

ORDINANCE NO. 314

1st read in
file - 5/10/49

AN ORDINANCE REGULATING THE PLACING OF BENCHES, SEATS, CHAIRS,
OR SETTEES IN, OVER, ALONG, OR UPON THE STREETS OF THE TOWN OF
SAN ANSELMO; AND PROVIDING THE PENALTY FOR VIOLATION HEREOF.

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

Section 1. It shall be unlawful for any person, firm, association, or corporation to place, or cause to be placed, any bench, seat, chair or settee in, over, along or upon any street in the Town of San Anselmo, without complying with the following conditions:

(a) Location of any bench, seat, chair or settee shall be approved by the Superintendent of Streets, and any change thereof shall be subject to his direction and control.

(b) The applicant shall obtain and file with the Superintendent of Streets at the time of making his application, the written consent of the legal or equitable owner of the property adjacent to the proposed location, approving the placing of such a bench, seat, chair or settee in front of his property.

(c) The type, design and construction of any bench, seat, chair or settee shall be submitted with the application and shall be subject to the approval of the Superintendent of Streets.

(d) The permittee under this ordinance shall at all times keep and maintain each and all of said benches, seats, chairs or settees in a good state of repair and in a neat, clean and sanitary condition and to the satisfaction of the said Superintendent of Streets.

(e) The permittee may use such benches, seats, chairs or settees for the purpose of placing advertising matter thereon; provided, however, that no objectionable advertisements shall be placed thereon, and all advertising shall be subject to the approval of the Superintendent of Streets of the Town of San Anselmo; and provided, further, that the permittee first granted advertising privileges shall have exclusive advertising rights at said location.

(f) The permittee shall not sell, assign, transfer or dispose of any interest contained in any of said benches, seats, chairs or settees, or sell, assign or otherwise dispose of any of the said articles placed upon the city streets of the Town of San Anselmo without first obtaining consent of the Superintendent of Streets of the said Town.

(g) The permittee for a bench, seat, chair, or settee having advertising placed thereon, shall furnish a good and sufficient bond to the Town of San Anselmo in the sum of Five Hundred (\$500.00) Dollars, to be conditioned upon the faithful performance of the terms of this ordinance.

(h) The permittee shall file with the City Clerk an insurance policy in any company authorized to do business in the State of California, said policy of insurance to insure to and be to the

benefit of the Town of San Anselmo, and shall indemnify the Town of San Anselmo for any loss, damage or liability suffered by said Town by reason of the existence of such benches, seats, chairs or settees in or upon the public streets, and/or the operation and maintenance of said benches, seats, chairs or settees. Said policy of insurance shall indemnify said Town in the sum of Ten Thousand (\$10,000.00) Dollars against loss or liability arising from the injury or death of one person, and shall indemnify said Town in the sum of Twenty Thousand (\$20,000.00) Dollars against loss or liability arising from the injury or death of two or more persons in any one accident.

If permittee operates its, his or their own insurance company, capable of indemnifying said Town from any loss, damages or liability suffered by said Town, in accordance with the terms and provisions contained in the preceding paragraph, he, they or it shall file with the City Clerk a verified certificate stating the fact that he, they or it will so indemnify the Town of San Anselmo for any such loss, damage or liability suffered by said Town in accordance with the terms and provisions contained in the preceding paragraph.

(i) Each and every bench, seat, chair or settee shall have placed thereon in an inconspicuous place, a small identification marker, giving the name of the owner or permittee, his address, and serial number of such, bench, seat, chair or settee.

Section 2. For each bench, seat, chair or settee upon which is displayed advertising matter, the owner or permittee shall pay license fees as follows:

- (a) For the first 100 benches, seats, chairs or settees--\$1.00 per month or fraction thereof;
- (b) For the second 100 benches, seats, chairs or settees..\$.75 per month or fraction thereof;
- (c) For the third 100 benches, seats, chairs or settees..\$.50 per month or fraction thereof;
- (d) For all over 300 benches, seats, chairs or settees..\$.25 per month or fraction thereof;

payable monthly in advance.

An itemized report shall be filed by the owner or permittee with the Superintendent of Streets, showing the location of each bench, seat, chair or settee, and on the first day of each month thereafter an itemized report shall be made, showing a list of the locations which have been discontinued in use and a list showing the locations which have been put into use since the last report.

Section 3. Any person, firm, association, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon convictions thereof, shall be punished by a fine of not more than Five

Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each such person, firm, association or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm, association or corporation, and shall be punished therefor as provided by this ordinance.

Section 4. Within fifteen (15) days after its final passage and adoption, copies of this ordinance shall be posted in three (3) public places in the Town of San Anselmo, which said public places are designated for the purpose as follows, to-wit:

- (a) Bulletin Board San Anselmo Post Office,
- (b) Bulletin Board San Anselmo Public Library,
- (c) Bulletin Board City Hall,

and shall be in full force and effect thirty (30) days from and after its final passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the Town of San Anselmo, held in said Town on the 10th day of May, 1949, and was thereafter at a _____ regular meeting of the City Council of the Town of San Anselmo, held in said town on the 14 day of June 1949, duly passed and adopted by the following vote:

AYES: COUNCILMEN BOOTH-MILLER-ALLEN-LOVE-SMITH
NOES: COUNCILMEN None
ABSENT: COUNCILMEN None

Arthur W. Smith
Mayor of the Town of San Anselmo

ATTEST:

[Signature]
City Clerk