

ORDINANCE NO. 474

VILLAGE OF BELLEVUE, ILLINOIS

**ORDINANCE DEFINING NUISANCE
(CERTAIN NOISES)**

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) authorizes the corporate authorities of each municipality to define, prevent and abate nuisances; and

WHEREAS, the Board of Trustees of the Village of Bellevue (the "Village") has determined that the making of certain noises constitutes a nuisance and that it is in the best interests of the residents of the Village to prohibit such nuisances;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the Village is prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but this enumeration shall not be deemed to be exclusive, namely:

1. Musical Instruments Generally.

The use or performance with any hand organ or other musical instrument or device for pay or in expectation of payment, in any of the streets or public places in the Village before 7:00 a.m. or after 10:00 p.m. of each day.

2. Radios, Phonographs, Amplifiers, etc.

The use or operation of any radio receiving unit, musical instrument, phonograph, loudspeaker, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, loud speaker, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance.

3. Sound Advertising Devices.

A. The making or causing, permitting or allowing to be made any noise of any kind, by means of radio, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

B. The operation of any motor vehicle having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music, or any other sound for commercial sound advertising purposes in the Village with such sound-amplifying equipment in operation.

4. Sound Amplifying Equipment, Devices.

A. The operation of any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air, having attached thereto or emitted therefrom any machine or device for the amplification of music, the human voice or any other noise or sound, with such machine or device in operation.

B. The use of any sound amplification devices at such a volume as to cause annoyance to the residents of the Village thereby tending to disturb the peace of said residents between the hours of 10:00 p.m. to 7:00 a.m.

5. Horns or Signaling Devices on Vehicles.

The blowing of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

6. Engine Exhaust, Discharge/Operation of Motor Vehicle

A. The discharge into the open air of the exhaust of any stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

B. The operation of any motor vehicle within the Village in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. The operation of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 150 feet or more from such motor vehicle shall be prima facie evidence that such operation of the motor vehicle was

producing excessive or unusual noises in violation of this ordinance. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

Muffler means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.

7. Blowers, Power Fans, Electric Motors, or Internal Combustion Engines.

The operation of any noise creating blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such blower, power fan, electric motor, or internal combustion engine between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet or more from such blower, power fan, electric motor, or internal combustion engine shall be prima facie evidence of a violation of this section.

8. Yelling, Shouting, Singing on Streets, etc.

Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. 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.

9. Noise on Streets in Vicinity of Schools, Hospitals, etc.

Causing or creating any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital; provided, the conspicuous signs are displayed in such streets indicating the same is a school or hospital.

10. Noise on Property Adjacent to School.

The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such school session or class thereof while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied or otherwise used by a school, making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.

11. Disturbing a School Gathering or Function.

The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such gathering or function while on public or private grounds adjacent to any building or land owned, occupied or otherwise used by a school, or in any building owned, occupied or otherwise used by a school, in progress, whether in the daytime or nighttime.

12. Transportation of Rails, Pillars, Columns of Iron, Steel, etc.

All rails, pillars, and columns of iron, steel, or other metal, which are being transported over and along the streets of the city upon carts, drays, cars, or other vehicles or in any other manner, shall be so loaded to avoid loud noises or disturbing the peace quiet of such streets.

13. Race Track.

The operation of a race track which permits or otherwise allows the use of vehicles or loud speaker systems to be operated in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants. The operation of any vehicles or loud speakers between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance 50 feet from the property line shall be prima facie evidence of a violation of this ordinance.

14. Exclusions.

A. None of the above provisions shall prohibit operation of the fire department warning siren or civil defense warning devices.

B. None of the above provisions shall prohibit civic functions and parades.

C. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow and maintenance equipment operation.

15. Penalty.

Whoever violates any provision of this chapter shall be subject to a fine not less than \$100 nor more than \$500. Each day any violation of this chapter shall continue shall constitute a separate offense.

16. If any portion of this ordinance shall be found unconstitutional or not within the power of the Village as provided by statute, the remainder of the ordinance shall be in full force and effect.

17. This ordinance shall be in full force and effect from and after the date of this passage, as provided by law.

PASSED AND APPROVED THIS 24th DAY OF May, 1999.

AYES: 5
NAYS: 0
ABSENT: 1

VILLAGE OF BELLEVUE

By: Ralph E. Wilson
Ralph E. Wilson, President

ATTEST: Carol S. Howard
Carol S. Howard, Village Clerk