

ORDINANCE NO. 182

TOWN ORDINANCE REGULATING THE CONSTRUCTION OF SIDEWALKS IN THE TOWN OF SAN ANSELMO, SPECIFYING THE MATERIAL WITH WHICH THE SAME SHALL BE PAVED, THE WIDTH OF SUCH PAVEMENT AND THE WIDTH OF PARKWAY SPACES THEREIN, AND MAKING OTHER REGULATIONS IN REFERENCE THERE-TO.

The Board of Trustees of the Town of San Anselmo do ordain as follows:

Section 1. All sidewalks hereafter constructed in the Town of San Anselmo shall be constructed of concrete in the manner and in accordance with the requirements hereinafter provided.

Section 2. All sidewalks constructed in any business district shall be paved to the full width of the sidewalk area.

Section 3. All sidewalks constructed in any residence district, when the sidewalk area between the property line and the outside line of the nearest curb is four feet or less in width, shall be paved to the full width of the sidewalk area.

Section 4. All sidewalks constructed in any residence district, where the sidewalk area between the property line and the outside line of the nearest curb exceeds four feet in width, shall be paved to the widths hereinafter stated.

(a) When the width of such area exceeds four feet and does not exceed five feet the width of such paving shall be three feet adjoining the property line and the balance of such area to the inside line of the nearest curb shall remain parkway space.

(b) When the width of such area exceeds five feet and does not exceed six feet there shall be an inside parkway space of one foot adjoining the property line, and next thereto the width of such paving shall be three feet and the balance of said area to the inside line of the nearest curb shall remain an outside parkway space.

(c) When the width of such area exceeds six feet and does not exceed seven feet there shall be an inside parkway space of one foot adjoining the property line, and next thereto the width of such paving shall be four feet and the balance of said area to the inside line of the nearest curb shall remain an outside parkway space.

(d) When the width of such area exceeds seven feet and does not exceed eight feet there shall be an inside parkway space of one foot adjoining the property line, and next thereto the width of such paving shall be four feet and the balance of said area to the inside line of the nearest curb shall remain an outside parkway space.

(e) When the width of such area exceeds eight feet there shall be an inside parkway space of two feet adjoining the property line, and next thereto the width of such paving shall be four feet and the balance of said area to the inside line of the nearest curb shall remain an outside parkway space.

Section 5. At all corners and intersections of streets the width of the paving shall conform to the width of the paving upon the sidewalks so intersection.

SECTIONS 6 & 7 AMENDED BY ORDINANCE NO. 387

SECTION 8 AMENDED BY ORDINANCE NO. 388.

SECTIONS 9 & 10 AMENDED BY ORDINANCE NO. 387.

Section 11. This ordinance shall be published once in the Marin and San Anselmo Herald, a newspaper of general circulation printed and published in said Town, and shall go into effect upon its passage and approval.

I hereby approve the foregoing ordinance this 25th day of August, 1924.

JOS. E. CLARK,

President of the Board of Trustees of the Town of San Anselmo.

ATTEST:

ARTHUR W. STUDLEY,

Clerk of the Town of San Anselmo.

I hereby certify that the foregoing Ordinance No. 182 was introduced at a regular meeting of the Board of Trustees of said Town of San Anselmo held on Monday, the 4th day of August, 1924, and that at a regular meeting of said Board of Trustees held on Monday, the 25th day of August, 1924, it was passed and adopted by the following vote.

Ayes: Trustees Peyton, Carl, Pinkham, Devsher and Clark.

Noes: Trustees None.

Absent: Trustees None.

I further certify that after said Ordinance was duly passed and adopted by said Board of Trustees the same was approved and signed on the 25th day of August, 1924, by Joseph E. Clark, the President of said Board of Trustees of the said Town of San Anselmo.

IN WITNESS WHEREOF, I have

hereunto set my hand and affixed the official seal of the said Town of San Anselmo this 25th day of August, 1924.

ARTHUR W. STUDLEY,
Clerk of the Town of San Anselmo.

Section 6. No sidewalk, or walkway and/or driveway from curb to property line, shall be constructed, nor the construction thereof commenced, unless a permit therefor be first obtained from the Superintendent of Streets of the City of San Anselmo, and all sidewalks, walkways and driveways shall be constructed under the supervision of the Superintendent of Streets and/or the City Engineer and in accordance with the following specifications and restrictions, and requirements of other regulatory sections of Ordinance No. 182 of the City of San Anselmo:

(a) No sidewalk, or walkway across the sidewalk area from curb to property line, shall be constructed except on a grade and slope established by measuring from the grade of the outer edge of curb and rising one quarter (1/4) inch per foot from the outer top edge of curb.

(2) No driveway across the sidewalk area from the curb to the property line shall be constructed except on a grade and slope established by measuring from a point two (2) inches above the curb side gutter line and rising to meet standard sidewalk grade, provided for in Subsection (a) hereof, three (3) feet back of curb line and then continuing on the standard slope to property line.

(c) "Concrete" as used in Section 1 of this ordinance is hereby defined to be: "An artificial stone-like material made by mixing cement, sand and crushed rock or gravel with water." The construction of sidewalks, walkways and driveways across the sidewalk area from curb to property line shall be limited to such concrete material as herein defined.

(d) For the purpose of this ordinance, the grades of established curbs and gutters on the public streets, ways and places in the City of San Anselmo shall be recognized as the proper grade to establish the grade and slope of any sidewalk, walkway or driveway, except where it is clearly evident that such curb or gutter grade by reason of structural failure, or rising or sinking of such curb or gutter, is not at proper grade, in which event, or in the event no official curb or gutter grade has been established, no

sidewalk, walkway or driveway shall be constructed until such official grade of curb or gutter shall have been established by the City Engineer upon order of the City Council.

(e) Whenever the average natural slope of the ground in the sidewalk area of any public street, way or place does not exceed five (5) inches rise to the foot, such sidewalk area shall be graded to the standard sidewalk grade as herein provided for.

(f) Whenever the average natural slope of the ground in the sidewalk area of any public street, way or place exceeds five (5) inches rise to the foot, application may be made to the City Council of the City of San Anselmo for a variance permit to construct a walkway or driveway from the curb line to the property line across the full width of the sidewalk area at a grade and slope in excess of that permitted by other provisions of this ordinance. Every such application shall be made in writing and shall be accompanied with a plot plan with proposed grade elevations of such proposed walkway or driveway in reference to curb and/or gutter grade, and to further be accompanied by detailed sketch and diagram setting forth the nature and character of adjoining sidewalk area and average natural slope and grade thereof for a distance of one hundred (100) feet in each direction on the same side of the street from the location of the property in front of which such construction variance is applied for. The construction of any such walkway or driveway under a variance permit from the City Council shall be done under the supervision of the Superintendent of Streets and/or the City Engineer and under the terms, conditions and specifications of the City Council determined at the time of granting such variance permit.

Section 7. For the purpose of this ordinance the term "business district" is hereby defined to mean: "All that property within the City of San Anselmo which is now or may hereafter be, zoned for business and commercial purposes by the provisions of other ordinances of the City of San Anselmo," and the term "residence district" is hereby defined to mean: "All that property within the City of San Anselmo which is now, or may hereafter remain, zoned for residential use and occupancy by the provisions of other ordinances of the

City of San Anselmo."

Section 8. For the purpose of this ordinance the term "parkway space" is hereby defined to mean the space in the sidewalk area, whereon there is no concrete sidewalk or driveway paving, wherein there may be planted grass, flowers, shrubs, trees and other growth, provided however, that any such planting or growth shall be maintained by the person, firm or corporation owning, occupying or having charge and control of the premises in front of which such sidewalk area exists and shall be permitted only under the following conditions and regulations:

(a) Branches of trees shall not be permitted to extend lower than seven (7) feet above the surface of the sidewalk area or to extend lower than ten (10) feet above the surface of the portion of the street used for vehicular traffic, whether planted in the parkway space or upon private property.

(b) Flowers, shrubs and other growth, with the exception of trees, in the parkway space shall not be permitted to exceed eighteen (18) inches in height.

(c) Flowers, shrubs, hedges and other growth growing upon private property abutting any such sidewalk area shall not be permitted to extend out over, across or upon any portion of the sidewalk area except at the minimum height permitted in Subsection (a) hereof.

Section 9. Nothing contained herein shall be construed to prevent the construction of walkways or driveways of a proper width and at a proper location from the curb to the property line and across the full width of the sidewalk area subject to the specifications, restrictions and requirements of Section 6 of this ordinance and subject to the supervision of the Superintendent of Streets and/or the City Engineer, and provided further that no portion of such walkway or driveway of a temporary or permanent nature shall ever be permitted to extend onto the street beyond the curb side gutter line.

Section 10. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail of the County of Marin not exceeding six (6) months or by both such fine and imprisonment.