

CITY OF SAN ANSELMO

RESOLUTION NO. 1110

AFFIRMING THE PRINCIPLE OF HOME RULE FOR CITY OF SAN ANSELMO IN THE CONDUCT OF ITS BUILDING CODE ACTIVITIES AND OPPOSING THE RECOMMENDATIONS FOR THE ESTABLISHMENT OF STATE OR FEDERAL BUILDING CODES AND THEIR RELATED ACTIVITIES.

WHEREAS, the City of San Anselmo has historically considered that the interests, safety and welfare of its citizens is best protected by laws, ordinances, and codes initiated, enacted, and enforced by the elected, appointed and Classified Service employees of the City of San Anselmo; and

WHEREAS, the character, population, topography, climate and desires of the people of San Anselmo combine to present special problems and benefits, in the area of Building Code activity, not necessarily identical to these same characteristics in other cities and counties in the State of California, and therefore requiring codes that take these characteristics into account; and

WHEREAS, The Federal and State governments appear to be considering the enactment of building codes so as to create a State Building Code that would be mandatory throughout the State of California and to be written, amended, and interpreted by the State or Federal government which would greatly reduce home rule; and

WHEREAS, the enactment of such State or Federal Building Codes, that are to be mandatory in any way or in any circumstance upon the City of San Anselmo, would not be in the interest, safety, or welfare of the citizens of San Anselmo and would remove from the citizenry ready accessibility to the administration of the Building Code and participation in the code writing processes; and this removal of home rule would be a great inconvenience to the public that would have to go to Sacramento for policy decisions. The citizens of San Anselmo would have no voice in the administration of code enforcement; and

WHEREAS, the writing of code and its interpretation in Sacramento could lead to establishment of lower standards of safety than that required by City of San Anselmo since a State code would be based upon the statewide code level, or which could in some instances be unrealistically restrictive; and

WHEREAS, at no time has it been demonstrated that there exists a need in California for a mandatory State Code, but rather that a great deal of uniformity does exist by the concerted efforts of the Building Officials acting for and in the interest of their cities and counties, yet working toward a common goal of uniform interpretation; and

WHEREAS, there has been no national support engendered for the Federal attempts to preempt the field of building codes, either by the architectural or engineering professions, producers or distributors of building materials, or virtually any other major segment of industry; and

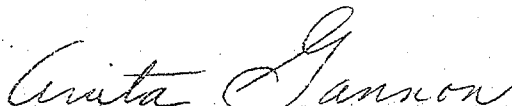
WHEREAS, the activities of the State Building Standards Commission of the State of California, in compiling a single set of code requirements for use of State agencies, and which requirements will be the minimum requirements for all jurisdiction are very worthwhile, provided the present right of the local governmental agencies to adopt ordinances equal to or more restrictive than these minimum, regulations is retained; now therefore be it.

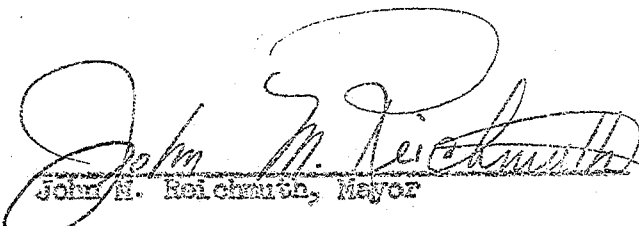
RESOLVED, that the City of San Anselmo oppose the activities of the State of California and the Federal government that are directed to the preemption of local government control of building code activities in its broadest sense; and

FURTHER RESOLVED, that copies of this resolution be forwarded to the Honorable Ronald Reagan, Governor of California, representative members of the State Legislature, and officials of the Federal government, with the request that they consider the position taken by City of San Anselmo, and the basic principle of local self-government as essential in the field of building code activity.

PASSED AND ADOPTED by the City Council of the City of San Anselmo at its regular meeting held on the 28th day of February, 1967.

ATTEST:

  
Anita Gannon, City Clerk

  
John M. Reichmuth, Mayor