

ORDINANCE NO. 269

AN ORDINANCE PRESCRIBING REQUIREMENTS FOR
THE CONSTRUCTION OF DEFENSE HOUSING

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

SECTION 1: Suspension of Code Provisions. For the duration of the present state of war between the United States of America and Germany, Italy and Japan, or until this ordinance be sooner repealed, building permits as now required by the ordinances of this city may be granted for defense housing and other construction although the drawings and specifications therefor do not conform to the requirements of the Building Code of the Town of San Anselmo insofar as said Code relates to the use of critical materials as the same have been or may hereafter be designated by the President of the United States, subject to the following terms and conditions:

(a) In all cases where the Building Code requires the use of a critical material for a particular construction purpose and the use of such material for that purpose is not permitted by the Defense Housing Critical List, there may be substituted therefor such materials, and in such quantities, as are specified in or limited by the Defense Housing Critical List: Provided, That where the Defense Housing Critical List allows a choice of materials for a particular construction purpose, the building official within his discretion may determine which alternate material shall be used.

(b) In cases where the building code requires a critical material for a particular construction purpose and where the same or another critical material is not eligible for such purpose under the Defense Housing Critical List, the Building Inspector, and all other officials of the City, may permit the use of any non-critical material

which will, in their opinion, provide the best available substitute.

(c) Nothing herein shall be construed to authorize the granting of a building permit for any proposed construction not conforming in all respects to the requirements of the building code if the building official finds that such proposed construction will create a nuisance or will endanger public health, safety and welfare.

(d) For carrying into effect the provisions of this ordinance, the Building Inspector may adopt rules or regulations not inconsistent herewith, setting forth the conditions under which materials or modes of construction not conforming to the requirements of the building code may be used, it being the intention of this requirement that the standards of federal or state agencies or bureaus, national, technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing the minimum rules of practice hereunder. All such rules or regulations, and amendments thereto, shall be prepared in writing, and three certified copies thereof shall be filed with the City Clerk before they become effective. Such copies shall be available for public inspection and use at all times said Clerk's office is open to the public. If and when approved by the Council such rules and regulations, and amendments thereto, shall have the same force and effect as provisions of this ordinance.

SECTION 2: Copies of Critical List to be kept on file. The City Clerk shall secure, mark with the words "Official Copy", and keep on file in his office at all times, three copies of the latest revision of the Defense Housing Critical List, together with all amendments thereto and all codes, standards and specifications referred to therein. Said documents shall be available for public use and inspection at all times that office is open to the public.

SECTION 3: Suspension of Additional Provisions. For the duration of the present state of war between the United States of America

and Germany, Italy and Japan, or until this ordinance be sooner repealed, building permits as now required by the ordinance of this City may be granted for defense housing and other construction, if and whenever the plans and specifications therefor conform to or meet the minimum requirements of the Federal Housing Administration, whether or not all requirements of the Uniform Building Code and other ordinances of this City are therein complied with. All provisions of said Code and of the ordinances of this City, requiring or specifying other or additional materials, construction work or changes of location, are hereby suspended for the duration of said hostilities.

SECTION 4: Severability. All parts and provisions of this ordinance are declared to be severable, and if any part or provision thereof is held invalid, such invalidity shall not affect any other part or provisions of this ordinance which can be given effect without the invalid provision.

SECTION 5: Suspension of conflicting ordinances. All ordinances or parts of ordinances in conflict herewith are hereby suspended to the extent of the conflict, provided, however, that this ordinance shall not be deemed to repeal or modify any zoning ordinance or portion thereof or any restriction relating to set-back lines or areas.

SECTION 6: Effective Date. This ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and shall be in full force and effect forthwith upon its adoption. The facts and circumstances constituting the emergency are: There is a state of war existing between the United States, Japan, Germany and Italy with a serious shortage of houses in this City and an immediate need of housing for defense workers in this City for essential defense industries, and it is found to be impossible to construct the same under the present Building Code. This ordinance shall be published once in full

within fifteen days after its final passage in the "San Anselmo Herald", a weekly newspaper of general circulation, printed and circulated in the Town of San Anselmo, and hereby designated for that purpose.

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The foregoing Ordinance No. 269 was duly and regularly introduced and read in full at a regular adjourned meeting of the City Council of the Town of San Anselmo, held on Monday, the 20th day of April, 1942, and was thereafter finally adopted at a regular adjourned meeting of said City Council held on Monday, the 27th day of April, 1942, and passed by the following votes, to-wit:

AYES:

Councilmen:

Witz, Fruchini, Von Rof, Carroll, Thich

NOES:

Councilmen:

none

ABSENT:

Councilmen:

none

Gawlinich
Mayor of the Town of San Anselmo

ATTEST:

J. B. Brown
Clerk of the Town of San Anselmo