

## **Chapter 26 – Public Nuisances**

### **Article IV – Loud and Raucous Noise**

#### **26-10 – Applicability.**

- (a) This ordinance applies to conduct which occurs within the geographic boundaries of the County of DuPage, but outside of the boundaries of any incorporated municipality.
- (b) The following sound amplifying devices are exempt from application of this ordinance:
  - i. Sounds generated by emergency equipment and work necessary for law enforcement, fire prevention, or for the health, safety, and welfare of the public.
  - ii. Sounds created by portable or stationary generators during periods when there is no electricity from the primary power supplier due to natural disaster or power outage.
  - iii. Sounds created by surface carriers engaged in interstate commerce by railroad.
  - iv. Sounds created by safety and protective warning devices where noise suppression would render the device ineffective.
  - v. Sounds created by bells, chimes, carillons, or similar instruments, operating for not more than five minutes in any one hour.
  - vi. Sounds created by commercial business activity, including but not limited to, snowplowing and garbage collection.
  - vii. Sounds originating from events which have a special event permit issued by the County of DuPage and which have received a permit for use of sound amplification devices as part of their event.
  - viii. Sounds originating from the normal and intended use of the recreational facilities of schools, colleges and public parks between the hours of 9 AM and 11 PM.

#### **26-11 – Definitions.**

“Sound Amplification Device” means any machine or device for the amplification of the human voice, music or any other noise or sound. Sound amplification devices include, but are not limited to, speakers, amplifiers, bullhorns, megaphones, radios, tape player, compact disc player, and loudspeakers.

“Instrument” means any musical instrument, whether electronically amplified or not. Instruments include, but are not limited to, bells, horns, and drums.

**26-12 – Loud and Raucous Noise, Prohibited Public Nuisance.** It shall be unlawful and a public nuisance to use or operate a sound amplifying device or instrument so that the device or instrument produces loud and raucous sounds at a distance greater than 100 feet from said device or instrument unless one has obtained a permit to do so from the County of DuPage, between the hours of 10pm and 7am.

**26-13- Penalties.** Any person who violates Section 26-12 of this Article shall be found guilty of public nuisance, with a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000). Each day a violation occurs shall constitute a separate violation. Second or subsequent violations of Section 26-12 within a one-year period shall incur a penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

**26-14 – Noise regulated by other provisions of the Code of Ordinances.**

Regulation of noise contained elsewhere in this Code shall be separate from the provision of this Article.

**26-15 – Presumption of accountability.**

- (a) The occupant or the agent of the occupant of the property, who shall knowingly permit another person to use an instrument or sound amplification device or otherwise conduct an activity in violation of this chapter, 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 penalty.
- (b) Any person in charge of operating, ordering, directing or allowing the operation or maintenance of the motor vehicle, device, or machine creating a noise-generating activity as prohibited in this chapter, shall be deemed guilty of violating this chapter.