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AN ORDINANCE AMENDING TITLE 6 (HEALTH, NUISANCES) CHAPTER 4 (NOISE CONTROL) SECTIONS 16-4-2-1 (LOUD NOISES PROHIBITED)

...Body

**WHEREAS**, the Village of Orland Park is a home rule unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village, as a home rule unit, may exercise such powers and perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the Village recognizes the importance of preserving the peace, comfort, and enjoyment of its residents and visitors free from any unreasonable noises affecting a reasonable person of ordinary sensitivity;

**WHEREAS**, the Village Board finds it necessary to strengthen the code to enforce against excessive, unnecessary, or unusually loud or amplified noises that can unreasonably disturb the quiet enjoyment of property or interfere with the general welfare of the community;

**WHEREAS**, the Village Board further finds certain acts and activities have been found to be inherently disruptive and declared to constitute a nuisance per se;

**WHEREAS**, the Village recognizes that certain scheduled and special events, may generate noise at amplified and higher levels and therefore require advance notice or permitting by the Village to minimize disturbance to nearby residents;

**WHEREAS**, it is the intent of the Village to balance the right of individuals and organizations to conduct lawful activities and events at amplified noises with the right of others to enjoy reasonable peace on their residential properties;

**WHEREAS**, the Village acknowledges the Orland Park Police Department shall retain discretion in enforcing this ordinance, using professional judgement to determine whether a noise constitutes an unreasonable disturbance based on all surrounding circumstances.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

**SECTION 1:** Title 6 (Health, Nuisances), Chapter 4 (Noise Control) Section 6-4-2-1 (Loud Noises Prohibited) shall hereby be amended in part (additional language marked by underlining and deletions marked with strikethrough) as reflected and attached hereto as EXHIBIT "A".

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**SECTION 3:** The Village Clerk be and herby is authorized and directed to publish this Ordinance in pamphlet form.

## EXHIBIT A

### 6-4-2-1: LOUD NOISES PROHIBITED:

1. ~~No person shall make, or cause, permit or allow to be made, upon a public way, or in such close proximity to a public way as to be distinctly and loudly audible upon such public way,~~ any noise which unreasonably disturbs, injures or endangers the comfort, health, or safety of reasonable persons of ordinary sensitivity including, but not limited to noises of any kind by of crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic device between the hours of 10:00 p.m to 7:00 a.m. on Sunday's through Thursday's, and 11:00 p.m. to 7:00 a.m. on Friday's and Saturday's. These restrictions, however, shall not apply to any licensed peddler crying or calling for the purpose of advertising goods, wares or merchandise when lawfully using any public alley in the Village between the hours of eleven o'clock (11:00) A.M. and six o'clock (6:00) P.M.
2. In determining whether a sound is unreasonably loud or disruptive, the following factors may be considered:
  - a. Proximity to sleeping areas, whether residential or commercial;
  - b. Land use, character, and zoning of both the location from which the sound emanates and the area where it is received or perceived;
  - c. Time of day or night the sound occurs;
  - d. Duration of the sound;
  - e. Continuous, intermittent, or recurring of the sound.
3. The following acts, among others and this list is not exclusive, constitute a nuisance and declared to be noise which is per se a violation of this act in that the sound unreasonably disturbs, injures or endangers the comfort, health, or safety of reasonable persons of ordinary sensitivity.
  - a. Shouting, yelling, or similar activities: Shouting, yelling, screeching, whistling, singing, or other similar commotions in residential or noise sensitive areas or in public places at times or places the sound is unwelcomed.
  - b. Stereos, radios, blue tooth devices, televisions, musical instruments and other similar devices. The use or operation of any of these devices that produce or amplify sound in a manner that is plainly audible to any person other than the operator of the device or those voluntarily listening.
  - c. Lawn mowers, blowers, and similar devices: Operation of these devices in residential or commercial areas, between the hours of 9:00 p.m. and 7:00 a.m. provided that the noise is loud and disorderly and can be heard across property lines from which it emanates.
4. Scheduled and/or Special Events. For those occurrences when amplified or loud(er) noise(s) shall be anticipated or expected to the reasonable person, the host of the scheduled or special event shall comply with permit procedures under Title 3: Public Ways and Properties, Chapter 9: Special Events Permits, § 3-9-1 et seq.
  - a. Special Events and Public Demonstrations are defined under §3-9-2.
  - b. Place and Time:
    - i. Village Property. On municipal owned properties or commercial properties, amplified noise from such events shall cease at 11:00 p.m. and not begin

sooner than 7:00 a.m. and not be nearer than 75 feet of residential properties surrounding the event.

- ii. Non-Village Property. In residential areas, amplified noise from such events shall cease at 11:00 p.m. and not begin sooner than 7:00 a.m. and not be nearer than 20 feet of surrounding residential properties.
5. Village Sponsored Events. Loud noises associated with special events, festivals, concerts, parades, or similar activities hosted, sponsored or expressly authorized by the Village may be exempt from or permitted to exceed the time restrictions set forth in this Code where the Village has provided reasonable advance notice to affected residents and businesses. Reasonable advance notice may include posting on the Village website, signage, mailed notices, electronic notifications, or other reasonable means as determined by the Village. Any exemptions or exceptions granted under this subsection shall be limited in duration and scope to the specific event and shall not be construed as a general waiver of this section.
6. Police Discretion. Officers of the Orland Park Police Department may use discretion when deciding whether to issue a loud noise citation at any point during the day; the times allotted in this section are merely guidelines and do not supersede the officer's discretion.
7. Violations and Penalties. Person who shall violate a provision of this code shall be guilty or an infraction, punishable by a fine according to the fine schedule located in [Appendix B](#) for each offense of which such person shall be convicted.