

ORDINANCE NO. 950, FOURTH SERIES

AN ORDINANCE PRESCRIBING REQUIREMENTS FOR THE CONSTRUCTION OF DEFENSE HOUSING, AND MAKING THIS ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

WHEREAS, a state of war exists between the United States of America and Japan, Germany, and Italy; and

WHEREAS, the prosecution of the war requires that certain essential metals and other materials be reserved and made available primarily for military uses and only secondarily for civilian uses such as the construction of dwellings; and

WHEREAS, for this reason the War Production Board, created by executive order of the President of the United States on January 16 1942, has issued a "Defense Housing Critical List" of critical materials which are essential to the construction and equipment of housing; and

WHEREAS, certain housing construction in communities located in areas designated as "defense housing areas" by the War Production Board is eligible for priority assistance under preference rating orders issued by the War Production Board, but only for the materials and products listed in said "Defense Housing Critical List" and only in such limited quantities and for such limited uses as are therein specified; and

WHEREAS, the City of Sacramento is located and included in such a "defense housing area" and it is in the interest of public health, safety, and welfare that the city be in a position to secure the construction of essential housing for defense workers and others; and

WHEREAS, the City wishes to cooperate in every way with the federal government in the prosecution of the war effort, now therefore, in the interest of national defense and as a war emergency measure,

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Definitions. The following terms shall, for the purpose of this ordinance, have the meaning indicated in this section:-

(a) "Building code" shall mean and refer to any ordinance or ordinances, both singly and collectively, relating to the construction of buildings and to the installation of plumbing, heating, and ventilating equipment, and electric wiring,

(b) "Building official" shall mean the officer or other person charged with the administration and enforcement of the building code of the city, or his duly authorized representative.

(c) The term "construction" shall include the construction, alteration, extension, remodeling, or repair of buildings.

(d) "Defense housing" means a project for the construction of one or more living accommodations and related community utility services

for which a preference rating order has been issued by the War Production Board to facilitate the acquisition of critical material.

(e) "Defense Housing Critical List" means the list of materials as issued by the War Production Board, effective February 24, 1942, and subsequent amendments thereto and revisions thereof.

(f) "Critical material" means an item which is produced for the construction of equipment of buildings and which is subject to priority, allocation, or limitation control by the War Production Board.

(g) "Non-critical material" means an item which is produced for the construction or equipment of buildings and which is not subject to priority, allocation, or limitation control by the War Production Board.

SECTION 2. 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 construction although the drawings and specifications therefor do not conform to the requirements of the building code insofar as said code relates to the use of critical material, 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 official may permit the use of any non-critical material which will, in his 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: Provided, That such finds shall be reduced to writing and shall be recorded and filed with the City Clerk, subject to public inspection at all times said Clerk's office is open to the public; provided that an appeal from such decision may be taken to the Board of Appeal as constituted by the Sacramento Building Electrical and Plumbing Codes, and a further and final appeal if desired may be made from the decision of the Board of Appeal to the City Council.

(d) For carrying into effect the provisions of this ordinance, the building official 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. Such rules or regulations, and amendments thereto, shall have the same force and effect as provisions of this ordinance, and shall be in force and effect from the time of filing with the City Clerk until amended or repealed by order of the City Council.

SECTION 3. 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.

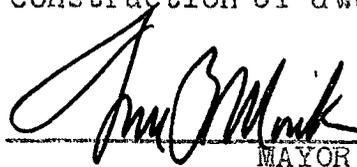
SECTION 4. ENFORCEMENT. All duly constituted building, plumbing, electrical, and other inspectors of the city are hereby authorized and directed to enforce and compel, by the use of all existing remedies, compliance with the requirements of the building code in the construction of all defense housing except insofar as the building code requires the use of critical materials. In construction calling for the use of critical materials, and for which a building permit has been granted pursuant to Section 2 of this ordinance, the specifications therefor shall be strictly enforced, and if any such inspector believes that the construction will create a nuisance or situation dangerous to public health, safety, or welfare he shall notify the building official, who, if he makes a finding that such is the case, may suspend the building permit until he finds that the offending condition has been remedied or he may revoke the permit; Provided, That any such finding shall be reduced to writing, with a statement of the reasons therefor, signed by the building official, and filed with the City Clerk; and the same shall be subject to public inspection at all times said Clerk's office is open to the public.

SECTION 5. Severability. All parts and provisions of this ordinance are declared to be severable, and if any part or provision hereof is held invalid, such invalidity shall not affect any other part or provision of this ordinance which can be given effect without the invalid provision.

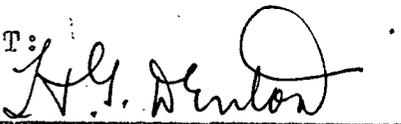
SECTION 6. Repeal of Conflicting Ordinances. All ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7. Emergency. This ordinance is hereby declared to be an emergency measure and shall take effect immediately; such emergency being that a state of war exists between the United States of America and Japan, Germany, and Italy and the prosecution of the war requires that certain essential metals and other materials be reserved and made available primarily for military uses and only secondarily for civilian uses such as the construction of dwellings.

PASSED: March 27, 1942.
EFFECTIVE: March 27, 1942.


MAYOR.

ATTEST:


CITY CLERK

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