

Sec. 26-69. Special events.

(a) Application for license; guarantee of compliance.

(1) Every application for a special events license must be submitted at least 30 days in advance of the special event, and shall contain the following information in addition to other information required of business license applicants:

- a. An estimate of the number of guests or patrons that are expected to attend the event;
- b. A diagram of the premises showing the location of activities, emergency access, and a description of how access to the event is to be controlled; and
- c. If alcoholic beverages are to be served, the identities of both the sponsor of the event and the alcoholic beverage licensee who will cater the event.

(2) If the event is to be held outdoors, the application shall be accompanied by a cashier's check in the currently required amount or other equivalent security as a guarantee of compliance with subsection (c)(5) of this section.

(b) Approval or denial of license.

(1) The applicant shall obtain the review of the police, fire and planning departments before the clerk approves or recommends denial of an application for a special event. If the clerk determines that the application should be denied based on reports from these departments or based on the applicant's having previously violated the provisions of this section, the matter shall be referred to the village council as provided in section 26-64.

(2) If the event is to be held in the Ruidoso Convention Center this section does not apply; however, the policies of the convention center must be complied with by the applicant.

(c) Standards. Each special event shall meet the following standards:

(1) *Sanitary facilities.* All special events shall have an adequate number of sanitary facilities. If the event is held outdoors, facilities in adjacent buildings may be used with the written consent of the property owner if, during the event, the exterior of the building is clearly marked to show the availability of facilities. Portable outdoor toilets may be used if the village approves their use and location.

(2) *Waste receptacles.* For outdoor special events, adequate waste receptacles shall be provided at the sponsor's expense. The number of receptacles shall be subject to approval by the village.

(3) *Access for emergency vehicles.* All special events shall have adequate access for emergency vehicles as approved by the village.

(4) *Compliance with other regulations.* All special events must meet all other applicable codes and ordinances, including but not limited to fire codes, building codes and noise limitation ordinances.

(5) *Cleanup of area.* The person obtaining the license for an outdoor special event shall be responsible for the cleanup of the area used by the event, plus the public rights-of-way within 150 feet of that area, within 48 hours of the close of the event.

(6) *Liability insurance.* All special events shall provide comprehensive public liability insurance with limits of liability of not less than \$1,000,000.00 combined single limit. The village shall be named insured for the duration of the event. Coverage shall include liquor legal liability if alcoholic beverages are to be served. The village manager may permit reduced or no coverage if he finds that the public safety and welfare will not be jeopardized by this reduced coverage. The village manager shall advise the council in writing of all pertinent facts when a reduction or waiver is granted.

- (d) *Special events with alcoholic beverages.* All special events where alcoholic beverages are served shall be subject to the following additional requirements:
- (1) All events serving alcoholic beverages must also serve food, water and nonalcoholic beverages at least equally available with the alcoholic beverages.
 - (2) Events serving alcoholic beverages outdoors shall serve beverages only in paper or other biodegradable cups. Service of alcoholic beverages or other beverages in plastic, metal or glass containers is prohibited.
 - (3) Events serving alcoholic beverages outdoors shall control access to the event by means of fencing or other adequate security measures which have been approved by the village.
 - (4) If live entertainment is provided at the event, the event shall comply with section 58-53.
- (Code 1985, § 7-2-9)

Sec. 26-76. Use of public property for profit-making events.

Use of public property for profit-making events is prohibited except as provided in section 58-84, or at the Ruidoso Convention and Civic Events Center pursuant to its policies.

(Code 1985, § 7-2-19)

Sec. 38-31. Unreasonable noise.

Unreasonable noise consists of creating any unreasonably loud, disturbing or unnecessary noise of such character, intensity or duration as to be detrimental to the repose, life or health of others, including but not limited to the following specific noises if created in violation of this section:

- (1) 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, which creates an unreasonable, loud or harsh sound or which occurs for an unnecessary and unreasonable period of time. This is not to include noise caused by accident or mechanical, electrical or other difficulty or failure.
- (2) The playing of any radio, television, phonograph, musical instrument or other sound-producing machine in such a manner or with such an unreasonable volume as to disturb the quiet, comfort or repose of persons in any dwelling, motel, hotel, hospital, sanatorium, or commercial or public building, or on public rights-of-way.
- (3) The use of any automobile, truck, bus or motorcycle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (4) The use of any loudspeaker, drum, whistle, bell or other instrument or device for the purpose of attracting attention by the creation of sound to any performance, show, sale, display of merchandise or political candidate, party or platform without first obtaining a written permit from the village clerk. The village clerk shall issue such permit, subject only to such reasonable standards of noise volume and hours of operation as he or his representative may adopt.**

- (5) 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 disrupts or annoys occupants of such buildings.
- (6) The noise caused by the use of a retarder, meaning any exhaust and/or engine device used as braking power, to slow down a motor vehicle's rate of speed, without a muffler. (Code 1985, § 6-6-3; Ord. No. 96-17, § 1, 12-10-96)

Sec. 10-9. Security personnel required at live entertainment events where alcoholic beverages may be consumed.

(a) Businesses featuring live entertainment in or upon premises where alcoholic beverages may legally be consumed or offered for sale, whether or not legally consumed or offered for sale, and owners, managers or promoters of live entertainment events upon premises where alcoholic beverages may be legally consumed or offered for sale, whether or not alcoholic beverages are actually legally consumed or offered for sale, shall be required to furnish, at their own expense, security personnel. A minimum of one security person shall be furnished for the premises for each 100 customers, guests or patrons during the time that the live entertainment is offered and until such time that the customers, guests and patrons have departed the premises and parking area following the live entertainment. Security personnel shall be in clearly identifiable uniforms bearing the word "Security" visible from ten feet front and rear. Not less than one security person shall be as described in subsection (b) of this section.

(b) Events at the Ruidoso Convention Center where alcohol is served but having no live entertainment shall provide security according to the rules and regulations of the convention center.

(c) As used in this section, a security person (personnel) is defined as follows:

(1) A person in the direct employment of the owner of the premises featuring live entertainment or in the direct employ of the owner, manager or promoter of the event featuring live entertainment.

(2) A person licensed by the state as a private patrol operator or operator of a private patrol service, or an employee of a business so licensed.

(Code 1985, § 6-2-24)

Sec. 10-12. Special dispenser's permits.

(a) *Generally.* In any event where a person seeks a special dispenser's permit pursuant to NMSA 1978, § 60-6A-12, this application shall be reviewed by the village council. The village council shall determine if the proposed special dispenser's license is detrimental to the public health, safety or morals; if so, the council shall not approve the application.

(b) *Events at Ruidoso Convention Center.* Review by the village council is not necessary if the event is contracted to be held at the Ruidoso Convention Center. The village manager has the authority to approve the application.

(Code 1985, § 7-3-11)

Sec. 58-84. Use of streets, sidewalks, parks and village-owned public property.

(a) *Riding animals or driving motorized vehicles in parks.* It is unlawful for any person to ride an animal or operate a motorized vehicle within the limits of village parks, except on designated roadways or as authorized by the village.

(b) *Solicitation on public property.* The practice by itinerant vendors or solicitors of going onto public property for the purpose of soliciting money or for the sale of goods, wares and merchandise or for the purpose of disposing of goods, wares and merchandise shall be considered a nuisance and punishable under this Code, except as otherwise provided by law or authorized by the council.

(c) *Enforcement.* It shall be the duty of the police department or code enforcement officer to enforce diligently the penal provisions of this section.

(d) *Parades, processions and other special uses of streets.*

(1) *Approval required.* All requests for parades, processions and other special uses of streets, as well as street closures, shall be made through the village clerk's office and approved by the village manager.

(2) *Parade permit.* No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the village clerk's office. The village clerk shall prescribe the form for application for a parade permit. The village clerk may require the applicant to obtain review and approval from other village departments as needed. This section does not supersede any other requirements for use of state roadways or public rights-of-way. This section shall not apply to:

a. Funeral processions.

b. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

c. A governmental agency acting within the scope of its functions.

d. Sidewalk processions which observe and comply with traffic regulations and control devices, utilizing that portion of the sidewalk nearest the street but at no time more than half of the sidewalk.

(Code 1985, § 6-3-6)

Cross references: Parks and recreation, ch. 62; streets, sidewalks and other public places, ch. 74.