

STATE OF ILLINOIS )  
 )  
COUNTY OF FULTON )

SS.

FULTON COUNTY BOARD  
SEPTEMBER SESSION, A.D. 2011

**AN ORDINANCE REGULATING AND CONTROLLING NOISE POLLUTION  
WITHIN FULTON COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Fulton County, Illinois:

**SECTION 1 – TITLE**

This Ordinance shall be known as the “Fulton County Noise Pollution Act” and may be so cited. Penalty, see Section 8.

**SECTION 2 – PURPOSE**

To prevent noise pollution in that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

**SECTION 3 – DEFINITIONS:**

Whenever used in this Ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meaning:

**NOISE DISTURBANCE:** Any sound which may do the following:

- (a) causes annoyance or disturbs humans or which has any adverse psychological or physiological effects on humans,
- (b) endangers or injures the health or safety of humans or animals,
- (c) causes annoyance or disturbance to a reasonable person of normal sensitivities, or
- (d) endangers or injures personal or real property.

**REAL PROPERTY BOUNDARY:** A line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.

**RESIDENTIAL AREA:** An area of real property in which a residence is located and occupied.

**HOLIDAYS:** For purposes of the application of this Ordinance, the following shall be considered holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

**SECTION 4- NOISE PROHIBITIONS:**

(a) It shall be unlawful and a nuisance for any person to make, continue, or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably interferes with the comfort, health or safety of others.

(b) It shall be unlawful and a nuisance for any person to permit any noise as described in paragraph (a) of this Section to be made in or upon any house or premises owned or possessed by them or under their management and/or control.

**SECTION 5 – SPECIAL VIOLATIONS:**

The following shall be declared a nuisance and shall be unlawful:

(a) For a motor vehicle operator to operate or play any radio, musical instrument or similar device from said motor vehicle in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of twenty (20) feet.

(b) For a pedestrian to operate or play any radio, musical instrument or similar device in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of thirty (30) feet.

(c) For any person to operate or play any radio, television, musical instrument or similar device or to produce live music, sound or noise in any manner which produces or reproduces sound or noise, whether from a business, residence or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of 10:00 p.m. and 9:00 a.m., Central Standard Time (CST).

(d) For any person to operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work in such a manner that the sound there from creates a noise disturbance across a residential real property boundary, at any of the following times:

(i) Between 10:00 p.m. and 6:00 a.m., Central Standard Time (CST) on

any day of the week, or

(ii) At any time on any Sunday or holiday.

Public service utilities are exempt from this provision. Further, no person shall be adjudicated guilty of this provision if he demonstrates the existence of a bona fide emergency that necessitated performance of the work during prohibited hours.

(e) For any person to operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m., Central Standard Time (CST) so as to cause a noise disturbance across a residential real property boundary.

(f) For any person to operate a motor vehicle or any internal combustion engine, which is excessively loud, so as to disturb the quiet, comfort, or repose of persons across a residential real property boundary. This includes excessive noise levels as the result of a defective or modified exhaust system or as a result of any one or more of the following: unnecessary rapid acceleration, deceleration, engine revving or tire squealing.

#### **SECTION 6 – EXCEPTIONS:**

(a) Special performances by a band or orchestra after permits have been obtained from the County Sheriff.

(b) Ringing of bells or chimes by churches.

(c) Any noises or sounds produced by police, fire, rescue or other emergency vehicles or personnel.

(d) Organized school-related programs, activities and other events.

(e) Organized public programs, activities, events, and parades or other public programs, activities or events authorized by county government.

(f) Normal agricultural activities, including normal grain elevator operations.

#### **SECTION 7 – AUTHORITY OF THIS ORDINANCE:**

This Ordinance shall take precedence over any neighborhood covenants.

#### **SECTION 8 – PENALTY:**

It shall be unlawful to violate any of the terms and provisions of this Ordinance. Any person, firm, or corporation violating any of the said terms and provisions of the Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by fines as follows:

(a) For the first offense, the minimum fine shall be \$50.00 and the maximum fine shall be \$500.00; and

(b) For any subsequent offense, the minimum fine shall be \$150.00 and the maximum fine shall be \$1000.00.

(c) Community Service hours may be ordered by the Court in addition to the above mentioned fines and if ordered, said hours must be served within one (1) year of the date sentence is imposed by proper authorities.

(d) The violation of this Ordinance or any part thereof on more than one (1) day shall constitute separate offenses.

**SECTION 9 – VALIDITY:**

Should any Section of provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

**SECTION 10 – EFFECTIVE DATE:**

(a) This Ordinance shall become effective upon its adoption and publication as required by law.

(b) The Fulton County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Fulton County.

ADOPTED this 13th day of September, A.D. 2011.

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George W. Hall  
Chairman of the Fulton County Board

ATTEST:

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James I. Nelson  
Ex-Officio Clerk of the Fulton County Board

ADOPTED 9.13.17

1141998

JAMES I. NELSON  
COUNTY CLERK & RECORDER  
FULTON COUNTY, IL

RECORDED ON  
09/15/2011 02:49:37PM

REC FEE: 0.00  
PAGES: 5

**AN ORDINANCE REGULATING AND CONTROLLING NOISE**

**POLLUTION WITHIN FULTON COUNTY, ILLINOIS**

**ADOPTED SEPTEMBER 13, 2011**

**EFFECTIVE IMMEDIATELY**

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF FULTON    )

FULTON COUNTY BOARD  
SS.  
SEPTEMBER SESSION, A.D. 2011

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(c) For any person to operate or play any radio, television, musical instrument or similar device or to produce live music, sound or noise in any manner which produces or reproduces sound or noise, whether from a business, residence or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of 10:00 p.m. and 9:00 a.m., Central Standard Time (CST).

(d) For any person to operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work in such a manner that the sound there from creates a noise disturbance across a residential real property boundary, at any of the following times:

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Public service utilities are exempt from this provision. Further, no person shall be adjudicated guilty of this provision if he demonstrates the existence of a bona fide emergency that necessitated performance of the work during prohibited hours.

(e) For any person to operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m., Central Standard Time (CST) so as to cause a noise disturbance across a residential real property boundary.

(f) For any person to operate a motor vehicle or any internal combustion engine, which is excessively loud, so as to disturb the quiet, comfort, or repose of persons across a residential real property boundary. This includes excessive noise levels as the result of a defective or modified exhaust system or as a result of any one or more of the following: unnecessary rapid acceleration, deceleration, engine revving or tire squealing.

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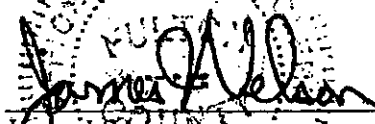
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ADOPTED this 13th day of September, A.D. 2011.

  
George W. Hall  
Chairman of the Fulton County Board

ATTEST

  
James L. Nelson  
Ex-Officio Clerk of the Fulton County Board

STATE OF ILLINOIS )  
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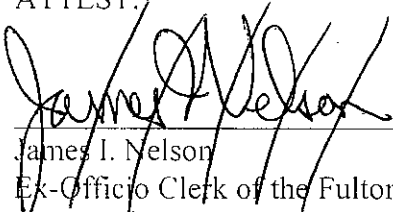
(a) This Ordinance shall become effective upon its adoption and publication as required by law.

(b) The Fulton County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Fulton County.

ADOPTED this 9th day of August, A.D. 2011.

\_\_\_\_\_  
George W. Hall  
Chairman of the Fulton County Board

ATTEST:

  
\_\_\_\_\_  
James I. Nelson  
Ex-Officio Clerk of the Fulton County Board

*Review & put on Sept 13 agenda*