

**ORDINANCE NO. 1657****AN ORDINANCE TO AMEND CHAPTER 11 OF THE  
CODE OF ORDINANCES SECTION 11-05-270 UNREASONABLE NOISE  
TO REMOVE THE PERMIT FOR NOISE NOTIFICATION**

**WHEREAS**, over 20 years ago a permit for noise notification was added to Chapter 11 of the Code of Ordinances; and

**WHEREAS**, the permit was created as a way for the Alamogordo Police Department to have notice of unreasonable noise; and

**WHEREAS**, the permit has proven to be ineffective; and

**WHEREAS**, the Alamogordo Police Department respond to complaints of unreasonable noise even when a permit of noise notification has been issued; and

**WHEREAS**, the volume of noise and times of noise of the Unreasonable Noise Ordinance must still be followed; and

**WHEREAS**, it is appropriate to remove old language of an instrument that does not pertain to this day and age.

**THEREFORE, BE IT ORDAINED** by the City Commission of the City of Alamogordo, New Mexico amend Chapter 11, Section 11-05-270 of the Code of Ordinances and read as follows:

11-05-270. - Generally—Unreasonable noise.

Unreasonable noise consists of creating any unreasonably loud, disturbing or unnecessary noise of such character, intensity or duration as to be detrimental to the repose, life or health of others, including, but not limited to, the following specific noises if created in violation of this section:

- (1) The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street or public place, except as a danger warning, which creates an unreasonable, loud or harsh sound or which occurs for an unnecessary and unreasonable period of time. This is not to include noise caused by accident or mechanical, electrical or other difficulty or failure;
- (2) The playing of any radio, television, ~~phonograph~~, musical instrument<sup>1</sup> or other sound-producing machine in such a manner or with such an unreasonable volume as to disturb the quiet, comfort or repose of persons in any dwelling, motel, hotel, hospital or sanatorium; Any noise from such a device that is plainly audible at a distance of fifty (50) feet is hereby deemed unreasonable.<sup>1</sup>

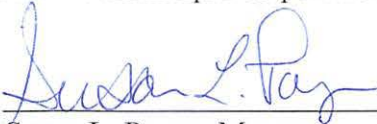
- (3) The use of any automobile, truck, bus, or motorcycle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;
- (4) The use of any loudspeaker, drum, whistle, bell or other instrument or device for the purpose of attracting attention by the creation of sound to any performance, show, sale, display of merchandise or political candidate, party, or platform; ~~without first obtaining a written permit from the city manager. The city manager shall issue such permit, subject only to such reasonable standards of noise volume and hours of operation as he or his representative may adopt;~~
- (5) The creating of any excessive noise on any street which disrupts or annoys occupants of buildings;
- (6) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, dynamic braking device, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device; ~~and~~
- (7) The use, between the hours of 10:00 p.m. in the evening until 6:00 a.m. the following morning, of any loudspeaker or sound amplifier connected with any radio, ~~phonograph~~, microphone, or other device by which sounds are magnified with the exception that such devices may be permitted in connection with authorized public activities including, but not limited to, those activities sponsored by governmental entities and public schools, ~~and those activities permitted by the city manager. The city manager shall issue a written permit subject only to such reasonable standards of noise volume and of hours of operation as the city manager or his designated representative may require.~~
- (8) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:
  - (a) Between the hours of 10 p.m. and 6 a.m. the following day on weekdays or between the hours of 10 p.m. and 8 a.m. the following day on weekends or holidays, such that the sound therefrom creates a sound which travels from one residential property to another, except for emergency work of public service utilities, ~~or by special permit issued by the city manager or his designee.~~
- (9) Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary:
  - (a) Between the hours of 10 p.m. and 6 a.m. the following day on weekdays or between the hours of 10 p.m. and 8 a.m. the following day on weekends or holidays, such that the sound therefrom creates a sound across a residential real property boundary;
- (10) No person shall collect refuse with a refuse collection vehicle between the hours of 9 p.m. and 6 a.m. the following day in a residential area;
- (11) For purposes of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) feet or

more, however, words or phrases need not be discernible, and sound shall include bass reverberation.

- (12) This Section shall not prohibit the normal operation of a business located in an appropriate zone as defined in chapter 29 of this Code.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of September, 2022.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By:   
Susan L. Payne, Mayor

  
ATTEST:

  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

  
Ashley Smith, City Attorney

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