



AGENDA

President and Board of Trustees
Village of Arlington Heights
Committee-of-the-Whole
Village Hall -Board Room
33 S. Arlington Heights Road
February 12, 2024
7:00 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF MEMBERS

IV. NEW BUSINESS

- A. Discussion of an Updated Noise Ordinance

V. OTHER BUSINESS

VI. PUBLIC COMMENTS

VII. ADJOURNMENT

Any member of the public wishing to speak will be given the opportunity to do so. If the item is on the Agenda, that opportunity will be while that Agenda item is being discussed. Any member of the public wishing to speak on an item not on the Agenda will be given the opportunity during the Other Business portion of the meeting. Please limit comments to three minutes.

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact Erin Mercado, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, emercado@vah.com or (847)368-5793.



Committee-of-the-Whole
2/12/2024

Item: Discussion of an Updated Noise Ordinance

Department: Village Manager's Office

Discussion of an Updated Noise Ordinance

Background:

The Village has adopted State of Illinois Noise Pollution Control Regulations or Noise Pollution Act (the Act). The Act indicates that a person “must not cause or allow the emission of sound beyond the boundaries of that person’s property, that causes noise pollution or violates any provision within the chapter.” In practice, the Village has found that the rules are extremely subjective unless the Village were to invest in either sound measurement equipment or keep a consultant on retainer who can measure sound precisely. Perceptions of sound can vary widely based on wind conditions and other ambient noise. Using such equipment or consultants in a timely manner when an alleged violation is underway can be very difficult. Such equipment is costly and must be calibrated on a regular basis in order to hold up in court.

In practice, the Village has used a far more subjective “reasonable” test when noise complaints reported. Police Officers attempt to get voluntary compliance to resolve neighbor complaints. In many instances, one neighbor may find a noise objectionable, while others may have no issue with it. Each individual Officer may also have different standards on what is or isn’t reasonable. This has created a subjective and often uneven system for dealing with noise complaints.

Analysis:

As noted above, Staff does not believe that the enforcement of detailed technical standards is practical on a day-to-day basis. Regulations would have to be written and enforced in an extremely technical way that may run counter to realistic expectations by neighbors depending on the circumstances. We may find ourselves having to issue citations in some instances where noises that are technically in violation of our codes are objectionable to very few people, and other situations where noises are found to be objectionable by many, even though they do not violate standards. Conversely, a more open-ended standard, can lead to other problems as we experience today, where a loose “reasonable” standard is unevenly applied to different situations.

Therefore, Staff worked with the Village Attorney to develop a new draft ordinance that provides additional objectivity to Police Officers who field noise

complaints, while allowing for some acknowledgement that the context of each situation is somewhat different and that some discretion is warranted. The draft ordinance is attached and will be presented at the February 12th COW meeting for discussion.

Staff Recommendation:

Discussion of the draft noise ordinance at the February 12th Committee of the Whole Meeting for approval at a future Village Board meeting.

ATTACHMENTS:

Description

Ordinance amending Chp 19 relating to noise regulations

Type

Ordinance

AN ORDINANCE AMENDING CHAPTER 19
OF THE MUNICIPAL CODE OF THE VILLAGE OF ARLINGTON HEIGHTS
REGARDING NOISE REGULATIONS

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, pursuant to Chapter 19 of the Municipal Code of Arlington Heights, Illinois, 1995, as amended ("*Village Code* "), the Village sets forth rules and regulations relating to the health and safety of the Village and its residents; and

WHEREAS, the President and Board of Trustees desire to amend Chapter 19 of the Village Code to update and clarify the Village's noise regulations; and

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village and its residents to amend Chapter 19 of the Village Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. NOISE REGULATIONS. Chapter 19, titled "Heath and Sanitation," of the Village Code is hereby amended to add a new Article VIII, which new Article reads as follows:

"Article VIII Noise Regulations"

Sec. 19-801 Purpose. This Article is enacted 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.

Section 19-802 Scope. This Article VIII applies to the control of all sound originating within the jurisdictional limits of the Village.

Section 19-803 Definitions. Unless otherwise expressly stated, for purposes of this Article, the terms have the meanings set forth below:

- a. Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.**
- b. Emergency related sounds. Any type of sound rendered on an intermittent, emergency basis, including but not limited to sounds associated with snow removal, flood water removal, or storm debris removal, emergency**

Additions are bold and double-underlined; ~~deletions are struck through.~~

generators that are used during electrical storms, and alarms and other emergency warning sounds.

- c. Emergency work. 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.
- d. Noise-sensitive area. The land on which a school, hospital, nursing home, church, court, public library, or similar institution is located and the area within 250 feet thereof.
- e. Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public that is owned or controlled by a government entity.
- f. Public space. 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.
- g. Residential area. Any real property which contains a structure or building in which one or more persons permanently reside, provided that the structure or building is legally zoned for residential purposes, or is legally nonconforming, for residential use in accordance with the terms and maps of the Village's zoning ordinance.
- h. Residential District. Any of the R-E, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 zoning districts as established pursuant to "The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights," as amended.

Section 19-804 General Prohibitions.

- a. General Prohibition. No person may make, allow, permit, continue, or cause to be made or continued, the following:
 - 1. Any unreasonably loud or raucous noise;
 - 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;
 - 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 residences or places of business; or
 - 4. Any of the noise identified in Section 19-805 of this Code.

Additions are bold and double-underlined; deletions are struck through.

b. 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.

Section 19-805 Noises Prohibited. The following acts are declared to be per se violations of Section 19-804 of this Code:

- a. Non-emergency signaling devices. Sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than 60 consecutive seconds in any one-hour period, excluding the reasonable sounding of such devices by houses of religious worship, seasonal contribution solicitors, or by the Village for traffic control purposes.
- b. Emergency signaling devices. The intentional sounding of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except (i) in an emergency; (ii) sounds caused by local, state, and federal governments; (iii) sounds caused by trains; and (iv) testing of an emergency signaling device between 7:00 a.m. and 7:00 p.m. but only if the testing uses the minimum cycle test time, does not exceed five minutes, and does not occur more than once in each calendar month.
- c. Radios, televisions, boom boxes, phonographs, stereos, portable speakers, 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 75 feet from any person in a commercial area, industrial area, or public space. This subsection does not apply to violations of Section 5/12-611 of the Illinois Vehicle Code.
- d. Loudspeakers, amplifiers, public address systems, and similar devices. The operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound, except as otherwise permitted by this Code, between the hours of 10:00 p.m. and 7:00 a.m. of the following day on weekdays, and 10:00 p.m. and 10:00 a.m. of the following day on weekends and holidays (specifically, Christmas Day, Thanksgiving Day, New Year's

Additions are bold and double-underlined; deletions are struck through.

Eve, New Year's Day, Memorial Day, and Independence Day), in the following areas:

1. Within or adjacent to residential or noise-sensitive areas; and
 2. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, but does not include any public performance, gathering, or parade or which a permit has been obtained from the Village.
- e. Yelling, shouting, and similar activities. Yelling, shouting, hooting, whistling, or singing in residential, noise sensitive areas, or in public places, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- f. Animals and birds. Noise emitted by an animal or bird, but not including 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, at which use reasonable measures have been implemented to minimize sounds emanating from the property.
- g. Loading or unloading merchandise, materials, equipment. The creation of noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 7:00 a.m. of the following day; provided, however, in the downtown Arlington Alfresco area during the months of May through September the hours are between 10:00 p.m. and 6:00 a.m. of the following day.
- h. 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 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays, and 8:00 a.m. and 7:00 p.m. on Sundays, but excludes (i) work performed by, or under contract with a local, state, or federal government; (ii) emergency work; and (iii) work approved in writing by the Village Manager, or the Village Manager's designee, in their sole and absolute discretion, upon a determination that the work will not adversely affect public health, safety or welfare.
- i. Noise sensitive areas. The creation of any 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.
- j. Blowers and similar devices. In residential or noise sensitive areas, between the hours of 7:00 p.m. and 7:00 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 can be heard across the property line of the property from which it emanates, but not including snow blowers, other snow removal machinery, or landscaping operations conducted on golf courses.
- k. Commercial establishments. Noise from the premises of any commercial establishment, including any outdoor area which is part of or under the

Additions are bold and double-underlined; deletions are struck through.

control of the establishment, between the hours of 10:00 p.m. and 6:00 a.m. of the following day which is plainly audible at a distance of 50 feet from any residential property, except commercial establishments that have outdoor dining permits approved by the Village may emit noise until 11:00 p.m.

- l. Noise in residential districts. Except activities as otherwise permitted in this Article, in all residential districts, and all business districts immediately adjacent to a residential district, no noise may be emitted from a property between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

Section 19-806 Exemptions. Sounds caused by the following are exempt from the prohibitions set forth in Section 19-804, and are in addition to the exemptions specifically set forth in Section 19-805:

- a. Repairs of utility systems which are damaged, in disrepair, or out of service, and if the condition of the structure poses a clear and immediate danger to life, health, or significant loss of property.
- b. Sirens, whistles, or bells lawfully used by emergency vehicles, trains, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.
- c. Repairs, maintenance work, 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 6:00 a.m. of the following day, when public welfare and convenience renders it impractical to perform the work between 6:00 a.m. and 10:00 p.m.
- d. Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to school athletic and school entertainment events.
- e. Outdoor events. Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, operated with the approval of the Village.
- f. Any event that is sponsored by and directly controlled by the Village or its designee, or the Park District.
- g. Outdoor church activities that cannot be heard from a distance of more than 100 feet beyond the church property boundaries between 10:00 p.m. and 6:00 a.m. of the following day. Further, a church may sound chapel bells periodically so long as each said ringing does not continue for an unreasonable amount of time.
- h. Emergency related sounds.
- i. Athletic events held on park or school property or events which have been approved by the Village.

Additions are bold and double-underlined; deletions are struck through.

- j. Any church, temple, synagogue, mosque or similar place of worship.
- k. Deliveries made via rail box car to businesses located within the Hickory Kensington Area Overlay Zoning District which are in compliance with Chapter 28 Section 5.1-20.1 K and currently zoned residential; provided, however, the businesses are not exempt from any other noise regulations of this Article unless stated herein.

Section 19-807 Penalties.

- a. Any person who violates any provision of this Article will be fined not less than \$25.00 nor more than \$40.00 for the first offense within a 12-month period, and not less than \$500.00, nor more than \$750.00 for the second offense including issuance of a ticket requiring mandatory appearance at an administrative hearing.
- b. Each occurrence of a violation of this Article or, in the case of continuous violations, each day of which a violation occurs or continues, constitutes a separate offense and may be punished separately.”

SECTION 3. NUISANCES. Section 19-203, titled “Nuisances,” of Article II, titled “Nuisances,” of Chapter 19, titled “Health and Sanitation,” of the Village Code is hereby amended further to read as follows:

“**Sec. 19-203 Nuisances.** Any one or more of the following shall be deemed to be and are hereby declared nuisances:

* * *

m. Any violation of Article VIII of Chapter 19 of this Code.”

SECTION 4. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5. PUBLICATION. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois

SECTION 6. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[signature page follows]

Additions are bold and double-underlined; ~~deletions are struck through.~~

AYES:

NAYS:

PASSED AND APPROVED THIS ____ day of _____, 2024.

Village President

ATTEST:

Village Clerk

Additions are bold and double-underlined; ~~deletions are struck through.~~