

VILLAGE OF DUPO, ILLINOIS

ORDINANCE NO. 21-32

**AN ORDINANCE AMENDING THE REVISED CODE OF ORDINANCES OF THE
VILLAGE OF DUPO, ILLINOIS, CHAPTER 27, ARTICLE IV
AMENDING THE VILLAGE'S LOUD AND UNNECESSARY NOISE ORDINANCE
ORDINANCE**

ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF DUPO, ILLINOIS
THIS 1st DAY OF NOVEMBER 2021

Published in pamphlet form by
authority of the Village Board
of Trustees of the Village of
Dupo, St. Clair County, Illinois,
this 1st day of November 2021.

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WHEREAS, the Village of Dupo, St. Clair County, Illinois ("Village"), is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, a public meeting was held in the Village of Dupo, Illinois at the Dupo Village Hall, 107 N. Second Street, on November 1, 2021, at 7:00 pm, before the Village Board of Dupo and notice of said meeting was duly given; and

WHEREAS, it was brought before the Village Board that it would be in the best interests of the Village of Dupo to amend Section 27-4-8 (Loud and Unnecessary Noise) of the Village's Revised Code of Ordinances, to include an increasing fine penalty per conviction; and

WHEREAS, the current penalty for Section 27-4-8 (Loud and Unnecessary Noise), in the absence of a specific penalty, is described under Section 1-1-20 (General Penalty) which states: "Any person convicted of a violation of any section of this Code shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for any one (1) offense;" and

WHEREAS, after careful investigation, the Mayor and the Board of Trustees of the Village have determined that it is necessary and in the best interest of the Village to amend Section 27-4-8 of Chapter 27, Article IV of the Village's Revised Code of Ordinances, to include an increasing fine penalty per conviction; and

WHEREAS, the Mayor and the Board of Trustees desire that Section 27-4-8, shall be amended to read as follows:

27-4-8 LOUD AND UNNECESSARY NOISE. No person in the village shall create any unnecessary noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare. The following are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this list shall not be deemed to be exclusive:

- A. Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of an approaching vehicle.
- B. Playing a radio, loudspeaker, public address system, or other electronic device in a loud and unnecessary manner;

- C. Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity.
- D. Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work;
- E. Playing music, instruments, or other devices outdoors or in an enclosed patio between the hours of 11:01 p.m. and 8:00 a.m. on Sunday through Thursday, or 12:30 a.m. and 8:00 a.m. on Friday through Saturday. This provision does not apply to music played in an enclosed building.

1. PENALTY. Any person convicted of a violation of sub-section (E) of this section shall be fined as follows:

- (i.) \$250 upon first conviction
- (ii.) \$500 upon second conviction
- (iii.) \$750 upon third conviction and any subsequent convictions

WHEREAS, the Mayor and the Board of Trustees have determined that the aforementioned amendment to Section 27-4-8 (Loud and Unnecessary Noise) is to take effect on November 1, 2021; and

WHEREAS, the Mayor and the Board of Trustees believe the aforementioned amendment to be in the best interests of the Village and its citizens; and

WHEREAS, the Village Board of Dupu, Illinois has recommended the approval of said amendment to the Village’s Revised Code of Ordinances of Dupu, Illinois;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS:

Section 1: Recitals. The aforementioned recitals are hereby adopted as findings by the Village Board and incorporated herein.

Section 2: Amendments. Chapter 27 (Public Health, Safety and Decency), Article IV, Section 27-4-8 (Loud and Unnecessary Noise) shall now hereinafter read as follows:

27-4-8 LOUD AND UNNECESSARY NOISE. No person in the village shall create any unnecessary noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare. The following are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this list shall not be deemed to be exclusive:

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1. **PENALTY.** Any person convicted of a violation of sub-section (E) of this section shall be fined as follows:

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- (ii.) \$500 upon second conviction
- (iii.) \$750 upon third conviction and any subsequent convictions

Section 3: Severability of Provisions. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

Section 4: Conflict. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Effective. The implementation of the increasing fine penalty per conviction as stated above shall be effective as of November 1, 2021.

[This space is intentionally left blank.]

PASSED this 1st day of November 2021 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

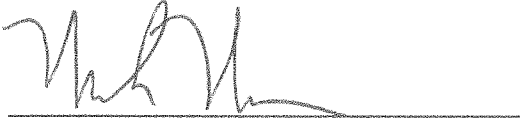
<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Joe Basinski	<u>X</u>	---	---	---
Ron Dell	<u>X</u>	---	---	---
Kerry Foster	<u>X</u>	---	---	---
Dawn Keys	<u>X</u>	---	---	---
Ken Phillips	<u>X</u>	---	---	---
Tammy Taylor	---	---	<u>X</u>	---

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 1st day of November 2021.



Jerry Wilson, Mayor
Village of Dupo, Illinois

ATTEST:



MARK NADLER, VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF PUBLICATION

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupu, Illinois.

I further certify that on the 1st day of November 2021, the Corporate Authorities of the Village of Dupu, Illinois, passed and approved Ordinance No. 21-32, entitled:

**AN ORDINANCE AMENDING THE REVISED CODE OF ORDINANCES OF THE
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 21-32, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Dupu Village Hall, commencing on November 1, 2021 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Dupu, Illinois this 1st day of November 2021.



MARK NADLER, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

CERTIFICATE OF TRUE COPY

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupu, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 21-32, entitled:

**AN ORDINANCE AMENDING THE REVISED CODE OF ORDINANCES OF THE
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to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Dupu, Illinois Village Council held on the 1st day of November 2021.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 1st day of November 2021.



MARK NADLER, Village Clerk

(SEAL)