

ORDINANCE NO. 262

AN ORDINANCE PROVIDING FOR THE CLEANING OF ALL CREEKS,
CHANNELS, AND WATER COURSES IN THE TOWN OF SAN ANSELMO;
THE REMOVAL OF ALL DEBRIS AND OBSTRUCTIONS THEREFROM;
DECLARING ANY OBSTRUCTION TO CREEK OR WATER COURSE TO
BE A PUBLIC NUISANCE, AND PROVIDING PENALTIES FOR
VIOLATION OF THIS ORDINANCE.

The City Council of the Town of San Anselmo does ordain as follows:

Section 1. As used in this ordinance, the term "Creek" shall mean San Anselmo Creek, all of its tributaries, or any other creek, channel or water course, wherein, during the rainy season of the year, or any other time, water runs in a defined channel.

Section 2. It is hereby declared that each and every creek in the Town of San Anselmo and the free and unobstructed flow thereof is essential to the proper drainage of the Town of San Anselmo and to the protection of life and property in said Town. Any weeds, trees, debris, rubbish, rank growth or thing whatsoever in any creek which, at any time, interferes with the free and unobstructed flow of water in said creek constitutes a public nuisance and is subject to summary abatement as provided by law, or as hereinafter in this ordinance provided.

Section 3. Every owner of property in the Town of San Anselmo shall at all times keep free and clear of weeds, trees, debris, rubbish, or any other obstruction, all creeks or portions thereof which flow upon, over or across the property of said owner, and the failure to do so shall constitute a misdemeanor.

Section 4. The Superintendent of Streets of the Town of San Anselmo is authorized, and it shall be his duty, to ascertain whether any creek is being obstructed, and said Superintendent of Streets is authorized to remove

any and all such obstructions to creeks, and may for that purpose enter upon any private property in the Town of San Anselmo. Said Superintendent may widen, straighten and deepen the channel of any creek in the Town of San Anselmo to such an extent as to provide a channel that will carry all water normally flowing in said creek, during seasonal rains.

Section 5. In addition to the foregoing provision for summary abatement of any obstruction to a creek as a nuisance, and as a supplementary method of removal of same, the City Council of the Town of San Anselmo may, by resolution, declare any weeds, trees, dirt, debris, rubbish, rank growths, or any other thing, found in any creek, to be a public nuisance. Said resolution shall refer to the nature of said public nuisance and describe the property upon which said nuisance exists by giving the lot and block number, or other description, of the same, according to the official maps of said town, or the description on the assessment roll of said Town used for describing property on tax bills. No other description shall be required.

Section 6. After the adoption of any such resolution as provided in Section 5 of this ordinance, the Superintendent of Streets shall prepare three copies of a notice entitled, "NOTICE TO ABATE NUISANCE", which said notice shall describe with reasonable certainty the nature, description and location of said nuisance, and shall contain a time and date when the owner of the property, upon which said nuisance exists, may appear before the City Council of the Town of San Anselmo and show reason why said condition does not constitute a nuisance, and is not an obstruction to any creek. Two of said notices shall be posted on the property described therein, and a third copy shall be mailed by registered mail, postage prepaid, to the person appearing upon the records of the City Assessor as the owner of said property, at his last known address as shown by said records. Said mailing and posting shall be done at least five days before said hearing. At the time and place stated in said notice, the City Council shall hear all persons interested in said

matter and consider all objections to the removal of any such nuisance or obstruction. Upon the conclusion of said hearing, the City Council, by resolution, shall allow or overrule any or all objections, whereupon the said City Council shall be deemed to have acquired jurisdiction to proceed to order the removal of any such obstruction, or the widening, deepening or straightening of any channel of any creek in the Town of San Anselmo, and the decision of the City Council on the matter shall be deemed final and conclusive.

Section 7. After the hearing provided for in Section 6 hereof, the City Council may, by resolution, order the Superintendent of Streets to abate any such nuisance, and remove any such obstruction referred to in such proceedings, and said Superintendent of Streets and his deputies are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such obstruction or nuisance removed at his own expense providing the same is done prior to the date set forth for such removal by the Superintendent of Streets or his representative.

Section 8. The Superintendent of Streets shall keep an accurate account of the cost of abating such nuisance and the removal of any such obstruction and shall render an itemized report in writing to the City Council of the Town of San Anselmo, showing the cost of said removal and abatement, provided, that before said report is submitted to said City Council, a copy of same shall be posted for at least three days prior thereto, on the property from which said obstruction was removed, or nuisance abated, together with a Notice of the time when said report shall be submitted to the City Council for confirmation.

Section 9. At the time fixed for receiving and confirming said report of the Superintendent of Streets, the City Council shall hear the same, together with any objections which may be raised by any

property owner liable to be assessed for the work of abating said nuisance or removal of said obstruction, and said City Council shall thereupon make such modification in said report as they may deem necessary, after which, by resolution said report shall be confirmed. The amounts of the cost for abating such nuisance, or removal of said obstruction, from any property mentioned in said report, shall constitute a special assessment against the parcel of land, and after thus made and confirmed, shall constitute a lien on said property for the amount of such assessment. After confirmation of said report, a copy thereof shall be turned over to the Assessor and the Tax Collector of the Town of San Anselmo, whereupon it shall be the duty of said officers to add the amounts of said assessment to the next regular bill for taxes levied against the said lot or parcel for municipal purposes and the said lien shall be collected in the same manner as other general municipal taxes. The amount of said costs for removal hereinabove mentioned shall be and constitute the personal obligation of the owner of said property, and the City Council may enforce said obligation by suit at law.

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 punishable by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for a term not exceeding three (3) months, or both such fine and imprisonment.

Section 11. This is an ordinance for the protection of the public peace, health, and safety, of the people of San Anselmo and one of urgency, and shall take effect and become operative immediately from and after its final passage and adoption. The facts constituting the urgency in this instance are as follows: San Anselmo Creek, a number of its tributaries, and other creeks in the Town of San Anselmo are filled with weeds, trees and other obstructions which hinder the normal flow of seasonal rainfall. The rainy season is approaching and it is necessary

that a number of said creeks be cleaned. That unless said creeks are cleaned and cleared it is anticipated that considerable damage will be done to property in San Anselmo and that the health and safety of the people of San Anselmo will be threatened. It is, therefore, necessary for the proper protection and preservation of the property, health, and safety of the residents of San Anselmo that this ordinance be passed and go into effect immediately upon its passage and approval.

Section 12. The foregoing Ordinance shall, within fifteen (15) days after its final passage and adoption be published once in the San Anselmo Herald, a weekly newspaper of general circulation, published and circulated in the Town of San Anselmo, and hereby designated for that purpose.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of the City Council of the Town of San Anselmo held in said Town on the 12th day of AUGUST, 1941, and was thereafter at a regular meeting of said City Council, held in said Town of San Anselmo on the 14th day of October, 1941, duly passed and adopted by the following vote:

AYES:	COUNCILMEN:	White, Fruehlin, Willard, Conrad, Litch
NOES:	COUNCILMEN:	none
ABSENT:	COUNCILMEN:	none

Signed and approved this 14th day of October, 1941.

Gaw Litch
MAYOR OF THE TOWN OF SAN ANSELMO.

F. B. Brown
CLERK OF THE TOWN OF SAN ANSELMO.

ATTEST: