

---

---

**THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

---

---

**ORDINANCE**

NUMBER 2022-26

---

---

**AN ORDINANCE AMENDING  
TITLE 5 OF  
THE VILLAGE OF BLOOMINGDALE  
CODE OF ORDINANCES  
(NOISE CONTROL)**

---

---

FRANCO A. COLADIPIETRO, Mayor

PAMELA S. HAGER, Village Clerk

VINCE ACKERMAN  
WILLIAM BELMONTE  
BILL BOLEN  
FRANK BUCARO  
PATRICK SHANNON  
JUDI VON HUBEN

Village Board

---

---

Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 13th day of June, 2022

---

---

**ORDINANCE NO. 2022-26**

**AN ORDINANCE AMENDING  
TITLE 5 OF  
THE VILLAGE OF BLOOMINGDALE  
CODE OF ORDINANCES  
(NOISE CONTROL)**

---

**WHEREAS**, the Village of Bloomingdale (hereinafter referred to as “Village”) is a Home Rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

**WHEREAS**, the Illinois Constitution of 1970 provides that the Village President and Board of Trustees (collectively, the “Corporate Authorities”) of a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

**WHEREAS**, Title 5 (Health, Sanitation and Environment) Chapter 5 (Noise Control<sup>1</sup>) and Chapter 5 (Noise Control) both prohibit certain acts related to conduct causing excessive noise in the Village;

**WHEREAS**, the Corporate Authorities of the Village desire to amend the Village Code to consolidate the two related and similarly named chapters and to provide clarification as to the specific prohibited conduct resulting in excessive noise within the Village; and

**WHEREAS**, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village’s Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

**Section One - Recitals**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section Two – Amendment to Title 5 Chapter 5 Noise Control1**

Title 5 (Health, Sanitation and Environment) Chapter 5 (Noise Control1) shall be amended as follows:

**CHAPTER 5 NOISE CONTROL4**

**5-5-1: NOISE PROHIBITED GENERALLY:**

It shall be unlawful for any person to make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, or endangers the comfort, repose, health, peace, or safety of others within the limits of the village See also subsection 11-9-7A of this code.

**5-5-2: DEFINITIONS:**

The following terms shall have the meanings ascribed to them in this Chapter:

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music or other sound. The term "sound amplifying equipment" shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND TRUCK: Any vehicle, self-propelled or otherwise, having mounted thereon or attached thereto any sound amplifying equipment.

**5-5-23: SPECIFIC ACTS PROHIBITED:**

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

A. Vehicle Noises:

1. The sounding of any horn or signaling device of any automobile, motorcycle or other vehicle on any street or public place of the village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device unnecessarily or for an unreasonable period of time.

2. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic for any reason is held up.

3. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other such noise.

4. Every motor vehicle driven or operated upon a street or highway of this Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle.

B. Exhaust: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

C. Steam Whistle: The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper village authorities.

D. Transportation Of Metal Rails, Pillars And Columns: The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

E. Radios And Phonographs: The using or operating, or the permitting to be played, used or operated, of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which the machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

F. Drums: The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by creation of noise.

G. Loudspeakers And Amplifiers: Playing, using or operating, or permitting to be played, used, or operated, any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public street for the use and purposes of commercial advertising or for attracting the attention of the public to any building or structure.

H. Yelling And Shouting: Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., or at any time or place so as to annoy or destroy the quiet, comfort or repose of persons in any office or in any dwelling, hotel, or other type of residence or of any persons in the vicinity.

I. Hawkers And Peddlers: The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

J. Animals: The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity

K. Loading, Unloading, Opening Boxes: The creating of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

L. Construction Or Repair Of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building and zoning official, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and which permit may be renewed for a period of three (3) days or less while the emergency continues.

M. Pile Drivers And Hammers: The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, between the hours of six o'clock (6:00) P.M. and seven o'clock (7:00) A.M.

N. Blowers: The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

O. Near Schools, Courts, Places Of Worship And Hospitals And Care Centers: The creation of any excessive noise on any street adjacent to any school, institution of learning, place of worship, or court of law while the same is in use, or adjacent to any hospital or care center, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital or care center, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or care center, or court of law street.

P. Sound Trucks:

1. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the village before filing a registration statement with the village clerk in accordance with Section 5-5-4 of this Chapter.

2. No person shall operate or cause to be operated in the village any sound truck for commercial sound advertising purposes with sound amplifying equipment in operation.

5-5-4: NONCOMMERCIAL SOUND TRUCK REGISTRATION:

A. Registration Statement:

1. A written registration statement shall be filed in duplicate with the village clerk and shall state the following:

a. Name and home address of the applicant.

b. Address of place of business of applicant.

c. License number and motor number of the sound truck to be used by the applicant.

d. Name and address of the person who owns the truck.

e. Name and address of the person having direct charge of the sound truck.

f. Names and addresses of all persons who will use or operate the sound truck.

g. The purpose for which the sound truck will be used.

h. A general statement as to the section or sections of the village in which the sound truck will be used.

i. The proposed hours of operation of the sound truck.

j. The number of days of proposed operation of the sound truck.

k. A general description of the sound amplifying equipment which is to be used.

      l. The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck.

          (1) The wattage to be used.

          (2) The volume in decibels of the sound which will be produced.

          (3) The approximate maximum distance for which sound will be thrown from the sound truck.

      2. The village clerk shall return to each applicant for registration hereunder one copy of said registration statement, duly certified by the village clerk, as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck is in operation, and said copy shall be promptly displayed to any police officer of the village upon request.

      B. Regulations: Noncommercial use of sound trucks in the village with sound amplifying equipment in operation shall be subject to the following regulations:

      1. The only sounds permitted shall be music or human speech.

      2. Operations shall be permitted only between the hours of eleven thirty o'clock (11:30) A.M. and one thirty o'clock (1:30) P.M. and between the hours of four thirty o'clock (4:30) P.M. and six thirty o'clock (6:30) P.M. Provided, however, that no operations shall be authorized or allowed on Sundays and legal holidays.

      3. Sound amplifying equipment shall not be operated unless the sound truck upon which equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when said truck is stopped or impeded by traffic. When a sound truck is required by traffic conditions to stop or travel at a speed of less than ten (10) miles per hour, the sound amplifying equipment shall not be operated for longer than one minute at such stop or during such travel less than ten (10) miles per hour.

      4. Sound shall not be issued within one hundred (100) yards of hospitals and care centers, schools, places of worship, or courthouses.

      5. Sound amplifying equipment shall not be operated on streets in the downtown congested traffic areas, nor upon state or county highways within the village.

      6. The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

      7. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred feet (100') from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

      8. No sound amplifying equipment shall be operated in excess of fifteen (15) watts of power in the last stage of amplification.

#### 5-5-5: ABATEMENT OF NUISANCE:

Notwithstanding any of the provisions of this Chapter, the police department is authorized to abate any nuisance or hazard created by the operation of sound amplifying equipment.

#### 5-5-36: PENALTY:

Any person, firm, or corporation who shall be convicted of violating any provision of this chapter shall be punishable as provided in section 1-4-1 of this code. Each offense shall result in a fine in the amount not less than one hundred fifty dollars (\$150.00).

### **Section Three – Amendment and Relocation of Title 5 Chapter 5 Noise Control**

Title 5 (Health, Sanitation and Environment) Chapter 5 (Noise Control) shall be deleted in its entirety and relocated pursuant to Section Two of this Ordinance.

### **Section Four – Codification**

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

### **Section Five – Home Rule Preemption**

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

### **Section Six – Effective Date:**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

### **Section Seven - Publication**

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

### **Section Eight - Conflict Clause**

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

### **Section Nine– Saving Clause**

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village's Municipal Code, which are hereby declared to be separable.

**Section Ten - Recording**

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.


***[Remainder of Page Intentionally Left Blank; Roll Call to Follow]***



**DECIDED** pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman			X	
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 13th day of June, 2022.

  
\_\_\_\_\_  
Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
PAMELA S. HAGER  
Village Clerk