

DEKALB POLICE DEPARTMENT

Subject: **Noise Control Ordinance Enforcement**

Policy#: **401.4**

Effective Since: 8-21-03

Originally Issued As: General Order # 35 of 1-8-88

Revision Effective: 1-1-19

FTO Training Task: # 27

Reference Material: City Ordinance Chapter 52

ILEAP Standards Covered: NA

Page 1 of 2

PURPOSE: The City of DeKalb has enacted noise control ordinances that impose limits on noises and music. The police department understands the problems that excessive noises cause and recognizes the need to keep loud parties and other noises at a tolerable level, with special emphasis on enforcement in residential areas.

POLICY: It is the policy of this department to respond to all complaints of noise and take whatever legal action is necessary to preserve the peace of the neighborhood. The department will enforce noise control ordinances.

DEFINITIONS: none

CITY ORDINANCES:

1. 52.06(a), **Keeping a Disorderly House -Business** : "No person shall keep any place of business where any person is allowed or permitted to make any loud or raucous noise clearly audible from fifty feet or more from the place of business; or to alarm or disturb another so as to create a breach of the peace; where any minor is permitted to consume intoxicating drinks of any kind; or where any person is permitted to consume or possess marijuana in violation of the Municipal Code."
2. 52.06(b), **Keeping a Disorderly House-Residential** : "No person, whether such person is an owner, renter, or otherwise responsible for, in custody of, or entrusted with a given dwelling unit or residential property, is allowed or shall be permitted to make any loud or raucous noise clearly audible from fifty feet or more from the residence; or to alarm or disturb another so as to create a breach of the peace; where any minor is permitted to consume intoxicating drinks of any kind; or where any person is permitted to consume or possess marijuana in violation of the Municipal Code."
3. 52.07, **Sound Apparatus** : this ordinance lists various distance-based regulations in section (a), which is generally any amplified sound that can be heard over 50 feet away. Section (b) lists decibel based regulations, which is generally any sound over 60 decibels from the complainant's location between the hours of 0700-2200, and 55 decibels between the hours of 2200-0700.
4. 52.08, **Noise in Public Places** : "It shall be unlawful for any reason within the City to ring any bell, sound any bong or blow any whistle or horn other than a musical instrument used in connection with a band, or use any sound signal upon a vehicle as a danger signal, or to make any other or unusual noise upon any street or other place in close proximity thereto."
5. 18.07, **Barking Dog** : "Any person who shall own or keep upon his property any dog and permit the same to bark, growl, howl or whine in a loud manner, disturbing the quiet and peace and the peaceful enjoyment of others of adjoining property or vicinity shall be deemed to be unlawfully creating, maintaining and suffering to exist a public nuisance."
6. 52.91, **Fireworks** : "A person shall not possess, offer for sale, or discharge on private property any fireworks described in the ordinance except where approved for the supervised display of fireworks."

PROCEDURE: The following procedure is the departmental guide for enforcement of the noise ordinances.

I. Receiving Noise Complaints

- A. Officers will respond to all noise complaints that may represent a violation of any ordinance.

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Page 2 of 2

- B. Officers should meet with the complainant if the complainant requests to see an officer or sign a complaint.
- C. Officers should advise the complainant of the ordinances to explain whether or not the noise is in violation.
- D. The complainant is not required to identify themselves or speak directly with an officer if he so chooses; to avoid neighbor disputes, officers should not identify the complainant to the offender if possible.
- E. In cases where the noise is not in violation, but still loud or bothersome to the complainant, the officer will inform the person responsible for the noise of the complaint and request that they voluntarily lower the noise level. If the reported noise is not detectable or disturbing, officers need not notify the person(s) responsible for the alleged noise.
- F. Officers should identify the source of the noise and advise dispatch of the exact location, if not previously known.

II. Enforcing Noise Ordinances

- A. There are several noise ordinances, as listed on Page 1 of this policy.
- B. Officers should follow this procedure for enforcing noise control ordinances:
 - 1. Attempt communication with the occupant or persons hosting the party or responsible for the noise and explain the noise violation. Obtain the name and identifiers of the person(s) responsible for the party or loud noise.
 - 2. It is the general practice of the department to warn the offender(s) prior to issuing an ordinance complaint. However, immediate issuance of a complaint can occur when:
 - a) The person or address has already received a warning within the past three months, or during the current school semester.
 - b) The noise is so excessive that any reasonable person would have realized it was a violation.
 - c) The complainant insists on signing a complaint.
 - 3. Warnings should be documented in CAD and with a Field Contact in RMS.
 - 4. Noise ordinance complaints can be issued on the current checkbox city ordinance complaint or long form city complaint and issued to the responsible or hosting person(s) with a notice to appear date.
 - 5. Bond is not required.
 - 6. In cases where it is known that the offender has received previous noise control complaints, the mail-in option should not be provided; the notice to appear applies in repeat offense cases.
 - 7. The narrative of the city ordinance complaint and/or police report should document the elements of the violation, describing the noise and distance it was heard from.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.