

ORDINANCE NO. 268

AN ORDINANCE OF THE TOWN OF SAN ANSELMO  
RELATING TO AIR RAID PRECAUTIONS

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

SECTION 1. As used in this ordinance the following words and phrases shall mean:

"Air raid warning signal" shall mean a signal, by siren, whistle, horn or other audible device, of two minutes duration consisting of either a fluctuating or warbling signal of varying pitch or a succession of intermittent blasts of about five seconds duration separated by a silent period of about three seconds.

"All clear signal" shall mean a continuous signal, by siren, horn or other audible device, of two minutes duration at a steady pitch.

"Period of air raid alarm" shall mean the interval of time between the giving of the air raid warning signal and the giving of the next succeeding all clear signal.

"Blackout structure" shall mean any space so enclosed that any illumination maintained or existing therein is not visible from any point outside such enclosure.

SECTION 2. The Chief of Police or other proper authority is hereby authorized and directed to cause the sounding of an air raid warning signal and of an all clear signal when, and only when, the district in which the city is located is notified so to do by the United States Aircraft Warning Service.

SECTION 3. Any person who effects or maintains any illumination, or permits any illumination under his control to be effected

or maintained, at any place within the Town of San Anselmo during any period of air raid alarm in the hours of darkness, except within a blackout structure, shall be guilty of a misdemeanor.

SECTION 4. The maintenance or leaving of any illumination, except within a blackout structure, without provision for its extinguishment, within one minute after the commencement of a period of air raid alarm, by a competent person over the age of eighteen years attendant at the place where such illumination is controlled, is hereby prohibited.

SECTION 5. In order to enable the Chief of Police to conform to the request of the United States Aircraft Warning Service for the obscuration, diminution or extinguishment of any illumination, whether in or out of doors, which increases the vulnerability of the Town of San Anselmo, or any portion thereof, to air attack, or for the regulation of traffic during the period of air raid alarm, the Chief of Police may adopt and promulgate reasonable rules and regulations for such purposes, and any rules or regulations so adopted by him shall be and remain in effect for thirty (30) days thereafter, but no longer unless approved within said time by resolution of the City Council; provided, however, that any rule or regulation so adopted by the Chief of Police may at any time be rescinded by resolution of the City Council; Violation of any such rule or regulation so adopted and promulgated is hereby declared to be a misdemeanor.

SECTION 6. It shall be unlawful to disobey any lawful direction or order of a peace officer, highway patrolman, or fireman given during a period of air raid alarm, which order is reasonably necessary for the maintenance of public order or safety or to effect the extinguishment or obscuration of light.

SECTION 7. Any illumination contrary to the provisions of this ordinance, or to any rule or regulation adopted and promulgated in accordance with section 5 hereof, constitutes a public nuisance, and the same may be summarily abated by any peace officer, highway patrolman, or fireman. Any structure may be entered by any peace officer,

highway patrolman, or fireman, using reasonable force if necessary, for the purpose of abating such a nuisance by extinguishing such illumination.

SECTION 8. At the commencement of a period of air raid alarm, the operator of any motor vehicle shall forthwith bring such vehicle as far as possible to the side of the street, road or highway off the main traveled portion thereof, and the operator of such motor vehicle, and the operator of any street car, shall bring such motor vehicle or street car to a stop clear of any crossing, intersection, fire house fire plug, hospital or other emergency depot or area, and during the hours of darkness shall extinguish all lights therein or thereon and said motor vehicle or street car shall remain so situated during the period of air raid alarm, unless directed or ordered to move by a peace officer, highway patrolman, or fireman.

SECTION 9. The provisions of this ordinance shall not apply to blackout emergency vehicles, which shall include the following:

- 1) All Army and Navy vehicles;
- 2) All vehicles with United States Government credentials indicating the necessity of emergency movement;
- 3) All authorized emergency vehicles as defined in sections 44 and 44.1 of the Vehicle Code of California;
- 4) All vehicles being operated by members of the California State Guard while actually on duty;
- 5) All vehicles of volunteer personnel engaged in the operation of the Aircraft Warning Service of the Fourth Interceptor Command while such personnel are actually going to or from their posts of duty.
- 6) All vehicles certified by sheriffs, district attorneys, the California State Highway Patrol, police chiefs, and fire chiefs, when within the respective territorial jurisdictions of the certifying office, as being essential to the preservation of the public peace and safety or to the dissemination of public information or to the national defense; provided, however, that such vehicles shall conform to the uniform lighting regulations approved by the Department of Motor Vehicles and the California State Highway Patrol for blackout emergency vehicles. No certificate shall be issued which conflicts with any regulation or order of the United States Army applicable in the area for which the certificate is issued.

SECTION 10. It shall be unlawful for any person without authority, during any air raid alarm, to use, wear, exhibit or possess any uniform, insignia, credential, or other indication of authority, or any imitation thereof, adopted and issued by any official civilian defense organization.

SECTION 11. Any person who shall operate a siren, whistle or other audible device in such a manner as to simulate an air raid warning signal or an all clear signal, except upon order of the Chief of Police, or other proper authority, shall be guilty of a misdemeanor.

SECTION 12. The provisions of every ordinance of this city and every administrative order made pursuant thereto, requiring any illumination to be maintained in conflict with this ordinance or with any rule or regulation made pursuant to section 5 of this ordinance, shall be deemed suspended during the period between any air raid warning signal and the next succeeding all clear signal.

SECTION 13. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding three hundred dollars (\$300.00) or by imprisonment in the City Jail or in the County Jail not exceeding three (3) months, or by both such fine and imprisonment.

SECTION 14. This ordinance is required for the immediate preservation of the public peace, health and safety, and the following is the statement of facts constituting such urgency: The United States is at war and this city is in great and continuing danger of air and other attack by the enemy, and said ordinance shall be in full force and effect immediately upon its final passage and adoption.

SECTION 15. This ordinance shall constitute an exercise by the Town of San Anselmo of its governmental function for the protection of the public peace, health and safety, and neither the Town nor any individual responding to the regulations lawfully proclaimed under the provisions of this ordinance, or called upon to insist in enforcing the said ordinance, shall be liable for a suit for damages in connection therewith.

SECTION 16. Ordinance Number 266 of the Town of San Anselmo is hereby repealed.

SECTION 17. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this 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 18. The City Clerk shall certify to the adoption of this ordinance and cause it to be published once, within fifteen (15) days after its final passage and adoption, 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.

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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 19th day of December, 1941, and was thereafter at an adjourned regular meeting of said City Council, held in said Town of San Anselmo on the 26<sup>th</sup> day of December, 1941, duly passed and adopted by the following vote:

AYES: COUNCILMEN:

NOES: COUNCILMEN:

ABSENT: COUNCILMEN:

*White, Millard & Carroll Lynch*

*none*

*Franchini*

Signed and approved this 26<sup>th</sup> day of December, 1941.

*Howe Lynch*  
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MAYOR OF THE TOWN OF SAN ANSELMO

ATTEST:

*J. Brown*  
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CLERK OF THE TOWN OF SAN ANSELMO

