

1 AN ORDINANCE DECLARING CERTAIN CONDITIONS TO BE NUISANCES AND
2 MAKING IT UNLAWFUL TO MAINTAIN ANY SUCH CONDITION; DECLARING
3 THE MAINTENANCE THEREOF A MISDEMEANOR; REGULATING ADVERTISING
BY SOUND AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS
ORDINANCE.

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

6 SECTION 1. That the maintenance or emission of any noise or
7 sound produced by human, animal or mechanical means, between the
8 hours of 9 o'clock p. m. and 8 o'clock a. m. of the following day,
9 which, by reason of its volume, raucous or nerve-racking nature,
10 shall disturb, or manifestly tend to disturb, the peace or comfort
11 of, or be injurious to the health of, any person or persons, shall
12 constitute a public nuisance.

13 SECTION 2. It shall be unlawful for any person to maintain,
14 or cause or permit to be maintained, any noise or sound described
15 in the preceding paragraph. Any person so maintaining, or causing
16 or permitting to be maintained, any noise or sound in violation of
17 this ordinance, or which is by this ordinance declared to be a
18 public nuisance, shall be guilty of a misdemeanor.

19 SECTION 3. It shall be the duty of the Chief of Police of
20 the Town of San Anselmo to summarily abate any sound or noise in
21 this ordinance declared to be a public nuisance.

22 SECTION 4. It shall be unlawful for any person, persons,
23 firm or corporation to advertise any business, merchandise for
24 sale, political campaign, carnival, fair, or any-thing whatsoever,
25 by sound or noise, produced by human or mechanical means, except
26 by radio broadcast directly from a regularly licensed broadcast
27 station, without first securing a permit therefor from the Chief
28 of Police, and upon the payment of a license fee in the sum of
29 \$5.00 per day, provided that no fee for such permit shall be
30 charged any advertiser of a fair, carnival or similar affair,
31 held entirely for charitable purposes; provided that no permit
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1 shall be issued for such advertising between the hours of nine p.m.
2 and nine a.m.

3 SECTION 5. Any person violating any of the provisions of this
4 ordinance shall be guilty of a misdemeanor, and upon conviction of
5 any violation, shall be punishable by imprisonment in the county
6 jail for a period not exceeding three months, or by a fine not ex-
7 ceeding \$300.00, or both such imprisonment and fine.

8 SECTION 6. If any section, sub-section, sentence, clause or
9 phrase of this ordinance is for any reason held by a court of com-
10 petent jurisdiction to be invalid, such decision shall not affect
11 the validity of the remaining portions of this ordinance. The City
12 Council hereby declares that it would have passed this ordinance
13 and each section, sub-section, sentence, clause, and phrase there-
14 of, irrespective of the fact that any one or more sections, sub-
15 sections, sentences, clauses or phrases be declared invalid.

16 SECTION 7. This ordinance is hereby declared to be an urgen-
17 cy measure immediately necessary for the protection and preserva-
18 tion of the public health, safety, peace and general welfare, and
19 shall take effect immediately upon its final passage and adoption,
20 and shall thereafter be published once within fifteen days after
21 the passage thereof, in the San Anselmo Herald a newspaper of gen-
22 eral circulation, published and circulated in the ~~Town~~ of San
23 Anselmo and hereby designated for that purpose. The facts consti-
24 tuting said condition of urgency are as follows: That at the
25 present time it is lawful for persons to make any noises at any
26 hour of the day and night, and to advertise by sound truck and
27 otherwise, in such manner as is detrimental to the public health,
28 safety and general welfare of the people of the Town of San Anselmo.

29 The foregoing ordinance was duly and regularly introduced at
30 *an adjourned*
31 ~~an~~ regular meeting of the City Council of the Town of San Anselmo,
32 held in said town on the 19th day of July, 1939, and was there-

1 after at an ~~adjourned~~ regular meeting of the said City Council
2 held in said town on the 8th day of August, 1939, duly passed
3 and adopted by the following vote:

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5
6 AYES: COUNCILMEN: *Frachin, Millard + White 1/2*
7 NOES: COUNCILMEN: *none*
8 ABSENT: COUNCILMEN: *Carroll + Litch*

9
10 Signed and approved this 8th day of August, 1939.

11
12 *Earl J. White Mayor Pro Tem.*
13 MAYOR OF THE TOWN OF SAN ANSELMO

14
15 *J. B. Brown*
16 ATTEST: CLERK OF THE TOWN OF SAN ANSELMO

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