

ORIGINAL



April 16, 1996

PCB 96-186

The State of Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Dear Sirs,

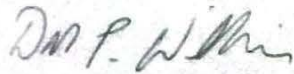
As per your letter of March 21, 1996 concerning the complaint filed by Mr. & Mrs. Don Williams, Mr. & Mrs. Thomas Morris, and Mr. & Mrs. Peter Bizios against the Schaumburg Park District, please accept the following as our brief addressing whether or not the complained of activity is an "organized amateur or professional sporting activity" and whether the claim alleges violations of the Act which fall within the Board's purview. After reviewing 415 ILCS 5/25 (1994) and 415 ILCS 5/3.25 (1994) and the related past cases referenced in your letter, we strongly believe that the Board has the ability to hear the noise violation proceedings.

The complained of activity in question is a basketball court located in a neighborhood park. The park and thus the court is available for public use with no set opening time and a posted closing time of dusk. At no time in its two year existence has it been host to any organized activity. There is never the presence of organized team play, or organized team practices. There are also no coaches or supervision from or by the Park District or any of its representatives. Activity on the court is not conducted for business, education, charity, or for the entertainment of the general public.

It is our opinion that the complained of activity located in the Northeast Odum Park is not an organized amateur or professional sporting activity and therefore falls within the Board's purview. Pursuant to Illinois law, Title 35, Subtitle H, Chapter I, Section 900.102 and Title 35, Subtitle H, Chapter I, Section 901.104 the basketball court is in direct violation of the law. The following sound measurements were present on complainant's property during use of the basketball court. With the meter set for slow speed response and weighting on the A curve (flat), which measures frequencies in the 32- to -10,000Hz range. Levels measured inside one complainant's home during a time when the court was in use ranged from a minimum 59dB to a frequent peak of 75dB. The average being 65dB. And measurements taken from yet another one of the complainant's property ranged from a minimum of 56dB to a maximum of 72dB.

We ask that the Board review the above and order the court removed from the park enabling the said complainants to regain the use of their personal property and quality of life that was taken from them when the complained of activity was installed in the N.E. Odum Park. Thank you for your consideration in this matter.

Sincerely,



Don P. Williams
2417 Fabish Court
Schaumburg, IL 60193
(847) 529-2421

PROOF OF SERVICE

I the undersigned on oath state that I have served the attached Brief upon the persons whom it is directed.

Mr. Dave Johnson
Mr. Jerry Handlon
Schaumburg Park District
235 East Beech Street
Schaumburg, IL 60193

Sent via Certified Mail on April 17, 1996

Neil P. Williams

Beverly Preiser

"OFFICIAL SEAL"
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