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Reading full  
M. J. ...

AN ORDINANCE REGULATING THE CUTTING, OPENING  
AND EXCAVATION OF, AND THE PLACING OF OBSTRUC-  
TIONS IN, THE STREETS OF THE TOWN OF SAN ANSELMO

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

Section 1: As used in this ordinance, the term "person" shall mean any person, firm, co-partnership, corporation or organization.

Section 2: As used in this ordinance, the term "applicant" shall mean any person by whom application is made for, or to whom shall be issued, a permit under the provisions of this ordinance.

Section 3: It shall be unlawful for any person to cut, open, excavate or tear up any portion of any street or other public thoroughfare within the Town of San Anselmo for the purpose of laying, replacing or repairing any pipe, conduit, or sewer therein, or for any other purpose whatsoever, without first obtaining a written permit therefor, from, and making a deposit with, the Superintendent of Streets as hereinafter provided.

Section 4: Any person desiring to cut, open, excavate or tear up any portion of any street or other public thoroughfare within the Town of San Anselmo, for the purpose of laying, replacing or repairing any pipe, conduit or sewer therein, or for any other purpose whatsoever, shall, before proceeding with said work, file with the Superintendent of Streets a written application for a permit to proceed with the work contemplated, which said application shall set forth the work contemplated with reasonable certainty and shall contain a covenant and agreement on the part of the applicant to hold the Town of San Anselmo harmless from any damages claimed for injuries suffered by any person sustained by reason of said work or improvement.

Section 5: The Superintendent of Streets, before issuing any such permit shall estimate the length of the proposed excavation or opening and shall require a deposit from the applicant in the sum of One (\$1.00) Dollar for each

square foot of such cut, opening or excavation, which said deposit shall be held and applied by the Superintendent of Streets to defray the cost of resurfacing such opening or excavation as hereinafter provided.

Section 6: If it shall appear to the Superintendent of Streets that travel over the street described in such application shall not be hindered or delayed by the work therein described, beyond a reasonable time, the said Superintendent of Streets shall, upon receipt of such deposit, issue a written permit to applicant to do and perform the work necessary to perform in accordance with the application.

Section 7: The cutting, opening or excavating specified in said permit, and the laying, replacing and repairing of any pipe, conduit or sewer therein, shall be done by applicant in accordance with the requirements set down by the Superintendent of Streets and to the entire satisfaction of the Superintendent of Streets, and said opening, cut or excavation shall be filled in as soon as reasonably practicable by applicant up to the <sup>Street Surface</sup> ~~lower~~ level of any concrete, macadam or other surfacing ~~on~~ any such street. Such back filling shall be done by applicant and shall be accomplished by the application of a pneumatic jack tamper or other method acceptable to the Superintendent of Streets to thoroughly and completely tamp the refilled dirt, gravel or other material.

Section 8: When all of the back filling has been accomplished and the fill tamped and prepared for any concrete, macadam, gravel or other surface dressing, the applicant shall thereupon immediately notify the Superintendent of Streets in writing with the date and hour of notification written thereon. It is hereby expressly made the duty of said Superintendent of Streets to repave or resurface the street. The Superintendent of Streets shall pay the cost of such repaving and resurfacing out of the amount of the deposit received by him for granting of the permit hereinabove provided for, making reasonable charge for all labor, including that of the Superintendent of Streets and for all materials used in repaving or resurfacing. Should there be any amount on hand in possession of the Superintendent of Streets after making all reasonable charges necessary for said work, then the same shall be returned to applicant. In the event that the cost of such repaving

or resurfacing shall be in excess of the amount of said deposit, said Superintendent of Streets shall notify the applicant and applicant shall pay the amount of said excess to the Superintendent of Streets upon demand.

Section 9: Every applicant shall erect and maintain around any cut, opening, excavation, or tear-up of any portion in any street for the entire period during such course of work, a good and substantial barrier warning persons on foot or in vehicles of the danger of travel thereover. Each end of any such cut, opening or excavation shall be marked by a red flag during the daytime and shall be marked by a red light at night from sundown to sunrise.

Section 10: Any person having occasion to deposit or maintain on any portion of any street or sidewalk, any building material, lumber, debris or other material of any kind, shall cause the same to be barricaded and marked as provided in the section next hereinabove.

*Ordinance*  
Section 11: Any person who shall violate any of the provisions of this order shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail of the County of Marin, State of California for not more than six (6) months, or for both such a fine or imprisonment.

Section 12: Ordinances 131 and 144 and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 13: Copies of this ordinance shall be posted within fifteen (15) days after its final passage and adoption in three (3) public places in the Town of San Anselmo, to-wit:

- (a) Bulletin Board, San Anselmo Public Library
- (b) Bulletin Board, San Anselmo Post Office
- (c) Bulletin Board, San Anselmo City Hall,

which said places are hereby designated for that purpose and shall be in full force and effect thirty (30) days after its final passage and adoption.

The foregoing ordinance was duly and regularly introduced at a regular adjourned meeting of the City Council of the Town of San Anselmo, held in said town on the 14 day of December, 1948, and was thereafter at a regular meeting of the said City Council held in said Town on the 8 day of March, 1949, duly passed and adopted by the following vote:

AYES:	COUNCILMEN	BOOTH-MILLER-ALLEN-LOVE SMITH
NOES:	COUNCILMEN	None
ABSENT:	COUNCILMEN	None

Arthur W. Smith  
Mayor

ATTEST:

[Signature]  
City Clerk