

## **CHAPTER 13**

### **HEALTH, SAFETY AND SANITATION**

CHAPTER 13

HEALTH, SAFETY AND SANITATION

DIVISION 1

13-1-1      ADOPTION OF PROPERTY MAINTENANCE CODE

That a certain document, a copy of which is on file in the office of the City of St. Elmo, being marked and designated as the most recent edition of the International Building Code, as published by the International Code Council, is hereby adopted as the building code of the City of St. Elmo in the State of Illinois for the control of buildings and structures as herein provided. Furthermore, each and all of the regulations of the International Property Maintenance Code, a copy of which is on file in the office of the City of St. Elmo, being marked and designated as the most recent edition of said document, are hereby referred to, adopted and made part of the aforementioned code as if fully set out in this ordinance.

Revised 9-02-03

13-1-2      ADOPTION OF ELECTRICAL CODE

A copy on file in the office of the City of St. Elmo being marked and designated as the most recent edition of the "National Electrical Code", as published by the National Fire Protection Association, is adopted as the electrical code of the City of St. Elmo in the State of Illinois for the control of electrical systems of buildings

13-1-3      ADOPTION OF PLUMBING CODE

A copy on file in the office of the City of St. Elmo being marked and designated as the most recent edition of the "Illinois State Plumbing Code", as published by the Illinois Department of Public Health, is adopted as the plumbing code of the City of St. Elmo in the State of Illinois for the control of plumbing in structures and buildings as herein provided; and each and all of the regulations of the Illinois State Plumbing Code are hereby referred to, adopted, and made a part thereof, as it fully set out in this Ordinance.

13-1-4      PERMITS AND FEES

Application for permit shall be made in writing upon prescribed forms before commencing any structural, plumbing, or electrical alterations except ordinary repairs. Ordinary repairs does not include the cutting away of any wall or structural beams or bearing support or other work affecting public health or general safety. No permit may be issued until the Fee for same shall have been paid in full; Such Fee shall be \$20.00 per permit.

Revised 8-01-05

13-1-5      PENALTIES

Any person, firm, or corporation, who shall violate any provisions of this code shall, upon conviction thereof, be subject of a fine not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) per day. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/2011

DIVISION 2

## GARBAGE COLLECTION

### 13-2-1 DEFINITIONS

The following definitions shall be in effect throughout this Ordinance:

- a. "Kitchen and household garbage" means any, all and every accumulation of vegetable matter, liquid or solid, that is received from kitchens and households, and also all decayed or unsound matter, such as vegetable and fruit.
- b. "Ashes" means the waste product of combustion of any material.
- c. "Other refuse matter" means sweepings, plastics, wood, glass, rubber, tin cans, metals, clothing, dirt or other accumulations.
- d. "Garbage" means and includes "kitchen and household garbage" and "other refuse matter."
- e. "City" shall mean the City of St. Elmo, Illinois.

### 13-2-2 PROPER CONTAINERS

Every owner, occupant or user of premises within the City shall keep and maintain in good repair garbage containers sufficient to hold all kitchen and household garbage or refuse which may accumulate on the premises between collections, such containers to be of metal or plastic, water tight, and of such sizes as to be capable of being handled by one man; which containers shall be placed at times as specified under Section 13-2-12 to be readily accessible for removal and emptying, and where they shall not be a public nuisance. Garbage may also be placed in plastic bags manufactured and sold for such purposes. Such bags must be water tight and securely closed.

### 13-2-3 OTHER REFUSE

Every owner, occupant or user of premises within the City shall also keep and maintain other suitable containers for the deposit of waste materials other than those defined as garbage herein and no such waste materials shall be placed or deposited so as to be blown or scattered by wind. No person, firm or corporation, unless authorized and licensed for that purpose, shall interfere with such containers or the contents thereof.

### 13-2-4 TRASH BURNING

No landscape waste materials, wood products or paper products shall be burned between the hours of 7:00 P.M. to 6:00 A.M. the next morning unless such burning is conducted in an incinerator approved by the Environmental Protection Agency of the State of Illinois and complies with the Illi-

nois Fire Code. Burning of any garbage, rubbish, or refuse, other than those items as noted above, is prohibited at any time.

13-2-5

BURNING REGULATIONS

No person shall burn any wood products or paper products, except when burned in a metal or other fireproof container not larger than 3 1/2' in height and 2 1/2 feet in diameter and covered with a mesh or wire covering. This shall not, however, prevent the burning of such products in an approved industrial or commercial incinerator. Landscape waste shall not be required to be burned within a container, but burning is not permitted on any portion of the sidewalk or on the public right-of-way improved by gravel, oil and chat, or other hard surfacing material for vehicular traffic.

In the case of a demolition or construction project, which has been granted an applicable permit by the City, burning of wood and/or paper products outside of an appropriate container is permissible during the permit period.

13-2-6

RECREATIONAL FIRES

This Ordinance shall not prohibit campfires or other recreational fires in the City Park or other areas of the City.

13-2-7

COLLECTION OF LANDSCAPE WASTE

It shall be unlawful for the owner, occupant, or user of any premises located within the City of St. Elmo to place or mix landscape waste with garbage or other refuse for collection by the City or the City's contractor for such purpose. This shall not prohibit any person, firm or corporation from entering into an individual private contract with said waste hauler, for the removal of landscape waste from their property.

13-2-8

TIME LIMIT

No garbage shall be permitted to accumulate on any premises for a period greater than one week and the same shall be removed there from at least once a week.

13-2-9

UNLAWFUL DUMPING

It shall be unlawful to dispose of or place any garbage or other refuse in or upon any street, alley or other public property within the City, except when placed in proper containers for collection. It shall be unlawful to dump or otherwise dispose of any garbage or other refuse within the City except by the use of a properly operated sanitary land fill, and in accordance with the regulations established governing the operation of such land fill, or a commercial type incinerator.

13-2-10

FEE REQUIREMENT

The City shall carry out the removal of garbage and refuse from private premises owned or leased by private persons, firms or corporations, and

shall collect, or cause to be collected, such garbage and refuse not less than once per week. The health of the City's population requires adequate disposal of garbage and refuse so the City hereby declares as a matter of public policy that such disposal must be done by the City or those with whom the City may contract for such purpose, and the service charges hereinafter provided for will be imposed whether or not occupants of premises avail themselves of this service.

13-2-11

FEE

A service charge of \$14.50 per month from May 1, 2025 to April 30, 2027 and \$15.50 from May 1, 2027 to April 30, 2029 shall be collected from all persons, firms and corporations to whom such service is made available for residential disposal, said sum to be added to the monthly water bill of those on the city water lines, and billed directly every month to those not on a water line. Commercial disposal shall be by individual agreement between the person, firm or corporation receiving the service.

Revised 6-3-02, 3-3-97, 5/8/07, 4/4/11 Amended 04/07/2014, 06/01/2016, 2/7/2018, 4/7/2021, 4/6/22, 4/3/24, 4/2/2025

13-2-12

COLLECTION STIPULATIONS

The City, through its private garbage contractor, will collect garbage, trash and/or refuse only in such cases where containers for garbage, trash and/or refuse are of a size not exceeding 100 pounds in gross weight and are placed not more than 15 feet from the edge of the street at the front of the residence. Surplus liquids of all garbage must be drained off so as to avoid spillage. Containers shall be placed within 15 feet of the appropriate street or roadway only within 12 hours preceding the expected pick-up time and 12 hours following the expected pick-up time.

At all times, (excepting within 12 hours preceding an expected trash pick-up time and 12 hours following an expected trash pick-up time), all trash or refuse containers shall be placed at a location which renders the container(s) inconspicuous and not readily or easily visible from any adjacent public right-of-way. Containers shall be kept at a place which is outside of the public's usual and normal line of sight when a person is in the vicinity of the lot on which the container(s) is located.

Revised 5-4-92

13-2-13

LICENSING

No person, firm or corporation shall, without a contract of franchise, engage in the business of collecting garbage or engage in the business of hauling, conveying or transporting garbage along, over or upon the streets of the City.

13-2-14

PENALTY

Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred (\$500.00) for each violation.

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/2011

## WEED CONTROL

13-3-1

### WEED CONTROL

No owner or occupant of any lot or tract of land in the city shall suffer or permit any jimson, burdock, rag weed, cockle burs, thistles, poison ivy or other weeds to grow on such lot, or tract of land, or to suffer or permit any grass or grasses or other vegetation to grow to a height of more than eight inches on such lot or tract of land. For the purposes of this paragraph the word “weeds” shall specifically include any and all grasses of every kind and character which shall exceed eight inches in height.

Revised 3/1/2010

Posted by Devonian Newspaper and Pamphlet form

13-3-2

### VIOLATION

If weeds are permitted to grow upon any such real estate, the Mayor, or any city officer or employee designated by him, shall have the right to notify the owner in writing that such weeds must be cut within five days after the notice is received. If the owner of the real estate involved refuses or neglects to cut the weeds within five days from the time such notice is received, then and in that event the Mayor or any city officer or employee designated by him may proceed forthwith to go upon the property and cut the weeds and collect the cost thereof from the owner of the real estate involved, and the owner of such real estate shall be liable for the reasonable cost of the City's cutting or causing the weeds to be cut.

13-3-2(a)

If the owner or tenant of real estate, having been given written notice of a violation pursuant to Section 13-3-2, does allow weeds to grow in violation of the provisions of Section 13-3-1 during the 90-day period subsequent to the owner or tenant's receipt of the said written notice, then the Mayor, or any city officer or employee designated by him, may proceed to enforce the ordinance without the issuance of additional notice to the owner or tenant of said real estate.

Revised 11-05-01

13-3-3

### LIEN

Such cost as aforesaid shall be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens. The Mayor, or any other officer or employee designated by him, shall, within sixty days after such cost and expense is incurred, file a notice of lien in the office of the Recorder of Deeds of this County, as required in Chapter 24, Section 11-20-7.

13-3-4

### BURNING OF LEAVES AND GRASS

It shall be unlawful for any person, firm, corporation, or other entity to burn leaves, grass or similar substances on or in any City owned street, alley or gutter. It shall be unlawful to discharge, amass, or gather the above-described substances on any City owned street, alley or gutter.

13-3-5

FINES

Any violation of this ordinance shall result in a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each separate violation.

Amended 4/5/2010; Amended 10/5/2011

## JUNK

### 13-4-1 DEFINITION

JUNK: For the purpose of this Ordinance, “junk” includes but is not limited to debris, garbage (other than garbage stored in proper containers as defined in Section 13-2-2), discarded paper, cartons, boxes, barrels, wood, excelsior, plastics, bedding, metals including automobiles or parts thereof, tin cans, metal furniture, pieces of glass, crockery and other discarded manufactured items, including upholstered furniture not manufactured for outdoor use as further described below.

### 13-4-2 DEPOSITING OF ACCUMULATION OF JUNK

It shall be unlawful for any person to deposit or accumulate junk upon any land within the City of St. Elmo, except for depositing material on or in a junkyard as permitted in Chapter 19, Zoning or otherwise disposing of materials in a proper container as allowed in Section 13, Division 2, Garbage Collection.

### 13-4-3 USE OF INDOOR FURNITURE OUTDOORS

No person or entity shall place, keep use, store or maintain outdoors of any premises any indoor upholstered furniture not manufactured for outdoor use, including, but not limited to upholstered chairs and couches, except when said indoor upholstered furniture is placed at the curb on the designated collection day for garbage pickup service, or when said indoor upholstered furniture is placed outdoors during daytime hours as part of a garage sale. As used herein “indoor upholstered furniture” shall mean any furniture constructed with stuffing, cushions or springs not intended for outdoor use. As used herein “outdoors” shall mean any place visible from a public place and exposed to precipitation, including but not limited to yards, rooftops, and completely enclosed porches, decks, patios, and balconies.

### 13-4-4 ENFORCEMENT

This Code shall be enforced by the City Police Department.

### 13-4-5 NOTICE TO ABATE

Upon discovery of any violation of this Division 4 of Chapter 13 of this Code, by an Officer of the City Police department, the owner, occupant or agent causing, allowing or permitting such violation shall be issued a notice stating the date, time and place on which the violation was observed and describing the violation and the part of the Code violated. Upon failure to remedy the violation within ten (10) days of the mailing of said notice, the Officer may, without further notice, issue a citation or file a complaint in

the Circuit Court against the person or persons allowing or permitting such violation.

13-4-6 REMOVAL OF JUNK AT OWNER'S COST AND FILING OF LIEN (65 ILCS 5/11-20-13)

(A) After expiration of the notice period and if notice was sent to the owner of the parcel as set forth in Section 13-4-4, the corporate authorities of the City of St. Elmo may remove said junk (garbage and debris) from any parcel of private property within the municipality and collect from the owner of the parcel, the reasonable removal cost thereof as authorized pursuant to 65 ILCS 5/11-20-13.

(B) In the case of abandoned residential property as defined in 65 ILCS 5/11-20-15, the City may elect to obtain a lien for the removal cost pursuant to 65 ILCS 5/11-20-15.1. In the event the City elects to seek a lien, said statutory provision shall be the exclusive remedy for the removal cost.

(C) Removal of the junk as provided in this Section 13-4-5 shall not preclude the issuance of a citation to the violator as authorized in Section 13-4-4.

13-4-7 PENALTY

Any person who violates any provision specified in this Division 4 of Chapter 13 shall, upon conviction, be fined as provided in Section 13-4-7.

13-4-8 FINE STRUCTURE

Any person who shall violate any of the provisions of this Division shall, upon conviction thereof, be subject to a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) and not more than Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

## DIVISION 5

### RAT EXTERMINATION

13-5-1      REMOVAL

No owner or occupant of real property or any building thereon situated within the City of St. Elmo shall permit such property to become infested with rats. If any such property does become infested with rats, the Mayor or any city officer or employee designated by him, shall notify the owner and occupant of such property in writing of such infestation, and demand therein that the owner or occupant immediately exterminate the rats on such property and take necessary steps to prevent further ingress of rats thereto. The owner or occupant upon receipt of such notice shall take immediate steps to exterminate the rats on the property involved and prevent further ingress of rats thereto.

13-5-2      PENALTY

If the owner or occupant fails to exterminate the rats from the property involved, or fails to take necessary steps to prevent further ingress of rats thereto, within seven days of receipt of the notice above referred to, the said owner and occupant, jointly and severally, shall be in violation of this Ordinance, and for each violation thereof shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00), nor more than Five Hundred Dollars (\$500.00), and each day after seven days after such notice, that they fail to comply shall constitute a separate and continuing offense and constitute a separate violation hereto.

Amended 4/5/2010; Amended 10/5/2011

13-5-3      FAILURE TO COMPLY

In addition to the penalty above provided, if the owner or occupant fails to exterminate the rats from the property involved or fails to take necessary steps to prevent further ingress of rats thereto, within seven days of receipts of the notice above referred to, then and in that event the Mayor, or such other office or employee as he may designate, may proceed forthwith to exterminate the rats from the property involved and take the necessary steps to prevent further ingress of rats thereto, and the owner and occupant shall be jointly and severally liable for the reasonable cost and expense thereof, and such cost and expense shall be a lien upon the real estate affected, superior to all other existing liens and encumbrances, except only the lien of the general taxes. The Mayor, or such other officer or employee as is designated by him, shall, within sixty days after such cost and expense is incurred, file a notice of the lien in the office of the Recorder of Deeds, all as provided in Chapter 24, Section 11-20-8, Illinois Revised Statutes.

DIVISION 6

BAN ON BURNING

13-6-1      AUTHORIZATION

The Mayor of the City of St. Elmo is hereby authorized to impose a ban on burning at such future times, as he/she believes that extremely dry conditions constitute a public emergency situation.

13-6-2      EXCLUSIONS

In the event of an emergency ban on burning due to extremely dry conditions, it shall be unlawful to light or maintain any fire anywhere within the corporate limits of the City. The term "fire" as used in this Ordinance shall include "burning barrels", but not to be construed to mean or include a fire in a furnace, stove, boiler or fireplace within a home or other building, or an EPA approved incinerator.

13-6-3      PROHIBITIONS

In the event of an emergency ban on burning due to extremely dry conditions, it shall be unlawful to burn rubbish of any kind, leaves, paper goods, cardboard, wood or any other combustible substance anywhere within the corporate limits of the City.

13-6-4      PUBLIC NOTICE

Any future burning bans shall become effective only after proper and conspicuous notice has been provided to the public through publication in the St. Elmo Banner Newspaper.

13-6-5      REPEAL

This prohibition shall continue until it shall be repealed by appropriate action of the City Council.

13-6-6      REPEAL NOTICE

Subsequent repeal of a burning ban shall also become effective only after proper and conspicuous notice has been provided through publication in the St. Elmo Banner Newspaper.

13-6-7      PENALTIES

Any person, firm, corporation, or other entity violating any provision of this Ordinance shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation of this Ordinance.

## DIVISION 7

### OFFENSES INVOLVING SALE, DISTRIBUTION AND POSSESSION OF TOBACCO PRODUCTS

#### 13-7-1 DEFINITIONS

Unless the context otherwise requires, the following terms used in this division shall be construed to mean:

- (a) Tobacco products. Any substance containing tobacco leaf, including, but not limited to cigarettes, cigarette papers, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) Vending machine. Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, debit cards or other forms of payment, dispenses tobacco products.

#### 13-7-2 SALE OF TOBACCO PRODUCTS

It shall be unlawful for any person to sell, give, provide or distribute any tobacco products or to allow any person under the age of 21 years to have possession of any tobacco products in violation of this section.

#### 13-7-3 PURCHASE BY MINORS PROHIBITED

It shall be unlawful for any person under the age of 21 years to purchase tobacco products, or to misrepresent their identity or age, or to use any fake or altered identification for the purpose of purchasing tobacco products.

#### 13-7-4 POSSESSION BY MINORS PROHIBITED

It shall be unlawful for any person under the age of 21 years to possess any tobacco products, provided that the possession by a person under the age of 21 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

#### 13-7-5 LOCKING DEVICE ON VENDING MACHINES

It shall be unlawful for any person or business to offer tobacco products for sale to the general public through a vending machine unless said vending machine is equipped with a locking device which exists for the purpose of incapacitating the vending machine so as to prevent the sale of tobacco products to persons under the age of 21 years.

13-7-6

PENALTIES

Any person, firm, corporation or other entity violating any provision of this division shall be fined not less than One Hundred Seventy-five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation of any section of this ordinance.

Division 7 added 10/4/10 Amended 8/7/19

DIVISION 8  
NOISE CONTROL

## SECTION I: NON-VEHICULAR NOISE

### **13-8-1** DEFINITIONS

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

“Boundary line” means:

- (a) 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.
- (b) In the case of publicly owned property, the boundary line shall be the perimeter of the publicly owned property or right-of-way.
- (c) 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, earthmoving, excavation, drilling, blasting and landscaping.

“Residential” means: a legal use of property for temporary or permanent dwelling purposes.

### **13-8-2** APPLICABILITY

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

- A. Motor vehicles, as defined in the Illinois Vehicle Code (Illinois Compiled Statutes, Chapter 625, Section 5/1-217), in operation on a public right-of-way. Reference is made to 625 ILCS 5/12-611 of the Illinois Compiled Statutes, a statute prohibiting certain noise(s) by or in motor vehicles.

- B. Aircraft in flight;
- C. Railroad equipment in operation on railroad right-of-way;
- D. Grain Elevator;
- E. Farm equipment and implements.

**13-8-3**      SPECIFIC PROHIBITIONS

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 the activity is conducted, which is declared to be a public nuisance:

- A. Construction and/or the operation of power tools or equipment, except from April 1<sup>st</sup> through October 31<sup>st</sup>, said activities may be undertaken between the hours of 6:00a.m. until 10:00 p.m. and from November 1<sup>st</sup> through March 31<sup>st</sup> between the hours of 7:00 a.m. until 10:00 p.m.;
- B. The operation of any bell, siren, whistle, or similar device, except that amplified or unamplified bells or chimes may be used for non-commercial purposes for reasonable lengths of time;
- C. Except as specified in subsection B 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 seven a.m. and ten p.m. if the sound produced by such device is not clearly audible at the boundary line of any residential unit, and not clearly audible at any one location for an unreasonable length of time;
- D. The use of any musical instrument, except that a single musical instrument without amplification may be used between seven a.m. and ten p.m. for reasonable lengths of time;
- E. Any noise created by an animal.

**13-8-4**      EXEMPTIONS

The following activities are exempted from the prohibitions set out in Section 13-8-3

- A. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or restore public utilities, or to protect persons or property from an imminent danger;
- B. Sound made to alert persons to the existence of any emergency, danger or attempted crime;
- C. 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. Block parties shall not be considered open to the general public;
- D. Athletic, musical or cultural activities or events, including practices and rehearsals, conducted by or under the auspices of governmental units or educational institutions.

**13-8-5**      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.

**13-8-6**      WAIVER

- A. The Mayor may temporarily waive or alter the time limits contained in Section 13-8-3 if:
  - 1.      The City or another governmental entity is engaged in a construction project;

2. The public interest will be served by the increased number of hours during which construction might take place; and
  3. The impact upon residential units will be slight when compared to the public benefit of completing the construction expeditiously.
- B. The Mayor shall, at the inception or during any construction projects conducted by the City or other governmental entity, make a written determination that each of the above factors is present and shall forward such determination to the City Council prior to the commencement of construction during hour other than as provided for in Section 13-8-3.
- C. The director of public works shall take steps to notify persons that are or may be affected by the Mayor's determination prior to the commencement of construction.

**13-8-7**      PRESUMPTION OF ACCOUNTIBILITY

- A. The registered owner of a vehicle; which is equipped or operated in violation of this section, shall be presumed to have permitted the prohibited use and to have been in control of such vehicle.
- B. The registered owner of a vehicle who shall permit the operation or use of a vehicle in violation of this section shall be deemed responsible for such violation to the same extent as the person in actual operation or control of the vehicle and shall be subject to the same punishment.

**13-8-8**      VIOLATIONS-PENALTIES

The violations of this section shall be deemed traffic violations and uniform citations may be used for violations thereof.

**13-8-9**      LEGISLATIVE INTENT

It is the intent of the Mayor and City Council that noises that are prohibited by this chapter are intended to be such noises as are discernable by a person of average sensibility and which noise(s) is of an intensity, tone and characteristic frequency of occurrence or duration as not to be customarily associated with uses permitted in the zoning district in which the premises from which such noise is emanating.

**13-8-10**      PENALTIES

Any person, firm, corporation or other entity violation any provision of this division shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation of any section of this ordinance.

**SECTION II:**      VEHICULAR NOISE

**13-8-11**      APPLICABILITY-EXEMPTION-DEFINITIONS

The provisions of this section shall apply only to motor vehicles as defined in the Illinois Vehicle Code (625 ILCS 5/1-217.1) in operation or located on a public right-of-way. Provided, however, it shall not apply to motor vehicles engages in interstate commerce. The definitions set out in the Illinois Vehicle Code shall apply to this section.

**13-8-12**      SOUND AMPLIFICATION SYSTEMS

- A.      No person shall operate or permit the operation of any sound amplification system in or on any motor vehicle which can be heard outside the vehicle for seventy-five (75) or more feet when the vehicle is operated or located on a public right-of-way, unless such system is being operated to request assistance or warn of a hazardous situation.
- B.      This section does not apply to authorized emergency vehicles.

**13-8-13**      EQUIPMENT

No person shall own or use a vehicle or permit the use of a vehicle which:

- A.      Is equipped with a siren, whistle, bell, or going signaling device unless such vehicle is an emergency vehicle or unless such device is capable of being used only as an antitheft device and cannot be used as an ordinary warning signal;
- B.      Is not equipped with a muffler and exhaust system which is in constant operation and good working order;
- C.      Is equipped with an exhaust system which has been modified so as to amplify or increase the noise of such vehicle above that emitted by the exhaust system originally installed on the vehicle.

**13-8-14**

PENALTIES

Any person, firm, corporation or other entity violating any provision of this division shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation of any section of this originally installed on the vehicle.