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**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2008-4**

**AN EMERGENCY ORDINANCE**

**ESTABLISHING A NIGHT TIME OUTDOOR CONSTRUCTION MORATORIUM IN INDUSTRIAL ZONED AREAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Legislative Findings.** The Governing Body finds:

A. Santa Fe residents need sleep in order to maintain health;

B. The overwhelming majority of Santa Fe residents are asleep between the hours of 9:00 p.m. and 7:00 a.m. ("night time sleep");

C. Section 10-2.4 SFCC 1987 currently prohibits construction noise in residential and commercial zoned areas between the hours of 9:00 p.m. and 7:00 a.m.;

D. However, many Santa Fe residents live in neighborhoods that are located near enough to industrial zoned areas that construction noise in those areas still disturbs their night time sleep;

E. Present methods of regulating outdoor construction in industrial zoned areas have been ineffective;

F. A bill amending Section 10-2.4 SFCC to prohibit construction noise in all areas of the city between the hours of 9:00 p.m. and 7:00 a.m. the following day has been introduced and will be considered by the Governing Body within four months;

G. The lack of sleep is an imminent threat to the health, safety and welfare of Santa Fe residents and is a disturbance of the peace; and

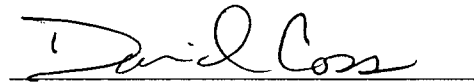
1 H. The ongoing outdoor construction activity requires the Governing Body to take  
2 immediate, emergency action in the adoption of this Ordinance.

3 **Section 2. Prohibition.** Outdoor construction in industrial zoned areas is  
4 prohibited between the hours of 9:00 p.m. and 7:00 a.m. the following day.

5 **Section 3. Effective Date.** This emergency moratorium is in effect immediately  
6 upon adoption by the Governing Body and shall remain in effect until four months from the date  
7 of adoption of this ordinance or the adoption of an ordinance amending Section 10-2.4 SFCC  
8 1987 regarding this issue whichever occurs first.

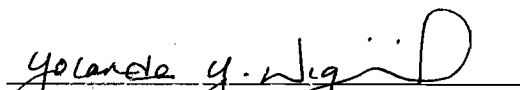
9 **Section 4. Penalty for Violations.** A violation of this Ordinance by any person,  
10 business, or other entity shall be subject to the general penalty provisions of the Article 1-3 SFCC  
11 1987. Every five minutes that a violation continues shall constitute a separate offense.

12 PASSED, APPROVED and ADOPTED this 9<sup>th</sup> day of January, 2008.

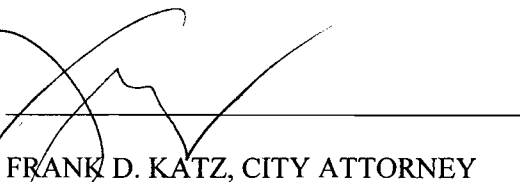
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15 DAVID COSS, MAYOR

16 ATTEST:

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19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FROM:

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22  
23 FRANK D. KATZ, CITY ATTORNEY  
24

25 Jp/2008 ord/nighttime const. moratorium