

ORDINANCE NUMBER

251

1  
2 AN ORDINANCE DECLARING ALL OLD BUILDINGS OR STRUCTURES, SITUATE  
3 WITHIN THE TOWN OF SAN ANSELMO, AND WHICH ARE DILAPIDATED BEYOND  
4 REPAIR, TO BE PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT  
5 OF SUCH NUISANCES.

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

8 Section 1. For the purposes of this ordinance a building  
9 constituting a menace to public safety, and constituting a public  
10 nuisance is defined as follows:

11 (1) Any building or other structure situate within the  
12 limits of the Town of San Anselmo, of wood frame construction, or  
13 so constructed as to more than ordinarily endanger the safety of  
14 persons therein in case of fire, or so situated as to more than  
15 ordinarily endanger other buildings or property in the vicinity  
16 in case of fire, or so constructed or situated as to render the  
17 same peculiarly susceptible to fire, from within or without, or

18 (2) Any building or other structure in the Town of San  
19 Anselmo which by reason of rot, weakened joints, walls, floors,  
20 underpinning, roofs, ceilings, insecure foundation, or other cause,  
21 has become so dilapidated or deteriorated from old age or neglect  
22 as to be a fire menace or a breeding place for rodents or a like-  
23 ly resort for vagrant or dissolute persons.

24 Section 2. Whenever the Building Inspector shall find  
25 any building or structure within the Town of San Anselmo so dilap-  
26 idated as aforesaid, he shall give notice, in the manner herein-  
27 after stated, directing the owner thereof to appear before the  
28 City Council at a stated time and show cause why such building or  
29 structure should not be condemned as a public nuisance and said  
30 nuisance be abated as herein provided for. Said notice shall be  
31 headed "NOTICE TO ABATE NUISANCE" in letters of not less than  
32 three-quarters of an inch in height, and shall be substantially in  
the following form:

NOTICE TO ABATE NUISANCE

The owner of the dilapidated building or structure sit-  
uated at \_\_\_\_\_ in the Town of San Anselmo, is hereby notified  
to appear before the city council at its meeting to be held \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, at the Council Chamber in the City Hall in said  
Town of San Anselmo at the hour of 8 o'clock p.m., or as soon  
thereafter as he may be heard, and show cause, if any he has, why  
said building or structure should not be condemned as a public  
nuisance and said nuisance be abated by reconstructing or properly  
repairing said building or structure, or by razing or removing the  
same.

DATED: San Anselmo, Calif.  
\_\_\_\_\_, 19\_\_\_\_.

BUILDING INSPECTOR

1 The building Inspector shall post conspicuously at least  
2 one copy of said notice on the building or structure sought to be  
3 so condemned. He shall also send another copy by registered mail  
4 (postage prepaid) addressed to the person who is named as the own-  
5 er on the books of the City Assessor of the Town of San Anselmo,  
6 in case the address of such person is known to him, but the fail-  
7 ure of any owner to receive the same shall not affect in any man-  
8 ner the validity of any proceedings taken hereunder, providing  
9 said notice has been posted as hereinbefore mentioned. Said not-  
10 ice must be posted as aforesaid at least ten days before the time  
11 fixed for the hearing before the city council.

12 Upon giving notice as aforestated, the Building Inspector  
13 shall file an affidavit with the City Clerk certifying to the time  
14 and manner in which the same was done. He shall also file there-  
15 with any receipt card which may have been mailed back to him in  
16 acknowledgement of the receipt of such notice by registered mail,  
17 providing he mailed said notice in addition to posting the same.

18 Section 3. At the time fixed in said notice, the council  
19 shall proceed to hear the testimony of the Building Inspector and  
20 the testimony of the owner and other competent persons, respecting  
21 the condition of the building or structure sought to be condemned,  
22 and the estimated cost of its reconstruction, repair, or removal,  
23 after which the council may condemn the same and order its razing  
24 or removal, or take such other action in the premises as they may  
25 deem advisable, the council may continue said hearing from time  
26 to time.

27 Section 4. If the owner fails to appear at the time fi-  
28 xed for said hearing, or the time to which said hearing may have  
29 been continued, the council shall proceed to hear the testimony  
30 of the Building Inspector and other competent persons respecting  
31 the condition of said building or structure, after which they may  
32 pass a resolution declaring said building or structure to be a  
public nuisance and directing the owner to abate said nuisance  
within thirty days from the passage of said resolution, by having  
said building or structure properly reconstructed or repaired, or  
by having the same razed or removed, and notifying him that if  
said nuisance is not so abated, said building or structure will be  
razed or removed by the Building Inspector and the expense there-  
of made a lien on the lot or parcel of land from which it was re-  
moved.

33 Upon the passage of said resolution, the Building Inspec-  
34 tor shall post a copy thereof conspicuously on the building or  
35 structure so condemned and mail another copy to the person named  
36 as the owner on the books of the City Assessor, if his address is  
37 known to him, after which he shall file his affidavit with the  
38 City Clerk certifying to the time and manner of posting a copy of  
39 said resolution, and also as to the mailing of a copy in case a  
40 copy was mailed.

41 Section 5. Any owner or other interested person having  
42 any objections, or feeling aggrieved at any proceeding taken by  
43 the City Council in condemning any such building or structure,  
44 must bring an action in a court of competent jurisdiction within  
45 thirty days after passage of said resolution to contest the val-  
46 idity of the proceedings taken by the council, otherwise all ob-  
47 jections will be deemed waived.

1 Section 6. Thirty days after posting a copy of the re-  
2 solution declaring said building or structure a public nuisance  
3 as aforesaid the Building Inspector shall be deemed to have acquir-  
4 ed jurisdiction to abate such nuisance by razing or removing the  
5 building or structure so condemned and, unless the nuisance is a-  
6 bated by the owner or his agent in the meantime, the Building In-  
7 spector shall thereupon raze and remove the condemned building or  
8 structure or have the same done under his direction and supervis-  
9 ion.

10 Section 7. The lumber and any other materials contained  
11 in any such condemned building or structure shall be sold by the  
12 Building Inspector at public auction, after not less than five  
13 days notice thereof published in a newspaper of general circulation  
14 published and circulated in said city, either before or after said  
15 building or structure has been razed or removed, and the amount re-  
16 ceived from the sale of such lumber and materials shall be deduct-  
17 ed from the expense of razing or removing the same.

18 Section 8. The Building Inspector shall keep an itemized  
19 account of the expenses involved in the razing or removal of the  
20 condemned building or structure, and deduct therefrom the amount  
21 received from the lumber and materials as aforesaid. He shall there-  
22 post conspicuously on the property from which the building or  
23 structure was removed a verified statement of the gross and net  
24 expense of razing or removing the building or structure, together  
25 with a notice of the time and place when and where said statement  
26 shall be submitted to the city council for approval and confirma-  
27 tion. He shall mail another copy of said statement and notice to  
28 the person named as the owner on the books of the City Assessor,  
29 if his address is known to him after which he shall file his af-  
30 fidavit with the city clerk certifying to the time and manner of  
31 posting such statement and notice, and also as to the mailing of  
32 a copy in case a copy was mailed. The time for submitting said  
statement to the council for confirmation shall not be less than  
five days from the posting of said statement and notice as afore-  
mentioned.

Section 9. At the time fixed for hearing on the statement  
of expense the council shall consider the statement and such ob-  
jections as may be offered against it, whereupon they shall modify  
amend or confirm the same as submitted; provided, they may contin-  
ue said hearing from time to time. When finally confirmed, the  
city clerk shall transmit a certified copy to the city assessor  
and another to the city tax collector.

Upon final confirmation of said statement, the expense of  
abating any such nuisance, less any money received from lumber or  
other materials as aforementioned, shall constitute a lien on the  
real property upon which the same was abated or removed, and the  
amount thereof shall be added to the next succeeding tax bill a-  
gainst said property, and shall be collectible at the same time  
and in the same manner as general municipal taxes are collected,  
and shall be subject to the same penalties and procedure in case  
of delinquency. Provided that if the amount received from lum-  
ber or other materials should in any case exceed the expense of  
razing or removing such building or structure, then and in that  
event, such excess shall be deposited with the City Treasurer to  
the Credit of said owner and be payable to him on demand.

SECTION 10. For the purpose of this ordinance, the sing-  
ular shall include the plural, and the masculine shall include the  
feminine and neuter. The word "owner" shall mean and include the  
person or persons owning the fee, or their agents, executors, ad-  
ministrators or guardians.

1 Section 11. All ordinances or parts of ordinances in  
2 conflict herewith are hereby repealed.

3 Section 12. This ordinance shall be in full force and  
4 effect from and after thirty days (30) from and after its passages.

5 Section 13. The foregoing ordinance shall, within 15  
6 days after its final passage and adoption, be published once  
7 in the San Anselmo Herald, a weekly newspaper of general  
8 circulation, published and circulated in said Town of San Anselmo,  
9 and is hereby designated for that purpose.

10 The foregoing ordinance was duly and regularly introduced  
11 at a regular meeting of the City Council of the Town of San  
12 Anselmo, held in said Town on the 12th day of July, 1938, and  
13 was thereafter at a regular meeting of said City Council, held  
14 in said Town on the 16th day of August, 1938, duly passed and  
15 adopted by the following vote:

16 AYES: COUNCILMEN

*White, Willard, Carroll & Lynch*

17 NOES: COUNCILMEN

*None*

18 ABSENT: COUNCILMEN

*Franchini*

19 Signed and approved this \_\_\_\_\_ day of August, 1938,

*G. W. Lynch*

MAYOR OF THE TOWN OF SAN ANSELMO

20 ATTEST:

*F. D. Burrows*

21 F. D. BURROWS, Clerk of  
22 the Town of San Anselmo