

EXHIBIT A

EGELSTON TOWNSHIP ORDINANCE NO. 2023-1

AN ORDINANCE TO AMEND TOWNSHIP NOISE ORDINANCE

EGELSTON TOWNSHIP ORDAINS:

Section 1. The Township Board amends Article, V Division 2 of the Township Code of Ordinances, entitled "Noise," as follows:

Sec. 22-172 Unlawful Noises Generally

No person may make or cause to be made any unreasonably loud or unnecessary noise that would disturb the quiet, comfort, or repose of a reasonable person in the vicinity. A violation of this Division is a public nuisance per se.

Section 22-173. Unlawful Noises Enumerated

The following non-exhaustive list of acts or occurrences are declared to be unlawful noises in violation of this Division and are public nuisances per se if they would disturb the quiet, comfort, or repose of a reasonable person in the vicinity:

- (1) Music instruments or sound amplification devices, including speakers, stereos, recorded music or live bands, if the volume is louder than what is reasonably necessary for people in the building, venue, or vehicle to conveniently hear the sound.
- (2) Shouting, whistling, hooting, yelling, or making other loud noises on the public streets, sidewalks, bike pathways, or other public spaces in the Township.
- (3) Operating a motor vehicle, motorized bicycle, or machine in a manner that creates excessive noise, including unnecessary motor sounds, squealing tires, grating, or grinding noises.
- (4) Any animal that makes noises (including barking) for a continued duration in a manner that disturbs the quiet, comfort, or repose of a reasonable person located on a different parcel than the animal.
- (5) Operating or permitting the operation of construction, excavation, demolition, or similar equipment or machinery between the hours of 10:00 p.m. and 7:00 a.m.
- (6) Operating any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles, or vehicles

of any kind in a manner that disturbs the quiet, comfort, or repose of a reasonable person located on a different parcel.

Section 22-174: Prima Facie Evidence of Violation

If a noise enumerated above occurs between the hours of 10:00 p.m. and 7:00 a.m. and is plainly audible at a distance of 50 feet from the building, venue, or vehicle from which it emanates, it is prima facie evidence of a violation of this Division.

Section 22-175: Exceptions.

(1) The provisions of this Division do not apply to:

- (a) **Emergency work.** The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (b) **Agricultural or Related Seasonal Work.** Agricultural or related seasonal type or work that is of a timely nature, such as crop planting, tending crops and harvesting crops or timbering.
- (c) **Existing Industrial Land Uses.** Customary sounds from existing industrial land uses that are lawfully operating in the Township.
- (d) **Lawful Firearm Use.** Noise from a discharge of a firearm that is authorized under state or federal law.
- (e) **Mandated Noise.** Noise mandated by law or regulation, including testing of school buses and equipment.

(2) The Township Board may grant a variance under this Article to permit noises of a kind or during hours otherwise prohibited, after notice and hearing, upon a showing that compliance with this Division would constitute an unreasonable hardship on the applicant, on the community, or on other persons.

Section 22-176. Violations.

A violation of this Division constitutes a civil infraction. The Township also may take any other action permitted at law or equity, including seeking injunctive relief in a court of competent jurisdiction.

Section 22-177. Severability.

Should any portion of this Division be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Division.

Section 2: Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3: This Ordinance is effective 30 days after publication.