

## Chapter 186

### NOISE

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**[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Sec. 11-2-7 of the 1992 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Disorderly conduct -- See Ch. 110.

Parks and navigable waters -- See Ch. 198, §198-1B(2).

Peace and good order -- See Ch. 202.

#### **§186-1. Loud and unnecessary noise prohibited.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated, any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

#### **§186-2. Loud and unnecessary noises enumerated.**

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

A. Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

B. Radios; phonographs; similar devices. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00

p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

C. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier 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 attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

D. Animals; birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.

E. Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper village authorities.

F. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or any other similar equipment attended by loud or unusual noise other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, that the Chief of Police or Superintendent of Public Works shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary, within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.<sup>1</sup>

H. Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

I. Exceptions. The provisions of this section shall not apply to:

(1) Any vehicle of the village while engaged in necessary public business.

(2) Excavations or repairs of streets or other public construction by or on behalf of the village, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§186-3. Permits for amplifying devices.**

A. Permit required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Albany is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.

B. Grounds or reasons for denial or allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.

C. Time restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

**§186-4. Stationary noise limits; maximum permissible sound levels.**

A. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

<b>Zone</b>	<b>Noise Rating-Daytime (decibels)</b>	<b>Noise Rating-Nighttime (decibels)</b>
Residential	70	60
Commercial	75	70
Industrial	100	100

B. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise by five decibels in any octave band is to be designated excessive.

C. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection A above if the subject noise consists primarily of a pure tone or if it is impulsive in character.

**§186-5. Violations and penalties.**

A. Attempt.

(1) Whoever attempts to commit an act prohibited by this chapter may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a

violation of this chapter and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

B. Parties to acts prohibited.

(1) Whoever is concerned in the commission of an act prohibited by this chapter is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by this chapter.

(2) A person is concerned in the commission of an act prohibited by this chapter if he:

(a) Directly commits the act;

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.