

**ORDINANCE NUMBER 24-17**

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING SECTION 93.99, PENALTIES, OF THE VILLAGE CODE TO ALIGN WITH RECENT AMENDMENTS TO SECTION 93.11 REGARDING NOISE**

**WHEREAS**, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Village desires to amend the Village of East Dundee Village Code (“Village Code”) to provide rules and regulations relating to its noise ordinance; and

**WHEREAS**, in August of 2023, the Village passed Ordinance Number 23-36 amending certain provisions of the Village Code pertaining to noise violations; and

**WHEREAS**, Section 93.11 of the Village Code, Subsection B was amended to adjust hours for noise and other amplified sounds from midnight to 11:00pm, Sunday through Thursday, and Section 93.11 of the Village Code, Subsection D, was amended to include availability of a special use permit for hardship circumstances related to the Noise Ordinance; and

**WHEREAS**, the Village wishes to amend Village Code Section 93.99 to adjust the Penalty provisions to align with the amendments as reflected in Ordinance Number 23-36; and

**WHEREAS**, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code; and

**NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

**SECTION 2: Amendments.** That the Village Code is hereby amended as follows, with additions **bolded and underlined** and deletions ~~struck through~~:

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no penalty is prescribed shall be subject to § 10.99.

(B) Any person violating § 93.08 shall be fined not less than \$25, nor more than \$750, for each offense. The violation of § 93.08 is hereby declared to be a public nuisance and shall be abated in the manner provided by law.

(C) (1) Except as provided below in division (C)(2), any person, firm, or corporation violating any provision of § 93.11 shall be fined not less than \$25 nor more than \$5,000 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(2) The first violation of § 93.11 ~~(E)~~ **(B)(3)(a) and/or (B)(3)(b)** in a 12-month period shall be punishable by a fine of not less than \$450 **\$250** or more than \$5,000. A subsequent violation by the same person which occurs within 12 months of a previous conviction shall be punishable by a fine of not less than \$100 more than the prior minimum fine but not more than \$5,000.

**SECTION 3: Continuation.** That all provisions of the Village Code not amended herein shall remain in full force and effect.

**SECTION 4: Severability.** That if any Section, paragraph or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

**SECTION 6: Effect.** That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

**PASSED** this 6<sup>th</sup> day of May 2024 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Brittin, Saviano, Treiber and Sauder

NAYES: None

ABSENT: None

**APPROVED** by me this 6<sup>th</sup> of May 2024.



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Jeffrey Lynam, Village President

**ATTEST:**



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Katherine Diehl, Village Clerk