

LOS ALAMOS COUNTY NOISE ORDINANCE

- **ARTICLE III. - NOISE**

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- **Sec. 18-71. - Definitions.**

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable sound level means the intensity of noise and shall be less than the levels described in this article.

dBA means the total sound level of all noise as measured with a sound level meter using the A weighting network.

Motor vehicle means any motor equipped device that may be used to transport a person from one point to another. This would include both licensable and unlicensable vehicles.

Property line means the boundary of a lot, parcel, tract or plot of land as shown by the land records of the county. Where appropriate, it is also either the boundary line of an area leased or rented when such an area is not shown on a separate plot, parcel, tract or plot of land on the county's land records, or the line demarking separate ownership in any condominiums.

Qualified person means an enforcement officer who has been trained in the use of sound level measuring equipment.

Sound level means the sound emanating from any source or combination of sources as measured with a sound level meter meeting or exceeding the specifications of the American National Standards Institute S 1.4 - 1971, for type II sound level meters.

(Ord. No. 74-78, § 10-1-14(A), 1983; Code 1985, § 8.28.010)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 18-72. - Policy and purpose.**

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The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use are a detriment to the public health, comfort, convenience, safety, welfare and property and may constitute a trespass upon the privacy of others; the necessity in the public interest for the provisions and prohibitions contained and enacted in this article, is declared as a matter of legislative

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determination and public policy. It is further declared that the provisions and prohibitions contained in this article and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, property and preventing the trespass of excessive noise upon the peace and quiet of the county and its inhabitants.

(Ord. No. 74-78, § 10-1-14(B), 1983; Code 1985, § 8.28.020)

- **Sec. 18-73. - Prohibited noise; decibel provisions.**

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(a)

Except in connection with the operation of motor vehicles on a public thoroughfare and otherwise as provided in subsection (c) of this section, it shall be a violation of this article for any person to cause or permit the production of sound in such a manner as to let escape more than 65 dBA across any residential property line, nor more than 53 dBA during the hours of 9:00 p.m. to 7:00 a.m.

(b)

Between the hours of 7:00 a.m. and 9:00 p.m., the noise levels permitted in subsection (a) of this section may be increased by ten dBA for a period not to exceed ten minutes in any one hour. Specifically excluded from this subsection are vehicles operated beyond the limits of a public right-of-way.

(c)

It shall be a violation of this article for any person to cause or permit the production of sound in such a manner as to let escape more than 55 dBA across, through or around any common wall separating or dividing multiple-dwelling units, nor more than 50 dBA during the hours of 9:00 p.m. to 7:00 a.m.

(d)

It will be a violation of this article to operate a motor vehicle of 10,000 pounds GVW or less or any combination of vehicles on a public thoroughfare within a residential area at any time or under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed 80 dBA at a distance of 25 feet.

(e)

Vehicles in excess of 10,000 pounds GVW, operated on a public thoroughfare within a residential area between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, will be in violation of this article when operated under any conditions of grade, load, acceleration or deceleration or simultaneous use of accessory engines and equipment in such a manner as to exceed 88 dBA at a distance of 25 feet. At all other hours, such vehicles are subject to the regulations as stated in subsection (d) of this section.

(f)

For the purpose of determining and classifying any sound as unacceptable and therefore prohibited, the following measurements and requirements may be applied; however, it is not necessary that the test be implemented in order to cite a violation of this article:

(1)

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The sound shall be measured at the trespassed property line at the point resulting in the highest meter reading created by the offending noise; if the source is located on a public right-of-way, it shall be measured at a distance of 25 feet from the source.

(2)

The noise shall be measured by a qualified person operating a sound level meter on the A weighting scale.

(Ord. No. 74-78, § 10-1-14(C), 1983; Code 1985, § 8.28.030)

• **Sec. 18-74. - Enumeration of prohibited acts.**

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The following acts, among others that may be unmeasurable, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

(1)

Silencing devices. The use of a product after the removal or rendering inoperative, other than for the purpose of repair, maintenance or replacement, of any device or element of design incorporated into any product for the purpose of silencing or quieting its sound level.

(2)

Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or any other vehicle, except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

(3)

Yelling and shouting. The act of yelling or shouting on the public streets between the hours of 9:00 p.m. and 7:00 a.m. so as to unreasonably annoy or disturb the quiet, comfort or repose of any persons in any dwelling or other type of residence.

(4)

Animals. Permitting any animal to cause frequent or long continued noise as to unreasonably disturb the comfort or repose of any person in the vicinity.

(Ord. No. 74-78, § 10-1-14(D), 1983; Code 1985, § 8.28.040)

• **Sec. 18-75. - Application for special permit.**

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(a)

Application for a permit for relief from the noise level designated in this article on the basis of undue hardship may be made to the manager. Any permit granted by the manager under this article shall contain all conditions upon which the permit has been granted and shall specify a

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reasonable time that the permit shall be effective. The manager may grant the relief as applied for if he finds:

(1)
That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this article; or

(2)
The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other sections of this article; and

(3)
That no other reasonable alternative is available to the applicant.

(b)
The manager may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. No. 74-78, § 10-1-14(E), 1983; Code 1985, § 8.28.050; Ord. No. 02-256, § 37, 7-7-2015)

• **Sec. 18-76. - Exemptions.**

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The following uses and activities shall be exempt from noise level regulations:

(1)
Noises of safety signals, warning devices and emergency pressure relief valves;

(2)
Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;

(3)
Noise resulting from any emergency work, required for public health and safety;

(4)
Any other noise resulting from activities of a temporary duration permitted by law for which a written license or written permit has been granted by the county.

(Ord. No. 74-78, § 10-1-14(F), 1983; Code 1985, § 8.28.060)

• **Sec. 18-77. - Manner of enforcement.**

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Violations of this article shall be prosecuted in the same manner as other violations of this Code; provided, however, that in the event of violation of [section 18-73](#)(d) or (e) pertaining to motor vehicles, a written notice of intention to prosecute will be given the alleged violator not less

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than five calendar days prior to the filing of a complaint. No complaint shall be issued if the cause of the violation is removed, the condition abated or fully corrected within such five-day period. If the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required in this section shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address, in which event the five-day period shall commence at the date of the day following the mailing of such notice.

(Ord. No. 74-78, § 10-1-14(H), 1983; Code 1985, § 8.28.070)

- **Sec. 18-78. - Penalty for violation of article.**

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(a)

Any person violating any of the provisions of this article shall, upon conviction, be fined not more than \$10.00. Any person violating any of the provisions of this article who has, within one year previous to the date of such alleged violation, been found guilty of a violation of the same section of this article shall be punishable for each such offense, upon conviction, by a fine of not more than \$50.00.

(b)

In a prosecution for a violation of this article, the establishment by the defendant that the noise complained of did not exceed the standards contained in [section 18-73](#) shall be a complete defense. The defendant shall be entitled to obtain an order directing the county's employees to use county equipment to make the required measurements.

(Ord. No. 74-78, § 10-1-14(G), 1983; Code 1985, § 8.28.080)

- **Sec. 18-79. - Additional remedy; injunction.**

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As an additional remedy, the operation or maintenance of any device, instrument, vehicle, machinery or other source of noise production in violation of any of the provisions of this article or which trespasses the property line of a resident so as to endanger the comfort, repose, health or peace of that resident shall be deemed a public nuisance.

(Ord. No. 74-78, § 10-1-14(I), 1983; Code 1985, § 8.28.090)