

New Mexico Noise Related Statutes

3-18-17. Nuisances and offenses; regulation or prohibition.

A municipality, including a home rule municipality that has adopted a charter pursuant to Article 10, Section 6 of the constitution of New Mexico, may by ordinance:

A. define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist; provided that:

C. prohibit and suppress:

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(5) riots, **noises**, disturbances or disorderly assemblies in any public or private place.

SHOOTING RANGES

17-8-1 Purpose of Act

The purpose of the Sport Shooting Range Act [17-8-1_NMSA 1978] is to protect the normal operation and use of sport shooting ranges by establishing when a person who owns, operates or uses a sport shooting range is liable for civil penalties.

17-8-3 Definition

As used in the Sport Shooting Range Act [17-8-1_NMSA 1978], a "sport shooting range" is an area designed and operated for the use of rifles, shotguns or pistols as a means of silhouette, skeet, trap, black powder or other sport shooting or firearms training

17-8-4. Immunity from nuisance actions based on noise or noise pollution

A. The use or operation of a sport shooting range shall not be enjoined as a nuisance on the basis of noise or noise pollution:

(1) if the sport shooting range is in compliance with noise control statutes, rules or ordinances that apply to the range and its operation at the time that the initial operation of the range commenced;

(2) due to changes made to noise control statutes, rules or ordinances that apply to the sport shooting range and its operation, if the changes take effect after the initial operation of the range commenced; or

(3) if **noise** control statutes, rules or ordinances were not in effect at the time that the original operation of the sport shooting range commenced.

B. The use or operation of a sport shooting range may not be enjoined as a nuisance on the basis of noise or noise pollution by a person who acquires an interest in real property adversely affected by the normal operation and use of a sport shooting range that commenced operation prior to the time the person acquired the interest in real property.

17-8-5 Local Government Authority

The provisions of the Sport Shooting Range Act [17-8-1 NMSA 1978] shall not prohibit a local government from regulating the location and construction of sport shooting ranges

17-8-6. Exemptions.

The provisions of the Sport Shooting Range Act [17-8-1 NMSA 1978] do not apply:

(1) to recovery for an act or omission relating to recklessness, negligence, wanton misconduct

or willful misconduct in the operation or use of a sport shooting range;

(2) to a nuisance action on the basis of trespass involving the operation or use of a sport shooting range;

C. to the operation or use of a sport shooting range that substantially and adversely affects public health or public safety; or

D. if there has been a substantial change in the primary use of a sport shooting range.

30-20B-3. Prohibited acts.

A person shall not, with knowledge of the existence of a funeral or funeral site:

A. engage in any loud singing, playing of music, chanting, whistling, yelling or noisemaking with or without **noise** amplification, including bullhorns, auto horns and microphones within five hundred feet of any ingress or egress of that funeral site, when the volume of such singing, music, chanting, whistling, yelling or noisemaking is audible at and disturbing to the peace and good order of a funeral at that funeral site;

B. direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another person;

C. display within five hundred feet of any ingress or egress of that funeral site any visual images that convey fighting words or actual threats against another person;

D. knowingly obstruct, hinder, impede or block another person's access to or egress from that funeral site or a facility containing that funeral site, except that the owner or occupant of property may take lawful actions to exclude others from that property;

E. knowingly obstruct, hinder, impede or block the progress of a vehicle participating in a procession to or from a funeral site; or

F. knowingly engage in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the funeral.

HORNS

66-3-843. Horns and warning devices.

A. Every motor vehicle when operated upon a highway shall be equipped with a **horn** in good working order and capable of emitting **sound** audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall when reasonably necessary to

ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any **siren, whistle or bell** except as otherwise permitted in this section.

C. It is permissible, but not required, that any commercial vehicle be equipped with a theft-**alarm signal** device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. Any authorized emergency vehicle may be equipped with a **siren, whistle or bell**, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the division, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

66-3-844. Mufflers; prevention of noise; emission control devices.

A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual **noise**, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

B. The **muffler**, emission control equipment or device, engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Every registered gasoline-fueled motor vehicle manufactured or assembled, commencing with the 1968 models, shall at all times be equipped and maintained in good working order with the factory-installed devices and equipment or their replacements designed to prevent, reduce or control exhaust emissions or air pollution.

66-3-1018. Department; powers and duties.

A. The department shall cooperate with appropriate federal agencies, public and private organizations and corporations and local government units to implement the provisions of the Off-Highway Motor Vehicle Act.

B. The department:

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(14) may implement **noise** enforcement by the testing of sound levels of off-highway motor vehicles at the time of registration and equip law enforcement officers with sound meters for field testing of sound levels;

66-3-1010.3. Operation and equipment; safety requirements.

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(11) that produces **noise** that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or

66-12-7. Equipment.

A. Every vessel shall have aboard:

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No privately owned vessel shall carry a **siren** unless specifically authorized in writing by the director of the division.

66-12-10. Muffling devices.

The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the **noise** of the exhaust in a reasonable manner. This may include but is not limited to such devices as mufflers, exhaust restricters and water-injected exhaust headers. The use of cut-outs or non-muffled headers is prohibited except for motorboats competing in a regatta or boat race approved as provided in Section 66-2-15 NMSA 1978 and for such motorboats while on trial runs during a period not to exceed forty-eight hours immediately preceding the regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following the regatta or race.

73-25-2. Purpose.

The purpose of the Regional Transit District Act [73-25-1 NMSA 1978] is to:

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A. reduce **noise** and air pollution produced by motor vehicles;

NOISE POLICIES

Table 1 Noise Abatement Criteria (Hourly A-Weighted Noise Level in Decibels [dBA])		
Activity Category	Leq(h)	Description of Activity Category
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	Developed lands, properties, or activities not included in Category A or B above.
D	--	Undeveloped Lands
E	52 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

In addition to the noise abatement criteria, Federal and state procedures also require that noise abatement be considered when the implementation of a roadway project results in a substantial

increase over existing noise levels. According to NMDOT's noise policy, an increase of 10 decibels or more is considered a substantial increase over existing noise levels.