

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that the City Commission of the City of Hobbs, New Mexico, adopted an ordinance at its regular meeting on Monday, October 19, 2009, at 6:00 p.m. in the Meeting Room at the Hobbs Public Library, 509 North Shipp, Hobbs, New Mexico, which reads as follows:

CITY OF HOBBS

ORDINANCE NO. 1022

AN ORDINANCE AMENDING CHAPTER 8.20 OF THE
HOBBS MUNICIPAL CODE REGARDING NOISE VARIANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
HOBBS, NEW MEXICO that Chapter 8.20 of the Hobbs Municipal Code is
hereby amended to read as follows:

8.20.50 Variances.

A. The City Commission shall have the authority to grant special variances which may be requested by a written application when it finds or determines that:

1. Strict conformance with the provisions of this chapter would cause a hardship upon any person;
2. The offending noise will be for a short duration and compliance with this chapter will be impractical;
3. The benefit to the community of the activity creating the offending noise is greater than the adverse effect on the community of the noise created; or
4. The applicant needs additional time to modify equipment or take other action in order to comply with the provisions of this chapter.

B. Notice of an application for a variance granted under this chapter shall be published in the same manner as provided for notice of ordinances in Section 3-17-3, NMSA 1978, as amended, and shall be granted only after the matter is considered in a hearing at a regularly scheduled or special commission meeting.

C. The City Manager may grant a temporary permit to an applicant for a variance to exceed levels established in this chapter until action is taken by the Commission on the application for a variance.

D. Special variances shall be granted in the form of a resolution containing all necessary conditions. Special variances shall include a time limit on the permitted activity and the distances regarding noise levels as specifically set forth in 8.20.030 B.2. shall be limited to an increase from fifty (50) feet to one-

hundred fifty (150) feet. Any event requiring a variance in excess of the levels as set forth in paragraph D. herein shall require City Commission approval. The City Commission may grant such reasonable requests including all special conditions. The special variance shall not become effective until all conditions set by the Commission are agreed to by the applicant. Noncompliance with any condition of a special variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted. Application for an extension of the time limits specified in special variances or for modification of other substantial conditions shall be treated the same as applications for initial variances.

Copies of the ordinance are available to interested persons during regular business hours in the Office of the City Clerk at City Hall, 200 East Broadway, Hobbs, New Mexico.

/s/ Jan Fletcher
JAN FLETCHER, City Clerk