

ORDINANCE NO. A-834-16-21

AN ORDINANCE AMENDING SECTION IV.W OF THE ZONING ORDINANCE
REGARDING PERFORMANCE STANDARDS RELATED TO NOISE

(Z-11-2021: Text Amendment - Noise)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held public hearings on the question of granting said text amendment on September 20, August 16, and August 2, 2021 at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the Doings Weekly, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of

Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Section IV.W of the Burr Ridge Zoning Ordinance Regarding Performance Standards Related to Noise.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

Section 3: That Sections IV.W.1 and IV.W.2 shall be struck in their entirety and replaced with the text included as **Exhibit A** in this Ordinance.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

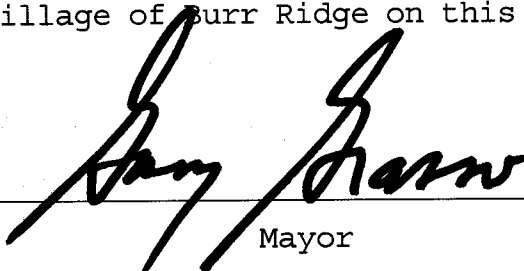
PASSED this 11th day of October, 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 6 - Trustees Snyder, Schiappa, Paveza, Mital, Smith, Franzese

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Ridge on this 11th day of October, 2021.



Mayor

ATTEST:



Village Clerk

STATE OF ILLINOIS)
COUNTY OF C O O K) SS.
COUNTY OF DU PAGE)

CLERK'S CERTIFICATE

I, SUSAN SCHAUS, the duly elected, qualified, and acting Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

ORDINANCE NO. A-834-16-21

**AN ORDINANCE AMENDING SECTION IV.W OF THE ZONING ORDINANCE
REGARDING PERFORMANCE STANDARDS RELATED TO NOISE**

(Z-11-21: Text Amendment - Noise)

which Ordinance was passed by the Board of Trustees of the Village of Burr Ridge at a regular meeting held on the 11th day of October, 2021 which meeting a quorum was present, and approved by the Mayor of the Village of Burr Ridge on the 11th day of October, 2021.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Burr Ridge was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Burr Ridge, and that the result of said vote was as follows, to-wit:

**AYES: 6 - Trustees Snyder, Schiappa, Paveza, Mital,
Smith, Franzese**

NAYS: 0 - None

ABSENT: 0 - None

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Burr Ridge, this 11th day of October, 2021.


Village Clerk

PAMPHLET


FRONT OF PAMPHLET

ORDINANCE NO. A-834-16-21

AN ORDINANCE AMENDING SECTION IV.W OF THE ZONING ORDINANCE
REGARDING PERFORMANCE STANDARDS RELATED TO NOISE

(Z-11-21: Text Amendment - Noise)

Published in pamphlet form this 11th day of October, 2021 by Order
of the Corporate Authorities of the Village of Burr Ridge, Cook
and DuPage Counties, Illinois.



Village Clerk

PAMPHLET
BACK OF PAMPHLET

ORDINANCE NO. A-834-16-21

AN ORDINANCE AMENDING SECTION IV.W OF THE ZONING ORDINANCE
REGARDING PERFORMANCE STANDARDS RELATED TO NOISE

(Z-11-21: Text Amendment - Noise)

Published in pamphlet form by Order of the Corporate Authorities
of the Village of Burr Ridge, DuPage and Cook Counties, Illinois.

Z-11-2021: Noise Standards

Definitions

Amplification Device. Any speaker, loudspeaker, amplifier, stereo, radio, television, or other device or system of any kind that can emit, increase, or magnify sound.

Day Hours. 7:00am-10:00pm

Excessively Audible. Any sound that can be detected by a person by ear, unaided by any device such as hearing aid, which unreasonably affects the enjoyment of an adjacent property owner's use of their property and/or impacts one or several adjacent property owners' ability to perform normal tasks without interruption. A sound is considered excessively audible regardless of whether particular words or phrases are not determinable and regardless of whether the instrument or device can be determined. The detection of reverberation or similar types of sound is sufficient to constitute an Excessively Audible sound.

Night Hours. 10:00pm-7:00am

Noise Pollution. The emission of sound that unreasonably interferes with the enjoyment of life, use of property or with any lawful business activity.

Sound. An oscillation in pressure in air.

Noise Pollution Prohibited

No person may cause or allow Noise Pollution to become Excessively Audible within the corporate limits of the Village.

Noise Standards for Public Property

- A. Authority to Abate Violations. The Village Administrator or their designee is authorized to determine violations of this Section and, in the event of Noise Pollution or other violation, take reasonable actions necessary to abate the violation.
- B. Performances on Public Property, Ways Prohibited. No person may perform, with or without musical instruments, on any street, sidewalk, public right of way, or publicly owned property while seeking or in expectation of a monetary gift or payment.
- C. Advertisements. No person, business, or other entity may use a sound amplification device for the purpose of advertising or announcing goods or services, or to invite or encourage the patronage of any person or any business in such a way as to be Excessively Audible on any street, sidewalk, public right of way, or publicly owned property.
- D. Attention-Getting Devices. No person or other entity may operate or cause to be operated, on any street, sidewalk, public right of way, or publicly owned property any attention-getting

device such as, but not limited to, sound amplification, mechanically-operated, inflatable, noise-generating, or other device for the purpose or effect of attracting attention.

Noise Standards for Private Property

No person may cause or allow the emission of sound from any property in such a manner so as to cause Noise Pollution which is Excessively Audible with a determination taken from the property line of the property on which the noise is received.

Exceptions

The standards and limitations set forth in this Chapter do not apply to the following:

- A. Trains on rails or safety mechanisms associated with railways.
- B. Emergency related sounds, such as any type of sound rendered on an intermittent, emergency basis, including but not limited to sounds associated with police/fire/emergency medical vehicles, snow removal, flood water removal, and/or storm debris removal, emergency generators that are used during electrical storms, as well as alarms and other emergency warning sounds.
- C. Landscaping equipment during Day Hours as permitted by the Municipal Code.
- D. Noises associated with religious activities or places of worship, such as bells and chimes.
- E. Events occurring in public spaces or rights-of-way, such as concerts, that are approved by either the Village Administrator or Board of Trustees.
- F. Noise emitting from generators in Residential Districts are specifically governed by Section IV.I.21 of the Zoning Ordinance.
- G. Construction activity during Day Hours as permitted by the Municipal Code.
- H. Garbage and recycling trucks.
- I. Government, utility, and other such vehicles or equipment in operation.
- J. Educational institutions, public or private, operating during Day Hours, including but not limited to recess, outdoor learning activities, or the like, in any District.

Permit for Private Event

Those owners of real property in the Village wishing to hold a special event on one's property which may violate the standards set forth in this section may apply for one-time exemptions to these standards. Examples of these exemptions may include weddings or wedding receptions, graduation parties, charity events, and the like. A property owner wishing to obtain an exemption to these standards must comply with the following regulations:

- A. Not less than 21 calendar days prior to the event, an application must be placed on file with the Village Administrator describing the nature of the request. The request must include the following information:
 - a. The address of the property owner in which the event will occur.
 - b. The name of the property owner where the event will occur.
 - c. The contact information of the property owner where the event will occur, including an active phone number and email address.

- d. The times of day in which the noise is expected to be generated.
- e. The number of people expected to be present at the gathering.
- B. The Village shall notify all property owners within 500 feet of the subject property at which the event will occur with a written notice of the event's occurrence at least five business days prior to the event's occurrence.
- C. The application shall include a \$50 fee.
- D. At no point shall the exemption extend beyond midnight or prior to 6:00am in any District.
- E. Property owners shall be entitled to one exemption per six calendar months; that is, if an exempted event were held on January 1, the property owner shall not be permitted to apply for or receive an exemption to these standards until July 1 or thereafter.
- F. No exceptions will be given if the activities listed in which the noise will be generated are found to be in violation of any local, state, or federal law.

Penalty

Any person, firm, or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this Section shall, upon conviction, be fined not less than \$100.00 nor more than \$750.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.