

**NOISE**

**Chapter 97**

**NOISE**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Kensington: Art. I, 11-20-68 as Ch. 5 of Part III of the Code of Ordinances (1968); Art. II, 11-20-68 as Sections 36.0106 and 36.0111 of Ch. 6 of Part III of the Code of Ordinances (1968), amended 8-18-82 by L.L. No. 1-1982; Art. III added at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

## GENERAL REFERENCES

Alarms and alarm systems — See Ch. 46.  
Peace and good order — See Ch. 108.

## ARTICLE I

## Unnecessary Noise

[Adopted 11-20-68 as Ch. 5 of Part III of the  
Code of Ordinances (1968)]

**§ 97-1. Unnecessary noise prohibited.**

It shall be unlawful for any person, firm or corporation to make or continue, or cause or permit to be made or continued, any loud, raucous, unnecessary or unusual noise which annoys, disturbs, interferes with, injures or endangers the comfort, repose, health, peace or safety of others within the village.

**§ 97-2. Duty of owner or occupant.**

No person owning, occupying or having charge of any building or premises or any part thereof in the Village of Kensington shall make or cause or permit to be made in such building or upon such premises any loud, raucous, unnecessary or unusual noise which is prohibited by § 97-1.

**§ 97-3. Specific prohibited acts.**

The following acts are declared to be prohibited under §§ 97-1 and 97-2, but such enumeration shall not be deemed complete or inclusive:

- A. The use or operation of any radio receiving set, television set, musical instrument, phonograph or sound amplifier, air conditioner, fan, lawn sprinkler or other similar mechanical device in such manner as to create any sound or noise exceeding thirty-five (35) decibels at the adjoining property line.
- B. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, automobile horn or

other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or otherwise attracting the attention of the public.

- C. Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 8:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- D. The discharge into the open air of the exhaust of any internal-combustion engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- E. The use of any automobile, truck, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, griding, rattling or other noise.
- F. The operation, between the hours of 6:00 p.m. and 8:00 a.m. the following Monday through Friday, or at any time on Saturday, Sunday or legal holidays, of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, bulldozer, large truck or trailer truck or other vehicle or other construction equipment, the use of which is attended by loud or unusual noise. **[Amended 7-19-1989 by L.L. No. 15-1989]**
- G. The erection (including excavation), demolition, alteration or repair of any building or structure other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, which is attended by loud or disturbing noises, except in the case of urgent necessity in the interest of public safety or health. **[Amended 7-19-1989 by L.L. No. 15-1989]**
- H. The use of gas-powered leaf blowers during the months of June through August. **[Added 4-30-2003 by L.L. No. 6-2003]**

§ 97-4. Irritating noise; limiting tables.

A. No person shall use or operate, or cause or permit to be used or operated, in any building or on any premises or on any street or public property, any radio, phonograph, television or other mechanical or electrical sound-making or sound-reproducing device, or any air conditioner, fan, cooling device, lawn sprinkler, vehicle, motor or mechanical or electrical device or any character which creates a noise that exceeds the limiting noise spectra set forth in Tables I and II following:

Table I

Limiting Noise Spectrum for Transient Noise

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency Cycle per Second
92	63
87	125
79	250
72	500
66	1,000
60	2,000
54	4,000
52	8,000

Table II

Limiting Noise Spectrum for Steady Noise

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency Cycle per Second
72	63
67	125
59	250
52	500

<b>Band Pressure Level Decibels re 0.0002 Microbars</b>	<b>Octave Band Center Frequency Cycle per Second</b>
46	1,000
40	2,000
34	4,000
32	8,000

- B. During the daytime from 7:00 a.m. to 7:00 p.m., the limits of Table I hereinbefore set forth shall apply to transient noises having a duration in excess of 12 seconds. During the night from 7:00 p.m. to 7:00 a.m., the same limits shall apply to transient noises having a duration in excess of six seconds.

(Cont'd on page 9705)

- C. Noise limits shall apply and noise measurements shall be made:
- (1) At the adjoining property line if the noise is created on private property; or
  - (2) Where the noise is created, if it is created on public property; or
  - (3) In either case, at any more distant point on public or private property in any direction.

**§ 97-5. Definitions.**

For the purpose of § 97-4, the following definitions shall apply:

**AMBIENT NOISE** — All-encompassing noise associated with a given environment.

**BAND PRESSURE LEVEL** — The band pressure level of a sound from a specified frequency band is the sound-pressure level for the sound contained within the restricted band. The reference pressure must be specified.

**BEL** — A unit of level when the base of a logarithm is (10) and such is restricted to levels of quantities proportional to power.

**CYCLE** — The complete sequence of values of a periodic quantity that occur during a period.

**DECIBEL** — One-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of 10 and the quantities concerned are proportional to power.

**DURATION** — The duration of a transient noise from a machine during the entire period when the transient noise is first distinguished from the ambient noise until the noise from the same machine finally recedes into the ambient noise shall be the period of time beginning when the transient noise first exceeds a certain band pressure level until it no longer exceeds the same band pressure level and provided that it remains above the same band pressure level for at least one-third (1/3) of the total duration.

**FREQUENCY** — The frequency of a function periodic in time is the reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.

**MICROBARS** — A unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.

**NOISE** — Any increase in the ambient noise, measured as provided in § 97-4, caused by any device referred to in said section.

**SOUND ANALYZER** — A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

**SOUND-LEVEL METER** — An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measure-meter and frequency weighting in the manner provided by this Article.

**SOUND-PRESSURE LEVEL** — The sound-pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

**SPECTRUM** — A function of time and is a description of its resolution into components, each of different frequency, and is also used to signify continuous range of components usually wide in extent within which waves have some specified characteristics, such as audiofrequency spectrum, and is also applied to functions of variables other than time.

**STEADY NOISE** — Any noise having a duration in excess of one (1) minute shall be considered a steady noise and the limits of Table II of this Article shall apply.

**TRANSIENT NOISE** — Any noise having a duration of one (1) minute or less shall be considered a transient noise and the limits of Table I of this Article shall apply.

## ARTICLE II

## Noise Within and Outside Buildings

[Adopted 11-20-68 as Sections 36.0106 and 36.0111 of  
Ch. 6 of Part III of the Code of Ordinances (1968);  
amended 8-18-82 by L.L. No. 1-1982]

**§ 97-6. Noise within a building.**

No person owning, occupying or having charge of any building or premises or any part thereof in the Village of Kensington between the hours of 11:00 p.m. and 8:00 a.m. Monday through Saturday and between the hours of 11:00 p.m. on Saturday and 11:00 a.m. on Sunday shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, television or other mechanical or electrical sound-making or sound-reproducing device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity. With the prior permission of the Board of Trustees, which permission may be granted upon reasonable conditions, noise otherwise prohibited by this section may be permitted between the hours of 11:00 p.m. and 12:00 midnight.

**§ 97-7. Noise outside a building. [Amended 7-19-89 by L.L. No. 15-1989]**

Between the hours of 11:00 p.m. and 8:00 a.m. on the following Monday through Friday and between 11:00 p.m. and 10:00 a.m. on the following Saturday or 11:00 a.m. on the following Sunday, no person shall use or operate, or cause or permit to be used or operated, in front of or outside of any building or premises in a residence district in the village, as established in the village zoning regulations,<sup>1</sup> or in or through any window, doorway or opening of such building or premises, any device or apparatus for the amplification or reproduction of sound or any other machine or apparatus which generates or amplifies any unreasonable or excessive noise or sound which may be heard off the premises from which the noise or sound emanates. With the prior permission of the Board of Trustees, which permission may be granted upon reasonable conditions, noise otherwise prohibited by

<sup>1</sup> Editor's Note: See Ch. 151, Zoning.

this section may be permitted between the hours of 11:00 p.m. and midnight.

**ARTICLE III**

**Penalties**

**[Added at time of adoption of Code<sup>2</sup>]**

**§ 97-8. Penalties for offenses.**

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.

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<sup>2</sup> Editor's Note: See Ch. 1, General Provisions, Art. I.