

CITY OF SAN ANSELMO

ORDINANCE NO. 516

AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 5 OF TITLE 3 OF THE SAN ANSELMO MUNICIPAL CODE, PROHIBITING THE OPERATION OF MOTOR VEHICLES ON FIRE AND HIKING TRAILS WITHOUT A PERMIT THEREFOR

The City Council of the City of San Anselmo do ordain as follows:

Section 1. The Municipal Code of the City of San Anselmo is hereby amended by adding Article 16 to Chapter 5 of Title 3 as follows:

Article 16. Fire Trails and Hiking Trails.

Sec. 3-5.1601 Definitions. The following words when used in this Article shall be deemed to have the following meanings:

(a) Motor vehicle. The term "motor vehicle" shall include any wheeled conveyance of any type whatsoever, which is motor powered, including but not limited to, motor cycles, motor bikes, automobiles, and trucks.

(b) Fire trail. The term "fire trail" shall mean any road, path, clearing, graded area, or right-of-way established and/or maintained on public or private property primarily for fire fighting and/or fire protection purposes.

(c) Hiking trail. The term "hiking trail" shall mean any road, path, clearing, graded area, track or right-of-way established and/or maintained on public or private property primarily for hiking, camping, and public recreation purposes.

Sec. 3-5.1602 Prohibitions -- Permit. It shall be unlawful for any person to operate any motor vehicle, other than a publicly owned motor vehicle, on, over, or across any fire trail or hiking trail, or any lands adjacent thereto in the City of San Anselmo, without first securing a permit from the San Anselmo Fire Chief. Permits shall be issued without fee in all cases where an application is made and granted. If the Fire Chief finds and determines that the issuance of said permit will constitute a hazard to

persons and/or property by reason of the nature of the vehicle or the proposed method of operation thereof the application shall be denied.

Sec. 3-5.1603 Appeal. Any person whose application for a permit is denied by the Fire Chief may appeal such decision in writing to the City Council within ten (10) days after such denial. The City Council shall thereupon conduct a hearing on said appeal at its next regular meeting. The Council's decision shall be final.

Sec. 3-5.1604. Peace Officers. Any employee of the San Anselmo Fire Department or any other duly constituted public agency having jurisdiction over a fire trail or hiking trail, shall be deemed to be a peace officer for the purpose of enforcing this ordinance.

Section 2. This ordinance is hereby declared to be an urgency measure and shall be in full force and effect immediately upon its adoption. Within fifteen (15) days after adoption this ordinance shall be published in the Ross Valley Times, a newspaper of general circulation printed and published in the City of San Anselmo. The conditions constituting such urgency are as follows: Continued unregulated operation of motor vehicles on fire trails and hiking trails situated in the City of San Anselmo constitutes a direct and immediate menace to the public health, safety, peace and general welfare, in that numerous individuals are presently operating motor vehicles on such fire trails and hiking trails with random disregard for the safety of persons and property and in such a manner that the danger of grass and forest fires has been substantially increased. The immediate operation of this ordinance is, therefore, necessary to protect the public health, peace, safety, and general welfare.

The foregoing ordinance introduced at a regular meeting of the City Council on May 25, 1965, was thereafter passed and adopted at a regular meeting of the City Council of the City of San Anselmo, held on the 8th day of June, 1965, by the following vote:

AYES: Councilmen: Clute, Reichmuth, Franchini, Smith, Capurro

NOES: Councilmen: None

ABSENT: Councilmen: None

Woodrow Capurro,

MAYOR OF THE CITY OF SAN ANSELMO

ATTEST:

ANITA GANNON, CITY CLERK