

VILLAGE OF TOLONO  
CHAMPAIGN COUNTY, ILLINOIS

Ordinance No. 94-10

An Ordinance Supplementing the Nuisance Ordinance  
Chapter 8 of the Village of Tolono Municipal Code

EXCESSIVE NOISE ORDINANCE

Adopted by the Board of Trustees  
of  
The Village of Tolono  
This 1st day of November, 1994

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tolono, Champaign County, Illinois, this 1st day of November, 1994.

The Village of Tolono, Illinois by its duly elected Board of Trustees has made the following determinations and adopts the following ordinance the date appearing below.

**RECITALS:**

A. The Village of Tolono, through its Board of Trustees, is charged with promoting the health, safety, and welfare of its citizens.

B. The Federal Government has determined that high levels of sound can be detrimental to the health of individuals.

C. Keeping peace and tranquility is in the best interests of the citizens and will promote their health, safety and welfare.

D. It is in the best interests of the citizens of the Village of Tolono that the Village adopt the following ordinance to regulate sound.

NOW, THEREFORE, the Board of Trustees for the Village of Tolono hereby adopts the following ordinance:

**SECTION 8.300 NOISE ORDINANCE**

**8.301 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boundary line* means:

- (1) In the case of a residential unit, the boundary line shall be the perimeter of such unit. Residential unit shall be that area under the exclusive use or control of the owner or occupant.
- (2) In the case of publicly owned property, the boundary line shall be the perimeter of the publicly owned property or right-of-way.
- (3) In all other cases, the boundary line shall be the perimeter of the lot.

*Commercial* means a use of the property for purposes other than residential.

*Construction* means on-site erection, fabrication, installation, alteration, repair, remodeling, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth-moving, excavation, drilling, blasting and landscaping.

*Residential* means a legal use of property for temporary or permanent dwelling purposes.

### **8.302 Applicability.**

The provisions of this article shall apply to all sources of sound except:

- (1) Motor vehicles, as defined in the Illinois Vehicle Code (Ill. Rev. Stat. Ch. 95 1/2 now ILCS 625), in operation on a public right-of-way; Attention is drawn to the current prohibiting noise in vehicles under 625 ILCS 5/12-611 of the Illinois Compiled Statutes.
- (2) Aircraft in flight;
- (3) Railroad equipment in operation on railroad right-of-way;
- (4) Grain Elevator; and
- (5) Implements.

### **8.303 Specific Prohibition.**

No person shall conduct any of the following activities if any such activity produces clearly audible sound beyond the boundary line of the property or residential unit on which or in which the activity is conducted:

- (1) Construction between 10:00 p.m. and 6:00 a.m.;
- (2) The operation of power tools or equipment, except that such tools or equipment may be used between the hours of 6:00 a.m. and 10:00 p.m. for reasonable lengths of time;
- (3) The operation of any bell, siren, whistle, or similar device, except that amplified or unamplified bells or chimes may be used for noncommercial purposes for reasonable lengths of time;
- (4) Running of motor vehicle engines, motorcycle engines, boat engines and any other type of motors or engines between the hours of 10:00 p.m. and 6:00 a.m.;
- (5) Except as specified in subsection (3) of this section, the operation or use of any sound amplification device, except that sound amplification devices may be used in commercial areas between the hours of 6:00 a.m. and 10:00 p.m.;
- (6) The use of any musical instrument, except that single musical instrument without amplification may be used between the hours of 6:00 a.m. and 10:00 p.m. for reasonable lengths of time.

### **8.304 Exemptions.**

The following activities are exempted from the prohibitions set out in sections:

- (1) Emergency work necessary to restore property to a safe condition following a

fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger;

- (2) Sound made to alert persons to the existence of an emergency, danger or attempted crime;
- (3) Parades, concerts, festivals, fairs or other such activities which are open to the general public and operated or conducted in accordance with other applicable ordinances and pursuant to a permit; block parties shall not be considered open to the general public;
- (4) Athletic, musical or cultural activities or events, including practices and rehearsals, conducted by or under the auspices of governmental units or educational institutions.

### **8.305 Permitting of Events.**

Those desiring to secure a permit to conduct parades, concerts, festivals, fairs or other such activities which are open to the general public shall, at least fifteen (15) working days prior to said event, make application for a permit to the Village of Tolono Clerk's Office. Said application shall describe in detail the following:

- (a) Proposed date and hours of the event.
- (b) Expected attendance number.
- (c) Purpose of the event.
- (d) Use and type of any amplification devices.
- (e) Location of the event.
- (f) Amount of admission, if any.
- (g) Name and amount of liability insurance.
- (h) Method of Security.
- (i) Name, telephone number and address of applicant.
- (j) The serving of any alcoholic beverages and/or food.

Said application, together with a prepaid fee of \$50.00 shall be submitted to the Clerk who will submit it for review by the Village of Tolono Police chief, his successor or an individual designated by the Village Board president. Fees may be waived by the Village for governmental organizations, educational organizations, churches, and the Tolono Fun day Committee. The application will be reviewed weighing the following criteria:

- (a) Impact upon the immediate neighborhood of noise, traffic, litter and all other related items.
- (b) The safety of participants and Village Citizens

- (c) The benefit of the event upon the surrounding community.
- (d) The sufficiency of security.

In issuing the permit, the approving Village Official shall be authorized to impose restrictions upon the hours, location, numbers in attendance, and any related matter affecting the health, safety and welfare of those in attendance as well as the general public. Notice of Approval or denial shall be mailed by first class mail to applicant's address no later than six (6) working days after submission of the application. In the event of denial of a permit or the imposition of unsatisfactory restrictions within the permit, the applicant may, at its election, appeal the decision to the Village of Tolono Board of Trustees. Said appeal shall be in writing and submitted to the Village Clerk no later than six (6) working days prior to the next regularly scheduled meeting of the Board of Trustees. In the event of cancellation of such a meeting or the lack of a quorum, the appeal shall automatically be considered at the next duly appointed meeting. In the event of such an appeal, the Board of Trustees shall review the application, consider any comments by the deciding Village official and the applicant, and base its review on the above referenced criteria. A majority vote of the Board of Trustees shall be required to overturn or amend the decision of the deciding Village official.

In the event that applicant and/or any individuals attending applicant's event fail to comply with any village Ordinance, State Statute, the terms of the permit or any other law, the Village Police are hereby authorized to revoke the permit during the event and close the event. In such instance, applicant may appeal such decision to the Village Board of Trustees under the above reference appeals process.

#### **8.306 Presumption of Accountability.**

- (a) The occupant of the property or residential unit, or the agent of the occupant on which a generally or specifically prohibited activity takes place shall be presumed to have permitted the activity to occur.
- (b) The occupant of the property or residential unit, or the agent of the occupant who shall permit another person to create a noise or conduct an activity in violation of this article shall be deemed responsible for the noise or activity to the same extent as the person creating the noise or conducting the activity and shall be subject to the same punishment.

#### **8.307 Penalty.**

Any person who is guilty of a nuisance described in the foregoing sub-section 14 shall, upon conviction, be fined no more than five hundred dollars (\$500.00) for each violation. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as provided herein. The Village shall also be entitled to seek injunctive relief in addition to any fines provided herein.

#### **8.308 Enacting Clause.**

This ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 24, Sections 1-24 of the Illinois Municipal Code.

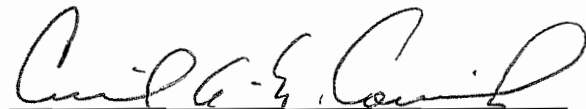
All other provisions of Chapter 8 of the Tolono Municipal Code, if not expressly modified hereby, shall remain in full force and effect. That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. This Ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form as provided by law.

Passed by the Board of Trustees of the Village of Tolono, Illinois, at a regular meeting held this 1st day of November, 1994.

Approved by the President of the Board of Trustees of the Village of Tolono, this 1st day of November, 1994.

ATTEST:

  
James Byers, Village Clerk

  
Cecil McCormick, President