

AN ORDINANCE AMENDING CHAPTER 16, "NOISE AND VIBRATIONS"
OF THE CODE OF ORDINANCES OF THE CITY OF URBANA, ILLINOIS

BE IT ORDAINED BY THE URBANA CITY COUNCIL that Sections 16-1 and 16-21 through 16-39 of the Urbana City Code entitled "Noise and Vibrations" are hereby repealed and in their place the following is enacted:

"Section 1. Definitions.

Loud and Raucous Noise - Loud and Raucous Noise shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City of Urbana. The term shall not include those noises listed as exceptions in Section 5 hereof.

Amplified Sound - Amplified Sound shall mean the sound produced by any machine or device for the amplification of the human voice, music, or any other sound.

Section 2. Prohibited Generally. If a warning in substantially the manner required in Section 3 below is first provided, then it shall be unlawful and a violation of this Ordinance for any person responsible as defined herein to willfully make, continue or cause to be made or continued, any loud and raucous noise when such noise is audible in any one of the following places:

1. Upon the public streets;
2. In any public park;
3. In any school or public building or upon the grounds thereof while in use;
4. In any church or hospital or upon the grounds thereof while in use;
5. Upon any parking lot open to members of the public as invitees or licensees;
6. In any occupied residential unit which is not the source of the noise or upon the grounds thereof.
7. If amplified sound, when such is audible, at the boundary line of the property from which such sound is emanating. The term boundary line shall mean:
 - (a) In the case of a residential unit in a structure containing more than one (1) 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;

- (b) In all other cases, the boundary line shall be the perimeter of the lot or lots as defined by the property line or on the side abutting public right-of-way, the public sidewalk, if any or, if no public sidewalk exists on the perimeter of such property, then the boundary line shall be the curb line.

Section 3. The required warning. A warning shall mean to make known to the person(s) responsible that one or more person(s) is annoyed or disturbed by the sound being created. A verbal or written warning shall be given to any person(s) whom the person issuing the warning reasonably believes to be of the age of sixteen (16) or upwards who is found upon the premises from which the sounds complained of are emanating. Such warning may be given by either a police officer or a private citizen and shall be given not greater than one (1) hour prior to the continuation or reoccurrence of the loud and raucous noise which results in the violation charged. All persons on the premises from which the activity complained of is emanating at the time of the warning or thereafter, shall be presumed to have been warned in compliance with this requirement.

Section 4. Persons responsible.

1. The occupant of the property or residential unit, or the agent of the occupant on which a prohibited activity takes place shall be presumed to have permitted the activity to occur; this presumption may be rebutted by evidence of a bona fide effort to prevent a violation of this Ordinance.

2. 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 Ordinance 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.

3. Any person in charge of operating, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited in this chapter, shall be deemed guilty of violating this chapter.

Section 5. Exceptions. The term "loud and raucous noise" does not include noise or sound generated by the following:

1. Cries for emergency assistance and warning calls.
2. Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
3. Parades, fireworks displays and other special events for which a permit has been obtained from the city, within such hours as may be imposed as a condition for the issuance of the permit.

4. Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.

5. Fire alarms and burglary alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.

6. Religious worship activities, including but not limited to bells and organs.

7. Locomotives and other railroad equipment, and aircraft."

8. Noise which is a normal by-product of commercial and industrial activity, when the activity producing the noise is occurring on premises where such activity is permitted under the Urbana Zoning Ordinance, in which case such noise shall not be deemed to be a violation of this Ordinance except as such noise is also in violation of an Illinois Pollution Control Board Order.

Section 6. Certain noise problems by their nature are not best addressed in this Ordinance, but shall be prosecuted under the specific Urbana City Code Sections designed to deal with such problems:

1. Section 16-3 (Construction and Use of Power Tools).
2. Section 16-5 (Automobile horns).
3. Section 4-20 (Barking Dogs).
4. Section 16-4(c) (Squealing of tires).
5. Section 16-4(b) (Loud Mufflers).

Section 7. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

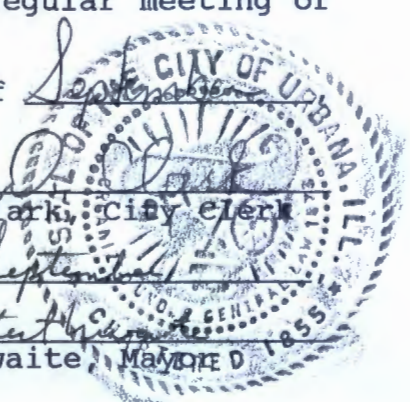
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 7th day of September 1993.

Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 16th day of September 1993.

Tod Satterthwaite
Tod Satterthwaite, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 7th day of September, 19 93, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9394-24, entitled "AN ORDINANCE AMENDING CHAPTER 16, 'NOISE AND VIBRATIONS' OF THE CODE OF ORDINANCES OF THE CITY OF URBANA, ILLINOIS" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9394-24 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 16th day of September, 19 93, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 29th day of September, 19 93



Phyllis D. Clark
CITY CLERK