

VILLAGE OF BARTLETT
VILLAGE HALL, 228 S. MAIN STREET
COMMITTEE AGENDA
July 2, 2024

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **TOWN HALL:** (Note: Three (3) minute time limit per person)
4. **STANDING COMMITTEE REPORTS:**
 - A. **BUILDING AND ZONING COMMITTEE, CHAIRMAN GUNSTEEN**
 1. 231-251 E. Lake Street
 - B. **LICENSE AND ORDINANCE COMMITTEE, CHAIRMAN HOPKINS**
 1. Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitations
5. **ADJOURNMENT**



Agenda Item Executive Summary

AGENDA ITEM: #2024-07 231-251 E Lake Street BOARD OR COMMITTEE: Committee

BUDGET IMPACT

Amount \$N/A Budgeted \$N/A

Fund: N/A Corresponding Activity Measures: P&Z Commission Review

EXECUTIVE SUMMARY

The applicant is requesting the rezoning of three (3) parcels from the ER-1 Estate Residence Zoning District to the B-3 Neighborhood Shopping Zoning District. The properties were recently annexed into the Village and are subject to an annexation agreement.

The rezoning of the property for commercial uses is consistent with the Future Lane Use Plan, the approved annexation agreement and the draft Redevelopment Plan of the Lake Street Corridor TIF District.

ATTACHMENTS (PLEASE LIST)

PDS Memo, cover letter, application, location map

RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: Continue process for establishing a TIF district along Lake Street

Short Term (1-3 Years): Routine Complex

Long Term (3-5 Years): Routine Complex

ACTION REQUESTED

- For Discussion Only - To review and forward to the Planning & Zoning Commission to conduct the public hearing
- Resolution
- Ordinance
- Motion

Staff: Kristy Stone, PDS Director

Date: May 10, 2024

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

24-49

DATE: June 21, 2024
TO: Paula Schumacher, Village Administrator
FROM: Kristy Stone, PDS Director *KS*
RE: **(#24-07) 231-251 E Lake St**

PETITIONER

Stephen French

SUBJECT SITE

231-251 E Lake St

REQUESTS

Rezoning from the ER-1 Estate Residence Zoning District to the B-3 Neighborhood Shopping Zoning District

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Commercial	Commercial	ER-1
North	Multi-Family & Commercial*	Multi-Family & Commercial*	R-5&C-2*
South	Middle School	Institutional	P-1
East	Commercial	Commercial	B-4
West	Commercial	Commercial	B-3

* - Streamwood

CURRENT DISCUSSION

1. The petitioner is requesting to **rezone** three parcels on the south side of E. Lake Street from the ER-1 Estate Residence Zoning District to the B-3 Neighborhood Shopping Zoning District.
2. The property was annexed into the Village on May 21, 2024 by Ordinance 2024-44 and is subject to an annexation agreement.
3. The subject property is included within the proposed Lake Street Corridor TIF District. The rezoning of the property for commercial uses is consistent with the draft Redevelopment Plan of the Lake Street Corridor TIF.

RECOMMENDATION

1. The Staff requests forwarding the application to the Planning and Zoning Commission for review and to conduct the public hearing.
2. A letter from the petitioner, application, location map, and floor plan are attached for your review.

/attachments

[https://bartlett.il.sharepoint.com/sites/pds_team/shared documents/general/memos 2024/049_231_251 lakest_vbc.docx](https://bartlett.il.sharepoint.com/sites/pds_team/shared%20documents/general/memos%202024/049_231_251%20lakest_vbc.docx)

LAW OFFICES OF
FRANCIS J. BONGIOVANNI
108 BOKELMAN STREET ROSELLE, IL 60172
PHONE (630) 295-8555 FAX (630) 295-9555
francis@bongiovannilaw.com

SENT VIA HAND DELIVERY

March 26, 2024

Village President and Board of Trustees
Village of Bartlett
228 S. Main Street
Bartlett, Illinois 60103

**Re: SEM Vanderbilt, LLC Annexation
231 -251 Lake Street, Bartlett**

Dear Village President and Board of Trustees:

I represent SEM Vanderbilt, LLC the owner of property located at 231-251 E. Lake Street. Petitioner is seeking to annex 1.4 acres located in unincorporated Cook County and rezone it from ER-1 to B-3.

Petitioner has submitted a Development Application with all the required materials. Myself as well as Stephen French will be available in person to discuss the request and answer any questions that the Village Board may have. Thank you for your consideration.

Yours truly,

Francis Bongiovanni

C: Stephen French



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only
Case # 2024-07

PROJECT NAME 231-251 E Lake St

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Stephen French

Street Address: 1601 Weld St

City, State: Elgin, IL

Zip Code: 60123

Email Address: sfrench1@hotmail.com

Phone Number: 847-366-4749

Preferred Method to be contacted: email

PROPERTY OWNER INFORMATION

Name: SEM Vanderbilt LLC

Street Address: same as above

City, State: _____

Zip Code: _____

Phone Number: 

OWNER'S SIGNATURE: _____

Date: June 20, 2024

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

ACTION REQUESTED (Please check all that apply)

- Annexation
 - PUD (preliminary)
 - PUD (final)
 - Subdivision (preliminary)
 - Subdivision (final)
 - Site Plan (please describe use: commercial, industrial, square footage): _____
 - Unified Business Center Sign Plan
 - Other (please describe) _____
- Text Amendment
 - Rezoning ER-1 to B-3
 - Special Use for: _____
 - Variation: _____

SIGN PLAN REQUIRED? Yes or No

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFORMATION

Common Address/General Location of Property: 231-251 E Lake Street

Property Index Number ("Tax PIN"/"Parcel ID"): 06-26-304-002, 06-26-304-003, 06-26-304-004

Zoning: Existing: ER-1
(Refer to Official Zoning Map)
Proposed: B-3

Land Use: Existing: commercial
Proposed: commercial

Comprehensive Plan Designation for this Property: Commercial
(Refer to Future Land Use Map)

Acreage: 1.4 +/-

For PUD's and Subdivisions:

No. of Lots/Units: _____

Minimum Lot: Area _____ Width _____ Depth _____

Average Lot: Area _____ Width _____ Depth _____

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney Francis Bongiovanni

108 N. Bokelman Street

Roselle, IL 60172

Engineer

Other

FINDINGS OF FACT FOR REZONING

Both the Planning & Zoning Commission and Village Board must decide if the requested rezoning meets the standards established by the Village of Bartlett Zoning Ordinance.

The Planning & Zoning Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Planning & Zoning Commission and Village Board to review.)**

1. That the proposed rezoning is compatible with existing uses of property within the general area of the property in question.

The rezoning to B-3 would be compatible with the existing uses of the properties along
the Lake Street frontage, including 7-11, Dairy Queen, auto repair and restaurants.

2. That the proposed rezoning is compatible with the zoning classifications of properties within the general area of the property in question.

The properties immediately to the west are currently zoned B-3 and properties to the east
are zoned B-4.

3. That the proposed use of the property in question is compatible with the uses permitted under the existing zoning classification.

The anticipated proposed uses will be those that are permitted or special uses in the B-3
Zoning District.

4. The trend and character of development, if any, in the general area of the property in question, including changes, if any, that have taken place in the zoning classifications of property in the general area of the property in question.

The trend and character of the Lake Street corridor has been consistent with the request to rezone the property to B-3.

5. The depreciatory or appreciatory impact, if any, of the proposed development upon surrounding properties in the general area of the property in question.

The rezoning and future redevelopment of this property with commercial uses will have a positive impact on the surrounding properties.

6. The environmental impact of the proposed development if a commercial or industrial use is proposed, or any floodway, flood plain, or wetlands is located on or in the general vicinity of the property in question.

There will be not be any negative environmental impact on the property or area.

7. That the proposed rezoning is in compliance with the Bartlett comprehensive plan or its amendments.

The rezoning is consistent with the Future Land Use Plan and the proposed redevelopment plan for the Lake Street Corridor and is included in the Strategic Plan.

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8. That if the proposed rezoning is not in conformance with the comprehensive plan, the Planning and Zoning Commission shall not recommend its adoption unless it finds, based upon the specific findings, that the adoption of such amendment is in the public interest and is not solely for the financial interest of the applicant, and that either the proposed amendment will correct an existing error or conditions have changed that make the proposed amendment necessary.

Not applicable

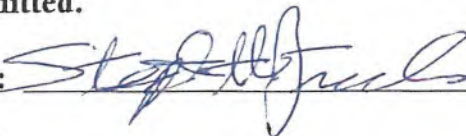
ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: _____



PRINT NAME: Stephen French _____

DATE: _____

JUNE 20, 2024

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: Not applicable _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL: _____

SIGNATURE: _____

DATE: _____



Zoning/Location Map

#2024-07 231-251 E. Lake St
REZONING FROM ER-1 to B-3





Agenda Item Executive Summary

AGENDA ITEM: An Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitations

BOARD OR COMMITTEE: Committee

BUDGET IMPACT

Amount \$ 0

Budgeted \$

Fund: Corresponding Activity Measure: Police Department Responded to 284 Noise Complaints

EXECUTIVE SUMMARY

Attached is an ordinance amending the Bartlett Municipal Code regarding noise limitations.

The police department is requesting amendments to three sections of the Village Code that pertain to noise limitations. Section 4-3-4 "Excessive Noise," Section 3-22-2 "Amplifier Regulations," and Section 1-15-4 "Complaints and Notices of Hearing Procedures."

The amendments to Section 4-3-4 would add residential to the areas the excessive noise ordinance would apply and remove all language regarding special permits to allow a property owner to exceed the village's noise maximums. The Village has not issued any special use permits in the past, and the amplifier permit requirements in Section 3-22-2 address this issue.

The amendments to Section 3-22-2 would add an amplifier definition and modify the time and distance requirements for the operation of an amplifier within the Village. It would also remove subsection E since the Village cannot restrict profanity alone under the first amendment.

The amendments to Section 1-15-4 would add Section 4-3-4 and Section 3-22-2 to the list of offenses which allow first time violators the option of avoiding an in-person appearance at an administrative hearing by paying a fine of one hundred dollars (\$100.00) within ten (10) days after service of the notice of violation.

The proposed amendments to the Village Code would allow for enforcement action to be taken if a noise violation occurred and was not abated.

ATTACHMENTS (PLEASE LIST)

Police Department Memo

Ordinance

RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: CONTINUE TO ENHANCE AND IMPROVE EFFICIENCY OF SERVICE DELIVERY METHODS AND APPROACHES

Short Term (1-3 Years): Routine Complex

Long Term (3-5 Years): Routine Complex

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Rob Sweeney, Deputy Chief of Operations

Date: July 2, 2024

POLICE DEPARTMENT MEMORANDUM
24-24

DATE: July 2, 2024

TO: Paula Schumacher, Village Administrator

FROM: Rob Sweeney, Deputy Chief of Operations

RE: Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitations

In the last year, the Police Department responded to 284 noise complaints throughout the village. Many of these complaints occurred in residential areas, specifically 92 complaints were received from the residents of the Bartlett Lake apartment complex.

Section 4-3-4 of the Village Code "Excessive Noise," currently states, no person shall cause or allow sound beyond the boundaries of said person's property located within any industrial, business, or public land area that unreasonably interferes with the enjoyment of life or with any lawful business and/or activity.

The amendments to Section 4-3-4 of the Village Code would add residential to the areas the excessive noise ordinance would apply and remove all language regarding special permits to allow a property owner to exceed the village's noise maximums. The Village has not issued any special permits in the past, and the amplifier permit requirements in Section 3-22-2 of the Village Code address this issue.

The amendments to Section 3-22-2 of the Village Code "Amplifier Regulations," are to add an amplifier definition and modify the time and distance requirements for the operation of an amplifier within the Village. The proposed amendments state that the operation of an amplifier between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday, in such a manner as to be plainly audible at a distance of one hundred fifty (150) feet from the point of origin will be presumed to be unreasonably loud. It would also state that the operation of an amplifier between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, and between the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday, in such a manner as to be plainly audible at a distance of seventy-five (75) feet from the point of origin will be presumed to be unreasonably loud. The final amendment would remove subsection E since the Village cannot restrict profanity alone under the First Amendment. The Village can rely on its general nuisance abatement authority if there are other concerns with the sound/music from an amplifier outside of profane language.

The amendments to Section 1-15-4 of the Village Code "Complaints and Notices of Hearing Procedures" were to include Section 4-3-4 "Excessive Noise" and Section 3-22-2 "Amplifier Regulations" to the offenses which allow first time violators the option of avoiding an in-person appearance at an administrative hearing by paying a fine of one hundred dollars (\$100.00) within ten (10) days after service of the notice of violation.

These proposed amendments to the Village Code would allow for enforcement action to be taken if a noise violation occurred in residential areas of the Village and was not abated.

ORDINANCE 2024 - _____

**AN ORDINANCE AMENDING THE BARTLETT MUNICIPAL CODE REGARDING
NOISE LIMITATIONS**

WHEREAS, the Village of Bartlett ("**Village**") is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970, and has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village has previously adopted regulations governing excessive noise and established prohibitions and permitting procedures for the use of amplifiers; and

WHEREAS, the Village finds it in the public interest to revise and clarify the Village's regulations prohibiting excessive noise and the use of amplifiers as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Bartlett, DuPage, Kane, and Cook Counties, Illinois, pursuant to its home rule authority, as follows:

SECTION 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Amendment to Section 1-15-4 of the Village Code. That Section 1-15-4, "Complaints and Notices of Hearing Procedures," of Chapter 15, "Administrative Adjudication of Nonvehicular Ordinance Violations," of Title 1, "Administrative," of the Bartlett Municipal Code is hereby amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

"1-15-4: COMPLAINTS AND NOTICES OF HEARING PROCEDURES:

The system of administrative adjudication of nonvehicular regulations violations shall be conducted in accordance with the following procedures to assure defendants are afforded due process of law:

A. Issuance Of Violation Notices And Citations: Violation notices may be issued by any authorized person and shall contain information and shall be served, certified and have evidentiary value as hereinafter stated. Certain violation notices may be issued in the form of an "LA" citation allowing the recipient to pay the stated fine prior to any hearing. If the recipient fails to pay the required fine within the allotted time under the "LA" citation, the violation notice will be processed through the administrative adjudication system as otherwise provided for in this chapter.

Options for persons charged with certain offenses:

1. Persons charged **for the first time** with a violation of the following sections and/or subsections: subsection 5-3-2A, "Disorderly Conduct"; C, "False Alarms"; D, "Loitering On Public Property Or In Public Places"; E, "Loitering On Business Property"; 5-3-3D, "Trespassing Prohibited"; section 5-5-1, "Curfew"; 5-5-3, "Truancy Prohibited"; subsection 7-1-8A, "Obstruction"; section 8-6-1, "Discharge, Exhibition Prohibited"; **Section 4-3-4, "Excessive Noise"; and Section 3-22-2, "Amplifier Regulations"**, this Code, shall have the option of avoiding an appearance at an administrative hearing by paying a mandatory fine of one hundred dollars (\$100.00) within ten (10) days after service of the notice of violation. Payment of the fine is an admission of liability and will act as a final determination of liability disposition of the violation.

2. Persons charged with a violation listed in section 1-4-6 of this title shall have the option of avoiding penalties and an appearance at an administrative hearing by timely paying the fine and following the procedures set forth in section 1-4-7, "Penalties And Settlement Procedures For Certain LA Offenses", of this title. Payment of the fine is an admission of liability and will act as a final determination of liability disposition of the violation.

[...]"

SECTION 3. Amendment to Section 4-3-4 of the Village Code. That Section 4-3-4, "Excessive Noise," of Chapter 3, "Nuisances," of Title 4, "Health and Sanitation," of the Bartlett Municipal Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~):

"4-3-4: EXCESSIVE NOISE:

[...]

C. **Excessive Noise Prohibited** ~~Noise Limits:~~ Except as provided in subsection D of this section, no person shall **make, continue, or cause to be made or continued any excessive, unnecessary or unreasonably loud noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Village.** ~~cause or allow sound beyond the boundaries of said person's property located within any industrial, business or public land area that unreasonably interferes with the enjoyment of life, disturbs or with any lawful business and/or activity.~~ **For properties located in industrial, business, or public land area, noise will be presumed to be excessive or unreasonably loud** if it ~~or so as to exceeds~~ the applicable limits established in sections 901.102, 901.103, 901.104, 901.105 and/or 901.106 adopted in subsection A of this section. **This subsection shall not be construed as requiring the Village to cite a person or property owner for violations of this section, if, in the discretion**

of the Village, the Village determines that it is in the best interests of the public health, safety, and welfare to utilize other lawful means to gain compliance.

D. Exceptions. The provisions herein shall not be construed to prohibit, restrict, penalize, enjoin or in any manner regulate sounds emitted from any of the following:

1. Emergency warning devices and unregulated safety relief valves.

2. Agricultural field machinery used during daytime hours. For the purposes of this subsection, grain dryers operated off the farm shall not be considered agricultural field machinery.

3. Lawn care maintenance equipment used between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. Mondays through Fridays, inclusive, and between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. on Saturdays, Sundays and nationally recognized holidays; on golf course property at any time; and park district owned and/or operated property at any time.

4. Equipment being used for construction between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. on Mondays through Fridays, inclusive, and between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. on Saturdays and Sundays.

5. The operation of any vehicle registered for highway use while such vehicle is being operated in the course of ingress to and egress from a highway.

~~6. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way occurring between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M., and if sound will be amplified in connection therewith, when an amplifier permit has been issued by the corporate authorities pursuant to the applicable provisions of this code.~~

~~67.~~ Playlots or tot lots, playgrounds, playfields or athletic fields, recreational centers, gymnasiums, athletic clubs or swimming pools.

~~78.~~ Organized amateur or professional sporting activities.

~~9.~~ A permitted activity pursuant to a special variance as set forth in subsection I of this section, subject to the terms, conditions and restrictions of said special variance.

840. Railroad trains in transit through the village.

940. Operation of snow removal equipment on streets and/or rights of way, including the loading and unloading of salt, sand or similar substances into said vehicles on any public land area.

1042. Operation of street sweepers on streets and/or rights of way between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M.

1143. The testing of a stand by or emergency generator ("generator") and the operation of said generator during periods when the primary source of power has been interrupted or has otherwise been disrupted. This exception shall not apply, however, to the use of any power cogeneration equipment operated by any person within the village.

1244. Noise emissions associated with a lawfully organized and supervised civic or public celebration or parade.

~~15. Emissions of sound from any area that is not zoned as industrial, business and/or public lands areas as those terms are defined herein.~~

1346. Permitted activities pursuant to a carnival license or amplification permit subject to the terms and conditions of said license or permit.

E. Territorial Applicability. Nothing in this section shall be construed as regulating any noise emissions originating outside of the Village. This section shall be construed as applying to all sounds ~~emitted from industrial, business and/or public land areas~~, regardless of whether said sounds affect receiving areas located within the village or outside the village.

F. Other Private Or Public Action Not Impaired: Nothing in this section shall be construed to impair any cause of action, or legal remedy therefor, including actions under the rules and regulations of the Illinois environmental protection agency and Illinois pollution control board, or either of them, of any person or the public arising from the emission or release of noise from any source whatever.

G. Abatement Of Noise Source: Upon finding of a violation of the standards herein established, the person causing or permitting the noise to continue shall be advised of the violation and given an opportunity to abate the noise level. ~~to an acceptable standard within such time period provided in a special permit granted by the corporate authorities pursuant to subsection I of this section. In the event the violator fails to apply for a special permit in order to abate the noise level within the time prescribed in a notice sent by the community development director, the village may proceed to enforce this section against the violator.~~

H. Inspections: Any village law enforcement officer, or code enforcement official, in addition to any other authority vested in said officer or official, has the power, upon presentation of proper credentials, to enter and inspect any property, building, structure or premises within the village as may be necessary to enforce the provisions of this section, provided permission is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this section may exist, before such entry or inspection is made. Notwithstanding the foregoing, however, such permission shall not be required from a person believed to be in violation if such permission is attained from adjoining landowners to perform said inspections and testing.

~~1. Special Permit: The corporate authorities shall have the authority, consistent with this section, to grant a temporary special permit as follows:~~

~~1. Any person seeking a special permit pursuant to this section shall file an application with the corporate authorities. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this section would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for a special permit shall be given by the applicant for a special permit to the owners of property within two hundred fifty feet (250') of the property upon which the applicant's activity or proposed activity that is generating or will generate sound emissions. Any person who claims to be adversely affected by allowance of a special permit may file an objection with the corporate authorities containing any information to support his, her or its claim.~~

~~2. In determining whether to grant or deny the application, the corporate authorities shall consider the following factors: a) the hardship to the applicant, the community and other persons of not granting the special permit, including the cost of complying with permitted noise levels; and b) the adverse impact on the health, safety and welfare of persons affected; the adverse impact on property affected; and any other adverse impact of granting the special permit, including the level and duration of sound emissions. Applicants for a special permit and persons contesting a special permit may be required to submit any information the corporate authorities may reasonably require. In granting or denying an application, the corporate authorities shall place on public file a copy of the decision and the reasons for denying or granting the special permit.~~

~~3. The corporate authorities may grant a special permit license to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special permit shall not become effective until all conditions have been satisfied by the applicant. Noncompliance with any condition subsequent to issuance of the special permit shall be grounds to terminate it and~~

~~subject the person holding it to the provisions of this section regulating the source of sound or activity for which the special permit was granted.~~

~~4. Application for extension of time limits specified in special permits or for modification of other substantial conditions shall be treated like applications for initial special permits.~~

~~5. Enforcement of this section may be stayed by the corporate authorities as to any person filing an application for a special permit pursuant to this section, until such time as the application is acted upon by the corporate authorities, if the corporate authorities determine that any ongoing violations do not constitute a nuisance and/or are not a threat to the health, safety and welfare of persons residing in any residential areas adjacent to or in close proximity to the applicant's property.~~

IJ. Nuisance, Injunction: Any violation of this section is declared to be a nuisance. In addition to any other relief provided herein, the village attorney and/or the village prosecutor may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, preliminary injunction and/or permanent injunction.

JK. Penalty: Any person violating any provision of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues."

SECTION 4. Amendment to Section 3-22-2 of the Village Code. That Section 3-22-2, "Amplifier Regulations," of Chapter 22, "Amplifiers," of Title 3, "Business and License Regulations" of the Bartlett Municipal Code is hereby replaced in its entirety with the following:

"

Chapter 22 AMPLIFIERS

3-22-1: AMPLIFIER DEFINED: Any device, instrument or machine that creates or amplifies the human voice, a musical instrument, music, or any other sound, including but not limited to any speaker, portable speaker, bullhorn, public address system, any sound amplifier that is part of or connected to any speaker system, radio, stereo, microphone, phone, television, computer or other sound source for the purpose of communication or entertainment.

3-22-2: AMPLIFIED NOISE LIMITATIONS:

A. No person or entity shall operate an amplifier within the Village at an unreasonably loud level that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Village, unless otherwise authorized pursuant to an amplifier permit.

B. The operation of an amplifier between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday, in such a manner as to be plainly audible at a distance of one hundred fifty (150) feet from the point of origin will be presumed to be unreasonably loud.

C. The operation of an amplifier between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday, and between the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday, in such a manner as to be plainly audible at a distance of seventy-five (75) feet from the point of origin will be presumed to be unreasonably loud.

3-22-3: AMPLIFIER PERMIT REGULATIONS:

A. No person or entity shall operate an amplifier in the Village in a manner as to be plainly audible at a distance of 150 feet or more from its point of origin between the hours of 8 AM to the hour of 10 PM Sunday through Thursday and between the hours of 8:00 AM to the hour of 11:00 PM Friday and Saturday without first having secured an amplifier permit issued by the Planning & Development Services Director or designee.

B. No permittee shall use or operate or employ any such device within the radius of two (2) blocks from any hospital or within the radius of two (2) blocks of any religious institution while services are being held therein.

C. The hours to use, operate or employ any such amplified device pursuant to an amplifier permit within the Village limits shall be between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m. on Friday and Saturday.

D. This Section shall not apply to noise devices, bands, or other musical devices used in a public parade or procession which is operated under a permit in accordance with the ordinances of the Village.

E. Whenever the Planning & Development Services Director or designee determines that it is in the public interest, an extended amplifier permit may be issued authorizing a permittee to use such devices in the Village for not more than five (5) days at a time during such hours as the Planning & Development

Services Director or designee may establish in such an extended amplifier permit, not before six o'clock (6:00) A.M.

F. An amplifier permit may be denied by the Planning & Development Services Director or designee from an applicant who has previously received documented complaints by the Police Department or Code Enforcement of excessive noise or extending the amplification beyond the permitted hours of operation. The Planning & Development Services Director may impose limitations and conditions as part of any amplifier permit to protect the health, peace, and safety of others within the Village.

G. No more than three (3) amplifier permits will be issued for any private property within any calendar year.

3-22-4: PENALTY: Any person operating an amplifier or similar device in violation of this Chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. This subsection shall not be construed as requiring the Village to cite a person or property owner for violations of this section, if, in the discretion of the Village, the Village determines that it is in the best interests of the public health, safety, and welfare to utilize other lawful means to gain compliance."

SECTION 5. Severability. The various provisions of this Ordinance are to be considered as severable, and if any Court of competent jurisdiction shall hold any part or portion of this Ordinance invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 6. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Bartlett prior to the effective date of this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect after its passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2024-_____ enacted on_____, 2024, and approved on _____, 2024, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk