

TOWN OF MESILLA – NOISE ORDINANCE UPDATE

SECTION 9.10.070 ~~Unreasonable noise.~~ **Noise Control**

GENERAL PROHIBITION

~~It is unlawful for any person to make, continue or cause to be made, any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Unlawful noises include but shall not be limited to the following:~~ **It shall be unlawful for any person to make, continue, cause, or permit any loud or unusual noise excessive, unnecessary, or unreasonable noise that disturbs the peace, comfort, repose, health, safety, or welfare of another person or neighborhood within the Town of Mesilla.**

~~A. Horns and Signal Devices. 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, the creation by means of any such signaling 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.~~

~~B. Radios and Phonographs. The use or operation of any radio, phonograph or other sound producing machine in such a manner as to disturb the peace and quiet of neighbors.~~

~~C. Loud Speakers and Amplifiers Used for Advertising. The use or operation or permitting to be played, used, or operated any radio, receiver set, musical instrument, phonograph, tape recorder, loud speaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public in any residential area except with the proper permit elsewhere prescribed.~~

~~D. 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.~~

~~E. Animals. The keeping of any animals which, by causing frequent or long continuous noise, shall disturb the comfort or repose of any persons of the vicinity.~~

~~F. 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.~~

~~G. 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. [Prior code § 8-2-7]~~

Proposed Revisions:

A. DEFINITIONS

1. Plainly Audible - Any sound that can clearly be heard by a person using normal hearing faculties.

2. Noise Disturbance - Any sound which:

- Unreasonably interferes with peaceful enjoyment of property;
- Disturbs a reasonable person of ordinary sensitivities; or
- Exceeds the standards established in this chapter.

3. Decibel (dBA) - A unit of sound measurement using the A-weighted scale.

4. Receiving Property - Property where sound is heard or measured.

5. Continuous Noise - Noise lasting: More than five (5) continuous minutes; or More than ten (10) cumulative minutes within a thirty-minute period.

6. Intermittent Noise - Repeated occurrences within a thirty-minute observation period may constitute a violation.

B. MAXIMUM PERMISSIBLE SOUND LEVELS

The following sound levels, measured at or near the property line of the receiving property, shall not be exceeded:

Zoning Area	Daytime (6:00 AM – 10:00 PM)	Nighttime (10:00 PM – 6:00 AM)
Residential	60 dBA	50 dBA
Commercial/Mixed Use	65 dBA	60 dBA
Industrial/Public Utility	75 dBA	70 dBA

** Measurements shall be taken at or near the receiving property line using a calibrated sound level meter.

I. Construction Noise

Construction, excavation, demolition, grading, landscaping, or similar activity shall be prohibited between:

Sunrise to Sunset on weekdays;

Sunrise to Sunset on weekends and legal holidays;

unless otherwise approved by the Town or required for emergency repairs or public safety.

II. Vehicle Noise

No person shall operate a motor vehicle with:

1. Modified exhaust systems creating excessive noise;
2. Muffler bypass devices;
3. Excessive engine revving or tire squealing.
4. Vehicle sound systems plainly audible at a distance greater than fifty (50) feet from the vehicle are prohibited.
5. Compression braking (“Jake braking”) is prohibited where posted.

III. Radios, Speakers, and Amplified Sound

Residential Areas - Amplified sound plainly audible beyond fifty (50) feet from property line during nighttime hours is prohibited.

Commercial Areas - Amplified sound plainly audible beyond one hundred (100) feet property line may constitute a violation if it exceeds allowable sound levels.

IV. Animal Noise

Frequent, repetitive, or continuous barking, howling, or animal noise for more than fifteen (15) consecutive minutes or thirty (30) cumulative minutes within one hour constitutes a noise disturbance.

B. Yelling, Shouting, or Singing

Loud yelling, shouting, chanting, or singing between 10:00 PM and 7:00 AM that disturbs neighboring properties, at officer discretion.

NEW SECTION — MESILLA PLAZA ENTERTAINMENT OVERLAY DISTRICT

SECTION 9.10.071 - PLAZA ENTERTAINMENT OVERLAY

A. Purpose

The Plaza Entertainment Overlay District is established to recognize the Town Plaza and adjacent historic commercial areas as centers for tourism, dining, cultural activities, live entertainment, festivals, and community gatherings while balancing nearby residential uses.

B. Boundaries

The overlay shall apply to:

- The Mesilla Plaza;
- Immediate adjacent commercial properties;
- Outdoor dining and entertainment areas designated by the Town (Commercial & Historic Commercial Districts).

Measurements shall be taken at the nearest residential property line rather than immediately adjacent commercial properties.

- Normal pedestrian activity, crowd noise, and conversation shall not be considered violations.
- Enforcement shall focus on amplified sound rather than incidental crowd noise.

C. Permitted Amplified Entertainment

Day	Outdoor Amplified Entertainment
Sunday–Thursday	Until 10:00 PM
Friday–Saturday	Until 11:00 PM

Day	Indoor Amplified Entertainment
Sunday–Thursday	During regular business hours, adhering to general sound standards.
Friday–Saturday	During regular business hours, adhering to general sound standards.

**Town-approved special events, As approved by permit

1. Amplified Entertainment Performance Standards

Outdoor amplified sound shall:

- Be directed inward toward activity areas when feasible;
- Avoid unnecessary projection into residential neighborhoods;
- Utilize commercially reasonable sound moderation practices.

2. Businesses with repeated violations may be required to:

- Reduce amplification;
- Modify speaker placement;
- Obtain sound mitigation measures;
- Apply for conditional entertainment permits.

D. Special Event Exemptions

Town-sponsored or Town-permitted events including, but not limited to:

- Cinco de Mayo;
- Diez y Seis;
- Christmas tree lighting;
- Fiestas;
- Cultural and religious celebrations;
- Mariachi performances;
- Parades and civic events;
- Summer Music Series;
- Fourth of July;
- Other Plaza related events, may receive temporary exemptions approved through special event permits.

E. Enforcement Authority

This chapter may be enforced by:

- Town Marshal’s Office;
- Code Enforcement;
- Other authorized Town personnel.

F. Progressive Enforcement

Officers may:

- Issue verbal warnings;
- Issue written warnings;
- Issue civil citations;
- Issue criminal citations where authorized.

G. PENALTIES

Violation	Penalty
First offense	Up to \$100
Second offense within 12 months	Up to \$300
Third/subsequent offense within 12 months	Up to \$500

- Each day a violation continues constitutes a separate offense.

H. SPECIAL EVENTS AND CULTURAL ACTIVITIES

The Town recognizes that Mesilla hosts cultural, historic, civic, religious, and community celebrations.

1. Town-approved special events, fiestas, parades, mariachis, religious observances, performances, and community festivals may receive temporary exemptions through special event permits.
2. The permit may establish:
 - Extended hours;
 - Temporary amplified sound allowances;
 - Specific operational conditions.
3. Nothing herein shall prohibit traditional church bells, lawful public ceremonies, or permitted civic celebrations.

I. EXEMPTIONS

The following are exempt from this chapter:

- Emergency vehicles and emergency response activity;
- Emergency utility repair work;
- Town-authorized maintenance or public works activity;
- Lawful agricultural activities consistent with New Mexico law;
- School events, athletic events, and governmental functions;
- Normal daytime maintenance of residential property, Sunrise to Sunset

- Town-permitted events and activities.

ENFORCEMENT MATRIX (SEPARATE ADMINISTRATIVE DOCUMENT)

TOWN OF MESILLA

NOISE ORDINANCE ENFORCEMENT MATRIX

Violation Type	1st Offense	2nd Offense	3rd+ Offense
<u>Residential amplified sound</u>	Verbal/written warning	Citation	Citation + possible nuisance action
<u>Commercial amplified sound</u>	Warning + education	Citation	Permit review/hearing
<u>Plaza entertainment violation</u>	Warning	Citation	Entertainment permit review
<u>Construction outside permitted hours</u>	Warning & Education	Citation	Stop work order possible
<u>Vehicle sound systems</u>	Warning & Education	Citation	Citation
<u>Exhaust/muffler violations</u>	Warning & Education	Citation	Citation
<u>Animal noise complaints</u>	Warning & Education	Citation	Citation
<u>Special event permit violation</u>	Corrective order	Citation	Permit revocation possible

NEW SECTION

SECTION 9.10.072 – Sound Measurement Protocols

A. Purpose

The purpose of these procedures is to establish a consistent and objective method for determining compliance with the Town of Mesilla Noise Ordinance.

B. Equipment Requirements

Sound measurements shall be conducted using:

- A Type 1 or Type 2 sound level meter meeting current ANSI standards;
- A-weighted scale (dBA);
- Slow response setting unless otherwise specified.
- The sound level meter shall be calibrated:
 - o According to manufacturer specifications;
 - o Before and after each enforcement use whenever practical.
 - o Documentation of calibration shall be maintained by the Town.

C. Measurement Location

Measurements shall be taken from:

- The affected property line; or
- The nearest point of the receiving property where the complainant experiences the disturbance.
- For multifamily or mixed-use structures:
 - o Measurements may be taken within common areas, adjoining units, patios, balconies, or other affected locations.

Measurements shall not be taken:

- Within 3 feet of walls or large reflective surfaces;
- Directly adjacent to vehicles or equipment unrelated to the complaint.

D. Measurement Methodology

The officer may:

- Observe the sound source;
- Identify background noise conditions;
- Measure sound levels for a minimum of three (3) separate readings.
 - o Each reading shall:
 - Be taken over a period of at least thirty (30) seconds;
 - Record the highest sustained sound level.

The average of the readings may be used to determine compliance.

Transient sounds such as: Vehicle horns; Emergency sirens; Aircraft; Thunder; Sudden impacts; shall not be included in the measurement.

E. Plainly Audible Standard

A violation may be established without sound meter measurements when an officer determines that sound is plainly audible:

- Across a property line; and
- Creates a disturbance under the ordinance.

Examples include: Amplified music; Bass vibrations; Public address systems; Repetitive shouting; Vehicle sound systems.

F. Residential Nighttime Presumption

Between 10:00 PM and 7:00 AM:

Sound plainly audible inside a neighboring residence with doors and windows closed shall be presumed unreasonable.

Amplified bass frequencies causing vibration or rattling of windows, walls, or fixtures may be considered evidence of a violation.

G. Commercial Nighttime Presumption

Between 10:00 PM and 7:00 AM:

- Sound originating from a commercial property that is plainly audible beyond the property line and that unreasonably disturbs neighboring properties may be presumed to be a violation.
- Amplified music, including bass frequencies that cause perceptible vibration, resonance, or rattling of windows, walls, fixtures, or other structures on adjacent properties, may be considered evidence of a violation.
- In determining whether a violation exists, consideration may be given to the volume, duration, frequency, and character of the sound, as well as the nature of the surrounding area and the time of day.