

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 41

AN ORDINANCE REQUIRING LIQUOR LICENSEES TO COMPLY WITH
ILLINOIS POLLUTION CONTROL BOARD REGULATIONS PERTAINING TO
NOISE AND AMENDING THE VILLAGE OF CHATHAM CODE OF
ORDINANCES

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 10 DAY OF July, 2001

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 10 day of July, 2001.

Ordinance No. 01- 41

AN ORDINANCE REQUIRING LIQUOR LICENSEES TO COMPLY WITH ILLINOIS POLLUTION CONTROL BOARD REGULATIONS PERTAINING TO NOISE AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

WHEREAS, the courts of Illinois have repeatedly held that the business of selling liquor is “fraught with dangers to the community and raises peculiarly local problems pertaining to the public health, safety and morals of the community”;

WHEREAS, section 4-1 of the Illinois Liquor Control Act empowers municipalities to enact “such further regulations and restrictions upon the issuance of an operations under local licenses not inconsistent with the law as the public good and convenience may require”;

WHEREAS, the corporate authorities have received numerous complaints about continuous noise in the vicinity of licensees having fixed locations, which, if proved, would tend to show violations of the Illinois Pollution Control Board Rules on noise, to the detriment of the health, safety and morals of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Section 111.38 is hereby added to the Code of Ordinances of the Village of Chatham, to state as follows:

111.38 Noise from Licensed Premises

(A) No licensee other than a Class SE licensee, or officer, associate, member, representative, agent or employee of such a licensee, shall operate a licensed premises, or

permit the operation of a licensed premises, so as to cause a violation of the Illinois Pollution Control Board regulations pertaining to noise, including but not limited to the General Provisions found at Part 900 of Chapter 35 of the Illinois Administrative Code, 5 Ill.Adm.Code 900 *et seq.*, and the rules specifically pertaining to Property-Line-Noise-Sources found at Part 901 of Chapter 35 of the Illinois Administrative Code, 35 Ill.Adm.Code 901 *et seq.*, which are incorporated herein by reference.

(B) In any hearing conducted by the Liquor Commissioner, an official report from the Illinois Environmental Protection Agency that a licensee has violated the Pollution Control Board rules pertaining to noise shall be *prima facie* evidence of a violation of this section.


(C) This section does not apply to a Class SE license or licensee.

SECTION 2: This Ordinance is effective on August 10, 2001. The Clerk shall see to the inclusion of this ordinance in the next published update of the Village Code of Ordinances. The Chief of Police shall hand-deliver a copy of this Ordinance to every licensee under Chapter 111 of the Village of Chatham Code of Ordinances.

PASSED this 10 day of July, 2001.


VILLAGE PRESIDENT

ATTEST:


Village Clerk



AYES: 5
NAYS: 0

PASSED: 7-10-01
APPROVED: 7-10-01

ABSENT: 1 (MCADAMS)

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on July 10, 2000, the corporate authorities of such Village passed and approved Ordinance No. 41 entitled:

AN ORDINANCE REQUIRING LIQUOR LICENSEES TO COMPLY WITH ILLINOIS POLLUTION CONTROL BOARD REGULATIONS PERTAINING TO NOISE AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 01-41 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on July 10, 2001, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 10 day of July, 2001.

(SEAL)



Pat Schaefer
Village Clerk

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

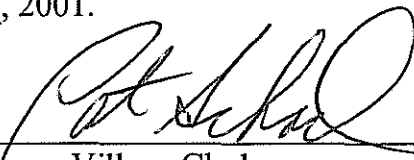
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 01-41, adopted by the President and Board of Trustees of said Village on the 10 day of July, 2001, said Ordinance being entitled:

AN ORDINANCE REQUIRING LIQUOR LICENSEES TO COMPLY WITH ILLINOIS POLLUTION CONTROL BOARD REGULATIONS PERTAINING TO NOISE AND AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 10 day of July, 2001.



Village Clerk

