

ORDINANCE NO. 95-02

UNREASONABLE NOISE; ENFORCEMENT AND PENALTIES

NOW BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, N.M., THAT THIS ORDINANCE BE ENACTED PURSUANT TO N.M. LAW TO READ AS FOLLOWS:

SECTION 1. Unreasonable noise consists of any unreasonably loud, shrill, or blaring noise of such a character, intensity, or time as to be detrimental to the quiet, life, or health of any others. It includes, but is not limited to, the following:

- A. The sounding of any horn or signaling device of any vehicle, on the street or any public place, which creates an unreasonable, loud, or harsh sound which is repulsive to others. It is not unlawful pursuant to this Ordinance to sound any horn or signaling device when done for legitimate reasons, such as a warning to others. Accidental or mechanical failures are not unlawful under this Ordinance.
- B. The use of a radio, television, phonograph, musical instrument, or other sound producing device in a manner as described in Section 1 of this Ordinance, or used in such a manner or at such a volume that the quiet, repose, or comfort of anyone in any dwelling, motel, hotel, hospital or other like building shall be unlawful.
- C. The use of any vehicle or any type of powered motor so out of repair or mechanically altered so as to create in such a manner noise that affects the quiet, repose, or comfort of anyone who hears it is unlawful.
- D. The use of any drum, whistle, bell or other instrument or device for the purpose of attracting the attention of the public by the creation of sound to any performance, show, sale, display or like event when it affects the quiet, repose, or comfort of anyone is unlawful. It is not unlawful if the creator of such noise has been granted permission by County Commission, County Sheriff, or County Manager. Said permission must be in writing.
- E. Creating any excessive noise on any public road which disrupts or affects the quiet or tranquility of any occupant of any structure.

SECTION 2. BARKING DOGS. It is unlawful for any owner of a dog to allow his dog to bark excessively and thereby disturb the peace and tranquility of others. It is unlawful for any

owner or owners of any animal to keep it or maintain it so that it habitually or continuously barks, howls, or otherwise disturbs the peace and quiet of the inhabitants of this County.

SECTION 3. ENFORCEMENT. The Sheriff's Office is the enforcing agent of this Ordinance.

SECTION 4. PENALTY. Any violation of this Ordinance shall constitute a petty misdemeanor. The penalty for conviction shall not exceed a fine of three-hundred dollars (\$300.00) or imprisonment for ninety (90) days or both the fine and imprisonment.

SECTION 5. REPEALS AND SEVERABILITY CLAUSE. All other ordinances of this County which conflict with this Ordinance are hereby repealed by the adoption of this Ordinance. Additionally, if any part of this Ordinance is held to be invalid, such shall be deemed severed and shall not void any remaining sections of this Ordinance.

SECTION 6. EXPIRATION. This Ordinance will expire on September 20, 1996 unless specifically extended by the Board of County Commissioners for Otero County.

APPROVED AND ADOPTED by the Otero County Board of Commissioners this 21st day of August, 1995.

BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY, NEW MEXICO

Richard Zierlein
RICHARD ZIERLEIN, Chairman

Ron Rardin
RONNY RARDIN, Vice-Chairman

Timothy D. McGinn
TIMOTHY D. MCGINN, Member

ATTEST:

Mary D. Quintana
MARY D. QUINTANA
Otero County Clerk By Robyn Silva

(SEAL)

STATE OF NEW MEXICO } S.S.
OTERO COUNTY }

FILED FOR RECORD IN MY OFFICE
This 12th day of September, 1995
At 2:25 o'clock P M and duly recorded
in Book No. 002 Page 542-543
the records of Otero County, New Mexico

Mary D. Quintana
County Clerk, Otero County, New Mexico
By Robyn Silva Deputy

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