

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. _____

An Ordinance amending Chapter 19, Section 29(B) (3):

BE IT HEREBY ORDAINED by the Governing Body of the Village of Los Ranchos de Albuquerque, New Mexico, that the "Nuisances, Misconduct, and Common Offenses" ordinance be amended as follows:

Chapter 19, Section 2(B)(3) shall be amended by adding the following language. Excessive noise is such noise as is measured as greater than 50 decibels at the property line of the subject property in the daytime or greater than 40 decibels from the hours of 10:00 p.m. until 6:00 a.m. This provisions shall not apply to any noise from livestock or agricultural activities, but shall apply to noise from domesticated animals or household pets.

(4) Individual variances from the limitations prescribed in this article may be granted by the Village of Los Ranchos by use of a temporary permit which allows non-compliance with the limitations prescribed in this section for the purposes of amplified sound activities of short duration. The Mayor may designate one or more employees of the Village of Los Ranchos to issue such temporary permits. The issuance of such permits will be only for a time period ending at 10:00 p.m. Permits shall be granted upon application, at no cost to the applicant, provided an initial investigation assures that the permit will not result in any condition injurious to health or safety. The following factors shall be considered in the granting of such permit in order to determine whether granting the permit will result in a condition injurious to health or safety.

- a. Distance of proposed activities from other residences;
- b. Number of amplification devices to be used in the proposed activities;
- c. Anticipated direction of the amplification devices;
- d. Anticipated length of the proposed activities;
- e. Whether the activity will be held within or without a structure;

f. Any other factors deemed relevant to the permit by the Village of Los Ranchos.

Any permit issued shall specify a place, duration and any restrictions appropriate to the proposed site of the activities.

(5) For the purposes of this ordinance livestock means cattle, llama, buffalo, horses, mules, donkeys, burros, sheep, goats, rabbits, poultry, ostriches, or emu. Other domestic animals useful to man not specifically included herein may be classified as livestock upon application to the Village with sufficient evidence to allow the Village to determine that said animal is being used for agricultural purposes.

(6) Agricultural use means all methods of production and management of livestock, crops, vegetation and soil. This includes, but is not limited to raising, harvesting and marketing. It also includes, but is not limited to, the activities of feeding, housing and maintaining livestock. It also includes maintenance of any water distribution or agricultural system designed to provide water for agricultural activities.

(7) No person shall allow a dog in his/her possession or control to persistently or continuously bark or howl or otherwise to disturb the peace and quiet of the inhabitants of the Village. .

(8) Any noise exceeding the decibel level set forth herein at the property line of the subject property shall be deemed to be a prima facie evidence of a violation of the provisions of this ordinance. The provisions of this subsection shall not apply to livestock

(9) Violations of this ordinance shall be prosecution in the Village Municipal Court or any other court of competent jurisdiction. On conviction of a violation of this ordinance, the Village Municipal Court may impose fines or imprisonment up to the maximum allowed by New Mexico law, but no greater than imprisonment of 179 days or a fine of \$500.00.