

Noise Ordinance



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

INTER-DEPARTMENTAL MEMO

TO: Robert L. Garza, P.E., City Manager
FROM: James A Chavez, Chief Codes Administrator
SUBJECT: City Council Work Session; Noise Ordinance
DATE: July 24, 2014

A PowerPoint presentation will be presented on the Noise Ordinance for the work session scheduled on Monday, July 28, 2014. To start will be a quick review of the ordinance then flow into a noise chart. I will explain the ambient noise and review noise meters to include a noise demonstration, if feasible, which will consist of creating a noise nuisance at a distance of approximately 30 feet as per the ordinance. I will also inform of the enforcement and challenges of this ordinance. The presentation will conclude with the Las Cruces Police Department's 2013 statistics and first half of 2014 statistics.

c: Jaime Montoya, Chief of Police

Noise

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

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

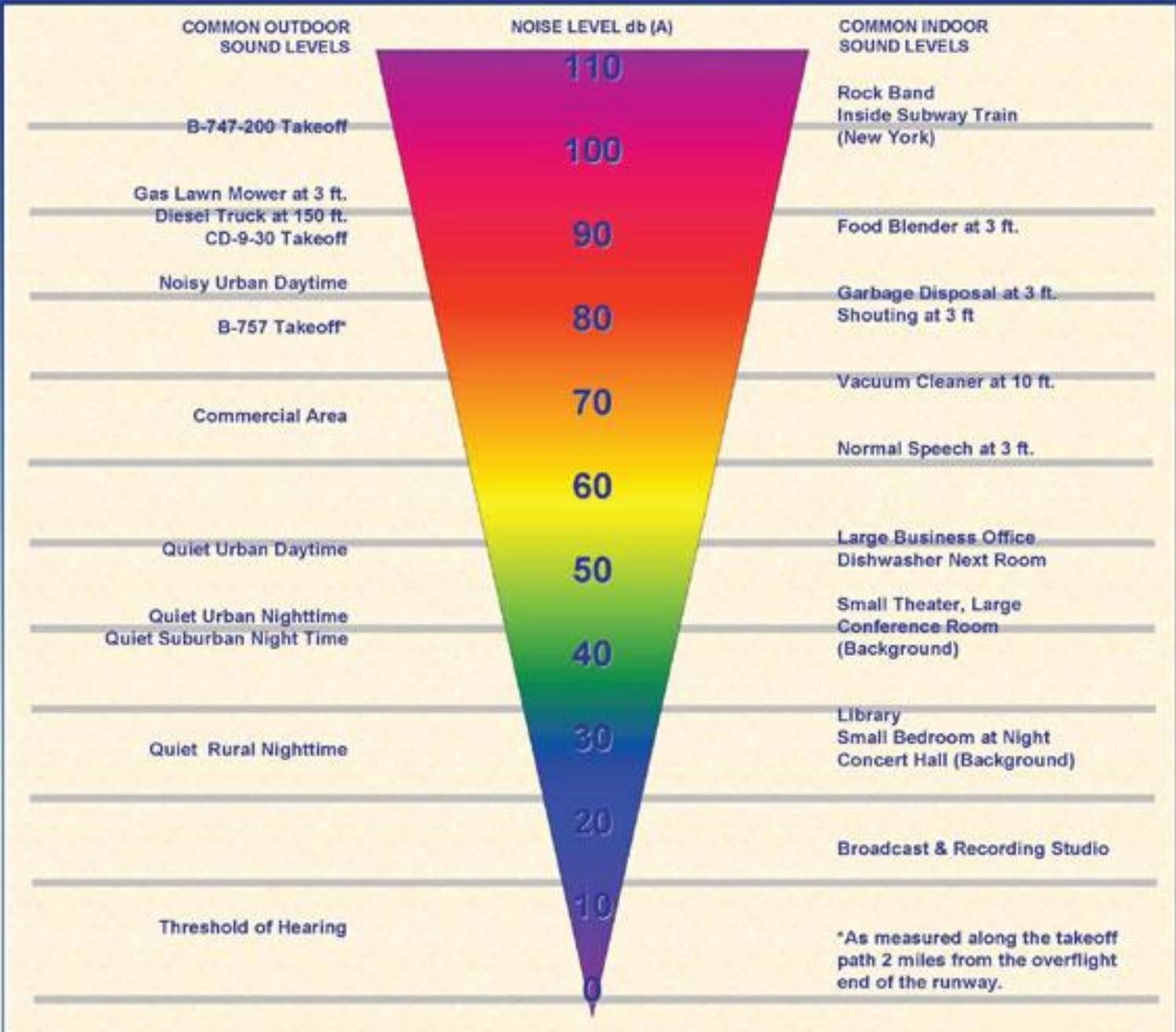
Examples of Prohibited Noise

- **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

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

Ambient Noise

Ambient noise includes all sounds present in an environment. The ambient noise level may be measured at any moment, but it will vary widely with time, e.g., with the coming and going of trucks and aircraft. Traffic noise is higher at noon than at midnight and higher still during the morning and evening rush hours. Therefore a single dB(A) measurement says very little about ambient noise.

Noise

ENFORCEMENT

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

Noise

CHALLENGES

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

LCPD and Codes Enforcement Noise Complaint Response

In 2013 LCPD and Codes Officers responded to 150757 calls for service with in the city.

482 of those calls were noise disturbance complaints.

Noise disturbance complaints accounted for 0.32% of total call volume.

LCPD and Codes Enforcement Noise Complaint Response

The first 6 months of 2014 LCPD and Codes Officers responded to 73589 calls for service with in the city.

170 of those calls were noise disturbance complaints.

Noise disturbance complaints accounted for 0.23% of total call volume.