

ORDINANCE NUMBER 12 - 53

**ORDINANCE AMENDING TITLE IX, GENERAL REGULATIONS,
CHAPTER 93: NUISANCES, §93.11(B)(3)(b)**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power 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, it is in the interest of the public health and welfare and peace and quiet of the citizens of the Village of East Dundee to reduce, control and prevent unreasonably loud or raucous sounds, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety or reasonable persons of ordinary sensitivity; and

WHEREAS, noise pollution has been implicated in a variety of health disorders, ranging from stress and hypertension to permanent hearing loss. Even moderate levels of noise can heighten anxiety, decrease the incidence of cooperative behavior, and increase the risk of hostile behavior in experimental subjects; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee find that it is in the best interest of the citizens of East Dundee to amend Title IX, General Regulations, Chapter 93: Nuisances, §93.11(B)(3)(b) as set forth below.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Title IX: General Regulations, Chapter 93, Nuisances, §93.11(b)(3)(b), is amended to read as follows:

§93.11(B)(3)(b), Audio Musical or Similar Equipment.

In all zoning districts, the operation of any radio, phonograph, microphone, musical instrument, television, loudspeaker, sound amplifier, commercial music amplification

or reproduction equipment or similar equipment between the hours of 10:30 p.m. and 7:00 a.m. Sunday through Thursday, and between the hours of Midnight and 7:00 a.m. Friday and Saturday, in such a manner as to be plainly audible more than 50 feet beyond the property line of the premises from which the noise is emanating, shall be prima facie evidence of a violation of this Section.

(1) Definitions.

PLAINLY AUDIBLE. For the purposes of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based upon a direct line of sight of 50 or more feet. However, words or phrases need not be discernable. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Section Five. Effective Date. Passed on the 16th day of July, 2012, according to the following roll call vote.

AYES: 5 - Justices Gorman, Lynnam, Miller, VanOstenbridge &

NAYES: 0 President Bartels

ABSENT: 2 - Justices Ruffalo & Skillicorn

Approved by me this 16th day of July, 2012.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 21st day of July, 2012, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on July 21st, 2012.

