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Ordinance No. 360

AN ORDINANCE AMENDING ORDINANCE NO. 207, ENTITLED:
"AN ORDINANCE REGULATING TRAFFIC UPON PUBLIC STREETS
OF THE TOWN OF SAN ANSELMO AND REPEALING ALL ORDIN-
ANCES INCONSISTENT HEREWITH" PASSED JULY 7, 1930, AS
AMENDED, IS HEREBY AMENDED BY ADDING THERETO A NEW
SECTION TO BE NUMBERED SECTION 21.1 AND PROVIDING
REGULATIONS FOR VEHICULAR TRAFFIC ACROSS SIDEWALK AREAS.

THE CITY COUNCIL OF THE TOWN OF SAN ANSELMO DO ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 207, entitled: "An Ordinance regulating traffic upon public streets of the Town of San Anselmo and repealing all Ordinances inconsistent herewith" passed July 7, 1930, as amended, is hereby amended by adding a new section thereto to be numbered Section 21.1, to read as follows:

SECTION 21.1

- (a) Words used in this Ordinance in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular includes the plural, and the plural the singular and the following words, terms and phrases, when used in this Ordinance, have the meaning ascribed to them except where the context clearly indicates a different meaning:

The word "Person" includes a firm, corporation, association or partnership.

"Sidewalk" shall mean that portion of a street or highway, other than the roadway, set apart for pedestrian travel, whether or not such portion is paved or otherwise surfaced and including therein the area encompassed within a temporary or permanent driveway.

A "Vehicle" is a device in, upon or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power.

A "Commercial Vehicle" shall mean a vehicle of a type designed, used and maintained primarily for the transportation of property including dirt, rock or other materials to be delivered or disposed of.

A "Contractor" shall mean any person as defined by Sections 7026 and 7027 of the Business and Professions Code of the State of California.

- (b) In addition to the requirements of Section 560.1 of the Vehicle Code of the State of California, any person in possession of or driving any commercial vehicle, prior to driving, towing or moving said commercial vehicle in a backwards direction over,

across or upon any sidewalk, excepting that part of a sidewalk within a driveway area, shall provide and maintain a flagman in attendance during the entire time such commercial vehicle is being driven, towed or moved backward over, across or upon any sidewalk, excepting that part of a sidewalk within a driveway area, to insure that such movement can be made with safety to all persons using the street or sidewalk.

- (c) Whenever the nature or scope of activity may require the driving, towing or moving of one or more commercial vehicles, either in a forward or backward direction, over, across or upon any sidewalk, excepting the part of a sidewalk within a driveway area, for a consecutive period of time longer than one (1) hour, then in addition to the requirements of Subdivision (b) hereof, all persons connected with such driving, towing or moving of such commercial vehicles shall comply with such additional safety measures as the Chief of Police shall determine to be for the safety and welfare of all people.
- (d) Any person acting as, or engaged in the business, of a contractor shall require all persons driving, towing or moving any commercial vehicles over, across or upon any sidewalk, excepting that part of a sidewalk within a driveway area, in connection with any business activity of said contractor to comply with the requirements of Subdivision (b) and (c) hereof.
- (e) The Chief of Police is hereby empowered and authorized to require the posting of a cash bond in an amount sufficient to pay the charges for replacing or repairing any curbs, gutters or sidewalks anticipated to be damaged by the movement of any commercial vehicles over, across or upon any sidewalk.
- (f) It shall be unlawful for any person having the possession of, driving, towing or moving any commercial vehicle or for any person contracting for, hiring, using or employing any commercial vehicle to drive, tow or move, or permit or suffer the same to be driven, towed or moved over, across or upon any sidewalk, excepting that part of a sidewalk within a driveway area, in a manner as herein provided in Subdivision (b) and (c) hereof without having a flagman in attendance and without complying with such additional safety measures as the Chief of Police shall determine to be for the safety and welfare of all people or to fail, neglect or refuse to post the cash bond as herein provided for in subdivision (e) hereof.

SECTION 2. This Ordinance is hereby designated as an emergency Ordinance for the immediate protection of the health, safety and

welfare of the citizens of San Anselmo and shall become effective and be in full force and effect immediately upon its passage; that the facts constituting an emergency are as follows: Unregulated crossings of sidewalk areas by motor vehicles have been called to the attention of the City Council and in the past three months a small child was very seriously injured by reason of a motor vehicle, in the act of backing over a sidewalk area, striking and running over her, there being no one watching to the rear of the vehicle except the driver thereof whose vision was partially obscured; that further such accidents may occur unless reasonable regulations are established to control vehicles as in this Ordinance it is provided.

SECTION 3. Any violation of this Ordinance shall constitute a misdemeanor and upon conviction thereof shall be punishable as provided in Ordinance No. 207.

SECTION 4. This Ordinance shall be published once in the San Anselmo Times, a weekly newspaper of general circulation published in the Town of San Anselmo, which newspaper is hereby designated for that purpose. ~~This Ordinance shall be in full force and effect thirty (30) days from and after its final passage.~~ *at a regular meeting on Dec-8, 1953*

The above and foregoing Ordinance was introduced, and passed, and adopted as an emergency at a regular meeting of the City Council of the Town of San Anselmo, held on Tuesday, ~~December 8, 1953,~~ *Jan. 12, 1954* by the following vote:

AYES: *Hannigan, Smith, Wadlewski, Cudworth*
NOES: *Skinner*
ABSENT: *none*

Signed and approved this 20th day of January, 1954

Fraser M. Cudworth
FRASER CUDWORTH
Mayor of the Town of San Anselmo.

ATTEST:
Anita Gannon
ANITA GANNON
Clerk of the Town of San Anselmo 3.