

# **Noise Ordinance**



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# LAS CRUCES POLICE DEPARTMENT MEMORANDUM

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**Date:** FEBRUARY 21, 2013

**To:** ROBERT GARZA, CITY MANAGER

**From:** ALMA CORTEZ, CODES ENFORCEMENT

**Subject:** NOISE ORDINANCE

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On February 25, 2013, Codes Enforcement Field Supervisor, James Chavez will do a presentation for City Council on the Noise Ordinance. He will discuss the ordinance in its entirety as it written in the Municipal Code, Division 2, Section 19-121 through 19-135. The presentation will also include the enforcement process, statistics and the challenges of the ordinance.



# Noise

## **Article III : OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY**

### **Division 2 : NOISE**

### **Chapter 19 : OFFENSES AND MISCELLANEOUS PROVISIONS**



# Noise

Chapter 19 >> Article III >> Division 2

## Sec. 19-121. - Prohibited.

- 1) It shall be unlawful for any person to make, continue or cause to be made any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
  
- 2) It shall be prima facie evidence of a violation of this division if any loud or unusual noise is audible by any person or police officer at a ***distance of 30 or more feet from the source or causes a person or police officer to be aware of the vibration accompanying the sound at a distance of 30 or more feet from the source.***



# Noise

Chapter 19 >> Article III >> Division 2

## Examples of Prohibited Noise

- **Horns and Signaling Devices**
- **Radios and Phonographs**
- **Loudspeakers and Amplifiers**
- **Yelling or Shouting**
- **Animals**
- **Pounding**
- **Mufflers and Exhaust Devices**
- **Construction, Repair or Demolition Work**
- **Vehicular Sound Amplification Systems**



# Noise

Chapter 19 >> Article III >> Division 2

## Sec. 19-123. - Horns and signaling devices.

The sounding of any horn or signaling device of any:

- Automobile
- Motorcycle
- Truck
- Other type of vehicle

on any street or public place except as a danger warning.





# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-124. - Radios and phonographs.**

The use or operation of any radio, phonograph or other sound producing machine in such a manner as to disturb the peace and quiet of neighbors.



# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-125. - Loudspeakers and amplifiers.**

The use or operation of any:

- Radio
- Musical instrument
- Phonograph
- Loudspeaker
- Sound amplifier

for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public in any residential area.



# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-126. - Yelling or shouting.**

Yelling, shouting or creating other loud noises which annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or residence or of any persons in the vicinity.

## **Sec. 19-127. - Animals.**

The keeping of any animals which, by causing frequent or long continuous noise, shall disturb the comfort or repose of any persons in the vicinity.



# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-128. - Schools, courts, churches, hospitals.**

The creating of any excessive noise on any street adjacent to any

- Hospital
- School/Institution of Learning
- Church
- Court

which interferes with the workings of such institution.

## **Sec. 19-129. - Pounding.**

The pounding or hammering on any metal object or thing, except inside a building or in connection with the construction or erection of a building.



# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-130. - Mufflers and exhaust devices.**

The use of defective mufflers and other exhaust devices designed to permit the creating and maintaining of loud and disturbing noises while any automobile, truck or motorcycle engine is in operation, which disturbs the peace and quiet of a neighborhood.





# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-131. - Construction, repair or demolition work.**

- Construction, repair or demolition work to commercial or residential buildings, roadways, utility facilities ***before 7:00 a.m. and after 6:00 p.m.***





# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-132. - Limitations on the volume of sound emanating from vehicular sound amplification systems.**

It is unlawful for any person operating or controlling a motor vehicle in either a public or private place within the city to operate any sound amplifier which is part of any:

- Radio
- Stereo receiver
- Compact disc player
- Cassette tape player
- Other similar device

is audible by any person or police officer other than the occupants of the motor vehicle at ***a distance of 30 or more feet from the source or when operated, causes a person or police to be aware of the vibration accompanying the sound at a distance of 30 or more feet from the source.***



# Noise

Chapter 19 >> Article III >> Division 2

## Sec. 19-133. - Penalties.

- A violation of any of the provisions of this division shall be a petty misdemeanor
- Fine of not less than \$100.00 nor more than \$500.00.
- And/or maximum of 90 days of jail time



# Noise

Chapter 19 >> Article III >> Division 2

## **Sec. 19-134. - Temporary permits.**

The chief of police may grant a temporary permit which allows noncompliance with certain restrictions:

- Distance of proposed activities from a residential zone.
- Number of amplification devices to be used in the proposed activities.
- Anticipated direction of amplification devices.
- Approval or disapproval of adjacent property owners.
- Allowable time period between *7:00 a.m. and 12:00 midnight*.
- Shall not exceed three (3) consecutive days.
- No more than four permits shall be issued to an applicant within a calendar year.



# Noise

Chapter 19 >> Article III >> Division 2

## Sec. 19-134. - Temporary permits (continued)

- Permits shall be granted upon application, at no cost to applicant.
- Issued permits will be surrendered to any city police officer upon request when it is determined that the restriction of the permit specifying duration has been violated.

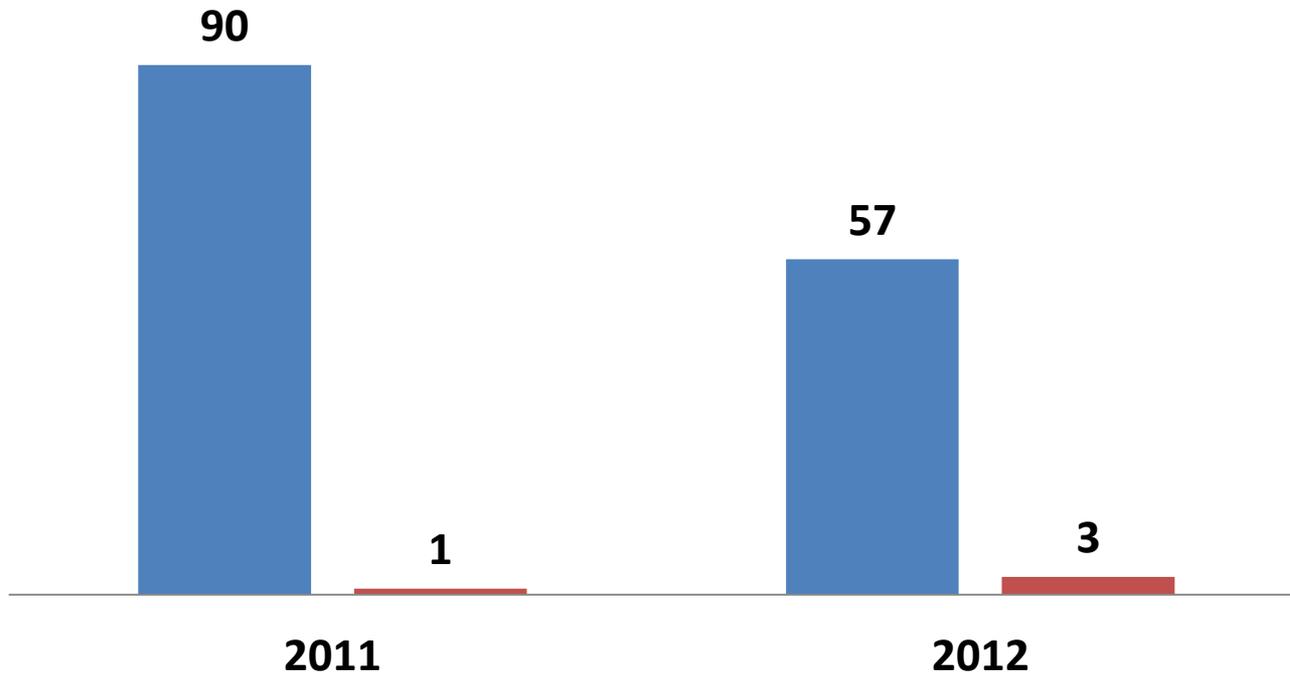


# Noise

Chapter 19 >> Article III >> Division 2

## ENFORCEMENT

■ Noise Complaints ■ Citations





# Noise

Chapter 19 >> Article III >> Division 2

## ENFORCEMENT

- Compliance driven
- Investigate and canvas the area
- Educate parties involved



# Noise

Chapter 19 >> Article III >> Division 2

## CHALLENGES

- Time of occurrence
- Violation not occurring when officer arrives on scene
- Unknown source