

ARTICLE IX. - NOISE POLLUTION CONTROL

FOOTNOTE(S):

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**Editor's note**—Ord. No. 7278, §§ 1—8, enacted Apr. 1, 1980, did not specifically amend the Code, but is codified herein as superseding §§ 21-131—21-134 and 21-136 which were derived from a nonamendatory Ord. No. 7144, §§ 1—6, adopted July 17, 1979, and set out herein as Art. IX, §§ 21-131—21-136.

**Cross reference**— Loud or unnecessary noises prohibited generally, § 21-7; sound-amplifying devices used in advertising, § 3-13 et seq.; muffler requirements for motor vehicles, § 19-214; building, generally, Ch. 8

Sec. 21-131. - Title.

This article shall be known as the Noise Pollution Control Ordinance.

(Ord. No. 7144, § 1, 7-17-79; Ord. No. 7278, § 1, 4-1-80)

Sec. 21-132. - Definitions.

**Antique vehicle.** A motor vehicle that is more than twenty-five (25) years of age or a bona fide replica thereof and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a fire-fighting vehicle more than twenty (20) years old which is not used as fire-fighting equipment but is used only for the purpose of exhibition or demonstration.

**Common carrier by motor vehicle.** Any person who holds himself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

**Contract carrier by motor vehicle.** Any person who engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce for compensation (other than transportation referred to in the definition of "common carrier by motor vehicle") under continuing contracts with one person or a limited number of persons either:

- (a) For the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served; or
- (b) For the furnishing of transportation services designed to meet the distinct need of each individual customer.

**dB(A).** Sound level in decibels determined by the A-weighting of a sound level meter.

**Dealer.** Every person engaged in the business of selling vehicles to persons who purchase such vehicles for purposes other than resale, and who has an established place of business for such activity in this state.

**Decibel (dB).** A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this chapter, shall be twenty (20) micronewtons per square meter (uN/m<sup>2</sup>).

**Exhaust system.** The system comprised of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, moving machines and other implements of husbandry, and every implement of husbandry which is self-propelled (sic).

Fast meter response. As specified by American National Standards Institute in document S1.4-1971, or subsequent revisions.

Gross vehicle weight (gvw). The maximum loaded weight for which a motor vehicle is registered or, for vehicles not so registered, the value specified by the manufacturer as the loaded weight of the vehicle.

Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Interstate commerce. The commerce between any place in a state and any place in another state or between places in the same state through another state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, water or air. This definition of "interstate commerce" is in Section 203(a) of the Interstate Commerce Act (49 U.S.C. Section 303(a)).

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor carrier. A common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle, as those terms are defined by paragraphs (14), (15), and (17) of Section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)). The term "motor carrier" includes those entities which own and operate the subject motor vehicles, but not the drivers thereof, unless said drivers are independent truckers who both own and drive their own vehicles.

Motor-driven cycle. Every motorcycle, motor scooter, or bicycle with motor attached, with less than one hundred fifty (150) cubic centimeter piston displacement.

Motor vehicle. Every vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.

Muffler. A device for abating the sounds of escaping gases of an internal combustion engine.

New motor vehicle. A motor vehicle the equitable or legal title to which has never passed to a person who purchases it for purposes other than resale.

Open site. An area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.

Passenger car. A motor vehicle designed for the carrying of not more than ten (10) persons, including a multipurpose passenger vehicle, except any motor vehicle of the second division as defined in I.R.S. Ch. 95½, Section 1-146, and except any motorcycle or motor-driven cycle.

Person. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

Private carrier of property by motor vehicle. Any person, not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle," who transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for sale, lease, rent or bailment, or in furtherance of any commercial enterprise.

Registered. A vehicle is registered when a current registration certificate or certificates and registration plates have been issued for it under the laws of any state pertaining to the registration of vehicles.

Snowmobile. A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

Sound. An oscillation in pressure in air.

Sound level. In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 "Specification for Sound Level Meters."

Sound pressure level. In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is twenty (20) micronewtons per square meter.

Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to ditch digging apparatus, well boring (sic) apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors, other than truck tractors, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels, and drag lines, and self-propelled cranes and other earthmoving equipment.

Tactical military vehicle. Every vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

Used motor vehicle. A motor vehicle that is not a new motor vehicle.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Ord. No. 7144, § 4, 7-17-79; Ord. No. 7278, § 2, 4-1-80)

#### Sec. 21-132.1. - Measurement procedures.

The measurement procedures to be used by the City of Joliet to determine whether the emissions of sound from motor vehicles comply with section 19½-4 shall be in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.

(Ord. No. 7278, § 3, 4-1-80)

#### Sec. 21-133. - Construction noise.

It shall be unlawful for any person to use any piledriver, shovel, hammer derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 9:30 p.m. and 7:00 a.m. except for work on public improvements and work of public service utilities, within six hundred (600) feet of any building used for residential or hospital purposes.

(Ord. No. 7144, § 2, 7-17-79; Ord. No. 7278, § 5, 4-1-80; Ord. No. 10361, § 1, 1-19-94)

#### Sec. 21-134. - Sound emission standards and limitations for motor vehicles.

##### (a) Equipment standards applicable to motor vehicles:

- (1) Exhaust system. Except for motor carriers engaged in interstate commerce regulated under federal standards contained in 40 Code of Federal Regulations Part 202 (40 CFR Part 202), no person shall operate or cause or allow the operation of a motor vehicle on a public right-of-way unless it is at all times equipped with an adequate muffler or other sound dissipative device which is:
  - a. In constant operation and properly maintained to prevent any excessive or unusual noise;
  - b. Free from defects which affect sound reduction; and

- c. Not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusual noise.
- (2) Exhaust system of motor carrier engaged in interstate commerce. No motor carrier engaged in interstate commerce regulated under 40 CFR Part 202, as amended from time to time, shall operate or cause or allow the operation of a subject motor vehicle unless the exhaust system of such motor vehicle is:
- a. Equipped with a muffler or other noise dissipative device;
  - b. Free from defects which affect sound reduction, and
  - c. Not equipped with any cutout, bypass or similar device.
- (3) Visual tire inspection. No person shall operate any motor vehicle on a tire or tires having a tread pattern which as originally manufactured, or as newly retreaded, is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This subparagraph (3) shall not apply to any motor vehicle which is demonstrated to be in compliance with the noise emission standards specified in section 21-134(b) for operation on highways with speed limits of more than thirty-five (35) mph if the demonstration is conducted at the highway speed limit in effect at the inspection location or, if speed is unlimited, the demonstration is conducted at a speed of sixty-five (65) mph.

**(b) Operational standards:**

- (1) Standards applicable to all passenger cars and to other motor vehicles with gvwt of eight thousand (8,000) pounds or less.
- a. Applicability. Subsection (b)(1) shall apply to all passenger cars regardless of weight and to other motor vehicles with a gross vehicle weight of eight thousand (8,000) pounds or less, except motorcycles and motor driven cycles.
  - b. Standards for highway operation. No person shall operate or cause or allow the operation of a motor vehicle subject to subsection (b)(1) at any time under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:
    - 1. On highways with speed limits of thirty-five (35) miles per hour or less, seventy-four (74) dB(A), or seventy-six (76) dB(A) when operating on a grade exceeding three (3) per cent, measured with fast meter response at fifty (50) feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.
    - 2. On highways with speed limits of more than thirty-five (35) miles per hour, eighty-two (82) dB(A), or eighty-five (85) dB(A) if the vehicle is equipped with two (2) or more snow or mud/snow tires, measured with fast meter response at fifty (50) feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.
- (2) Standards applicable to motor vehicles with gvwt in excess of eight thousand (8,000) pounds, including motor vehicles operated by motor carriers engaged in interstate commerce as regulated under federal standards contained in 40 CFR Part 202, as amended from time to time.
- a. Applicability. Subsection (b)(2) shall apply to the total sound produced by motor vehicles with gvwt in excess of eight thousand (8,000) pounds, including motor vehicles operated by motor carriers engaged in interstate commerce as regulated by 40 CFR Part 2 when operated under the hereinbelow specified conditions, including the sound produced by

auxiliary equipment mounted on such motor vehicle; but, shall not apply to auxiliary equipment (e.g. cranes, asphalt spreaders, ditch diggers, liquid slurry pumps, air compressors, welders, refuse compactors, etc.,) which is normally operated only when the motor vehicle is stationary or is moving at a speed of five (5) miles per hour or less.

b. Standards for highway operation. No person shall operate any motor vehicle of a type with respect to which subsection (b)(2) is applicable and which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of eighty-six (86) dB(A) measured on an open site with fast meter response at fifty (50) feet from the centerline of lane of travel on highways with speed limits of thirty-five (35) mph or less; or ninety (90) dB(A) measured on an open site with fast meter response at fifty (50) feet from the center line of lane of travel on highways with speed limits of more than thirty-five (35) mph.

c. Standard for operation under stationary test. No person shall operate any motor vehicle of a type with respect to which subsection (b)(2) is applicable, and which is equipped with an engine speed governor, which generates a sound level in excess of eighty-eight (88) dB(A) measured on an open site with fast meter response at fifty (50) feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.

**(3) Standards applicable to motorcycles and motor driven cycles:**

a. Applicability. Subsection (b)(3) shall apply to all motorcycles and motor driven cycles.

b. Standards for highway operation. No person shall operate or cause or allow the operation of a motor vehicle subject to subsection (b)(3) at any time or under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:

1. On highways with speed limits of thirty-five (35) miles per hour or less, eighty (80) dB(A), or eighty-two (82) dB(A) when operating on a grade exceeding three (3) per cent, measured with fast meter response at fifty (50) feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.

2. On highways with speed limits of more than thirty-five (35) miles per hour, eighty-six (86) dB(A) measured with fast meter response at fifty (50) feet from the centerline of travel, or an equivalent sound level limit measured in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.

c. No person shall at any time operate or cause or allow the operation of a motor vehicle subject to subsection (b)(3) which is not subject to registration for road use, on any property zoned for business or residential use, under any condition of load, acceleration or deceleration in such a manner as to exceed 82dB(A) measured with fast meter response at fifty (50) feet from the centerline of travel, or an equivalent sound level limit measured in accordance with procedures adopted by the Illinois Environmental Protection Agency on file with the Illinois Secretary of State, Index Division, as amended from time to time.

(c) Horns and other warning devices. No person shall sound a horn when upon a highway, except when reasonably necessary to insure safe operation. No person shall sound any horn on any motor vehicle for an unreasonable period of time or in a manner so as to circumvent enforcement of the operational standards contained herein.

No person shall sound any siren, whistle or bell of any motor vehicle except as provided in I.R.S. Ch. 95½, Section 12-601(b). (Ord. No. 7278, § 6, 4-1-80)

(d) Tire noise. No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because

of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency operation to avoid imminent danger shall be exempt from this provision.

Exceptions:

- (1) The standards and limitations of this subsection shall not apply to:
  - a. Any vehicle moved by human or animal power;
  - b. Any vehicle moved by electric power;
  - c. Any vehicle used exclusively upon stationary rails or tracks;
  - d. Any farm tractor;
  - e. Any antique vehicle, if licensed under Section 3-804 of the Illinois Vehicle Code;
  - f. Any snowmobile;
  - g. Any special mobile equipment;
  - h. Any vehicle while being used lawfully for racing competition or timed racing events; and
  - i. Any lawn care maintenance equipment.
- (2) Section 21-134(a)(3) shall not apply to any person who can show that a tread pattern as described in that section was the result of wear and that the tire was not originally manufactured or newly retreaded with such a tread pattern.
- (3) The operational standards contained in section 21-134(b) shall not apply to warning devices, such as horns and sirens; or to emergency equipment and vehicles such as fire engines, ambulances, police vans, and rescue vans, when responding to emergency calls; to snow plows when in operation; or to tactical military vehicles.

(Ord. No. 7144, § 3, 7-17-79; Ord. No. 7278, §§ 4, 6, 7, 4-1-80)

Sec. 21-135. - Testing procedures.

Test procedures to determine whether maximum noise emitted by motor vehicles in use meets the noise limits stated in this article shall be in substantial conformity with standards and recommended practice established by the Society of Automotive Engineers, Inc., including SAE Standard J986; SAE Standard J331; Recommended Practice J366; Recommended Practice J184; and such other and further standards as may be propounded by the enforcing department of the City of Joliet as designated by the Joliet City Council.

(Ord. No. 7144, § 5, 7-17-79)

Sec. 21-136. - Construction of article; penalty.

- (a) Article not to impair action or remedy. Nothing in this article shall be construed to impair any cause of action, or legal remedy therefore, of any person or the public for injury or damage arising from the emission or release into the atmosphere from any source whatever of noise in such place or manner, or at such level so as to constitute a common-law nuisance.
- (b) Penalty. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished in accordance with section 1-8 of the Code of Ordinances of the City of Joliet.

(Ord. No. 7144, § 6, 7-17-79; Ord. No. 7278, § 8, 4-1-80)