

Chapter 38 OFFENSES AND MISCELLANEOUS PROVISIONS

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**ARTICLE I. IN GENERAL**

DIVISION 1. - NOISE CONTROL

***DIVISION 1. NOISE CONTROL***

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**Sec. 38-1. Definitions.**

All terminology used in this chapter shall be in conformance with applicable publications of the American National Standard Institute (ANSI) or its successor body.

(Ord. No. 2013-05, § 1, 12-9-2013)

**Sec. 38-2. Weighted sound level.**

This means the sound pressure level decibels as measured on a sound level meter using the "A" weighing network. The level so read is designated dB(A) or dBA.

(Ord. No. 2013-05, § 1, 12-9-2013)

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**Sec. 38-3. Hours restricted.**

- (a) *Day Hours.* No person shall cause or allow the emission of sound during the daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds 65 dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
- (b) *Night hours.* No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds 50 dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.

(Ord. No. 2013-05, § 1, 12-9-2013)

**Sec. 38-4. Variance permits.**

*Conditions for allowing variance.* Variance permits may be issued by the village to exceed the noise standards set forth in this division as follows:

- (1) *A temporary variance permit* may be issued upon request; provided, that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
- (2) *A permanent variance permit* may be issued upon request, following an investigation into the source of the noise, including what, if any, measures can be taken to reduce or eliminate the noise; the cost of any such measure; and an overall evaluation of the request including the severity of the problem weighted against the cost of the remedial measures; the benefit of the public, and the impact on the noise source.
- (3) *Revocation of variance.* Any permanent variance may be revoked by the village president if there is a significant change in the facts from the time the original variance was granted and if, following the same procedures involved in issuing the original permit, the village president should conclude it is in the best interest of the public to revoke the permit.

(Ord. No. 2013-05, § 1, 12-9-2013)

**Sec. 38-5. Exemptions.**

- (a) *Emergency operations.* Emergency short term operations which are necessary to protect the health and welfare of the citizens, such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery shall be exempt; provided, that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.
- (b) *Noises required by law.* The provisions of this chapter shall not apply to any noise required specifically by law for the protection or safety of people or property.
- (c) *Powered equipment.* Powered equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, if kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this chapter, shall be exempted.
- (d) *Community events.* "Community events" which shall include such things as parades, festivals, drum corps shows, sports events, July 4th celebrations, sanctioned or sponsored in whole or in part by local governments, schools or charitable or service organizations are exempted.

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(Ord. No. 2013-05, § 1, 12-9-2013)

**Sec. 38-6. Penalty.**

Any person, firm or corporation violating this chapter shall be fined not less than \$50.00 nor more than \$750.00 for each offense.

(Ord. No. 2013-05, § 1, 12-9-2013)

**Secs. 38-7—38-30. Reserved.**

**ARTICLE II. WEAPONS**

[Sec. 38-31. Discharge restricted; penalty.](#)

**Sec. 38-31. Discharge restricted; penalty.**

- (a) It shall be unlawful for any persons to fire or discharge any cannon, gun or pistol, including the so-called BB or air rifle or paintball gun within the corporate limits of the village without the written permission of the village board secured beforehand, except in the necessary and legal defense of person or property.
- (b) Whoever violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-10 for each and every offense.

(Ord. No. 123, 5-3-1950)