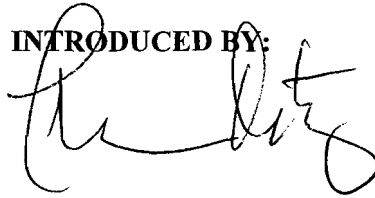


CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008- /

INTRODUCED BY:



AN EMERGENCY ORDINANCE

**ESTABLISHING A NIGHT TIME OUTDOOR CONSTRUCTION MORATORIUM IN
INDUSTRIAL ZONED AREAS.**

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

Section 1. Legislative Findings. The Governing Body finds:

A. Santa Fe residents need sleep in order to maintain health;

B. The overwhelming majority of Santa Fe residents are asleep between the hours of
9:00 p.m. and 7:00 a.m. ("night time sleep");

C. Section 10-2.4 SFCC 1987 currently prohibits construction noise in residential
and commercial zoned areas between the hours of 9:00 p.m. and 7:00 a.m.;

D. However, many Santa Fe residents live in neighborhoods that are located near
enough to industrial zoned areas that construction noise in those areas still disturbs their night
time sleep;

E. Present methods of regulating outdoor construction in industrial zoned areas have
been ineffective;

1 F. A bill amending Section 10-2.4 SFCC to prohibit construction noise in all areas
2 of the city between the hours of 9:00 p.m. and 7:00 a.m. the following day has been introduced
3 and will be considered by the Governing Body within four months;

4 G. The lack of sleep is an imminent threat to the health, safety and welfare of Santa
5 Fe residents and is a disturbance of the peace; and

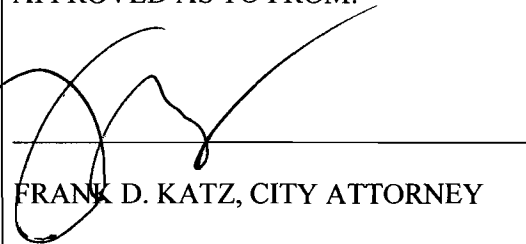
6 H. The ongoing outdoor construction activity requires the Governing Body to take
7 immediate, emergency action in the adoption of this Ordinance.

8 **Section 2. Prohibition.** Outdoor construction in industrial zoned areas is
9 prohibited between the hours of 9:00 p.m. and 7:00 a.m. the following day.

10 **Section 3. Effective Date.** This emergency moratorium is in effect immediately
11 upon adoption by the Governing Body and shall remain in effect until four months from the date
12 of adoption of this ordinance or the adoption of an ordinance amending Section 10-2.4 SFCC
13 1987 regarding this issue whichever occurs first.

14 **Section 4. Penalty for Violations.** A violation of this Ordinance by any person,
15 business, or other entity shall be subject to the general penalty provisions of the Article 1-3 SFCC
16 1987. Every five minutes that a violation continues shall constitute a separate offense.

17 APPROVED AS TO FROM:

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19 _____
20 FRANK D. KATZ, CITY ATTORNEY
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23
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25

Jp/2008 ord/nighttime const. moratorium