



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS**

ADMINISTRATION

MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: William R. Gray, Public Works Director
DATE: September 5, 2013
**RE: Amendment to Section 16-7 of the Code of Ordinances
(Noise from Construction Equipment)**

INTRODUCTION

On May 6, 2013, the City Council approved Ordinance No.2103-04-036, An Ordinance Amending Chapter Sixteen of the Urbana City Code (Noise Ordinance). In Section 16-7 of the ordinance, there was an omission for the hours of noise restrictions on Sundays. The attached ordinance includes those hours of construction equipment noise restrictions for Sundays between the hours of 8:00 p.m. Sunday and 7:00 a.m. Monday.

RECOMMENDATION

It is recommended that the attached ordinance amendment be approved.

ORDINANCE NO. 2013-09-077

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER SIXTEEN,
SECTION 16-7 REGARDING NOISE AND VIBRATIONS
(To Clarify when Construction Operations are Prohibited)**

WHEREAS, the City of Urbana, a municipal corporation and body politic, has adopted an ordinance commonly known as the Noise and Vibrations Ordinance which is comprised of Section 16-1 *et seq.* of the Urbana City Code (hereinafter, the “Noise Ordinance”); and

WHEREAS, on May 6, 2013, the City Council of the City of Urbana amended the Noise Ordinance, *inter alia*, to change the times of day when construction or maintenance equipment may be operated outside of an enclosed building; and

WHEREAS, the Noise Ordinance approved by the City Council, as currently written, includes Section 16-7 which provides:

It shall be unlawful for any person to use any Construction Equipment to perform any construction or maintenance outside of any completely enclosed building at any time between the hours of 8:00 p.m. and 7:00 a.m., Monday through Saturday, between 8:00 p.m. Saturday and 12:00 p.m. Sunday, where such Construction Equipment is operated within six hundred (600) feet of any Residence, hospital, or place of worship, unless the use of such equipment or tools is necessary to address an emergency which, if left unaddressed, would cause or create harm, danger, or serious inconvenience to any person or property.

and

WHEREAS, as currently drafted, the Noise Ordinance makes no provision concerning construction and equipment noise after 12:00 p.m. (noon) on Sunday to 7:00 a.m. on Monday;

and

WHEREAS, the City Council deems it appropriate and necessary to amend Section 16-7 of the Urbana City Code to clarify the hours when the operation of construction and maintenance equipment may be operated outside of an enclosed building.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF URBANA, ILLINOIS AS FOLLOWS:

Section 1: Section 16-7 of the Urbana City Code shall be and hereby is amended such that it reads as follows with the text stricken through to be deleted and the text underlined to be included:

It shall be unlawful for any person to use any Construction Equipment to perform any construction or maintenance work outside of any completely enclosed building at any time between the hours of 8:00 p.m. ~~and through~~ 7:00 a.m., Monday through Saturday, ~~and~~ between 8:00 p.m. Saturday ~~and through~~ 12:00 ~~p.m.~~ noon Sunday, and between 8:00 p.m. Sunday through 7:00 a.m. Monday, where such Construction Equipment is operated within six hundred (600) feet of any Residence, hospital, or place of worship, unless the use of such equipment or tools is necessary to address an emergency which, if left unaddressed, would cause or create harm, danger, or serious inconvenience to any person or property.

such that the text of said Section 16-7, after such amendment, shall read as follows:

It shall be unlawful for any person to use any Construction Equipment to perform any construction or maintenance work outside of any completely enclosed building at any time between the hours of 8:00 p.m. through 7:00 a.m., Monday through Saturday, between 8:00 p.m. Saturday through 12:00 noon on Sunday, and between 8:00 p.m. Sunday through 7:00 a.m. on Monday, where such Construction Equipment is operated within six hundred (600) feet of any Residence, hospital, or place of worship, unless the use of such equipment or tools is necessary to address an emergency which, if left unaddressed, would cause or create harm, danger, or serious inconvenience to any person or property.

Section 2: Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby and shall be re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3: This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4: The City Clerk is hereby directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the City Council of the City of Urbana, Illinois, at a meeting of said Council at which a quorum was present.

PASSED BY THE CITY COUNCIL this _____ Day of _____, 2013.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Phyllis D. Clark, City Clerk.

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this _____ Day of _____, 2013.

Laurel Lunt Prussing, Mayor.