

## COUNTY OF GRANT, NEW MEXICO

AN ORDINANCE DECLARING A PUBLIC NUISANCE THE CREATION OF ANY NOISE OF SUCH CHARACTER, INTENSITY OR DURATION WHICH TENDS TO DISTURB THE PUBLIC PEACE OR TO BE DEDIMENTIAL TO THE HEALTH OR REPOSE OF OTHERS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND DECLARING AN EMERGENCY

WHEREAS, the Board of County Commissioners has considered and now determines that the creation of noise which tends to disturb the public peace or to be detrimental to the health or repose of others within Grant County constitutes a public nuisance; and further determines that the frequency of public disturbances by noise in Grant County increases during the summer months, and therefore, it is necessary for the public peace, health and safety that the Ordinance take effect immediately after passage once it is filed of record by the Grant County Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO, THAT:

I. AUTHORITY

A. This Ordinance shall be known and cited as the Grant County Noise Nuisance Ordinance.

B. The County of Grant has statutory authority, pursuant to Section 4-37-3 (A) NMSA (1978 Comp), to regulate as necessary and proper to provide for the safety, preserve the health and promote the general welfare of the inhabitants of Grant County.

C. This Ordinance applies to all persons, residents, agencies, businesses, visitors and transients within Grant County, New Mexico, and does not exclude any individual, group, organization, agency, business, visitor, transient or other person not residing within the County which may be in violation of this Ordinance within the County.

D. This Ordinance hereby repeals and supersedes or amends all previous ordinances or parts of ordinances dealing with the same subject matter included herein to the extent inconsistent herewith except that all provisions of Ordinance #5-15-78, the Grant County Animal Ordinance, and all amendments or revisions thereto, shall remain intact.

Noise Nuisance Ordinance  
7/14/98-9 FF

Filed for record on the 15th day of July, A.D. 1998 at 4:44 P.M. 1

Lolita R. Ramas

County Clerk

BK. 250 pg. 9208-11

## II. DEFINITIONS

A. "CODE ENFORCEMENT OFFICER" is a County employee who is responsible for assuring public compliance with the Ordinances of the County of Grant. The Code Enforcement Officer, together with the Grant County Sheriff, shall have the authority to investigate and to issue citations for violations of this Ordinance.

B. "COUNTY" shall include the area within the boundaries of the County of Grant, including privately-owned land or land owned by the United States, except the area within the limits of any incorporated municipality.

C. "SHERIFF" or "COUNTY SHERIFF" is the duly elected Grant County Sheriff or his sworn deputy. The Grant County Sheriff together with the Code Enforcement Officer, shall have the authority to investigate and to issue citations for violations of this Ordinance.

D. "PERSON" is any person, agency, firm, association, company, partnership, corporation or organization of any kind.

## III. NOISE NUISANCE

A. A Noise Nuisance consists of the creation of an unreasonably loud, disturbing or unnecessary noise, or a noise of such character, intensity or duration, so as to disturb the public peace or to be detrimental to the repose, or the life or health of others. Creation of a Noise Nuisance constitutes a public nuisance.

B. The following is a partial list of types of noise which are unlawful if they meet the criteria of a Noise Nuisance. Enforcement of this Ordinance shall be suspended between the hours of 6 a.m. and 10 p.m. on some of the listed types of noise as stated below.

1. HORNS AND SIGNAL DEVICES OR COMPRESSION BRAKING DEVICE: The sounding of any horn or signaling device or use of any compression braking device on any automobile, motorcycle, truck or other vehicle on any street or public place except as a danger warning or for emergency situations; the creation by means of any such devices of any unreasonable, loud or harsh sound; the sounding of such devices for any unnecessary and unreasonable period of time other than by accident or mechanical, electrical or other difficulty or failure; and the use of any such signaling device where traffic is held up.

2. PRIVATE BURGLAR ALARMS: The sounding of private burglar alarms shall constitute a noise nuisance if it meets the criteria of this Ordinance. Additionally, any business or entity

which employs the use of an alarm which is housed at the Sheriff's Office must secure a permit for said alarm from the Sheriff and shall comply with the provisions of Grant County Resolution No. 97-01-09C providing for Sheriff's Office permits and fees for responding to private alarms. Operation and enforcement of the Ordinance on this type of noise shall be suspended between the hours of 6 a.m. and 10 p.m.

3. LOUDSPEAKERS AND AMPLIFIERS: The use or operation or permitting to be played, used or operated any radio, receiver set, musical instrument, phonograph, tape recorder, loudspeaker, sound amplifier or any other machine or device for the production or reproduction of sound which originates from private property or is cast upon the public roads, highways or other public areas for the purpose of entertainment or of commercial advertising or of attracting the attention of the public and which acts to disturb the peace and quiet of neighbors or of the general public in a residential area. Operation and enforcement of the Ordinance on this type of noise shall be suspended between the hours of 6 a.m. and 10 p.m.

4. 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. Operation and enforcement of the Ordinance on this type of noise shall be suspended between the hours of 6 a.m. and 10 p.m.

5. NOISE NEAR SCHOOLS, COURTS, CHURCHES, HOSPITALS: The creating of any excessive noise on any street adjacent to any hospital, school, institution of learning, church or court which interferes with the workings of such institution, or which disturbs or annoys patients in a hospital.

6. 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. Operation and enforcement of the Ordinance on this type of noise shall be suspended between the hours of 6 a.m. and 10 p.m.

C. Public Safety Vehicle Exception. Noises produced in operation of public safety vehicles such as police patrol vehicles, fire trucks and rescue and emergency medical vehicles are excluded from the definition of Noise Nuisance.

#### IV. PENALTIES, ENFORCEMENT

A. PENALTY CLAUSE - Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a petty misdemeanor and upon conviction thereof, shall be punished,

pursuant to Section 4-37-3 (A) NMSA (1995 Supp.), by a fine not exceeding three hundred dollars (\$300.00) or imprisonment in the County Detention Center for a period not exceeding ninety (90) days or both such fine and imprisonment.

B. ENFORCEMENT - It shall be the duty of the Sheriff's Department, the Code Enforcement Officer or any other duty law enforcement officer within the County to enforce the provisions of this Ordinance upon proper information.

V. SAVINGS CLAUSE. If any of the sections, subsections, sentences, clauses or phrases of the ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.

VI. EMERGENCY AND PUBLICATION. This Ordinance is hereby declared an emergency Ordinance on the grounds of urgent public need and shall be effective immediately upon its passage and after it is filed of record by the Grant County Clerk. No prior publication of this Ordinance shall be necessary. The Board of County Commissioners declares that an emergency exists and that there is an immediate danger to the public health, safety and welfare of the County. This Ordinance shall be published once a week for two consecutive weeks after final passage to give notice to the public.

PASSED, APPROVED AND ADOPTED by the Board of County Commissioners of Grant County, this 14th day of July, 1998.

Manuel T. Serna  
Manuel T. Serna, Chairman

Zeke Santa-Maria, Member

Carl W. Scholl  
Carl W. Scholl, Member

ATTEST:

Gabriel Ramos  
Gabriel Ramos, County Clerk

Noise Nuisance Ordinance  
7/14/98-9 FF

STATE OF NEW MEXICO  
County of Grant

I hereby certify that this instrument  
was filed for record on the 15th  
day of July, AD., 1998  
at 4:44 o'clock P.M., and duly  
recorded in book 320 of the records  
of Grant Co.

at page 9208-11

Witness my hand and seal of office:

Gabriel D. Ramos  
COUNTY CLERK, GRANT CO., N.M.  
Timothy J. Gorrell Deputy