

## CHAPTER 6 NUISANCES

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### 6.01 PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village or within the police jurisdiction of the Village.

### 6.02 PUBLIC NUISANCES DEFINED *2013-14-06*

A. Generally. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Greatly offend the public morals or decency;
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

B. Public Nuisances Affecting Health. The following acts, omissions, places and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Subsection A of this section:

1. Carcasses of animals, birds or fowl not disposed of in a sanitary manner within seventy-two (72) hours after death;
2. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, **abandoned vehicles or machinery**, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed; or which may constitute a fire hazard;

3. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limit in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
4. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances. No person shall pollute the air or any water course by any discharge of waste products or foreign matter.
5. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;
6. All abandoned wells not securely covered or secured from public use;
7. Any obstruction in or across any water course, drainage ditch or ravine;
8. Any open burning contrary to the regulations of Illinois Pollution Control Board; and
9. The deposit of garbage, rubbish or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance.
10. No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

C. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Subsection A of this section.

1. All buildings erected, repaired or altered in violation of the provision of the ordinances of the Village relating to materials and manner of construction of building and structure;
2. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;

3. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
4. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village;
5. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground;
6. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
7. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
8. All abandoned refrigerators or ice boxes;
9. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
10. Any advertisements or signs affixed to any building, wall fence, sidewalk, street or other private or public property without permission of the owner thereof;
11. Any condition or practice constituting a fire hazard;
12. Any nuisance so defined by the Illinois Revised Statutes; and
13. All unscreened storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind, except farm implements, which is no longer safely usable for the purposes for which it was manufactured, within the corporate limits of this Village.

6.03 **ABATEMENT OF PUBLIC NUISANCES** 1998-99-15; Amended, 2011-12-12, 2011-12-6; 2013-14-06

A. Inspection of Premises. Whenever complaint is made to the Village President or a Trustee that a public nuisance exists, or has existed, within the Village, he shall promptly notify the Administrator, or some other appropriate Village official, who shall forthwith inspect or cause to be

inspected the premises and shall make a written report of his findings to the President and Board of Trustees. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

B. Summary Abatement.

1. Notice to Owner. If the inspecting officer shall determine that a public nuisance exists on private property and there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Administrator or designee, or a deputy sheriff, to serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.
2. Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Administrator or designee, may cause the abatement or removal of such public nuisance, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.

C. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall **issue notice to abate the nuisance**, to the owner or if the owner cannot be found, to the occupant or person causing such nuisance and **shall post a copy of the notice on the premises**. If the nuisance remains unabated for 14 days, the inspecting office shall file a written report of his findings with the President and Board of Trustees, who may cause an action to abate such nuisance to be commenced in the name of the Village.

D. Penalty. Each owner, occupant or person causing the nuisance, after receiving notice pursuant to Section 6.03-B, upon conviction thereof, shall be fined pursuant to Appendix A of this Code plus the Village's cost of prosecution including reasonable attorney fees, for each offense. A separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

#### 6.04 COST OF ABATEMENT

In addition to the penalty imposed by this Code for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a lien against the property.

6.05 **ABANDONED MOTOR VEHICLES** *Amended, 2011-12-6*

A. Definitions. Terms used in this section mean as follows:

**Abandoned Vehicle:** Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**Antique Vehicle:** Any motor vehicle or other vehicle twenty four (24) years of age or older.

**Highway:** Any street, alley or public way within the Village of Bull Valley.

B. Vehicle Abandonment. The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in the Village is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Administrator or designee after a waiting period of seven days or more has expired.

C. Notice to Police. When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the Village.

Upon receipt of such notification, the Administrator or designee shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle.

The towing service will safely keep the towed vehicle and its contents, maintain a record of the two until the vehicle is claimed by the owner, or any other person legally entitled to possession thereof, or until it is disposed of as provided by this section.

D. Removal of Vehicles.

1. When a motor vehicle or other vehicle is abandoned on a highway in the Village 10 hours or more, its removal by a towing service may be authorized by order of the Administrator or designee.
2. When an abandoned, unattended, wrecked, burned, or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Administrator or designee.

3. When a vehicle is removed from either public or private property authorized by order of the Administrator or designee, the owner of the vehicle will be responsible for all towing costs.

E. Records of Vehicle Removed. When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of the manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

F. Search for Owner. When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department shall cause the stolen vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.

G. Notice to State Police. When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

H. Reclaiming Vehicles. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle.

No vehicle shall be released to the owner or other person under this subsection until all towing and storage charges have been paid.

I. Sale of Vehicle. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder.

Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded.

At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

J. Older Vehicles. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age, or newer cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein or disposed of in the manner authorized by this section without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than seven years of age is impounded as specified by this Section, it will be kept in custody for contacting the registered owner by the U.S. Mail, public service or in person for a determination of disposition, and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the 10 day period, without the benefit of disposition information being received from the registered owner, the Administrator or designee will authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section.

K. Records. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this section, a record of the transaction shall be maintained by the Police Department for a period of one year from the date of the sale or disposal.

L. Disposition of Sale Proceeds. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Village and disposed of as set forth in this Section, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

M. Liability of Officers. Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages or his legal representatives, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this section.

6.06 **FALSE ALARMS** *Amended, 1998-99-15; 2013-14-06*

A. Automatic Dialer Alarms. Automatic dialer alarms that dial directly into the Police Department are not allowed to be used within the Corporate limits of the Village, with the exception of those used by the Village.

B. Audible Alarms. Any alarm that emits an audible alarm is to be required to have a cut-off timer that will shut the alarm off automatically after thirty (30) minutes.

C. False Alarms. Any person owning or leasing an alarm system that transmits an alarm activation, either indirectly or directly to the Police Department, shall be deemed to have transmitted a false alarm and be in violation of this Ordinance if that person's alarm system transmits more than four (4) false alarms within any twelve (12) month period. For purposes of determining guilt under this Ordinance, a person's knowledge and intent are not elements of this offense.

D. Penalties. Any person who violates this Section shall be fined pursuant to Appendix A of this Code plus the Village's cost of prosecution including reasonable attorney fees, for each violation. The violation of this Section is hereby declared to be a public nuisance, to be abated in the manner provided by law.

6.07 **DEPOSIT OF MANURE** *1998-99-21; Amended, 2009-10-04*

Any person, partnership, limited liability company, proprietorship, firm or corporation that owns, manages or leases a facility, building or structure which houses five or more equines on any zoning lot shall be required to contract for waste removal services whereby a dumpster or dumpsters, of sufficient size to contain the manure generated by the equines is provided for the storage of manure on the individual parcel or zoning lot itself. The waste removal service shall service the dumpster not less than weekly. No manure generated by such equines shall be spread or placed on the grounds of the zoning lot. Any violation of this Section 6.07 shall be considered a nuisance and abated pursuant to Section 6.03 of this Code.

6.08 **NO SMOKING** *2013-14-06*

A. Definitions: For purposes of this Section, the following terms have the meanings ascribed to them in this Section unless different meanings are plainly indicated by the context:

**Bar**: An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10 percent of its gross revenue from the sale of food consumed on the premises. Bar includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities and cabarets.

**Employee**: A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

**Employer**: A person, business, partnership, association or corporation, including a municipal corporation, trust or non-profit entity that employs the services of one or more individual persons.



**Enclosed area:** All space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

**Enclosed or partially enclosed sports arena:** Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational or other events.

**Gaming equipment or supplies:** Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

**Gaming facility:** An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

**Healthcare facility:** An office or institution providing care or treatment of diseases, whether physical, mental, or emotional or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms and wards within healthcare facilities.

**Place of employment:** Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms; cafeterias and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care or other similar social service care on the premises, is not a place of employment.

**Private club:** A not-for-profit association that (i) has been in active and continuous existence for at least three years prior to the effective date of the Act, whether incorporated or not, (ii) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (iii) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and (iv) only sells alcoholic beverages incidental to its operation. For purposes of this definition, private club means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

**Private residence:** the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the

purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a private residence.

**Proprietor:** Any individual or his designated agent who, by virtue of his office, position, authority or duties, has legal or administrative responsibility for the use or operation of property.

**Public place:** Any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distances of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A public place includes but is not limited to enclosed indoor areas used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, and all government owned vehicles and facilities, including buildings and vehicles owned, leased or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75 percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast or other similar public accommodation that are rented to guests, but excludes private residences.

**Restaurant:** An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands and private and public school cafeterias, that gives or offers for sale food to the public, guests or employees, and/or a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. Restaurant includes a bar area within the restaurant.

**Retail tobacco store:** A retail establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. Retail tobacco store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

**Smoke or smoking:** The carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs or any other lighted smoking equipment.

B. Smoking in Public Places Prohibited: No person shall smoke in a public place or any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State, Village or other political subdivision of the State. Smoking is prohibited in indoor public places and places of employment unless exempted by Section 6.08-E.

C. Smoking Prohibited in Student Dormitories: Notwithstanding any other provision of this Section, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

D. Posting of Signs; Removal of Ashtrays; Designation of Other Non-Smoking Areas:

1. “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Section by the owner, operator, manager, or other person in control of that place.
2. Each public place and place of employment where smoking is prohibited by this Section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
3. All ashtrays shall be removed from any area where smoking is prohibited by this Section by the owner, operator, manager, or other person having control of the area.
4. Notwithstanding any other provision of this Section, any employer, owner, occupant lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in this Section.

E. Exemptions: Notwithstanding any other provisions of this Section, smoking is allowed in the following areas:

1. Private residences or dwelling places, except when used as a child care, adult day care, or other healthcare facility or any other home-based business open to the public.
2. Retail tobacco stores in operation prior to January 1, 2008. The retail tobacco store shall annually file with the Illinois Department of Public Health by January 31<sup>st</sup> an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants or herbs and cigars, cigarettes, pipes or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of January 1, 2008, may only qualify for an exemption if located in a freestanding structure occupied solely by the

business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

3. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.
4. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

F. Enforcement: The Illinois Department of Public Health, State-certified local public health departments and local law enforcement agencies shall enforce the provisions of this Section and may assess fines pursuant to Section 6.08-G. Any person may register a complaint with the Illinois Department of Public Health, a State-certified local public health department or a local law enforcement agency for a violation of this Section.

G. Violations:

1. A person, corporation, partnership, association or other entity, who violates this Section, shall be fined no less than \$100 and not more than \$250 plus the Village's cost of prosecution, including reasonable attorney fees. Each day that a violation continues shall be considered a separate offense.
2. A person who owns, operates, or otherwise controls a public place or place of employment that violates this Section shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$750 for each additional violation within one year after the first violation.

H. Injunctions: The Illinois Department of Public Health, a State-certified local public health department, local law enforcement agency or any individual personally affected by repeated violations may institute, in the circuit court, an action to enjoin violations of this Section.

**6.09 NOISE** *Amended, 2020-21-20, 2013-14-06*

A. No person shall disturb peace and quiet of any other person by creating or permitting excessive noise on their or any other property. Examples of excessive noise shall include, but are not limited to:

1. The operation or allowed/permitted operation of any radio or stereo sound amplification system or other sound amplification equipment which: 1) can be heard at a distance of one hundred feet (100') or more from the source vehicle, or 2) can be heard at a distance of one hundred feet (100') from the property line of the source property, or 3) which exceeds 70db(a) (slow meter response) at the property line of any neighboring property zoned and used for residential purposes;
2. Barking or howling dogs or cats for more than fifteen consecutive minutes or more than four periods of ten to fourteen minutes within one hour;
3. Vehicles without mufflers, the unnecessary use of horns on vehicles or the unnecessary squealing of tires;
4. All off road motor vehicles, including but not limited to motorcycles, mini-bikes, all terrain cycles, snowmobiles or other like or similar motor vehicles, being operated on private property where the noise from the vehicle exceeds 70dB (slow meter response), at the property line of any neighboring property zoned and used for residential purposes or where the noise from the vehicle can be heard from a distance of one hundred feet (100') or more from the property line of the source of the noise in such a manner as to disturb the peace and comfort of occupants of neighboring or surrounding properties.

Notwithstanding the above, no off road motor vehicles, including but not limited to motorcycles, mini-bikes, all terrain cycles, snowmobiles or other like or similar motor vehicles, being operated in an area used for residential purposes may exceed a maximum 50 cc engine properly muffled.

Excluded from the provisions of this subsection are agricultural motor vehicles being used for agricultural purposes or work being performed by or on behalf of any public body or work being performed in response to weather emergencies.

5. The repetitive discharge of a firearm that occurs more than once every fifteen minutes for three or more consecutive fifteen minute intervals between the hours of 9:00 p.m. and 7:00 a.m.

B. Construction activities shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, and between 8:30 a.m. and 8:00 p.m. on Sunday.

C. The use of any power lawn mower, or other noisy lawn care or landscaping machine shall only be permitted between the later of 7:00 a.m. and sunrise and the earlier of 8:00 p.m. or sunset Monday through Sunday and shall be prohibited at any time if not properly muffled. Anything to the contrary contained herein notwithstanding, power lawn mowers may be used on golf courses between the hours of 5:30 a.m. and 8:00 p.m. 7 days a week and noisy machinery may be operated at any time in order to protect the public health and safety, however, said machinery shall be properly muffled.

D. Penalty. Each owner, occupant, or person violating this Section 6.09 shall be fined no less than \$250 and not more than \$750 plus the Village's cost of prosecution including reasonable attorney fees, for each offense. A separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.