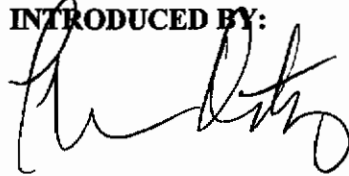


1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2008-6**

3 **INTRODUCED BY:**

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10 **AN ORDINANCE**

11 **AMENDING SECTION 10-2.4 SFCC 1987 PROHIBITING CONSTRUCTION NOISE IN**
12 **THE CITY BETWEEN THE HOURS OF 9:00 P.M. AND 7:00 A.M. THE FOLLOWING**
13 **DAY.**

14
15 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

16 **Section 1. Section 10-2.4 SFCC 1987 (being Ordained as Code 1973, §31.2-4 by**
17 **Ord. #1981-10, §4 as amended) is amended to read:**

18 **10-2.4 Noises Prohibited.**

19 **A.** In addition to the specific prohibitions outlined in paragraph B. below and
20 subsections 10-2.5 and 10-2.9 of this Code, it is unlawful for any person to make, continue, or
21 cause to be made or continued any noise disturbance within the city limits.

22 **B.** The following are in violation of this section:

23 (1) The sounding of any horn or signaling device on any truck, automobile,
24 motorcycle, emergency vehicle or other vehicle on any street or public place within the
25 city, except as a danger warning signal as provided in the state Motor Vehicle Code, or

1 the sounding of any such signaling device for an unnecessary period of time;

2 (2) The sounding of any device or piece of equipment, including but not
3 limited to a retarder, which helps slow a motor vehicle's rate of speed (braking power).
4 When activated, a retarder creates noise through the motor vehicle's exhaust system.

5 (3) Using, operating or permitting the use or operation of any radio receiving
6 set, musical instrument, television, phonograph, drum or other machine or device for the
7 production or reproduction of sound, except as provided for in subparagraph (4) below:

8 (a) Which violates the zone district noise levels set out in subsection
9 10-2.5, or causes a noise disturbance;

10 (b) Between the hours of 9:00 p.m. and 7:00 a.m. the following day
11 in such a manner as to be plainly audible at the property boundary of the source;
12 or (1) is plainly audible at fifty feet (50') or fifteen (15) meters from such device
13 when operated within a vehicle parked on a public right-of-way; or (2) is plainly
14 audible through partitions common to two (2) occupants within a building or
15 structure;

16 (4) Using or operating a loudspeaker or sound amplifying equipment in a
17 fixed or movable position or mounted upon any sound vehicle in or upon any street,
18 alley, sidewalk, park, place or public property for the purpose of commercial advertising,
19 giving instructions, directions, talks, addresses, lectures, or transmitting music to any
20 persons or assemblages of persons in a manner which violates subsection 10-2.5 or
21 causes a noise disturbance, unless a permit is provided by subsection 10-2.8 has been
22 obtained;

23 (5) Operating, or causing to be used or operated, any equipment used in
24 construction, repair, alteration or demolition work on buildings, structures, streets, alleys
25 or appurtenances thereto[.]

1 ~~[(a) — In residential or commercial zone areas]~~ between the hours of
2 9:00 p.m. and 7:00 a.m. the following day; ~~[and~~

3 ~~[(b) — In any other areas of the city where such operation exceeds the~~
4 ~~sound level limits for an industrial land use as set forth in subsection 10-2.5;]~~

5 (6) Operating or permitting to be operated any power equipment rated five
6 (5) horsepower or less used for home or building repair or grounds maintenance,
7 including but not limited to power saws, sanders, lawn mowers, garden equipment or
8 snow removal equipment, in residential or commercial zoned areas:

9 (a) Outdoors between the hours of 9:00 p.m. and 7:00 a.m. the
10 following day; and

11 (b) Which emits a sound pressure level in excess of eighty (80) dBA
12 measured at a distance of twenty-five feet (25') or seven and five-tenths (7.5)
13 meters;

14 (7) Operating or permitting to be operated any power equipment, except
15 construction equipment used for construction activities, rated more than five (5) horse-
16 power, including but not limited to chain saws, pavement breakers, log chippers and
17 powered hand tools:

18 (a) In residential or commercial zoned areas between the hours of
19 9:00 p.m. and 7:00 a.m. the following day; and

20 (b) In any other areas of the city, if such equipment emits a sound
21 pressure level in excess of eighty-eight (88) dBA measured at a distance of
22 twenty-five feet (25') or seven and five-tenths (7.5) meters:

23 (8) Operating or permitting to be operated in any place of public entertain-
24 ment any loudspeaker or other source of sound which produces, at a point that is
25 normally occupied by a customer, maximum sound pressure levels of one hundred (100)

1 dBA as read with the slow response on a sound level meter, unless a conspicuous and
2 legible sign at least two hundred twenty-five (225) square inches in area is posted near
3 each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING
4 IMPAIRMENT". This provision shall not be construed to allow the operation of any
5 loudspeaker or other source of sound in such a manner as to violate subsection 10-2.5;

6 (9) Operating or permitting to be operated or used any truck, automobile,
7 motorcycle or other motor vehicle which, by virtue of disrepair or manner of operation,
8 violates subsection 10-2.5 or causes a noise disturbance;

9 (10) Operating or causing or permitting to be operated any refuse compacting
10 vehicle which creates a sound pressure level in excess of seventy-nine (79) dBA at
11 twenty-five feet (25') or seven and five-tenths (7.5) meters from the vehicle;

12 (11) Operating or causing or permitting to be operated any motor vehicle or
13 any auxiliary equipment attached thereto in a manner which violates subsection 10-2.5 or
14 causes a noise disturbance for a consecutive period longer than ten (10) minutes during
15 which such vehicle is stationary in a residential zone;

16 (12) Creating noise in excess of the residential standard as defined in
17 subsection 10-2.5 within the vicinity of any school, hospital, institution of learning, court
18 or other designated area where exceptional quiet is necessary, while the same is in use,
19 provided conspicuous signs are displayed in the streets indicating a quiet zone;

20 (13) Sounding, operating or permitting to sound or operate an electronically
21 amplified signal from any burglar alarm, bell, chime or clock, including but not limited to
22 bells, chimes or clocks in schools, house of religious worship or governmental buildings,
23 which fail to meet the standards set forth in subsection 10-2.5 for more than fifteen (15)
24 minutes in any hour; and

25 (14) Operating a recreational vehicle or snowmobile in a manner which

1 violates subsection 10-2.5 or causes a noise disturbance.

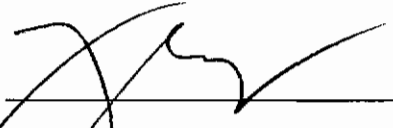
2 (15) Playing, operating or permitting the playing or operation of any radio
3 receiving set, musical instrument, tape recorder, cassette player, boom box or other
4 electronic machine or device used for the production or reproduction of amplified sound
5 whether located in a motor vehicle or transported by hand or any other means of
6 conveyance and is being operated in any public street, alley or park, or in commercial or
7 residential parking facilities and which is audible by any person from a distance of
8 twenty-five feet (25') constitutes a public nuisance and is hereby prohibited. Words or
9 phrases need not be discernible.

10 C. Violation of this section shall constitute a misdemeanor.

11 D. A first offense shall be punishable by a fine not to exceed two hundred dollars
12 (\$200.) with each subsequent offense punishable by a fine not to exceed five hundred dollars
13 (\$500.).

14 E. Each violation shall be a separate and distinct offense.

15 APPROVED AS TO FORM:

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18 FRANK D. KATZ, CITY ATTORNEY
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25 Jp/2008 bills/noise at night