

ORDINANCE NO. 2004 -

AN ORDINANCE OF THE TOWN OF WOODSIDE AMENDING TITLE IX OF THE WOODSIDE MUNICIPAL CODE BY ADDING CHAPTER 98: REGULATION OF NOISE

The Town Council of the Town of Woodside, California, does hereby ordain as follows:

SECTION 1. Title IX of the Woodside Municipal Code is hereby amended by adding Chapter 98: Regulation of Noise, including the following new sections:

98.01 Findings and Purpose

98.02 Definitions

98.03 Noise limitations

98.04 Exceptions

98.05 Violation a Public Nuisance

98.06 Penalties

98.01 FINDINGS AND PURPOSE

- a) The Town Council finds that the Noise Element of the Woodside General Plan includes several goals with respect to the generation of noise within the Town.
- b) The Town Council finds that these General Plan goals include: (1) retention of the quiet atmosphere within the Town; (2) minimization within the Town of the amount of noise generated from all sources; and (3) assurance that the residents of the Town will not be exposed to noise levels which diminish their ability to enjoy an amenable environment and render areas unsuitable for residential use.
- c) The Town Council finds that the Woodside General Plan indicates that activities that take place within the Town, within practical limits, shall be conducted so that the noise from individual sources shall not disturb the peace and quiet of any neighborhood.
- d) In order to ensure that these General Plan goals and policies can be effectively met, the Town Council finds that the adoption of formal rules for the regulation of excessive noise is desirable and necessary.
- e) In order to protect the public welfare it is necessary that the following regulations be adopted.

98.02 DEFINITIONS

For purposes of this chapter the following definitions apply:

- a. "Construction Activities" are defined as: (1) construction, demolition, remodeling, grading, site preparation, repair work, or installation or removal of landscape or pavement materials on any, building, structure, foundation, vacant property, or project, which activities include, but are not limited to the use of any mechanically powered saw, sander, drill, grinder, pneumatic jack hammer, electric jack hammer, chain saw, steam or electric hoist, hydraulic drill or shovel, "bob-cat", backhoe,

bulldozer, dump truck, or other construction device; (2) delivery or removal of construction materials; or (3) movement of construction materials from place-to-place on a site.

- b. "Powered Domestic Garden Tools" are defined as leaf blowers, leaf vacuums, weed whackers, lawn mowers, edgers, wood chippers, chain saws, rototillers, or any other motorized device powered by electricity or fuel that is used as a lawn or garden tool.
- c. "Excessive Noise" is defined as any annoying, loud or unusual noise or vibration, other than noise or vibration generated by construction activities or powered domestic garden tools, which offends, disturbs or harasses the peace and quiet of persons of ordinary sensibilities beyond the confines of the property from which the sound emanates.
- d. "Holiday" is defined as January 1st, President's Day (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (the 4th of July), Labor Day (the first Monday in September), Veteran's Day (the 11th of November), Thanksgiving (the fourth Thursday in November), and Christmas Day (the 25th of December).

98.03 NOISE LIMITATIONS

- A. Construction Activities may be engaged in during the following times: Monday through Friday between the hours of eight (8:00) a.m. and five-thirty (5:30) p.m. and Saturday between the hours of nine (9:00) a.m. and five (5:00) p.m. Construction Activities at other times are prohibited. In addition, Construction Activities at any time on a Holiday are prohibited. No person or entity, including but not limited to landowners, construction company owners, contractors, subcontractors or employers, shall permit or allow any person working on construction activities which are under their ownership, control or direction to violate this provision.
- B. Powered Domestic Garden Tools may be used during the following times: Monday through Friday between the hours of eight (8:00) a.m. and five-thirty (5:30) p.m. and Saturday between the hours of ten (10:00) a.m. to five (5:00) p.m. Operation of Powered Domestic Garden Tools at other times is prohibited. In addition, operation of Powered Domestic Garden Tools at any time on a Holiday is prohibited. No person or entity, including but not limited to landowners, construction company owners, contractors, subcontractors or employers, shall permit or allow any person working with domestic garden tools which are under their ownership, control or direction to violate this provision.
- C. No person or entity shall allow any Excessive Noise to emanate beyond the confines of that real property that is under that person's or entity's ownership, possession, or control.
- D. No person or entity using property owned by the Town for any purpose shall use amplified sound outdoors.

98.04 EXCEPTIONS

- A. The provisions of this chapter shall not apply to Construction Activities or the use of Powered Domestic Garden Tools performed by or under the direct supervision of any governmental agency or any public utility for emergency purposes or for immediate health or safety needs.

- B. Section 98.03 (A) notwithstanding, the Town Manager or his or her agent may, in his or her discretion, authorize Construction Activities to take place during prohibited times if the health or safety of any person or persons is threatened.
- C. Sections 98.03 (A) and (B) notwithstanding, any Town resident may personally (including with the help of immediate family members) undertake to maintain or improve his or her residential property and/or residence by undertaking Construction Activities or by using Powered Domestic Garden Tools during the following hours, provided that such operation is limited to the improvement or maintenance undertaken by the resident on a personal basis (including with the help of immediate family members): Monday through Friday between the hours of eight (8:00) a.m. and six (6:00) p.m.; Saturdays between the hours of nine (9:00) a.m. and six (6:00) p.m.; and Sundays and Holidays between the hours of ten (10:00) a.m. and six (6:00) p.m.
- D. Section 98.03 (D) notwithstanding, the Town Manager or his or her agent may, in his or her discretion, authorize use of amplified sound outdoors on Town-owned property for a Town-sponsored event.

98.04 VIOLATION A PUBLIC NUISANCE

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 10.60 of this Code.

98.05 PENALTIES

Each violation of the provisions of this chapter shall constitute a misdemeanor, subject to the penalties contained in Chapter 10.99 of this Code. Each day that a violation continues shall be deemed a new and separate offense.

SECTION 2. Except as hereby amended, said Woodside Municipal Code as amended shall be and remain in full force and effect.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4: Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 5: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

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