

## **CHAPTER TWO: PROHIBITED ACTIVITIES**

### **Subchapter 2.04: Firearms, Alcohol, Curfews**

#### **2.04.010 Discharge of Firearms Prohibited.**

(a) Except as provided in subdivisions (b), (c), (d), (e), or (f), it shall be unlawful for any person to discharge a firearm within the city limits of the Town of Colma.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2 of the California Penal Code, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in Colma, or any person summoned by any such officers to assist in making arrests or preserving the peace while the person is actually engaged in assisting such officer.

(2) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(3) Armored vehicle guards, as defined in Section 7521 of the Business and Professions Code, (A) if hired prior to January 1, 1977; or (B) if hired on or after such date, if they have received a Firearms Qualification Card from the Department of Consumer Affairs, in each case while acting within the course and scope of their employment.

(c) Subdivision (a) shall not apply to any of the following who have completed a regular course in firearms training approved by the Commission on Peace Officer Standards and Training:

(1) The discharge of weapons by animal control officers or zoo keepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the California Civil Code, while actually engaged in the performance of their duties pursuant to that section.

(2) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code who are carrying out official duties while in the Town of Colma.

(3) Peace Officers listed in Section 830.1 or 830.2 of the California Penal Code engaged in duly authorized use of the Town of Colma Police Department's Pistol Range.

(d) Subdivision (a) shall not apply to any of the following who have been issued a certificate pursuant to Section 12033 of the California Penal Code. Such certificate shall not be required of any person who is a peace officer who has completed all training required by law for the

exercise of his or her power as a peace officer, and who is employed while not on duty as such peace officer:

- (1) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other things of value within the Town of Colma and in the course and scope of that employment.
  - (2) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority in the course and scope of that employment (i) if hired prior to January 1, 1977; or (ii) if hired on or after January 1, 1977, if they have completed a course in the carrying and use of firearms which meets the standards prescribed by the California Department of Consumer Affairs.
  - (3) Private investigators and private patrol operators who are licensed pursuant to Chapter 11.6 (commencing with Section 7590) of Division 3 of the Business and Professions Code while acting within the course and scope of their employment.
  - (4) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, and uniformed alarm agents employed by an alarm company operator, while actually engaged in protecting and preserving the property of their employers.
  - (5) Uniformed employees of private patrol operators and private investigators licensed pursuant to Chapter 11.5 (commencing with Section 7512) of Division 3 of the California Business and Professions Code while acting within the course and scope of their employment as private patrolmen or private investigators.
- (e) Nothing in this section is intended to preclude the discharge of any firearm legally carried or held under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or herself or of another is in immediate, grave danger and that the discharge of such weapon is necessary for the preservation of such person or property. As used in this subdivision "immediate" means the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of its assistance.
- (f) Nothing in this section shall prevent any person from discharging a weapon, if such discharge is reasonably necessary in the course of making a lawful arrest.
- (g) Every person convicted under this section shall be guilty of a misdemeanor and is subject to punishment by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding One Thousand Dollars (\$1,000), or both.

[History: formerly § 2.501; ORD. 333, 06/11/86; ORD. 638, 12/14/05]

#### **2.04.020 Restrictions on Consumption of Alcoholic Beverages.**

- (a) *Purpose and Intent.* The purpose and intent of this section 2.04.020 is to restrict the consumption of alcoholic beverages in public places, parking lots, and motor vehicles within the

Town of Colma. This section shall not be deemed to make punishable any act or acts which are prohibited by any statute of the State of California.

(b) *Definitions.* As used in this section "alcoholic beverages" includes alcohol, spirits, liquor, wine, or beer which contains one-half of one percent or more of alcohol by volume and which is fit for human consumption purposes either alone or when diluted, mixed or combined with other substances.

(c) *Possession in Public Places.* It is unlawful for any person to possess any alcoholic beverage in any public place, or transport any alcoholic beverage upon any public street, sidewalk, pedestrian mall, public school ground, alleyway, or thoroughfare if such alcoholic beverage is in a receptacle which has been opened, or the seal of which has been broken, or the contents of which have been partially removed.

(d) *Possession in Parking Lots.* It is unlawful for any person to possess any alcoholic beverage in any private or public parking lot within the Town of Colma where such parking lot has immediate access to a public street if such alcoholic beverage is in a receptacle which has been opened, or the seal of which has been broken, or the contents of which have been partially removed.

(e) *Exemption.* The provisions of this section shall not apply to the consumption, drinking, exhibition, or possession of an open container of alcoholic beverages at a city approved function.

(f) *Violation.* Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 et seq.

[History: formerly § 2.502; ORD. 418, 8/18/90; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

#### **2.04.030 Curfew for Minors.**

(a) *Curfew for Minors.* It is unlawful for any minor person under the age of eighteen years to loiter in, upon or about the public streets, avenues, alleys, parks, buildings or other public places, between the hours of ten p.m. and sunrise the following morning. However, the provisions of this section shall not apply in the following circumstances: (a) when the minor is accompanied by his or her parents, guardian or other adult having the legal care, custody or control of the minor; (b) when the minor is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor; (c) when the minor is going directly to or returning directly from a place of work, or worship, or a meeting, dance, recreational activity or other event organized or sponsored by a school or community group; or (d) when the minor is going directly to or returning directly from a private residence at which the minor is or was an invitee.

(b) *Responsibility of Parent.* It is unlawful for the parent, guardian or other person having the legal care, custody or control of any minor under the age of eighteen years to allow or permit such minor to violate any provision of this chapter.

(c) *Encouragement to Violate Prohibited.* It is unlawful for any person to assist, aid, abet, or encourage any minor under the age of eighteen years to violate any provision of this chapter.

(d) *Violation.* Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 et seq.

[*History:* formerly 2.503; ORD. 417, 8/08/90; ORD. 638, 12/14/05, ORD. 643, 4/12/06]

#### **2.04.065 Bark Park Regulations**

This section shall apply to the Town of Colma's Dog Park, known as the "Bark Park," in addition to all other regulations of this CMC Chapter 2.07. For the purposes of this section, the term "Responsible Person" shall mean any person age eighteen (18) years or older who owns, has a proprietary or possessory interest in, harbors or has the care, charge, control, custody or possession of any dog.

(a) Pursuant to Government Code section 831.7, the Town shall not be held liable for injury or death of a person or pet resulting solely from the actions of a dog in a dog park. Each Responsible Person is solely responsible and liable for the actions of their dog.

(b) Consuming, possessing or keeping on or about his or her person any alcoholic beverage pursuant to Section 2.07.060(12) is hereby prohibited in the Bark Park.

(c) Smoking, lighting or carrying a lighted pipe, cigar, cigarette, or other smoking device of any kind in the Bark Park is prohibited consistent with Section 2.07.060(19).

(d) The Bark Park is open from sunrise to sunset pursuant to Section 2.07.030. No dogs or persons are permitted in the Bark Park from sunset to sunrise.

(e) All dogs must be vaccinated for rabies and legally licensed prior to use of the Bark Park as required by CMC Chapter 8.01. Any Responsible Person must be able to produce evidence of vaccination and licensing upon request by proper authorities.

(f) No person shall place or allow to be placed in the Bark Park any dog that has been designated as a Dangerous or Vicious Animal pursuant to CMC Chapter 8.01 or any similar animal control regulation.

(g) Dog bites shall be reported immediately to the Colma Police Department or San Mateo County Animal Control at 650-997-8321 or 650-340-8200 or as provided in CMC 8.01.260.

(h) Dogs under the age of four (4) months are not permitted in the Bark Park pursuant to section 121690 of the Health and Safety Code.

(i) Children fifteen (15) years of age and younger must be accompanied and supervised by a responsible adult while in the Bark Park.

(j) No food of any kind is allowed in the Bark Park to ensure the public safety and welfare of both dogs and people in the Bark Park as food can lead to dog fights.

(k) No Responsible Person shall have more than three (3) dogs at once in the Bark Park to ensure proper handling of each dog and to ensure the public health, safety and welfare.

(l) Dogs shall not be kept on a leash inside the Bark Park. The Bark Park is an "off leash" area. Choke chains, prong collars, and head collars (Halti, Gentle Leader, etc.) are recommended to be removed before letting a dog loose in the Bark Park.

(m) Each Responsible Person is responsible for repairing damages to the Bark Park or Bark Park facilities caused by their dog(s) (e.g. filling in holes, etc.).

(n) It shall be unlawful for a Responsible Person in the Bark Park not to immediately pick up and properly dispose of the feces of their dog(s). Proper disposal shall include the placement of such feces in a bag or other container and its disposal in a trash receptacle.

(o) No person shall place or allow to be placed a female dog in heat or pre-heat in the Bark Park.

(p) No person shall place or allow to be placed a sick dog in the Bark Park. Sickness includes any animal disease that is dangerous or transmittable to humans or other animals, including, but not limited to, kennel cough, Giardia, and rabies.

(q) Responsible Persons shall, at all times, take all reasonable precautions to prevent their dog(s) from biting, attacking or attempting to bite or attack any person or dog. A Responsible Person shall immediately remove his or her dog from the Bark Park if it bites, attacks or attempts to bite or attack any person or dog. A Responsible Person whose dog is bitten or attacked shall immediately remove his or her dog from the Bark Park.

(r) Any dog which has been repeatedly aggressive or attempted to attack or bite another dog or a person, or whose Responsible Person fails on more than two (2) occasions to abide by the reasonable rules and regulations applicable to the Bark Park may be barred from further use of the Bark Park by notice and order of the City, in its discretion.

[*History*: ORD. 769, 1/11/17]