

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
September 13, 2002**

For the Meeting of September 24, 2002

TO: Town Council
FROM: Janet Pendoley, Finance & Administrative Services Director
SUBJECT: Report of Warrants Issued, August 2002

RECOMMENDATION

That Council acknowledge and file warrant numbers 42889 to 43265 issued during the month of August 2002 in the amount of \$1,957,776.28. The following warrant numbers were voided: 42865, 42892, 42970, 40681, and 42571.

BACKGROUND

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment 1 - Warrant Registers, August 2002

AGENDA ITEM 1(c)

**TOWN OF SAN ANSELMO
STAFF REPORT
September 10, 2002**

For the Meeting of September 24, 2002

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Employment Agreement
Town Administrator

RECOMMENDATION

That Council approve the Employment Agreement between the Town of San Anselmo and Town Administrator Debra Stutsman.

BACKGROUND

The proposed agreement documents additions to the current benefits received by the Town Administrator. Specifically, it recognizes the additional time that may be required to perform the duties of the Town Administrator and affords Stutsman a total of eight (80) hours of paid Administrative Leave each fiscal year. Administrative leave does not carry over from year to year, if unused, nor is it paid in the event of termination of employment. The agreement also provides for a severance equal to six (6) months of current monthly compensation, should Stutsman be terminated by the Town without cause, while still willing and able to perform the duties of the Town Administrator.

The proposed agreement has been reviewed and approved by the Town's attorneys and is attached.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment – Employment Agreement

AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT**
For the meeting of 9-24-02

DATE: 9-16-02

TO: Mayor and Members of the Town Council

FROM: Rabi Elias, Director of Public Works

SUBJECT: Award the contract to Maggiora and Ghilotti Inc. for the 2002-2003 Measure G Improvements Phase I Resurfacing and Drainage Projects at Canyon Road, Fern Lane, Holstein Road, Oakland Ave, Olive Ave and Redwood Road in the amount of \$222,222.00

RECOMMENDATION:

Award the contract.

BACKGROUND:

The Town Council at their meeting of 8-13-02 approved the project and authorized staff to solicit bids.

DISCUSSION:

The bids were opened 9-16-02 at 2:00 PM. The lowest bid was Maggiora and Ghilotti in the amount of \$222,222.00. The Engineer's estimate was \$232,810.00.

FISCAL IMPACT:

The 02/03 budgeted cost is \$270,000 and is funded through Measure G proceeds.

AGENDA ITEM 1(e)

TOWN OF SAN ANSELMO
Staff Report
September 16, 2002

For the meeting of September 24, 2002

TO: Town Council

FROM: Kay Coleman, Community Resources Director

SUBJECT: The San Anselmo Community Fair and Parade

RECOMMENDATION

That Town Council approve the downtown event application for the *San Anselmo Community Fair & Parade*, to be held on October 6, 2002, closing San Anselmo Avenue from Tamalpais to Bolinas Avenue from 8 am to 6 pm.

BACKGROUND

A fall community fair and parade have been held in downtown San Anselmo for many years. It is the hope of the Fair and Parade Committee to continue that tradition.

DISCUSSION

The objective of the Community Resources office, in coordinating the Community Fair and Parade, is to bring residents together downtown for an event that builds community and celebrates family activities.

Many local neighborhoods and children's groups will participate in the parade along with the Wells Fargo Wagon. Fire trucks, horses, bikes, a Chinese Lion dance, a senior citizens' accordion band and many, many more.

In addition, local artists will show their art in a booth provided at a nominal fee. The food is offered by only local restaurants and non-profit groups, and each Town department is involved in some way in the day's activities. All of these elements make this truly a hometown event.

CONCLUSION

The attached application explains how the event will meet the objectives and standards for downtown events. The event is designed to attract residents—particularly families—to the downtown for a community celebration.

AGENDA ITEM 1(f)

TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
For the meeting of 9-24-02

DATE: 9-17-02

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Accept the project and authorize filing Notice of Completion of contract for the 2001/2002 Measure G Improvements Phase II Resurfacing and Drainage Projects. The contractor is Maggiora and Ghilotti Inc.

RECOMMENDATION

Accept the project and authorize filing Notice of Completion.

BACKGROUND AND DISCUSSION

The Town Council at the meeting of 5-14-02 awarded the contract to Maggiora and Ghilotti in the amount of \$424,739.00 plus \$20,000.00 contingency.

The project was completed in accordance with the plans and the specifications.

FISCAL IMPACT

Contract items	\$441,486.05
Extra work	\$ 19,482.83
Total contract	\$460,968.88

Budgeted amount **\$444,739.00**

The difference of \$16,229.88 was funded by Measure G.

AGENDA ITEM 1(g)

For the Meeting of September 24, 2002

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Violations of Memorandum of Understanding between the Town and American Legion
 Post No. 179 regarding the use of the Log Cabin

Date: September 18, 2002

RECOMMENDATION

That Council acknowledge and file the attached status report and determine the next council meeting for further reports from Town Staff regarding the issue.

BACKGROUND

American Legion Post No.179 owns the Log Cabin, a multi-use facility located in the middle of Memorial Park, a Town owned public park. The Log Cabin was

“grandfathered in” when the Town first adopted a zoning ordinance and is not regulated by a use permit. Post No.179 routinely rents out the Log Cabin for private, civic and government events. The Town and Post No.179 signed a Memorandum of Understanding (MOU) in 1993 governing the conditions of use of the Log Cabin for these sorts of events (refer to Attachment A, Memorandum of Understanding dated September 29, 1993). In the past 4 years the Police Department has responded to 114 calls at the Log Cabin. 43 of these calls were noise complaints; 23 other calls involved suspicious activity or other offenses (see Attachment B, RiMS Address History for the Log Cabin).

DISCUSSION

Post No.179 rented the Log Cabin to a Eugene Cockerham Jr. for the evening of September 8, 2002 for what was supposed to be a “small” birthday party. The Post did not notify the Town of the event, did not have Post Rental Team members at the Log Cabin before and during the event, and did not require Mr. Cockerham to shut down the amplified music by 11:00 p.m. Each of these actions is required under the MOU or its attached “Guidelines for Rental Attendant”.

The Police Department was called to the party after noise complaints from neighbors. The party turned out to be a hip hop rave party that eventually drew from between 200 to 300 people mostly from out of the County. No Post members were at the party. The Police Department attempted to gain compliance with the MOU from the renter / party promoter, Cockerham. He admitted lying to the Post Rental Agent, Ken Sites, about the nature and size of the event but claimed not to have been told about the requirement to turn off amplified music at 11:00 p.m. The Watch Commander, Sgt. Mark McDonald, obtained assistance from 3 allied agencies and shut the party down at 12:30 a.m. without additional incident.

Commander Providenza met with the Post Rental Agent and Rental Team Leader Ken Sites at Mr. Sites’ residence on September 16, 2002. Mr. Sites told Commander Providenza that he has not been complying with the MOU and the Rental Guidelines because he does not agree with the policies in them. He told Commander Providenza that he does not notify the Town of events and does not stay at the Log Cabin during events. He stated that he “monitors” events, which he admitted means that he drives by an event once. Commander Providenza asked Mr. Sites why the Post did not comply with the requirement that it have additional Rental Team members on site during large parties. Mr. Sites told Commander Providenza the he is the sole member of the Post Rental Team. Mr. Sites told Commander Providenza that he does not enforce the 11:00 p.m. music curfew because he feels that people should be able to party when they want to. Commander Providenza asked that the Post comply with the terms of the MOU starting immediately. Mr. Sites tried to sidestep a direct reply and when confronted by Commander Providenza about this he said that he was resisting doing so.

Commander Providenza told Mr. Sites that he could expect the Town Council would hear the matter and asked Mr. Sites that as an interim measure the Post notify the Department well in advance of the names and addresses of upcoming users so the Department could conduct a background check to prevent an occurrence similar to happened the previous week. Mr. Sites declined to give the Police Department any information about future renters stating that the Log Cabin was a private facility and that people hosting private events had a right to their privacy.

On September 19, 2002 Commander Providenza located and spoke with Ernest Stanton, the Commander of Post No.179. Mr. Stanton told Commander Providenza that Mr. Sites' views and actions did not represent the position of the Post Executive Committee. Mr. Stanton stated that the Post intended to abide by the MOU particularly in regards to notice to the Town, to having a Post member present during all events, and to requiring renters to turn off amplified music at the times required by the MOU. Mr. Stanton told Commander Providenza that he expected that the Executive Committee would replace Mr. Sites as Rental Agent within the month.

CONCLUSION

Town Staff has met and spoken with concerned neighbors about the party and will continue this dialogue. Staff will continue to work with the Post Commander to resolve the issues raised by the September 8th party. The Town Attorney is currently working on long term options that Council may decide to pursue.

CHARLES L. MAYNARD
Chief of Police

AGENDA ITEM 1(h)
Not available on web page

AGENDA ITEM 2

TOWN OF SAN ANSELMO
STAFF REPORT
September 16, 2002

For the Meeting of September 24, 2002

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Approval of Memorandum of Understanding Between the Town of San Anselmo and the Marin Association of Public Employees (MAPE)/SEIU Local 949; Approval of 5% Equity Increase for Maintenance Worker Series; Approval of Maintenance Worker II (Buildings) Reclassification to Senior Maintenance Worker; and Resolution Appropriating Funds from Contingency

RECOMMENDATION

That Council:

1. approve the 2002-2005 Memorandum of Understanding between the Town of San Anselmo and the Marin Association of Public Employees (MAPE)/SEIU Local 949 (Attachment 4);
2. approve an equity increase of 5% for the Maintenance Worker series;
3. approve the reclassification of the Maintenance Worker II (Building Maintenance) to Senior Maintenance Worker with a corresponding salary increase of 8% (Attachment 2); and
4. approve a resolution appropriating funds from Contingency to cover the 2002-03 costs associated with these contractual agreements (Attachment 3).

DISCUSSION

The prior collective bargaining agreement between the Town and MAPE expired on June 30, 2002. The Town and MAPE have negotiated a successor agreement with a term of three years, and MAPE has ratified the tentative agreement.

As indicated in Attachment 1, the agreement includes two cost of living increases for all classifications, the first at 4% effective July 1, 2002 (retroactively) and the second at 4% effective July 1, 2003 through June 30, 2005.

The agreement also includes a 5% equity adjustment for the Maintenance Worker series as a result of the annual equity study provided for in the current MOU. In addition, a request was received from MAPE to study the Maintenance Worker II (buildings) for possible reclassification. The report prepared by the Town's consultant, Suzanne Golt, recommending the reclassification of the Maintenance Worker II (buildings) to a Senior Maintenance Worker is attached. (Attachment 2)

Enhancements to benefits include: (1) upgrade of the retirement plan benefit from the current PERS 2.5% at 55 plan to the 2.7% at 55 plan effective July 1, 2004; (2) increase in the dental cap to \$1,500 effective July 1, 2002 and to \$2,000 effective July 1, 2004; (3) increase in retiree health care contributions to \$150 per month effective July 1, 2002, to \$200 per month effective July 1, 2003, and to \$225 per month effective July 1, 2004; (4)

the option of converting 100% of sick leave accruals to service credit upon retirement (formerly, a cap of 1040 hours); and (5) the voluntary use of current floating holidays for celebration of Cesar Chavez Day.

Revisions to the language of the MOU include a temporary modified duty policy, definition of Unexcused Absences, and transition from rotating annual Equity Studies to Benchmark compensation surveys performed as a part of negotiations. The agreement also references the Town's existing Sick Leave Donation Program for Catastrophic Leave. The MAPE representatives and the Town's Administrative Team jointly request that the Town Council consider expanding the Catastrophic Leave policy and procedures to cover incapacitation of an employee's spouse, domestic partner, and minor dependent child. This item will be brought forward at the next Town Council meeting.

ANALYSIS

See Attachment 1 for a summary outline of the terms and conditions and their estimated costs.

FISCAL IMPACT

The fiscal year 2002-03 costs associated with the agreement are \$78,579. There are sufficient funds in the Contingency to make an appropriation for these costs.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachments: **Attachment 1** – MAPE Contract 2002-05 Cost Analysis

Attachment 2 – Classification Analysis Maintenance Worker II (buildings), prepared by Golt Management Consulting

Attachment 3 -- Resolution of the San Anselmo Town Council Amending the 2002-03 Budget to Implement MAPE Memorandum of Understanding

Attachment 4 -- SAPOA Memorandum of Understanding, July 1, 2002 – June 30, 2005 with Exhibits A-1, A-2 and A-3

AGENDA ITEM 3

TOWN OF SAN ANSELMO STAFF REPORT September 10, 2002

For the Meeting of September 24, 2002

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Cities for Climate Protection and
International Council for Local Environmental Issues

RECOMMENDATION

That Council consider approval of:

- a. The Town's membership in the International Council for Local Environmental Initiatives at a cost of \$600.
- b. The resolution participating in the Cities for Climate Protection Campaign

BACKGROUND

The International Council for Local Environmental Initiatives (ICLEI) is an international environmental agency for local governments. Its mission is to build and serve a worldwide movement of local governments to achieve tangible improvements in global environmental and sustainable development conditions through cumulative local actions.

The Cities for Climate Protection Campaign is an ICLEI initiated campaign. The objective of the campaign is to reduce greenhouse gas emissions resulting from the burning of fossil fuels and other human activities.

The attached letter from the Quality of Life Commission outlines the goals and objectives of ICLEI and the climate protection campaign.

DISCUSSION

Should the Town choose to participate in the Campaign, we would undertake the following tasks or milestones:

- A Baseline Emissions Analysis of the sources and quantity of greenhouse gas, along with a forecast of emissions growth over 10 to 20 years.
- An Emission Reduction Target chosen and adopted locally.
- A Local Action Plan outlining the activities that will be pursued to achieve the emissions reduction target over a period of years.

- Implementation of emissions reduction policies.
- Monitoring progress.

The Quality of Life Commission members recommend this action because it will:

- Improve the quality of life for all residents by creating a locally healthier, globally responsible, more livable community.
- Influence and control many of the activities that produce emissions causing global warming and air pollution.
- Utilize significant support resources that should not significantly add to staff or Council's workload.
- Utilize funds budgeted for the Quality of Life Commission
- Gives the Town a reason to communicate to residents about responsible choices.

ANALYSIS

Staff's concern is that the amount of time required for this effort remains somewhat unknown. If staff time is required, the project may well have to get in line behind other projects to which staff is already committed.

FISCAL IMPACT

The cost of membership in ICLEI is \$600, and the cost of software for the monitoring process is \$250, for a total of \$850.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachments:

July 28, 2002 Letter from the Quality of Life Commission
Draft Resolution

AGENDA ITEM 4

TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT

For the Meeting of September 24, 2002

DATE: September 11, 2002

TO: Mayor and Members of the Town Council

FROM: Keith Angerman, Building Official

SUBJECT: Introduction and First Reading of Ordinance for revisions to Title 9, Building Regulations, of the San Anselmo Municipal Code

RECOMMENDATION

The Town Council introduce and waive reading of Ordinance No. _____ amending Title 9, Building Regulations, of the San Anselmo Municipal Code.

BACKGROUND

The Town of San Anselmo is currently enforcing the 1998 editions of the California Codes. These codes are revised every three years and the most current edition is the 2001 edition.

The California Building Standards Commission of the State of California has mandated that as of November 1, 2002, all municipalities in the state must enforce the 2001 edition of the California Code of Regulations, Title 24. The 2001 edition of Title 24 includes the 1997 edition of the Uniform Building Code, 2000 edition of the Uniform Plumbing Code, 2000 edition of the Uniform Mechanical Code, and the 1999 edition of the National Electrical Code with state amendments made to those codes. Any local amendments to Title 24 must be adopted by the local municipalities.

The revisions to Title 9, Chapters 1, 2, 3, and 4 include adopting the latest editions of the California Codes. Local amendments currently in Title 9 of the Municipal Code are felt necessary because of the unique geological, topographical, and climatic conditions of the Town of San Anselmo. No change is proposed in the local amendments.

FISCAL IMPACT

None.

Respectfully submitted,

E. Keith Angerman

E. Keith Angerman, P.E.
Building Official

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO
AMENDING TITLE 9 OF THE

SAN ANSELMO MUNICIPAL CODE

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

SECTION 1.

EXPRESS FINDINGS.

The Council recognizes and finds that, because of the steep terrain, narrow roads, proximity to the San Andreas and Hayward seismic faults, and the potential flooding of the San Anselmo Creek, unique conditions exist which require special considerations in the construction within the Town. Additionally, due to the high temperatures, humidity, rainfall, wind, and restricted accessibility by fire apparatus, and the lack of water supply for domestic use and fire suppression, there are hazards within the Town which require solutions other than those specified within the various Codes.

The Council expressly finds that climatological, environmental, and geological conditions exist within the Town which require special provisions for adequate fire suppression.

In recognition of these unique and serious hazards and the need to prevent the loss of life and property, the Council finds that the Code modifications set forth in this ordinance, as such changes modify the State regulations contained in the California Building Standards Code, are reasonably necessary for the protection of life and property.

SECTION 2.

Chapters 1, 2, 3 and 4 of Title 9, Building Regulations, of the San Anselmo Municipal Code are hereby amended as follows. Changes from content of the existing language of the Municipal Code are shown in *italics*, deletions are ~~crossed out~~.

Chapter 1

BUILDINGS, WALLS, & STRUCTURES

Sections:

Article 1. Building Code

- 9-1.101 Adoption of the California Building Code, *2001* edition.
- 9-1.102 Amendments: Section 101.3: Scope.
- 9-1.103 Amendments: Section 107: Fees.
- 9-1.104 Amendments: Section 109: Certificate of Occupancy.
- 9-1.105 Amendments: Section 904.2: Automatic Fire-Extinguishing Systems.
- 9-1.106 Amendments: Section 1503: Roofing Requirements.
- 9-1.107 Amendments: Section 3102.3.8: Spark Arrester.
- 9-1.108 Amendments: Section 3404: Moved Buildings.

- 9-1.109 Amendments: Appendix Section 1514: General.
9-1.110 Amendments: Appendix Section 1516.2: Overlay on Existing Built-up Roofs.
9-1.111 Amendments: Appendix Section 1516.3: Overlay on Existing Wood Roofs or Asphalt Shingle Roofs.

Article 2. Dilapidated and Dangerous Buildings and Structures

- 9-1.201 Adoption of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition.
9-1.202 Public nuisances.

Article 1. Building Code

9-1.101 **Adoption of the California Building Code, 2001 edition.**

The 2001 edition of the California Building Code, known as Part 2 of the California Code of Regulations, Title 24 incorporating the 1997 edition of the Uniform Building Code, published by the International Conference of Building Officials, together with the 1997 edition of the Uniform Administrative Code, published by the International Conference of Building Officials, are hereby adopted by reference, subject to any amendments, deletions, or additions as set forth in this chapter.

9-1.102 **Amendments: Section 101.3: Scope.**

Section 101.3 of said Building Code is amended by adding the following:

Included as part of this code are Appendix Chapters 3 Division III, 4 Division I, 11 Divisions I & II, 12 Division I, 15, 18, 21, 23, 29, 31 Divisions I & III, 33 and 34 Divisions I & III.

9-1.103 **Amendments: Section 107: Fees.**

The first paragraph of subsection 107.2, Permit Fees, of said Building Code is hereby amended to read as follows:

The fee for each permit shall be set forth by the latest resolution adopted by the Town Council.

9-1.104 **Amendments: Section 109: Certificate of Occupancy.**

Section 109 (a) is amended by deleting the following:

EXCEPTION: Group R, Division 3 and Group U Occupancies.

9-1.105 **Amendments: Section 904.2: Automatic Fire-extinguishing Systems.**

Subsection 904.2.1 of Section 904.2 is amended to read as follows:

Where required. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section or as stipulated by the California Fire Code as adopted and amended by the Council. If any conflict

exists, the Fire Code shall govern.

For provisions on special hazards and hazardous materials, see the Fire Code.

9-1.106 Amendments: Section 1503: Roofing Requirements.

Section 1503 of said Building Code is amended to read as follows:

The roof covering or roofing assembly on any structure regulated by this code shall be as specified in Table 15-A and as classified in Section 1504. For all new structures and any addition that exceeds 50% of the original area, the new area must be covered with a Class A Roofing Assembly as classified in Section 1504. Noncombustible roof covering as defined in Section 1504.2 may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

9-1.107 Amendments: Section 3102.3.8: Spark Arrester.

Subsection 3102.3.8 of Section 3102.3, Chimneys, is amended to read as follows:

Chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester. The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney. The spark arrester screen shall have heat and corrosion resistance equivalent to 0.109-inch (2.77 mm) (No. 12 B. W. gage) wire, 0.042-inch (1.07 mm) (No. 19 B.W. gage) galvanized wire or 0.022-inch (0.56 mm) (No. 24 B.W. gage) stainless steel. Openings shall not permit the passage of spheres having a diameter larger than ½ inch (12.7 mm) and shall not block the passage of spheres having a diameter of less than 3/8 inch (9.5 mm).

Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be provided with a spark arrester as required in the Fire Code.

9-1.108 Amendments: Section 3404: Moved Buildings.

Section 3404 of said Building Code is hereby amended by adding the following:

In addition, the moving of any building or structure shall be subject to the provisions of other applicable Town laws now in effect or adopted subsequent to the adoption of this Code.

9-1.109 Amendments: Appendix Section 1514: General.

Appendix Section 1514, General, of Appendix Chapter 15, Reroofing is amended by adding the following:

Existing buildings that have 50 percent or more of the roof surface replaced within a five-

year period are required to totally replace the roof with a Class A roof assembly or be fire resistive by other provisions of this code.

9-1.110 **Amendments: Appendix Section 1516.2: Overlay on Existing Built-up Roofs.**
Section 1516.2-6 is amended to read as follows:

6. Asphalt shingle application. Not more than one overlay of asphalt shingles shall be applied over one existing built-up roof on structures with a slope of 2 units vertical in 12 units horizontal (16.7% slope) or greater. The existing built-up roof shall have all surfaces cleaned of gravel and debris, all blisters and irregularities cut and made smooth and secure, and an under-layment of not less than Type 30 non-perforated felt shall be installed prior to reroofing.

9-1.111 **Amendments: Appendix Section 1516.3: Overlay on Existing Wood Roofs or Asphalt Shingle Roofs.**

Appendix Section 1516.3 is amended to read as follows:

1516.3 Overlay on Existing Wood Roofs or Asphalt Shingle Roofs. The Building Official may allow reroofing over existing wood shingle roofing or asphalt shingle roofing. Only fire-retardant roofing assemblies or noncombustible roof covering may be applied over existing wood shake roofs in accordance with the listing or manufacturer's installation requirements when approved by the building official.

When the application of new roofing over existing wood shingle or wood shake roofs creates a combustible concealed space, the entire existing surface shall be covered with gypsum board, mineral fiber, glass fiber or other approved materials securely fastened in place.

Hip and ridge cover on existing shake or shingle roofing shall be removed prior to reroofing application. Roofing overlays may be installed in accordance with the following:

1. Asphalt shingles. Not more than two overlays of asphalt shingles shall be applied over an existing asphalt or wood shingle roof. Asphalt shingles applied over wood shingles shall not have less than Type 30 nonperforated felt underlayment installed prior to reroofing.
2. Wood Shakes or shingles. Wood shakes or shingles are prohibited from use over an existing roof covering and may only be used for repairs when the area involved is less than fifty percent (50%) of the roof area of the building.

Article 2. Dilapidated and Dangerous Buildings and Structures

9-1.201 **Adoption of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition.**

The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, published by the International Conference of Building Officials, is hereby adopted by

reference subject to any amendments, deletions, or additions thereto as set forth in this chapter.

9-1.202 Public nuisances.

Whenever the Building Official shall find any building or structure within the Town in a condition defined as dangerous by the Code, the procedures set forth in Sections 1-2.04 through 1-2.08 of Chapter 2 of Title 1 of this Code shall be followed. The Town has found that the procedures in the Uniform Code for the Abatement of Dangerous Buildings are equivalent to those found in the California Code of Regulations, Title 25, Regulations of the Department of Housing.

Chapter 2

ELECTRICAL CODE

Sections:

Article 1. Electrical Code

9-2.101 Adoption of the California Electrical Code, 2001 edition.

9-2.102 Amendments: Section 304.1 and Table 3-A of Section 304: Fees.

9-2.103 Amendments: Subsection (b) of Article 240-51: Edison-Base Fuses.

9-2.104 Amendments: Article 336-5: Uses Not Permitted.

Article 1. Electrical Code

9-2.101 Adoption of the California Electrical Code, 2001 edition.

The 2001 edition of the California Electrical Code, known as Part 3 of the California Code of Regulations, Title 24 incorporating the 1999 edition of the National Electrical Code, published by the National Fire Protection Association, together with the Uniform Administrative Code Provisions for the National Electrical Code, 1997 edition, published by the International Conference of Building Officials, are hereby adopted by reference, subject to any amendments, deletions, or additions as set forth in this chapter.

9-2.102 Amendments: Section 304.1 and Table 3-A of Section 304: Fees.

Subsection 304.1, Permit Fees, and Table 3-A of Section 304 is hereby amended to read as follows:

The fee for each electrical permit shall be as set by the latest resolution adopted by the Town Council. Any reference throughout the chapter to fees in table 3-A shall be replaced with the fees adopted by the Town Council.

9-2.103 Amendments: Subsection (b) of Article 240-51: Edison-Base Fuses.

Subsection (b), Replacement Only, of Article 240-51, is amended to read as follows:

Type S fuses with Type S adapter fuseholders shall be used for replacements in existing installations.

9-2.104 **Amendments: Article 336-5: Uses Not Permitted.**

Subsection (a), Types NM, NMC, and NMS, of Article 336-5 is amended by adding the following:

(10) In commercial and industrial buildings.

Chapter 3

MECHANICAL CODE

Sections:

Article 1. Mechanical Code

9-3.01 Adoption of the California Mechanical Code, 2001 edition.

9-3.02 Amendments: Subsection 115.2: Permit Fees, and Table 1-A: Mechanical Permit Fees: of Section 115: Fees.

Article 1. Mechanical Code

9-3.01 Adoption of the California Mechanical Code, 2001 edition.

The 2001 edition of the California Mechanical Code, known as Part 4 of the California Code of Regulations, Title 24 incorporating the 2000 edition of the Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials, together with the Uniform Administrative Code, 1997 edition, published by the International Conference of Building Officials, are hereby adopted by reference, subject to any amendments, deletions, or additions as set forth in this chapter.

9-3.02 Amendments: Subsection 115.2: Permit Fees, and Table 1-A: Mechanical Permit Fees: of Section 115: Fees.

Subsection 115.2, Permit Fees, and Table 1-A, Mechanical Permit Fees, of Section 115 are hereby amended to read as follows:

The fee for each mechanical permit shall be as set by the latest resolution adopted by the Town Council. Any reference throughout the chapter to fees in Table 1-A shall be replaced with the fees adopted by the Town Council.

Chapter 4

PLUMBING CODE

Sections:

Article 1. Plumbing Code

9-4.101 Adoption of the California Plumbing Code, 2001 edition.

- 9-4.102 Amendments: Section 102.0: Organization and Enforcement.
9-4.103 Amendments: Section 103.4.1 and Table 1-1 of Section 103.4: Fees.

Article 1. Plumbing Code

9-4.101 Adoption of the California Plumbing Code, 2001 edition.

The 2001 edition of the California Plumbing Code, known as Part 5 of the California Code of Regulations, Title 24 incorporating the 2000 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, together with the Uniform Administrative Code, 1997 edition, published by the International Conference of Building Officials, are hereby adopted by reference, subject to any amendments, deletions, or additions as set forth in this chapter.

9-4.102 Amendments: Section 102.0: Organization and Enforcement.

Subsection 102.1, Administrative Authority, of Section 102.0, is amended by adding the following:

The Administrative Authority shall be the Chief Building Official or his authorized representative.

9-4.103 Amendments: Section 103.4.1 and Table 1-1 of Section 103.4: Fees.

Subsection 103.4.1, Permit Fees, and Table 1-1, Plumbing Permit Fees, of Section 103.4 are hereby amended to read as follows:

The fee for each plumbing permit shall be as set by the latest resolution adopted by the Town Council. Any reference throughout the chapter to fees in Table 1-1 shall be replaced with the fees adopted by the Town Council.

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on _____, 2002 and thereafter duly adopted at a regular meeting of the Town Council held on _____, 2002 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JUDITH HODGENS, Mayor

ATTEST:

DEBRA STUTSMAN, Town Clerk

AGENDA ITEM 5

TOWN OF SAN ANSELMO

TOWN COUNCIL STAFF REPORT

For the meeting of 9-24-02

DATE: 9-16-02

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING A STREET AND ROADWAY IMPACT FEE TO PROVIDE FOR THE REPAIR AND MAINTENANCE OF DAMAGED STREETS AND ROADS CAUSED BY CONSTRUCTION ACTIVITY.

RECOMMENDATION

Adopt resolution.

BACKGROUND

The Road Impact Fee is and has been used to fiscally help repair and maintain the streets and roads. I started the road impact fee in Marin County four years ago when I was working at the Town of Ross at the rate of 0.5%. The Town of Tiburon and Belvedere followed with similar resolutions and justifications at the rates of 0.57% and 0.75% respectively.

DISCUSSION

The Town through Measure G spent around ten million dollars to bring the Town roads to a fair level. To maintain this level and not to fall back into the deferred maintenance situation the Town needs \$400,000 a year. Construction activity causes half the damage to roads as justified in the Exhibit "A" of the Resolution. Using the project valuations as a measure of the amount of construction, a 1% impact fee will generate around \$200,000. This fee will be collected at the time a building permit is issued.

FISCAL IMPACT

The impact fee will generate around \$200,000 per year. Impact fees to be retained in a separate fund to be used only for road work.

TOWN OF SAN ANSELMO

RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ADOPTING A STREET AND ROADWAY IMPACT FEE TO PROVIDE FOR THE REPAIR AND MAINTENANCE OF DAMAGED STREETS AND ROADS CAUSED BY CONSTRUCTION ACTIVITY

WHEREAS, the town of San Anselmo is required to fund ongoing roadway projects to maintain and repair local roadways; and

WHEREAS, traffic associated with construction activity places a significant burden on local roadways and is a significant cause of roadway damage; and

WHEREAS, the Town Council has considered the Town Engineer's report (attached hereto as Exhibit A) analyzing necessary road repair projects, the costs of the projects and the share of the project costs resulting from construction activity and earth work and demolition activity; and

WHEREAS, the Town Council has determined that the increased cost to the Town for such maintenance and repair resulting from construction activity should be offset by the collection of fees to cover the costs to the Town; and

WHEREAS, the Town Engineer has calculated that the following fees will cover the costs to the Town for its roadway repair resulting from construction activity; and

WHEREAS, notice of the proposed road impact fee has been noticed consistent with California Government Code Sections 66018,

NOW, THEREFORE BE IT RESOLVED, that the following fees are to become effective consistent with state law and shall be subject to the requirements and collected as specified herein:

1. Road impact fees shall be collected at the time of issuance of a building permit by the Building Department. A road impact fee of one percent (1%) of the building permit project's valuation shall be paid for all construction projects occurring on all public and private streets and roads.
2. Impact fees shall be retained in a separate fund with all fund accounting and reporting performed consistent with State Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of San Anselmo held on the 24th day of September, 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Exhibit A
Page 1 of 4

**ROAD IMPACT FEE
Town Engineer's Report**

Construction Traffic Impact on San Anselmo's Roads

Passenger cars, vans, sports utility vehicles and pickups have a negligible effect on road pavement life. Present roadway design allows for truck traffic by setting a basic design element of 18,000 pounds single-axle load. Many of the old roads are not designed to

carry heavy loads such as construction traffic. As loads increase, their impact increases exponentially. A concrete truck for example, causes 6,000 times the damage that a standard passenger vehicle would cause. With the increase in construction activity comes an increase in the frequency construction traffic which results in more damage to the roads.

Deterioration of roadways occurs initially in the base section which is usually a compacted gravel mix over the subgrade, and below the asphalt surfacing. Repeated passes with high axle loads will lead to premature distress and failure of the pavement.

Roadway damage is primarily the result of age, natural elements (sun and water) and vehicle loading. Vehicle impact has been estimated to typically represent about 60% of the damage. This is probably more like 70%, on hillside roads where lateral support is weaker on the downslope side. Repetitive heavy loads force roadway base to move laterally, opening pavement cracks and causing depressions which accelerate the damage. Considering 65% damage and assuming 15% due to none construction vehicles resulting in 50% impact due to construction activities.

Recovering Costs of Construction Impact on Roads

Government agencies have historically imposed fees on new developments to help offset the maintenance and repair of infrastructure. In San Anselmo, new developments take the form of individual residential / commercial projects, renovations, additions and various structures that create the need for heavy construction, concrete deliveries, export of excavated material, equipment and material deliveries; all involve repetitive heavy loads on the roadways.

The Town of San Anselmo is responsible to maintain and repair its public roads. In 1995 a bond measure raised 10.8 million dollars to make up the deferred maintenance to its infrastructure. Now that the bond money is running out, the need for continuous maintenance to keep the present level of road condition is critical. In order for the Town to achieve this purpose, a road impact fee resulting from construction activity is justified.

Analysis

Computer models based on Pavement Management System (PMS) created by Metropolitan Transportation Commission (MTC) which is widely used in California were studied. The condition of the roadway is represented by Pavement Condition Index (PCI) an index of above 80 is optimum, and index of 65 is fair. The 2003 PCI is 63 which is fair.

To maintain this index at around the same level after 10 years, a minimum of \$400,000 a year is needed.

Considering the damage due to construction impact at 50%, the construction impact share would be \$200,000.

The following table lists total actual Building Permit project valuations for the last six years.

<i>Fiscal Year</i>	<i>Remodel, Add, Demo</i>	<i>New Dwelling</i>	<i>Commercial</i>
'01/02	15,252,695	3,964,700	589,282
00/01	14,739,730	4,793,225	324,660
99/00	10,988,371	3,952,823	2,680,655
98/99	8,337,071	2,909,709	750,000
97/98	7,860,572	2,071,471	478,460
96/97	6,260,640	1,196,826	1,934,778

Reviewing the valuation table above in the commercial column for 99/00 the value is skewed because of the Safe Way work valued at \$1,200,000. Also 96/97 the value is skewed because of the Andronico work valued at \$600,000.

Looking through the years there is a jump in the total evaluation starting 99/00. The property values are holding throughout the economic retreat which lead us to assume that the last three years are more representative of the trend with minor fluctuations. Based on the last three years with 99/00 adjusted by taking away Safe Way valuation, the average per year is \$18,695,380.

Using the rounded number of 1% fee will generate \$186,695 per year.

Based on above analysis a Road Impact Fee of 1% of the Building Permit project valuation is recommended.

AGENDA ITEM 6

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
September 13, 2002
For the meeting of September 24, 2002**

TO: Mayor and Members of Town Council

FROM: Tom Bell, Planning Director

SUBJECT: Newsrack Ordinance in the downtown area

RECOMMENDATION

That the Town Council introduce the attached ordinance and continue the item to the meeting of October 8, 2002 for second reading and adoption.

PREVIOUS ACTION

April 9, 2002: Town Council directed staff to prepare a draft newsrack ordinance for consideration.

May 28, 2002: Town Council received a draft ordinance and directed staff to proceed to formal hearing with the proposed draft.

ENVIRONMENTAL REVIEW

This project is exempt under Section 15301(c) of the Public Resources Code (Existing Facilities)

BACKGROUND

The proliferation and maintenance of newsracks have become an issue of increasing concern in the downtown area. Along San Anselmo Avenue, staff recently counted 48 newsracks between Bridge and Ross Avenues. Although newsracks are protected by law, local government may enact reasonable health, safety and aesthetic controls.

In response to Council direction on April 9, 2002, staff prepared a draft ordinance similar in format and content to other area agencies' ordinances.

At the meeting of May 28, the Council discussed the draft. Although varying opinions were expressed regarding the extent of regulation, staff was directed to proceed with the ordinance, consult with the Town Attorney and make changes as necessary.

Since that time, the ordinance was reviewed by the Town Attorney and modified to include his recommendations. Such changes were minor with the exception of the proposed increased insurance requirements.

Additionally, local representatives from the I.J. and SF Chronicle reviewed the draft and provided some suggested modifications (attached). Their suggestions included:

- (a) reducing the size of the district (removing Greenfield Ave.),
- (b) reducing the length of abutting streets affected from 200' to 50',
- (c) providing priority location of rack placement for the daily newspapers,
- (d) increasing the time to abate non-hazardous violations from 12 days to twenty-one days, and
- (e) reducing the pedestal heights to 15.5" in order to comply with ADA requirements.

In response to the above newspaper suggestions, staff

- (a) believes that Greenfield should be included in the ordinance due to the potential for additional racks in the future. Therefore no recommended change in the district streets is proposed at this time.
- (b) Recommends that abutting streets such as Tunstead, Tamalpais, Magnolia, Pine, etc. should be included in the district for a distance of 150' minimum. This distance would provide adequate Town control over placement along the side streets. For example, the 150' distance along Tunstead Ave. would allow the Town to control rack placement along that frontage up to and including the Library. Consequently, staff modified the draft to include a minimum distance of 150' rather than the original 200' requirement.
- (c) Recommends that priority placement of certain newspapers **not** be provided in the ordinance in order to avoid potential favoritism/litigation claims.
- (d) Recommends that the time limit to abate non-hazardous violations be extended from 12 days to 20 days. This would give the smaller vendors adequate time to repair their racks. Staff has modified the draft to include this recommendation.
- (e) Recommends reducing the pedestal height of the newsracks to 15.5" in order to comply with ADA requirements. Staff has modified the draft accordingly.

If adopted, the ordinance would create a "newsrack district" in the downtown area subject to reasonable uniformity, maintenance, proliferation, and aesthetic controls.

The ordinance would require a uniform style and color for newsracks, as well as consolidation of individual racks into multi-unit rack configurations to avoid proliferation. Separation between racks would be a minimum of 100' along any walkway. The ordinance would also require maintenance of the facilities.

The proposed "newsrack district" as drafted would include San Anselmo Ave. from Bridge to Bolinas Avenues, Center Blvd. from Bridge to Sir Francis Drake Blvd., and Greenfield Ave. from Sir Francis Drake to Sequoia. Additionally, the district would include all abutting streets/walkways within 150'.

Since this is the Town's first experience in regulating newsracks, staff anticipates that the ordinance will need to be updated and revised as we develop more experience in controlling and administering this program.

Respectfully submitted,

Tom Bell

Planning Director

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 7 (PUBLIC WORKS) OF THE SAN ANSELMO MUNICIPAL CODE BY ADDING CHAPTER 9 (NEWSRACKS).

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

Chapter 9 of Title 7 is hereby added to the San Anselmo Municipal Code to read as follows:

Chapter 9

NEWSRACKS

Sections:

- 7-9.01 Purpose and Intent**
- 7-9.02 Definitions**
- 7-9.03 Standards**
- 7-9.04 Prohibited Locations**
- 7-9.05 Permit Requirements**
- 7-9.06 Violations**
- 7-9.07 Liability Insurance**
- 7-9.08 Indemnification**

7-9.01 Purpose and Intent.

The Town Council of the Town of San Anselmo finds that:

- A. Newsracks placed on public streets, sidewalks, right-of-way, and other public property can interfere with the health, safety, welfare, and convenience of the public and the aesthetic quality of the town.
- B. Public streets, sidewalks, and other public property are public forums and their historical and reasonable use in distributing and circulating

newspapers, magazines, and other publications by means of newsracks is protected by the constitution and serve the public by providing accessible news. This access to the use of these areas for such purpose will not be denied except where such use unreasonably interferes with the use of these areas by pedestrians or traffic, or when such use presents a hazard to person or property.

- C. The Town Council concludes that in the interest of the public, regulation of the downtown area must be established regarding the placement, design, and maintenance of newsracks while still providing ample opportunities for the distribution of news to the public through the use of newsracks.

7-9.02 Definitions.

For the purpose of this ordinance, certain words used herein are defined as follows:

- A. “Multiunit newsrack” means any combination of newsracks placed together on a pedestal type holder.
- B. “Newsrack” means any self-service or coin-operated box, container, storage unit or other dispenser, installed, used, or maintained for the display, sale or distribution without a charge, of any written or printed material.
- C. “Newsrack Card” means any form of information on the outside of the newsrack that advertises the publication inside the newsrack.
- D. “Newsrack District” means that portion of the Town of San Anselmo located on San Anselmo Avenue from Bridge Avenue to Bolinas Avenue, Center Blvd. From Bridge Ave. to Sir Francis Drake Blvd., Greenfield Ave. from Sir Francis Drake Blvd. to Sequoia Ave., and a distance of one hundred fifty (150) feet from curb return radii to all contributory streets and/or walkways adjacent to such streets.
- E. “Newsrack Permit” means a permit issued to a person allowing the placement of a newsrack within a specifically designated portion of a thoroughfare.
- F. “Right-Of-Way” includes all the areas described in Section 1-3.13 (t) of this Code.
- G. “Sidewalk” means any surface or walkway dedicated to public use and provided for the primary use of pedestrians.

H. "Street" means all the areas described in Section 1-3.13 (t) of this Code.

7-9.03 Standards

All newsracks which are placed in the Newsrack District on any public property, within the public right-of-way or street, or within any public easement shall comply with the following criteria:

- A. All permanent newsracks located within the Newsrack District shall be of a multi-unit configuration. Multi-unit newsracks shall utilize no more than two (2) horizontal rows of six (6) compartments per row, and not more than one (1) such group of newsracks shall be allowed at any corner of a street intersection. If the demand for newsracks exceed twelve (12) at a single location, placement of additional newsracks shall be allowed at a location as determined by the Director of Public Works provided that such additional newsracks comply with all other provisions of this ordinance. Notwithstanding the requirements herein, a temporary single unit newsrack may be allowed by the Director for a period of sixty days in order to determine the suitability of a permanent newsrack location. Such temporary newsrack shall not be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack without the consent of the owner of the property.
- B. Newsrack requirements shall be as follows:
1. Multi-unit newsracks shall not exceed fifty-four (54) inches in height with a pedestal base not to exceed fifteen and one half (15.5) inches.
 2. The number of compartments of multi-unit newsracks for any requested location shall be determined by the Director of Public Works based upon estimated/existing demand.
 3. Newsracks shall either be placed parallel to a curb, adjacent to a wall, bus bench, or building (or if there is no building, adjacent to the property line).
 - a). Newsracks placed near a street curb shall be placed so that the edge closest to the curb is twelve inches from the curb.
 - b). Newsracks placed adjacent to the wall of a building shall be placed with their long axis parallel to the wall so that their back edge is six inches from the wall.
 - c). Newsracks placed along a property line shall be placed with their long axis parallel to the property line so that their back edge is six inches from fences, trees, and other objects.
 3. No temporary single unit newsrack shall exceed four (4) feet in height, thirty (30) inches in width, or two (2) feet in depth.

4. No newsrack shall be placed within one hundred (100) feet of another newsrack on the same side of street, alley or walkway as determined by the Director of Public Works.
 5. Newsracks shall be of a standard type in trade use including the Safeway Tan color, Sho-Rack TK-49-116 compartment units with 15 ½ “ pedestals, or equivalent as determined by the Director of Public Works.
- C. The name, address, and telephone number of the owner shall be attached or affixed to the front of the newsracks in an area not to exceed six inches.
- D. Each newsrack shall be constructed, installed, and maintained in a safe and secure condition.
- E. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times. Failure to maintain shall cause the removal of such newsrack.
- F. Upon removal of any newsrack by the applicant/owner of the newsrack, said applicant/owner shall repair and restore the location to its prior condition.
- G. No newsrack shall be used for advertising material other than that dealing with the sale or distribution of the publications sold within. Newsrack cards shall be no larger than eleven inches high and seventeen inches wide and may be placed on the front of the newsrack below the display window.
- H. Newsracks shall have the following clear space:
1. Sidewalks of less than eight feet in width, shall have at least three feet clear space.
 2. Sidewalks of more than eight feet in width shall have at least six feet clear space.
- I. The Director of Public Works may waive or modify the standards for newsracks if there is good cause.
1. A written request for waiver or modification of standards may be submitted to the Director regarding newsrack placement,

installation, and design. If the Director determines that the modification meets the intent of this ordinance and would not endanger the public health or safety or reasonably interfere with the use of the public right-of-way, a waiver may be issued.

2. Notice of all modifications approved by the Director of Public Works shall be given to the Town Council who may choose to review his decision. Modifications and waivers shall not become effective until one day following the Town Council meeting after notice of the modification or waiver has been made. Should the Town Council review the modification or waiver, the decision will not be effective until the Town Council has acted.

7-9.04 Prohibited Locations

Newsracks are prohibited from the following locations:

- A. Within three feet of any marked crosswalk.
- B. Within three feet of any bus bench in any location where the accessway for pedestrian use is reduced to less than thirty six inches.
- C. Within three feet of any display window of any building adjacent to the sidewalk as to interfere with the reasonable use of such window for display purposes.
- D. Within five feet of any fire hydrant, fire/police callbox, or other emergency facility.
- E. Within five feet of any driveway or alleyway.
- F. Within five feet of any bicycle rack.
- G. Within five feet ahead of, or twenty-five feet to the rear of any sign marking a designated bus stop.
- H. At any location which violates local and state handicapped accessibility regulations.
- I. At any location where the newsrack obstructs or interferes with access to, or the use and enjoyment of, abutting property.
- J. At any location where the newsrack will interfere with or obstruct flow of pedestrian traffic on the sidewalk or public area.

- K. At any location where the newsrack will endanger person/property.
- L. At any location where the newsrack causes, creates, or constitutes a traffic hazard.
- M. Within three feet of any streetlight, street tree, trash receptacle, mail/UPS box, or any other sidewalk furniture.

7-9.05 Permit Requirements

Newsrack permits shall be obtained in order to install, place, and maintain a newsrack on any public property.

- A. Newsrack permits shall be required annually. Permit fees, if any, shall be determined by resolution of the Town Council.
- B. Application forms, available through the Town, shall be completed and submitted to the Department of Public Works. The application form shall inform the applicant of the provisions of this ordinance and require the following:
 - 1. The name, address, and telephone number of the owner of the newsrack and the name and address of an agent for notice, who will be notified in case of violation, relocation, or removal.
 - 2. The location of each newsrack to be installed, placed or maintained in the Town by the applicant.
- C. The Director of Public Works shall issue a permit for the newsrack, if approved, within ten working days upon receipt of the completed application and if the type of newsrack and the location(s) proposed meet the standards set forth in this ordinance. The Director of Public Works will notify the applicant in writing if the permit is denied. The applicant shall have fifteen days following receipt of such notice to appeal the denial to the Town Council.
- D. A person who has secured a newsrack permit may apply for an amendment to the original permit which shall cover any number or all of his/her newsracks within the Town. The rules and procedures of this section shall also apply to the review and approval of any such amendment.

7-9.06 Violations

A. Violations with immediate danger

1. Any newsrack which creates an immediate danger to persons, property or vehicles, shall constitute a violation and be seized and impounded by the Town without prior notice to the owner.
2. Within two working days after the seizure, the Town shall notify the agent if known, by mail, of the seizure and the reasons therefore, including the facts constituting immediate danger. The notice shall inform the agent for notice of the right to request, within twelve days of the date of such notice, a hearing before the Director of Public Works to determine whether such seizure was proper. Upon timely request, the Director of Public Works shall hold such hearings within ten business days, unless the owner agrees to a later hearing. The hearing shall be informal with oral and written evidence which may be given by both sides. The Director of Public Works shall give his decision in writing to the agent for notice within seven working days after any such hearing. If the Director of Public Works finds that such seizure was proper he shall notify the agent to retrieve the newsrack.

B. Violation without immediate danger.

1. Any newsrack which violates the provisions of this ordinance and is not an immediate danger to the public, property, and vehicles, the Director of Public Works shall notify the agent for notice of the violation.

- a. Notice of noncompliance shall state the violation and state a specific date, not to exceed twenty days, for the owner to remedy the violation.

- b. If identification is not located on the newsrack a notification tag shall be attached to the newsrack stating the violation and the date of notice of violation.

- c. A person notified of this violation may request a hearing

before the

Director of Public Works, by submitting a written request to the Office of the Director. The hearing shall be informal. Oral and written evidence may be given by both sides. Any action by the Town with respect to the alleged violation shall be stayed pending the decision of the Director of Public Works following the hearing.

- d. Written notice from the Director of Public Works regarding the decision of the hearing shall be received by the agent of notice within seven working days from the date of hearing.
 - e. If the owner of the newsrack fails within the time permitted to remove or correct the violation, the Director of Public Works shall remove and impound the newsrack and shall notify the agent for notice to recover the newsrack.
- C. Any newsrack remaining empty for thirty consecutive days shall be deemed abandoned, except that a newsrack remaining empty due to labor strike or a temporary interruption of distribution or publication by the newspaper sold from that newsrack shall not be deemed abandoned. An abandoned newsrack may be seized by the Town and impounded.
- D. Seized newsracks shall be retained by the Town and may be recovered by the responsible party within thirty days from the seizure upon payment of any costs required incurred by the town for seizure, removal and storage.

7-9.07 Insurance

Each applicant for a newsrack permit shall furnish to the town a certificate showing that such applicant has then in force public liability and property damage insurance, naming the town as an additional insured, in an amount not less than one million dollars minimum liability combined single limit (bodily injury and property damage) per person and per occurrence. The permit holder shall provide and keep in force that policy of public liability insurance during such time as it continues to locate any newsrack under the terms of this ordinance. The evidence of insurance filed with the town shall include a statement by the insurance carrier that thirty days notice will be given to the town before any cancellation.

7-9.08 Indemnification

Each owner operating or maintaining a newsrack upon public property, Right of way, street, or public easement shall agree, prior to the granting of a permit to indemnify and hold harmless the town, its officers and employees, from any loss, liability, damage, or cost sustained by any person or property, arising from the installation, operation or use of such newsrack; provided, however, that such obligation to indemnify and hold harmless the town, its officers and employees, shall not extend to any loss, liability, damage or cost resulting from the active negligence of any Town official, agent, or employee.

Introduced at a regular meeting of the Town Council on September 24, 2002, and PASSED AND ADOPTED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on October 8, 2002, by the following roll call vote:

AYES:

NOES:

ABSENT:

Judith Hodgens, Mayor

ATTEST:

Debra Stutsman, Town Clerk