

AN ORDINANCE DEFINING GARBAGE, PROVIDING FOR AND REGULATING THE RECEIVING, COLLECTING, AND DISPOSAL THEREOF; MAKING IT UNLAWFUL TO KEEP OR DEPOSIT GARBAGE IN PUBLIC PLACES OR UPON STREETS AND ALLEYS; FIXING RULES FOR COLLECTION OF GARBAGE; PROVIDING FOR THE MAKING OF A CONTRACT FOR THE COLLECTION OF GARBAGE; PROVIDING A PENALTY FOR THE VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. "Garbage" as said word is used in this ordinance shall mean and include all garbage, swill, refuse, accumulation of animal, fish, fowl, fruit, or vegetable foodstuffs, and dead animals. The term "garbage" shall also include tin cans, scrap metal, ashes, cinders, sweepings, chips, waste paper, paste board, grass, reeds, straw, wearing apparel, shoes, hats, gravel, manure, stones, bricks, plaster, cement, crockery, bottles, glass, metals and metal receptacles, and all other waste or refuse matter whatever, whenever any thereof, or part thereof, is accumulated for disposal.

SECTION 2. It shall be unlawful for any person, firm, or corporation to keep, deposit, bury, or dispose of any garbage, except as in this ordinance provided, in or upon any private property, public street, alley, sidewalk, gutter, park, or other public place whatsoever, or to throw the same in the bed or upon the banks of any stream or creek in said town, or in or upon any of the waters thereof; and every person, firm, or corporation in said town having the obligation of the disposal of garbage as provided in this ordinance shall dispose of the same only in the manner provided in this ordinance through the official garbage collector of said town, except, that any person, firm, or corporation may dispose of accumulation of leaves, papers, chips, grass, straw or other dry weeds, by burning the same, but then only upon written permission of the Fire Chief of the town of San Anselmo. Every tenant, lessee, or occupant of any private dwelling house or premises, and the keeper or manager of every hotel, restaurant, eating house, boarding house or other place where meals are furnished and every furnished flat or apartment house, and the owner or proprietor of every business house or store shall have the garbage collection service by the official garbage collector of said town at least once each week, and oftener as ordered by the Health

Officer of said town, and shall pay the said official garbage collector for said garbage collection service, the monthly rates hereinafter provided.

SECTION 3. It shall be the duty of every tenant, lessee, or occupant of any private dwelling house or premises, and the keeper or manager of every hotel, restaurant, eating house, boarding house or other building or place where meals are furnished and of the owner of every furnished flat, or apartment house, and of the owner or proprietor of every grocery, butcher shop, or business house, or store, and of every person having garbage to be disposed of, to provide without expense to the town of San Anselmo and at all times to keep within said building or on the premises where said garbage is, suitable and sufficient watertight cans or receptacles with suitable bales or handles, and each having a tight fitting cover, for receiving and holding without leakage, or escape of odors, and without being filled to within four inches of the top, all the garbage which would ordinarily accumulate on said premises in one week's time, or in such time as would ordinarily elapse before the same would be removed by the official garbage collector, or otherwise disposed of, as in this ordinance provided; and all such cans shall be placed and kept at least four inches above the ground and shall be so placed and kept as to be readily accessible for removing and emptying the garbage therefrom, and where they will not be a public nuisance or in any degree offensive. Such cans or receptacles for garbage from private dwellings and from each flat or apartment house shall have a capacity of not less than ten gallons nor more than thirty gallons, and cans or receptacles for garbage at all other places shall each have a capacity of not less than ten gallons nor more than sixty gallons. No can or receptacle for receiving garbage shall be placed or kept on or in any public street, alley, sidewalk, footpath or any public place whatsoever.

SECTION 4. All garbage shall be removed from cans or receptacles at least once each week and as often in each week as may be necessary in full compliance with the requirements of this Ordinance; and shall be so removed only by the official garbage collector and upon the terms and conditions specified in this ordinance or shall be otherwise disposed of only as in this ordinance provided. The Health Officer of said town shall be the exclusive

judge of the sufficiency of said cans or receptacles and of the least number of times each week garbage shall be removed from any premises, and of the sufficiency of disposition in compliance with this Ordinance otherwise than by collection by the official garbage collector.

SECTION 5. The rates for collection of garbage in said town are hereby fixed and established as follows:

For all garbage collected anywhere in that part of said town herein defined as "the Flat" the sum of sixty cents per month for each collection per week from any can or receptacle having a capacity of thirty gallons or less, and the sum of eighty-five cents per month for each collection per week from any can or receptacle having a capacity exceeding thirty gallons but not exceeding sixty gallons;

For all garbage collected in any part of said town herein defined as "the Hill" the sum of eighty-five cents per month for each collection per week from any can or receptacle having a capacity of thirty gallons or less, and the sum of one dollar and thirty-five cents per month for each collection per week from any can or receptacle having a capacity exceeding thirty gallons and not exceeding sixty gallons.

For any single collection of garbage not part of a regular service the rates for collection shall be one-half the monthly rate for one collection per week, according to the can or receptacle, the premises and the part of said town from which said collection is made, and in the computation of said half rates, any fraction of a cent shall be disregarded.

SECTION 6. The term "the flat" as herein used shall mean all that portion of said town which includes all buildings and premises within the following described boundaries, and all buildings and premises fronting on the following named streets and roads in said town to the lengths and distances hereinafter designated:

Commencing at the intersection of the Red Hill Avenue and Sir Francis Drake Boulevard to the intersection of the northerly line of the Winship Tract extended with the County Road, thence easterly along said line of the Winship Tract to Barber Avenue in the Barber Tract, thence northerly along Barber Avenue, thence northerly along Intrata Avenue continued to the south-

ly line of the Osgood Tract, thence northerly and easterly along the foot of the hill in the said Osgood Tract and San Rafael Heights to the easterly boundary line of the Town of San Anselmo, thence northerly along the easterly boundary line of said Town of San Anselmo to the Red Hill Avenue, thence westerly along said Red Hill Avenue to the southerly line of San Francisco Presbyterian Orphanage property, thence easterly along said line of said Orphanage property to the easterly line thereof, thence northerly along the easterly boundary line of said Town of San Anselmo to the northerly boundary line of said Town of San Anselmo, thence westerly along said northerly boundary line of said Town of San Anselmo to Butterfield Road, thence southerly along said Butterfield Road to the Sir Francis Drake Blvd, thence westerly along said Sir Francis Drake Blvd to the Westerly boundary line of the Town of San Anselmo, thence southerly along said westerly boundary line to Laurel Lane, thence easterly along Laurel Lane to the bridge at Lansdale Station, thence southerly across said bridge to Forest Avenue, thence easterly along Forest Avenue to Elm Avenue thence southerly along Elm Avenue to Scenic Avenue, thence westerly along Scenic Avenue to the entrance of Florabel Park; and commencing again at the junction of Elm and Scenic Avenues and running thence northerly along Scenic Avenue to its junction with Redwood Road near Autzen's store, thence southerly along said road to Olive Avenue, and thence southerly along Olive Avenue to the southerly boundary line of the Kohn property, thence easterly along said southerly line of said Kohn property to Laurel Avenue, thence easterly along Laurel Avenue to its junction with Kemp Lane, thence easterly along said Kemp Lane to Raymond Avenue, thence southerly along said Raymond Avenue to Crescent Road, thence westerly, southerly and easterly along Crescent Road, to Sunnyside Avenue, thence southerly along Sunnyside Avenue to Waverly Road, thence westerly southerly and easterly along Waverly Road to Bolinas Avenue, and thence easterly along Bolinas Avenue to Sir Francis Drake Blvd, thence northerly along Sir

Francis Drake Blvd, to the point of commencement.

The term "the hill" as herein used, shall mean all other portions of said Town not included in that portion thereof herein defined as "the flat."

Section 7. The rates herein prescribed shall be paid on or before the fifth day of each month succeeding the month in which such garbage is collected to the one who was official garbage collector at the time of such collection. Should such payment not be made when due the official garbage collector shall not be required to make further collections from said premises while the same are occupied by the one delinquent until all delinquent payments are made or until ordered to make such collection by the Health Officer. Should any garbage remain uncollected because of delinquent payments and by reason thereof a nuisance exists upon said premises or there is in the opinion of the Health Officer danger to the public health by reason thereof, the Health Officer shall cause a notice to be personally served upon the owner of said premises or posted thereon, requiring such garbage to be disposed of within twenty-four hours or such delinquent payments to be made and such garbage to be collected within that time by the official garbage collector, and if at the expiration of the time stated in said notice such garbage shall not have been disposed of, or such payments have not been made and such garbage collected, said health officer shall cause the same to be collected by the official garbage collector and the expense of such collection shall be paid by said Town to said collector and the amount of such payment shall be a lien in favor of said Town upon said premises.

Section 8. It shall be unlawful for any person, firm or corporation except the official garbage collector to remove or carry on, along or through the streets and alleys of the said Town any garbage, and all garbage removed or carried on, along or through such streets, or alleys shall be removed or carried in water-tight cans or in carts or wagons which do not leak and have proper covers and are so loaded that none of the garbage shall fall, drip, or spill to the ground, or upon the streets or alleys. All such carts and wagons shall be kept clean on the outside

and be numbered on the outside so that the number can be plainly seen, and each garbage collector shall, when at work, wear a badge in plain sight upon which shall be the words, "Garbage Collector."

SECTION 9. The City Council may, after inviting bids therefor, enter into a contract with any responsible person, firm or corporation, for the collection, removal, and disposal of garbage collected and accumulated within said town, said contract to operate for a term not to exceed ten years.

SECTION 10. Upon order of the City Council, the City Clerk shall advertise for bids for the contract hereinabove mentioned, publishing notice of said call for bids once in a newspaper of general circulation, published in said town of San Anselmo, at least ten days prior to the time set for opening said bids or proposals. Said proposals shall offer to said town a stated amount in equal monthly installments to be paid on or before the first day of each calendar month for the exclusive right to collect, and dispose of garbage collected in said town for the period of said contract. The City Council shall have the power to refuse any and all bids, and shall award the said contract to the person in their opinion best qualified and best equipped for performing said contemplated contract. Should the City Council determine that said bids are too low, or are not fair or just, it may, at its option, after rejecting all of them, proceed without further notice or publication to let a contract to or enter into a contract with, such person or persons and upon such terms as shall appear to said City Council to be for the best interests of said town. The successful bidder or contractor shall, during the term of said contract, be known as the "Official Garbage Collector" and shall collect garbage on the terms and conditions, and at the rates for said collection herein fixed and established, and shall dispose of all said garbage outside the City limits of the town of San Anselmo.

SECTION 11. Where such a contract as is in this ordinance provided for has heretofore, or hereinafter been entered into between said town of San Anselmo and a contractor, for the collection, removal and disposal of garbage as herein provided, and said contractor shall have satisfactorily performed such a contract, the city council, without inviting bids or proposal therefor, and without giving notice of its intention so to do, may, either prior to or after the expiration of such contract, extend or renew the same, for

terms not exceeding ten years each, upon the same conditions, or such other conditions, as the City Council shall provide.

SECTION 12. Every successful bidder, or person to whom any contract is awarded, shall furnish a surety bond in the sum of one thousand (\$1,000.00) dollars conditioned upon the faithful performance of his contract and the compliance with all the ordinances of the said town, and any such contractor shall maintain headquarters within said town equipped with a telephone.

SECTION 13. Any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than three hundred dollars, or by imprisonment for a term of not to exceed six months, or both.

SECTION 14. Ordinances numbers 162, 167, 173, 192, and 219, and all other ordinances in conflict herewith are hereby repealed.

SECTION 15. This is an ordinance for the protection of the public peace, health, and safety, and one of urgency, and shall take effect and become operative immediately from and after its final passage and adoption. The facts constituting the urgency in this instance are that garbage is collecting in said town in and upon various premises therein, and there is no adequate ordinance providing the means and methods for its collection and disposal, thereby endangering the health of the residents of said town, and it is necessary for the proper protection and preservation of the health, peace, and safety, of said residents that this ordinance be passed and go into effect immediately upon its passage and approval.

SECTION 16. This ordinance shall be published once within fifteen days after its final passage in the San Anselmo Herald, a newspaper of general circulation published and circulated in the town of San Anselmo, and hereby designated for the purpose.

The foregoing ordinance was fully and regularly introduced and read at a regular meeting of the City Council of the town of San Anselmo, held in said town on the 11th day of October, 1938, and was thereafter at an adjourned regular meeting of said City Council held in said town on the 15th day of November, 1938, duly passed and adopted by the following vote:

AYTS: COUNCILMEN:
NOES: COUNCILMEN:
ABSENT: COUNCILMEN:

Signed and approved this 15th day of November 1938.

How Linnch
MAYOR OF THE TOWN OF SAN ANSELMO.

ATTEST: *F. L. Brown*
CLERK OF THE TOWN OF SAN ANSELMO.