

CHAPTER TWO: PROHIBITED ACTIVITIES

Subchapter 2.05: Noise Limitation

2.05.010 Purpose.

The purpose of this subchapter is to limit noise in residential areas to protect and promote public health, safety, and welfare.

[History: ORD. 732, 12/11/13]

2.05.020 Noise Limitation.

(a) It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud and unnecessary noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (1) The level of the noise;
- (2) Whether the nature of the noise is usual or unusual
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time of the day and night the noise occurs;
- (9) The duration of the noise; and
- (10) Whether the noise is recurrent, intermittent, or constant.

(b) Nothing herein shall prohibit the use of radios, televisions, and music equipment wherever used, when the sound produced does not carry beyond the property line or does not unreasonably disturb any person outside the property where the sound is generated

[History: ORD. 732, 12/11/13]

2.05.030 Gardening Equipment Noise Limitation.

The use of mechanically powered non-construction gardening type equipment including but not limited to lawn mowers, weed whackers and leaf blowers are prohibited in a residential neighborhood or within 500 feet of a residential unit except during the following hours:

- Monday – Friday: 8:00 AM – 7:00 PM
- Saturday, Sunday and Holidays: 10:00 AM – 5:00 PM

[History: ORD. 732, 12/11/13; ORD. 761, 5/25/16]

2.05.040 Exemptions.

(a) *Construction.* The noise limitation in this subchapter shall not apply to construction activities permitted under subchapter 5.04 of the Colma Municipal Code.

(b) *Cemetery Landscaping and Maintenance.* The noise limitation in this subchapter shall not apply to any person engaged in routine landscaping and maintenance activities performed in connection with a cemetery.

(c) *Special Events.* The noise limitation in this subchapter shall not apply to any activity where a Special Event Permit has been issued.

(d) *Community Center, Recreation Center or Sterling Park Events.* The noise limitation in this subchapter shall not apply to any activity held at the Colma Community Center, Recreation Center, or Sterling Park if scheduled by the Recreation and Parks Department.

(e) *Refuse Collection, Recyclables Collection or Street Sweeping.* The noise limitation in this subchapter shall not apply to refuse collection, recyclables collection or street sweeping activities undertaken by, or pursuant to contract with, the Town of Colma.

(f) *Governmental Activities.* The noise limitation in this subchapter shall not apply to any activity undertaken by the Town, another governmental agency, or city contractor for public health and safety purposes when, in the judgment of the Town, such activity cannot be undertaken effectively or efficiently in compliance with regulations set forth in this subchapter.

(g) *Certain Sound-amplifying Equipment or Devices.* The noise limitation in this subchapter shall not apply to the use of sound-amplifying equipment used under the following circumstances:

- (1) In conformity with a Special Event Permit issued by the Town;
- (2) In conformity with a Conditional Use Permit under the provisions of Chapter 5 of this code; or
- (3) On emergency vehicles or by government employees in connection with any activity undertaken for the protection of the public welfare or safety.

[History: ORD. 732, 12/11/13]

2.05.050 Enforcement and Penalty.

(a) A violation of the provisions of this subchapter shall be an infraction. The punishments for an infraction are set forth in subchapter 1.05 of the Colma Municipal Code.

(b) A violation of this subchapter shall also be deemed to be a public nuisance under section 2.01.060 of the Colma Municipal Code, and may be abated pursuant to the procedures set forth in subchapter 2.01 of the Code. Notwithstanding any other provision in subchapter 2.01, the authority granted the Code Enforcement Officer in subchapter 2.01 may also be exercised by a Colma peace officer, except that only a Colma peace officer may write and issue Administrative Citations for a violation of this subchapter.

[History: ORD. 732, 12/11/13]