

ORDINANCE NO. 387

AN ORDINANCE AMENDING ORDINANCE NO. 182 OF THE TOWN OF SAN ANSELMO, ENTITLED: "AN ORDINANCE REGULATING THE CONSTRUCTION OF SIDEWALKS IN THE TOWN OF SAN ANSELMO, SPECIFYING THE MATERIAL WITH WHICH THE SAME SHALL BE PAVED, THE WIDTH OF SUCH PAVEMENT AND THE WIDTH OF PARKWAY SPACES THEREIN, AND MAKING OTHER REGULATIONS IN REFERENCE THERETO", IS AMENDED BY HEREBY AMENDING SECTIONS 6, 7, 9 & 10 THEREOF.

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

Section 1. Sections 6, 7, 9 & 10 of Ordinance No. 182 of the Town of San Anselmo, entitled: "AN ORDINANCE REGULATING THE CONSTRUCTION OF SIDEWALKS IN THE TOWN OF SAN ANSELMO, SPECIFYING THE MATERIAL WITH WHICH THE SAME SHALL BE PAVED, THE WIDTH OF SUCH PAVEMENT AND THE WIDTH OF PARKWAY SPACES THEREIN, AND MAKING OTHER REGULATIONS IN REFERENCE THERETO", are hereby amended to read, as follows:

Section 6. No sidewalk, or walkway and/or driveway from curb to property line, shall be constructed, nor the construction thereof commenced, unless a permit therefor be first obtained from the Superintendent of Streets of the Town of San Anselmo, and all sidewalks, walkways and driveways shall be constructed under the supervision of the Superintendent of Streets and/or the City Engineer and in accordance with the following specifications, restrictions, and requirements of other regulatory sections of Ordinance No. 182 of the Town of San Anselmo:

(a) No sidewalk, or walkway across the sidewalk area from curb to property line, shall be constructed except on a grade and slope established by measuring from the grade of the outer edge of curb and rising one quarter ( $\frac{1}{4}$ ) inch per foot from the outer top edge of curb.

(b) No driveway across the sidewalk area from the curb to the property line shall be constructed except on a grade and slope established by measuring from a point two (2) inches above the curb side gutter line and rising to meet standard sidewalk grade, provided for in Subsection (a) hereof, three (3) feet back of curb line and then continuing on the standard sidewalk slope to property line.

(c) "Concrete" as used in Section 1 of this ordinance is hereby defined to be: "An artificial stone like material made by mixing cement, sand and crushed rock or gravel with water". The construction of sidewalks, walkways and driveways across the sidewalk area from curb to property line shall be limited to such concrete material as herein defined.

(d) For the purpose of this ordinance, the grades of established curbs and gutters on the public streets, ways and places in the Town of San Anselmo shall be recognized as the proper grade to establish the grade and slope of any sidewalk, walkway or driveway, except where it is clearly evident that such curb or gutter grade by reason of structural failure, or rising or sinking of such curb or gutter, is not at proper grade, in which event, or in the event no official curb or gutter grade has been established, no sidewalk, walkway or driveway

shall be constructed until such official grade of curb or gutter shall have been established by the City Engineer upon order of the City Council.

(e) Whenever the average natural slope of the ground in the sidewalk area of any public street, way or place does not exceed five (5) inches rise to the foot, such sidewalk area shall be graded to the standard sidewalk grade as herein provided for.

(f) Whenever the average natural slope of the ground in the sidewalk area of any public street, way or place exceeds five (5) inches rise to the foot, application may be made to the City Council of the Town of San Anselmo for a variance permit to construct a walkway or driveway from the curb line to the property line across the full width of the sidewalk area at a grade and slope in excess of that permitted by other provisions of this ordinance. Every such application shall be made in writing and shall be accompanied with a plot plan with proposed grade elevations of such proposed walkway or driveway in reference to curb and/or gutter grade, and to further be accompanied by detailed sketch and diagram setting forth the nature and character of adjoining sidewalk area and average natural slope and grade thereof for a distance of one hundred (100) feet in each direction on the same side of the street from the location of the property in front of which such construction variance is applied for. The construction of any such walkway or driveway under a variance permit from the City Council shall be done under the supervision of the Superintendent of Streets and/or the City Engineer and under the terms, conditions and specifications of the City Council determined at the time of granting such variance permit.

Section 7. For the purpose of this ordinance the term "business district" is hereby defined to mean: "All that property within the Town of San Anselmo which is now, or may hereafter be, zoned for business and commercial purposes by the provisions of other ordinances of the Town of San Anselmo", and the term "residence district" is hereby defined to mean: "All that property within the Town of San Anselmo which is now, or may hereafter remain, zoned for residential use and occupancy by the provisions of other ordinances of the Town of San Anselmo".

Section 9. Nothing contained herein shall be construed to prevent the construction of walkways or driveways of a proper width and at a proper location from the curb to the property line and across the full width of the sidewalk area subject to the specifications, restrictions and requirements of Section 6 of this ordinance and subject to the supervision of the Superintendent of Streets and/or the City Engineer, and provided further that no portion of such walkway or driveway of a temporary or permanent nature shall ever be permitted to extend onto the street beyond the curb side gutter line.

Section 10. 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 punished by

a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail of the County of Marin not exceeding six (6) months or by both such fine and imprisonment.

Section 2. This ordinance shall be published once in the San Anselmo Times, a weekly newspaper of general circulation published and circulated in the Town of San Anselmo, which newspaper is hereby designated for that purpose, and shall be in full force and effect thirty (30) days from and after its final passage.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the City Council of the Town of San Anselmo, held in said Town on the 15<sup>th</sup> day of March, 1955, and was thereafter on the 1<sup>st</sup> day of June, 1955, at a regular meeting of the City Council of the Town of San Anselmo, held in said Town and duly passed and adopted by the following vote:

AYES:	COUNCILMEN: <u>Baith, Ball, Martin, Washburn, Smith</u>
NOES:	COUNCILMEN: <u>none</u>
ABSENT:	COUNCILMEN: <u>none</u>

Arthur W. Smith  
Mayor, Town of San Anselmo.

ATTEST:

Lueta Gannon  
City Clerk, Town of San Anselmo.

Approved as to form. John W. Duesch  
City Attorney.