

## Chapter 43

## AIR POLLUTION

- § 43-1. Prohibited smoke emissions.
- § 43-2. Measurement of smoke density.
- § 43-3. Definitions.
- § 43-4. Penalties for offenses.

**[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 1-15-69 as Ord. No. 101; incorporated into the Code of Ordinances (1968) as Section 36.0166. Amendments noted where applicable.]**

**§ 43-1. Prohibited smoke emissions.**

The emission of smoke or other air contaminant, whether from a building, structure, open fire or otherwise, is prohibited if such emission continues for longer than three (3) minutes in the aggregate in any sixty-minute period and such emission has either a density which appears as dark or darker than that designated as No. 1 on the Standard Smoke Chart or an opacity which obscures vision to a degree equal to or greater than smoke of No. 1 density on the Standard Smoke Chart.

**§ 43-2. Measurement of smoke density.**

The density or opacity of smoke or other air contaminant shall be measured at the point of its emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission, or if emitted from a source outside of the village, it shall be measured after the plume crosses the boundary of the village.

**§ 43-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AIR CONTAMINANT** — Any particulate matter or any gas or any combination thereof, other than water vapor or natural air.

**STANDARD SMOKE CHART** — The Ringelmann Chart for grading the appearance, density or shade of smoke, as published and described in the United States Bureau of Mines Information Circular 7718.

**§ 43-4. Penalties for offenses. [Amended 5-17-89 by L.L. No. 1-1989]**

Each person who violates any provision of this chapter shall, for each and every day that said violation continues, be subject to a fine of not more than one thousand dollars (\$1,000.) or imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment.