limit dbA	
District	Day	Night
Industrial	80	80

**Table A-2
(Commercial)**

EXPAND

	Sound Pressure Level Limit dbA	
District	Day	Night
	(7:00 a.m.—11:00 p.m.)	(11:00 p.m.—7:00 a.m.)
Commercial	75	65

B. Measurement in more than one district. When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

C. Sound emitting from any single-unit property shall not be plainly audible at any point beyond the lot line of that property.

D. Sound emitting from inside any dwelling unit of a multi-unit structure shall not be plainly audible beyond the walls of that dwelling unit.

E. Sound emitting from elsewhere within, or outdoors upon the property of a multi-unit structure shall not be plainly audible inside any dwelling unit of that structure, nor at any point beyond the lot lines of that property.

F. Sound emitting from any other location shall not be plainly audible at any point more than thirty feet in any direction from the sound source.

G. Sound limits in decibels (dbA) during times other than quiet hours.

1. Sound emitting from any single-unit property shall not exceed sixty-five dbA at any one point beyond the lot line of that property.

2. Sound emitting from inside any dwelling unit of a multi-unit structure shall not exceed fifty-five dbA beyond the walls of that dwelling unit.

3. Sound emitting from elsewhere within or outdoors upon the property of a multi-unit structure shall not exceed fifty-five dbA inside any dwelling unit of that structure, nor sixty-five dbA beyond the lot lines of the structure's property.

4. Sound emitting from any other location shall not exceed sixty-five dbA at any one point more than thirty feet in any direction from the sound source.

H. For the purpose of this chapter, the terms "Residential district" shall consist of the same areas as the areas determined and designated on the Village of Oglesby zoning map as "A" single-family dwelling district, "B" two-family dwelling district and "C" multiple-dwelling district; "Commercial district" shall consist of the same areas as the areas determined and designated on the Village of Oglesby zoning map as "D" business district and "Industrial district" shall consist of the same areas as the areas determined and designated on the Village of Oglesby zoning map as "E" light industrial district and "F" heavy industrial district.

SECTION V. Noise amplified sound.

- A. During the quiet hours, no person shall cause or permit the sound of persons talking, yelling, shouting, hooting, whistling or singing or the sound of any television, radio, stereo set, musical instrument, phonograph, amplifier, loudspeaker or other similar device for the production or amplification of sound to exceed the limits defined in this chapter.
- B. Sound limits at times other than quiet hours. No person shall cause or permit sounds of the types defined in subsection A of this section to exceed the limits defined in subsection E of Section 8.64.070 of this chapter, if such sounds disturbs the comfort or repose of reasonable persons of normal sensibilities within the area of audibility.

SECTION VI - Power landscape equipment.

- A. It is unlawful to operate or use any power landscape equipment in a manner that is plainly audible beyond the boundaries of the premises upon which such equipment is operated or used; provided, however, the use or operation of power lawn equipment shall be lawful:
 - a. Between seven-thirty a.m. and eight p.m. on Mondays through Fridays, inclusive, and between nine a.m. and seven p.m. on Saturdays, Sundays and nationally recognized holidays;
 - b. On golf courses at any time; and
 - c. On park district owned or maintained property at any time.
- B. For the purposes of this section, "power landscape equipment" means all landscape equipment powered by any source other than manual power that is

used for landscaping or lawn maintenance activities including, without limitation, mowers, tractors, trimmers, vacuums, blowers, tillers or hedge clippers.

- C. The provisions of this chapter shall not apply to the operation or use of power landscape equipment.

SECTION VII - Exemptions.

Sounds caused by the following are exempt:

- A. Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition, pose a clear and immediate danger to life, health, or significant loss of property.
- B. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition(s) in Section 29-205(d) continues to apply.
- C. Repairs or excavations of bridges, streets, or highways by or on behalf of the Village of Oglesby, the state of Illinois, or the federal government, between the hours of ten p.m. and six a.m. of the following day, when public welfare and convenience renders it impractical to perform the work between six a.m. and ten p.m.
- D. 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 and school/university entertainment events.
- E. Other Outdoor Events. Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- F. Any event that is sponsored by and directly controlled by the Village or its designee.
- G. Outdoor church activities that cannot be heard from a distance of more than one hundred feet beyond the church property boundaries between ten p.m. and six 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.
- H. Motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes for any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

SECTION VIII - Enforcement.

- A. The chief of police, or his designees, will have primary responsibility for the enforcement of the noise regulations herein. Nothing in this chapter shall prevent

the police chief, or his designees, from obtaining voluntary compliance by way of warning, notice, or education.

- B. If a person's conduct would otherwise violate this chapter 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. Of 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. Of a gathering with others to lawfully picket or otherwise express, in a nonviolent 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.

SECTION IX - Penalties.

- A. A violation of the provision of this chapter is punishable by a ticket or citation carrying a fine of no less than one hundred dollars nor more than five hundred dollars. However, this subsection shall not be construed as requiring the Oglesby police department to cite a person for violation of this chapter, 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.
- B. A subsequent violation of this chapter by the same person, which occurred within thirty days of receiving a previous ticket, is punishable by a ticket carrying a fine of no less than three hundred dollars.
- C. Each occurrence of a violation of this chapter, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

SECTION X - Severability.

A determination of the invalidity or unconstitutionality of any clause, sentence, paragraph, section, or part of this chapter, by a court of competent jurisdiction, shall not affect the validity of the remaining parts of this chapter.

SECTION XI:

Validity

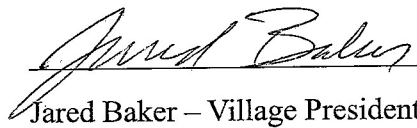
If any Section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph, clause, or provisions shall not affect any of the remaining provisions of this Ordinance.

SECTION XII:

This Ordinance shall be in full force and effect from and after its passage and approval and publication in the manner provided by law.

PRESENTED, PASSED, and ADOPTED at a regular meeting of the Village Board of Trustees of the Village of Granville, County of Putnam, and State of Illinois, held on the 21st day of May, 2024, with 4 Trustees voting aye, 0 Trustees voting nay, 2 Trustees absent, 0 Trustees passing, and the Village President not voting, which meeting was held on the 19th day of March, 2024.

Passed and Approved: May 21, 2024



Jared Baker – Village President

ATTEST: 

Angie Migliorini – Village Clerk