

CITY OF SAN ANSELMO

ORDINANCE NO. 421

*Conform
Ordinance*

AN ORDINANCE PROHIBITING THE OBSTRUCTION, EITHER PERMANENT OR TEMPORARY, OF PUBLIC STREETS, ROADWAYS, ALLEYS, HIGHWAYS OR LANES AND PROVIDING FOR NOTICE TO REMOVE THE OBSTRUCTION, THE PERFORMANCE OF THE WORK BY THE CITY, ESTABLISHING THE COST OF THE WORK AS A LIEN AGAINST THE PROPERTY AND PROVIDING FOR THE HANDLING OF THE LIEN AS AN ASSESSMENT ON THE REGULAR TAX BILL.

The City Council of the City of San Anselmo do ordain as follows:

SECTION 1. OBSTRUCTING STREET PROHIBITED.

No person, firm or corporation shall erect, construct, or maintain any obstruction in or upon any public street, highway, roadway, alley or lane without first having obtained a permit so to do. It is hereby declared that public convenience, necessity, welfare and safety require that all public streets, highways, roadways, alleys and lanes shall be kept free and clear of any and all obstructions of such character as to impede in any degree the full use thereof by the public or so as to impede in any degree the flow of drain waters over and upon said streets, curbs or gutters.

SECTION 2. TEMPORARY PERMIT.

Any person, firm or corporation desiring to temporarily obstruct a portion of any street, highway, roadway, alley or lane, may make application therefor to the Chief of Police who may grant the permit specifying the length of time during which the particular street may be obstructed, the character of safety devices and precautions and such other conditions as will protect the health and safety of

*Read in full
2/12/57*

of the people
this City.

SECTION 3. BONDS.

Each person, firm or corporation, shall as a condition precedent to the obtaining of a permit for the temporary obstruction of any street, highway, roadway, alley or lane, post with the Chief of Police a bond or indemnity policy in such sum as the Chief of Police shall determine to be proper to indemnify the City for any loss or damage or liability that may result from the temporary obstruction. Such bond shall be furnished by a corporate surety.

SECTION 4.

It shall be unlawful ^{ful} for any person, firm or corporation to violate any of the provisions of this ordinance, and in addition it is declared that any obstruction of any City or public street, highway, roadway, alley or lane, is hereby declared to be a nuisance, unless a permit for such obstruction has ^{first} obtained

SECTION 5. NOTICE TO REPAIR.

When any portion of any street, highway, roadway, alley or lane has ^{had} constructed or maintained thereon any obstruction, the Superintendent of Streets shall notify the owner or person in possession of the property fronting on that portion of such street, highway, roadway, alley or lane, to remove said obstruction and repair any damage to said street, highway, roadway, alley or lane, done or caused by the removal of the obstruction.

SECTION 6. SERVICE OF NOTICE; PERSONAL; MAIL.

Notice to remove the obstruction or repair the street may be given by delivering a written notice personally to the owner or the person in possession of the property fronting upon the street where the obstruction is maintained, or by mailing a postal card, ^{registered mail, return requested,} postage prepaid, ^{receipt requested,}

Note
(fifth INK word
is "BEEN".)

to the person in possession of such property, or the owner thereof at his last known address as the same appears on the last equalized assessment rolls of the City, or to the name and address of the person owning such property as shown in the records of the Office of the Clerk.

SECTION 7. CONTENTS OF NOTICE.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in any repairs necessary to the street, and shall further specify that if the repairs are not commenced within ^{sixty} ~~three~~ (60) days ~~(3) weeks~~ after notice is given and diligently and without delay prosecuted to completion, the Superintendent of Streets shall make such repairs and the cost of the same shall be a lien on the property.

SECTION 8. REPAIR BY STREET SUPERINTENDENT.

If the obstruction is not removed and repairs to the street not ~~commenced and~~ prosecuted to completion with ~~due diligence~~ ^{a total 120 days from date of notice as aforesaid,}, as required by the notice, the Superintendent of Streets shall thereupon remove the obstruction and repair any damage to the street.

SECTION 9. NOTICE OF COST AND HEARING.

Upon the completion of the removal of the obstruction and any repairs necessary, the Superintendent of Streets shall cause notice of the cost of the removal and repairs to be given in the manner specified in this section for the giving of notice to remove an obstruction, which notice shall specify the date, hour and place when the City Council will hear and pass upon a

report by the Superintendent of Streets of the total cost of removing the obstruction and necessary repairs to the street, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repairs, and any other interested persons.

SECTION 10. REPORT OF REPAIRS AND COST.

Upon the completion of the removal of the obstruction and any necessary repairs to the street, the Superintendent of Streets shall prepare and file with the City Council a report specifying the work which has been done, the cost of such work, a description of the real property in front of which the work has been done and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include removal of obstructions or repairs to any number of parcels of property, whether contiguous to each other or not.

SECTION 11. HEARING ON REPORT; POWERS OF CITY COUNCIL.

Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Superintendent of Streets, together with objections or protests which may be raised by any of the property owners liable to be assessed for the work of removing the obstruction and repairs to the street, and any other interested persons. Thereupon, the City Council may make such revision, correction, or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The City Council may adjourn the hearing from time to time. The decision of the City Council on all protests and objections which may be made, shall be final and conclusive.

SECTION 12. ASSESSMENT.

The cost of removing the obstruction and repairs may be assessed by the City Council against the parcel of property fronting upon the street upon which the obstruction was removed and repairs made, and such cost so assessed, if not paid within five days after its confirmation by the City Council, shall constitute a special assessment against that parcel of property, and shall be a lien upon the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

SECTION 13. NOTICE OF LIEN.

The Superintendent of Streets may file in the office of the County Recorder of the County in which the parcel of property is located, a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in me by ~~the~~ *Ordinance No. —* ~~Improvement Act of 1911~~, I did, on the _____ day of _____, 195____, cause an obstruction on the street in front of the real property hereinafter described to be removed and the street to be repaired, *and* ~~the~~ the City Council of the City of San Anselmo did, on the _____ day of _____, 195____, by Resolution No. _____ assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said City of San Anselmo does hereby claim a lien on said real property in the sum of \$ _____, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 percent per annum, from the said _____ day of _____, 19____, has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the (name of City, County of _____) _____, State of California, and particularly described as follows, to wit:

(Description of Property)
Dated this _____ day of _____, 19____.

s/ Superintendent of Streets.

SECTION 14. COLLECTION WITH REGULAR TAXES;
PROCEDURE:

~~As an alternative method of collection of the amount of the lien,~~ The City Council, after confirmation of the report of the Superintendent of Streets, may order the notice of lien to be turned over to the Assessor and the Tax Collector of the City, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

SECTION 15. TIME AND MANNER OF COLLECTION; PENALTIES;
FORECLOSURE PROCEDURE.

Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes.

SECTION 16.

Any violation of any provision of this ordinance is a misdemeanor and ~~such~~^{upon} conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the ^{Marine} County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

SECTION 17.

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage shall be published in the Ross Valley Times,

a newspaper of general circulation published in the
City of San Anselmo, County of Marin, State of
California.

The foregoing ordinance was regularly introduced at a
regular meeting of the City Council of the City of San
Anselmo held in said City on the 12th day of March,
1957, and was thereafter at a regular meeting of the City
Council of the City of San Anselmo held in said City on the
9th day of April, 1957, duly passed and
adopted by the following vote:

AYES: Councilmen: Booth, Bell, Cullen, Deening, Smith
NOES: Councilmen: none
ABSENT: Councilmen: none

Arthur W. Smith
MAYOR.

ATTEST:

Arta Gordon
CITY CLERK.