

ARTICLE XXI. ENVIRONMENTAL NOISE AND VIBRATION CONTROL

Part A. General Provisions

11-4-2700 Short title.

This article may be referred to as the Chicago Environmental Noise Ordinance.

(Added Coun. J. 7-26-06, p. 81473, § 1; Amend Coun. J. 7-19-07, p. 4416)

11-4-2710 Definitions.

When used in this article, the following terms have the stated definitions:

“Air handling unit” means any device or machine that as part of its function moves air into or out of a building, and includes but is not limited to any air conditioner, ventilation fan or exhaust fan.

“Ambient noise level” means the sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this Code.

“Average conversational level” means a level at which normal, unamplified speech is clearly and distinctly audible above ambient noise level.

“District” means those districts established by the City Zoning Ordinance (Title 17 of this Code).

“Mechanical stationary source” means any machine or device operated by fuel or electric power that does not change locations in the course of its use, including but not limited to air handling units and refrigeration units. Mechanical stationary sources include sources on vehicles or trailers, including but not limited to generators, used when the vehicle or trailer is parked.

“Noise disturbance” means any sound which (1) is audible at a distance of 600 feet or more from the source; or (2) generates a sound pressure level on the public way exceeding 70 dB(A) when measured at a distance of ten feet or more from the source.

“Private open space” means any area on private property that is open to the outdoors, including but not limited to backyards, front yards, gangways and structures with windows and/or doors open to the outdoors.

“Public way” means any sidewalk, street, alley, highway or other public thoroughfare.

“Refrigeration unit” means any device or machine that as part of its function cools air, and includes but is not limited to any air conditioner or compressor used in connection with any refrigerator or freezer.

(Added Coun. J. 7-26-06, p. 81473, § 1; Amend Coun. J. 4-9-08, p. 24655, § 1)

11-4-2720 Measurement of sound pressure levels.

(a) The commissioner of environment may adopt regulations establishing preferred procedures for measuring sound pressure levels to demonstrate compliance or noncompliance with any section of this article imposing a decibel sound pressure limit.

(b) Failure to follow procedures set forth in regulations adopted pursuant to subsection (a) of this section when measuring sound pressure level affects the weight but not the admissibility of a sound pressure reading.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2730 Most restrictive limits to apply.

In case of a conflict between any sections of this article, the provision which contains the most restrictive limits applies.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2740 Remedies for violations.

(a) Unless otherwise specifically provided, a violation of the provisions of this article is subject to a fine of \$300.00 for a first offense, \$500.00 for a second offense committed within a one-year period, and \$1,000.00 for a third or subsequent offense committed within a one-year period.

(b) The commissioner of environment, or the commissioner's designee, may require any person found liable for a violation of this article to submit a compliance plan, indicating measures taken or to be taken to prevent similar violations in the future. Any such request must be responded to within 30 days, or such other time period as is set forth in the request. Failure to respond as requested shall be deemed an additional offense.

(c) If a person has submitted a compliance plan pursuant to subsection (b) of this section, and the compliance plan has been approved by the commissioner, that person shall comply with the approved compliance plan unless an alternate plan is approved by the commissioner.

(d) Nothing in this article shall be construed to impair any cause of action or legal remedy therefor of any person or the public for injury or damage arising from the emission of noise or earthshaking vibration in such place or manner, or at such levels, as to constitute a common law nuisance.

(Added Coun. J. 7-26-06, p. 81473, § 1)

Part B. Limitations on Noise from Specific Sources.

11-4-2800 Music and amplified sound.

(a) No person on the public way shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more, measured vertically or horizontally, from the source.

(b) Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

(c) The limitations imposed in this section do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, as defined in section 10-8-330 or 10-8-335 of this Code; provided that a permit has been issued, if required, and the person is in compliance with the permit.

(d) The limitations imposed in this section do not apply to emergency and non-emergency signal devices as described in sections 11-4-2815 and 11-4-2820 of this Code, respectively.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2805 Regulated entertainment businesses.

(a) No establishment holding a liquor license pursuant to Chapter 4-60 of this Code, or a public place of amusement license pursuant to Article III of Chapter 4-156 of this Code, shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound having a sound pressure level greater than 55 dB(A) when measured from within any dwelling unit; provided that, if the ambient noise level is greater than 55 dB(A), then the applicable limitation is 10 dB(A) above the ambient noise level.

(b) In addition to the limitations contained in subsection (a) of this section, the limitations contained in section 11-4-2800 of this Code apply to any entity subject to this section.

(c) A business subject to this section shall cooperate with reasonable requests by enforcement personnel for the purpose of measuring sound pressure levels produced by equipment or devices that electronically amplify sound.

(d) Where a business has been found liable for two violations of this section, and has been charged with a third violation, all within a one-year period, the commissioner of environment may recommend to the mayor or the commissioner of business affairs and consumer protection the suspension or revocation of the liquor license, the public place of amusement license, or both licenses. Such a recommendation shall be based on an evaluation of the severity of the violations, steps taken to remedy the violations, and the likelihood of successful remediation and continued compliance with this section.

(Added Coun. J. 7-26-06, p. 81473, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

11-4-2810 Mechanical stationary sources.

(a) No person shall operate or permit operation of any mechanical stationary source in such a manner as to generate sound having a sound pressure level greater than 55 dB(A) when measured from a distance of 100 feet or more from the source, or 70 dB(A) when measured from a distance of 10 feet or more from the source. The place of measurement shall be from the nearest adjacent public way, or nearest adjacent property, whichever is closer to the source.

(b) The limitation contained in this section shall apply from 8:00 p.m. to 8:00 a.m., unless the mechanical stationary source is subject to other operating hours pursuant to a permit or other written authorization issued by the department of environment.

(c) The commissioner of environment may promulgate regulations specifying uniform noise mitigation procedures for air handling units and refrigeration units. Any properly maintained equipment that complies with procedures adopted under this paragraph shall be deemed to be in compliance with subsection (a) of this section.

(d) The limits set in subsection (a) of this section do not apply to sounds generated by a generator employed to provide emergency electrical power.

(Added Coun. J. 7-26-06, p. 81473, § 1; Amend Coun. J. 4-9-08, p. 24655, § 1)

11-4-2815 Emergency signal devices.

No person shall intentionally sound or permit the sounding outdoors of any fire alarm, burglar alarm, siren or similar stationary emergency signaling device except in the following instances:

(a) For emergency purposes; or

(b) For testing, provided that:

(1) each time such a test is performed, the test shall use only the minimum cycle test time and in no case shall exceed four minutes nor shall it occur before 9:00 A.M. or after 5:00 P.M.; and

(2) periodic testing of any stationary emergency signaling device shall occur at the same time of day.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2820 Non-emergency signal devices.

(a) No person shall sound or permit the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, or any recording or electronic reproduction thereof, intended primarily for non-emergency purposes from any place in such a manner as to create a noise disturbance within a residential district for more than five minutes in an hourly period.

(b) No person shall blow or cause to be blown any steam whistle as a signal for commencing or suspending work or for any other purpose. This subsection does not prohibit the use of steam whistles as alarm signals in case of fire, collision or other imminent danger.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2825 Noise sensitive zones.

Within a noise sensitive zone, designated pursuant to section 2-30-030(18) of this Code and marked with signs conspicuously indicating the zone's boundaries, no person shall create or cause the creation of any sound so as to interfere with the functions of any school, library, church, hospital or nursing home.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2830 Loading and unloading operations.

No person shall undertake or cause the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to cause a noise disturbance within a residential district or within a noise sensitive zone.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2835 Construction, repair or demolition equipment.

(a) No person shall use or cause the use of any mechanical equipment or tool operated by fuel or electric power in building, construction, repair or demolition operations between the hours of 8:00 P.M. and 8:00 A.M. within 600 feet of any residential building or hospital.

(b) The limitation of this section does not apply to any construction, demolition or repair work of an emergency nature or to work on public improvements authorized by a governmental body or agency.

(c) This section may be enforced by designated employees of the departments of police, buildings, business affairs and consumer protection, fire, public health, revenue, streets and sanitation, transportation and zoning and land use planning, who are authorized to issue citations for violations.

(d) Any person who violates this section shall be liable for a penalty of not less than \$1,000.00 nor more than \$2,500.00 for the first violation; not less than \$2,500.00 nor more than \$5,000.00 for the second violation for the same offense within one year; and not less than \$5,000.00 nor more than \$10,000.00 for the third and each subsequent violation for the same offense within one year for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 7-26-06, p. 81473, § 1; Amend Coun. J. 11-12-08, p. 47078, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 11-19-08, p. 47220, Art. VII, § 1; Amend Coun. J. 10-7-09, p. 72418, § 1)

Part C. Other Limitations on Noise and Vibrations.

11-4-2900 Limitations on noise not otherwise addressed.

For any noise source not specifically addressed in Part B of this article, except where exempted or excluded by section 11-4-2920, the following general limitations shall apply:

(a) Between 8:00 P.M. and 8:00 A.M., no person shall generate any noise on the public way that is louder than average conversational level at a distance of 100 feet or more, vertically or horizontally, from the source.

(b) Between 8:00 P.M. and 8:00 A.M., no person shall generate any noise on any private open space that is louder than average conversational level at a distance of 100 feet or more, measured from the property line of the property from which the noise is being generated.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2910 Limitations on earthshaking vibrations.

(a) In M2 general manufacturing districts and M3 heavy manufacturing districts, any property use creating intense earthshaking vibrations shall be set back at least 300 feet from the boundary of a residence, business or commercial district and at least 150 feet from the boundary of an M1 restricted manufacturing district; provided that, there shall be no violation if the property use does not transmit beyond the lot lines any earthshaking vibrations which are perceptible without the aid of instruments.

(b) In all other districts, any property use creating earthshaking vibrations must be controlled in such manner as to prevent transmission beyond the lot line of earthshaking vibrations perceptible without the aid of instruments; provided that, this limitation does not apply where the affected adjoining property is zoned M3 (heavy manufacturing).

(c) In all zoning districts earthshaking vibrations that create a nuisance or hazard beyond the lot lines of the source are prohibited.

(Added Coun. J. 7-26-06, p. 81473, § 1)

11-4-2920 Exceptions and exclusions.

(a) Aircraft and airports. The limits set forth in this article do not apply to sounds or vibrations generated by any aircraft or generated in connection with the operation of any airport.

(b) Stadiums. The limits set forth in this article do not apply to sounds generated at any stadium.

(c) Mass transit. The limits set forth in this article do not apply to sounds or vibrations generated in the operation of any mass transit system.

(d) Special events and public performances.

(1) The limits set forth in this article do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, as defined in section 10-8-330 or 10-8-335 of this Code; provided that a permit has been issued, if required, and the person is in compliance with the permit.

(2) The limits set forth in this article do not apply to any public performance:

(A) conducted in accordance with the provisions of a special permit (not including a permit issued under section 4-268-030 of this Code) granted by the city for the conduct of a public performance; or

(B) authorized or conducted by another public entity on public land.

(3) The limits set forth in this article do not apply to any fireworks display conducted in accordance with the provisions of a fireworks permit issued under section 15-4-550 of this Code.

(e) Emergency or civic construction, demolition or repair work. The limits set forth in this article do not apply to sounds generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a governmental body or agency.

(f) Earthshaking vibrations – construction, demolition or repair work. The earthshaking vibration limits set forth in section 11-4-2910 of this article do not apply to construction, demolition or repair work conducted after 8:00 a.m. and before 8:00 p.m.

(g) Human voices. The limits set forth in this article do not apply to noise created by unamplified human voices.

(h) Manufacturing districts. The limits set forth in this article do not apply to sounds measured within any manufacturing district. This paragraph does not exclude sounds generated within any manufacturing district that are measured outside the boundary of the manufacturing district.

(Added Coun. J. 7-26-06, p. 81473, § 1)

MUNICIPAL CODE OF CHICAGO
Published by Order of the City Council, 1990
Current through Council Journal of September 8, 2010
Published by:
American Legal Publishing Corporation
432 Walnut Street, 12th Floor
Cincinnati, Ohio 45202
Tel: (800) 445-5588
Fax: (513) 763-3562
Email: customerservice@amlegal.com
Internet: <http://www.amlegal.com>