

05-346

AN ORDINANCE (678)

AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EMPLOY AND EXECUTE CONTRACT WITH LEO M.J. DIELMANN, ARCHITECT, SAN ANTONIO, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION PROJECT OF AN EXTENSION OF THE REFERENCE DEPARTMENT OF THE MAIN BUILDING OF THE PUBLIC LIBRARY SYSTEM OF SAN ANTONIO, TEXAS.

BE IT ORDAINED by the Commissioners of the City of San Antonio:-

1. That the Mayor of the City of San Antonio be and he is hereby authorized and directed to employ and execute contract with Leo M.J. Dielmann, Architect, of San Antonio, Texas, for Architectural and engineering services to be rendered in relation to the construction project of an Extension of the Reference Department of the Main Building of the Public Library System of San Antonio, Texas, extending the southeast and southwest corners of the Main Building on the third floor, each extension to be 38 feet by 29 feet, also the installation of an elevator, at a total fee of not to exceed \$1629.84. The said fee to be paid from Federal Grant in accordance with Public Defense Application dated November 13th, 1941.

2. PASSED AND APPROVED this 13th day of November, A.D. 1941.

C. K. QUIN

M a y o r

Attest:

Jas. Simpson
City Clerk

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05-347

AN ORDINANCE (737)

PERMITTING THE SALVATION ARMY TO BUILD A BALCONY OR GALLERY ON THE SOUTH SIDE OF THE PALMS HOTEL BUILDING LOCATED AT THE INTERSECTION OF COLLEGE AND NORTH PRESA STREETS, THE SOUTH SIDE OF WHICH BUILDING ABUTS THE SAN ANTONIO RIVER.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That in consideration of the performance by the Licensee of the covenants herein, the City of San Antonio, the Licensor, permits the Salvation Army, the Licensee, at its own cost and expense to construct, repair and maintain a balcony or gallery with roof over same, and the necessary appurtenances thereof, on South side of the present Palms Hotel, in San Antonio, Texas, to be built out of metal and concrete, same extending over the North bank of the San Antonio River and above the channel thereof, but not below the deck of the North Presa Street Bridge. The said balcony or gallery to be approximately 35 feet long and 7 feet wide. The building to which said balcony or gallery is to be attached is located upon Lot A-13, New City Block 416. The said balcony or gallery being more particularly described and shown in the plans and specifications and plat attached to this ordinance, which are made a part hereof, by reference.

2. Licensee acknowledges the title in the Licensor in the premises over which said balcony or gallery is extended, and will never assail or resist said title.

3. This is a permissive easement and will never mature into a vested right and shall be at the will of the Licensor; and, if at any time public necessity requires the alteration or revocation of this permit, or the abolition of this structure, the Licensor shall not be held liable to the Licensee, its assigns, or successors for the payment of any money.

4. Licensee agrees to indemnify and save harmless Licensor from and against any and all loss, damage, liability, cost and expense which Licensor may sustain or bear, or to which Licensor may be put, resulting directly or indirectly in any manner from the location of said struc-

ture and its appurtenances on or beneath the premises hereinbefore specified; and the Licensee shall keep at all times the structure in good and safe condition.

5. In the event the Licensee discontinues the use of said structure and abandons the same, or fails to keep, observe and perform any covenant on Licensee's part herein contained, all rights hereby given shall forthwith cease and terminate and Licensee thereupon shall remove said structure and restore the premises as nearly as possible to the same state and condition they were in prior to the installation of said structure. Should said Licensee neglect or refuse to so remove said structure and restore said premises, such removal and restoration may be performed by the Licensor at the expense of the Licensee, which expense Licensee agrees to pay to Licensor on demand. In case Licensor shall bring suit to compel performance of or to recover for breach of any covenant, agreement or condition herein written, Licensee shall and will pay to Licensor reasonable attorney's fees in addition to the amount of the judgment recovered and costs.

6. The Licensee shall built the said structure in a good and substantial manner and shall obtain all permits and pay all fees required under the ordinances of the City of San Antonio, and shall pay the necessary recording fees for the recording of a certified copy of this ordinance in the Deed Records of Bexar County, Texas.

7. The exercise of any right under this permit by the Licensee shall operate as an acceptance of all of the terms hereof, without further formality.

8. The foregoing instrument in writing constitutes the entire consideration for the granting of said permit, therebeing no other written nor any parol agreement with any officer or employee of the City, it being understood that the Charter of the City requires all contracts of the City to be in writing, and adopted by Ordinance.

9. PASSED AND APPROVED this 27 day of November, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson
City Clerk

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AN ORDINANCE

AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EMPLOY AND EXECUTE CONTRACT WITH J. W. BERETTA ENGINEERS, INC., MATTHEWS & KENAN, H.R.F. HELLAND, F. T. DROUGHT AND W. E. SIMPSON CO., ASSOCIATES, OF SAN ANTONIO, TEXAS, FOR ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION PROJECT OF SANITARY SEWER IMPROVEMENTS - CONSTRUCTION OF INTERCEPTING SEWERS TO RELIEVE OVERLOADED SEWERS; EXTENSION OF NEW TRUNK SEWERS TO SERVE ARMY POSTS, DEFENSE HOUSING AND SUBURBAN AREAS; CONSTRUCTION OF NEW OUTFALL SEWER LINES AND REPAIR EXISTING OUTFALL SEWER; ELIMINATION OF ONE LIFT STATION; INSTALLATION OF SIPHONS WHERE SEWERS INTERFERE WITH DRAINAGE, ETC.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That the Mayor of the City of San Antonio be and he is hereby authorized and directed to employ and execute contract with J. W. Beretta Engineers, Inc., Matthews & Kenan, H.R.F. Helland, F. T. Drought and W. E. Simpson Co., Associates, Engineers of San Antonio, Texas, for engineering services to be rendered in relation to the Construction Project of Sanitary Sewer Improvements - Construction of Intercepting Sewers to relieve overloaded sewers; Extension of new trunk sewers to serve army posts, defense housing and suburban areas; construction of new

Outfall Sewer lines and repair existing Outfall Sewer; elimination of one lift station; installation of siphons where sewers interfere with drainage, etc., in the City of San Antonio, Texas, at a total fee of not to exceed \$203,212.00. The said fee to be paid from Federal Grant in accordance with Public Defense Application dated October 9th, A.D. 1941.

2. PASSED AND APPROVED this 4th day of December, A.D. 1941.

C. K. QUIN

ATTEST:

M a y o r

Jas. Simpson

City Clerk

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05-349

AN ORDINANCE (764)

REPEALING AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EMPLOY AND EXECUTE CONTRACT WITH H.R. F. HELLAND, J. W. BERETTA ENGINEERS, INC., MATTHEWS & KENAN, F. T. DROUGHT AND W. E. SIMPSON CO., ASSOCIATES, OF SAN ANTONIO, TEXAS, FOR ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION PROJECT OF SANITARY SEWER IMPROVEMENTS - CONSTRUCTION OF INTERCEPTING SEWERS TO RELIEVE OVERLOADED SEWERS; EXTENSION OF NEW TRUNK SEWERS TO SERVE ARMY POSTS, DEFENSE HOUSING AND SUBURBAN AREAS; CONSTRUCTION OF NEW OUTFALL SEWER LINES AND REPAIR EXISTING OUTFALL SEWER; ELIMINATION OF ONE LIFT STATION; INSTALLATION OF SIPHONS WHERE SEWERS INTERFERE WITH DRAINAGE, ETC.", PASSED AND APPROVED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO ON THE 9TH DAY OF OCTOBER, A.D. 1941.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That an ordinance entitled "AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EMPLOY AND EXECUTE CONTRACT WITH H.R.F. HELLAND, J.W. BERETTA ENGINEERS, INC., MATTHEWS & KENAN, F. T. DROUGHT AND W. E. SIMPSON CO., ASSOCIATES, OF SAN ANTONIO, TEXAS, FOR ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION PROJECT OF SANITARY SEWER IMPROVEMENTS - CONSTRUCTION OF INTERCEPTING SEWERS TO RELIEVE OVERLOADED SEWERS; EXTENSION OF NEW TRUNK SEWERS TO SERVE ARMY POSTS, DEFENSE HOUSING AND SUBURBAN AREAS; CONSTRUCTION OF NEW OUTFALL SEWER LINES AND REPAIR EXISTING OUTFALL SEWER; ELIMINATION OF ONE LIFT STATION; INSTALLATION OF SIPHONS WHERE SEWERS INTERFERE WITH DRAINAGE, ETC." passed and approved by the Commissioners of the City of San Antonio on the 9th day of October, A.D. 1941. be and the same is hereby repealed.

2. PASSED AND APPROVED this 4th day of December, A.D. 1941.

C. K. QUIN

ATTEST:

M a y o r

Jas. Simpson

City Clerk

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05-350

AN ORDINANCE (765)

AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EXECUTE LEASE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE UNITED STATES OF AMERICA, FOR LEASE OF SPACE IN ADMINISTRATION BUILDING AT STINSON FIELD FOR OFFICE, PILOT BALLOON AND RADIOSONDE OBSERVATIONAL WORK.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That the Mayor of the City of San Antonio be and he is hereby authorized and directed to execute lease contract between the City of San Antonio and The United States of America, leasing to the Government space in the Administration Building at Stinson Field and one steel outbuilding, for office, pilot balloon and radiosonde observational work, for the period beginning January 1, 1942 and ending June 30, 1942, at a monthly rental of \$50.00 per month, payable at the end of each Government quarter year, said space to be used by Weather Bureau Office (Airport), Department of Commerce, San Antonio, Texas.

2. PASSED AND APPROVED this 4th day of December, A.D. 1941.

C. K. QUIN

ATTEST: Jas. Simpson, City Clerk

Mayor

05-351

AN ORDINANCE (766)

AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

In consideration of the payment of delinquent and current taxes, the Mayor is hereby authorized and directed to execute and deliver unto Ernest D. Shacklett and Walter Shacklett, individually and as executors of the Estate of McClellan Shacklett, deceased, the following described real estate, to-wit:

Lots One (1), Two (2) in Block Forty Two (42), N.C.B. Three Hundred and Fifty One (351), and,

Lots Two (2), Three (3), and Four (4), Block Forty Nine (49), N.C.B. Three Hundred and Forty Eight (348),

all situated in the corporate limits of the City of San Antonio, County of Bexar, State of Texas. This the fourth day of December, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson
City Clerk

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05-352

AN ORDINANCE (767)

ACCEPTING PROPOSAL OF HAROLD WINTERS TO LEASE PARK CONCESSIONS FOR THE PERIOD BEGINNING DECEMBER 1, 1941 AND ENDING MAY 31, 1943.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That the proposal of Harold Winters, of San Antonio, Texas, dated November 28, 1941, to lease the concessions in the various parks of the City of San Antonio, in accordance with Call for Bids and proposed contract on file in the City Clerk's Office, for the period beginning December 1, 1941 and ending May 31, 1943, for the sum of \$5,075.00, be and the same is hereby accepted.

2. The Mayor of the City of San Antonio is hereby authorized and directed to enter into lease contract with Harold Winters, for the lease of said concessions in the parks, in accordance with proposed contract on file in the City Clerk's Office.

3. All other bids are hereby rejected.

4. PASSED AND APPROVED this 4th day of December, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

JAS. SIMPSON
City Clerk

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05-353

AN ORDINANCE (792)

PROVIDING RULES AND REGULATIONS FOR "BLACK-OUTS", PROVIDING CERTAIN EXCEPTIONS, PROVIDING A PENALTY FOR VIOLATION THEREOF, AND CREATING AN EMERGENCY.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That as herein used the term "black-out order" shall mean any order emanating from the Mayor of the City of San Antonio directing that all lights or illumination of any kind, character or description shall be extinguished or totally concealed from outside view and shall remain so extinguished or totally concealed from outside view, within the corporate limits of the City of San Antonio, until such order has been revoked.

2. That as used herein the term "any person" shall mean and include any individual, firm, corporation or association of persons, or their servants, agents or employees.

3. As used herein "property owner" shall mean and include any person as "any person" has been hereinabove defined who is either the owner, tenant, or occupant of any premises, of any kind, character or description, or any person who has under his jurisdiction, dominion or control any premises of any kind, character or description.

4. From and after the passage hereof, it shall be unlawful for any person within the corporate limits of the City of San Antonio, whether a property owner or not, to fail or refuse to immediately obey any black-out order.

5. From and after the passage hereof it shall be unlawful for any person within the corporate limits of the City of San Antonio while a black-out order is in effect and before such order has been revoked, to create or exhibit any light or illumination of any kind, character or description that is not totally concealed from outside view.

6. From and after the passage hereof, it shall be unlawful for any person to operate any vehicle of any kind, character or description upon the streets, plazas, alleys or public ways within the corporate limits of the City of San Antonio, or upon any private property within the corporate limits of the City of San Antonio, after a black-out order has been issued and before said order has been revoked, without immediately extinguishing all lights upon such vehicle and drawing to the nearest right-hand curb and coming to a full and complete stop and remaining so stopped until such black-out order has been revoked; except, that this provision of this ordinance shall not apply to the Fire and Police Departments and the vehicles of such Departments, nor to the Sheriff's or Constable's Departments of Bexar County and the vehicles of such Departments, nor to the vehicles of any department of the State of Texas, or of the Government of the United States of America, when operating upon official business concerned or connected with the operation of any of the departments herein mentioned, nor shall this section apply to any ambulance required by necessity to operate within the limits of the City of San Antonio during such black-out, nor to the vehicle of any duly licensed physician and surgeon required by necessity to operate within the limits of the City of San Antonio during such black-out, nor to the vehicles of any public utility company required by necessity to operate within the limits of the City of San Antonio during such black-out order, but all of such vehicles covered and included in this exception shall be required to immediately extinguish all lights on such vehicles.

7. Any person found guilty of the violation of any part or provision of this ordinance shall, upon conviction thereof, be fined not more than \$200.00, and each and every violation hereof shall be a separate offense.

8. If any clause or section, sentence or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the courts, such decision or decisions shall not affect the validity or constitutionality of the remaining portions of this ordinance; and the Commissioners of the City of San Antonio hereby declare that they would have passed this ordinance and each section, sentence, clause or phrase hereof irrespective of the fact that any one or more of the other sections, sentences, clauses or phrases be declared invalid or unconstitutional.

9. WHEREAS, the declaration of War by the United States of America has created an emergency which is apparent and which emergency makes it necessary for the immediate preservation of order, good government and public safety that this ordinance become effective at once; therefore, upon the passage of this ordinance by a vote of four-fifths (4/5) of the Commissioners, it shall be effective from and after the date of its passage, as made and provided by the Charter of the City of San Antonio.

10. PASSED AND APPROVED this 13th day of December, A.D. 1941.

ATTEST: Jas. Simpson - City clerk

C. K. QUIN - Mayor

AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS
 COUNTY OF BEXAR
 CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared
 who being by me duly sworn says on oath that he is one of the publishers of the San Antonio
 Evening News a newspaper of general circulation in the City of San Antonio, in the State and
 County aforesaid, and that the Ordinance hereto attached has been published in every issue of
 said newspaper on the following days, to-wit: December 13, 15, 16, 17, 18, 19, 20, 22, 1941.,
 January 8, 9, 1942.

THORNTON HALL

Sworn to and subscribed before me this January 12 1942.

W. A. Druce
 Notary Public in and for Bexar County,
 Texas.

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05-354
 AN ORDINANCE (810)

AMENDING SUBDIVISION (b) OF SECTION 5 OF AN ORDINANCE ENTITLED "AN
 ORDINANCE REGULATING AND LICENSING TAXICABS; LICENSING CHAUFFEURS;
 CREATING THE OFFICE OF INSPECTOR OF TAXICABS OF THE CITY OF SAN
 ANTONIO AND PRESCRIBING HIS DUTIES; PROVIDING A PENALTY; PROVIDING
 FOR THE METHOD OF PROSECUTING INDIVIDUALS AND OTHERS FOR VIOLATING
 THIS ORDINANCE; ENACTING THE NECESSARY PROVISIONS INCIDENT TO THE
 OBJECT AND PURPOSE OF THIS ORDINANCE WHETHER MENTIONED IN DETAIL IN
 THE CAPTION OR NOT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH;
 AND CONTAINING A SAVING CLAUSE," PASSED AND APPROVED ON THE 19TH
 DAY OF DECEMBER, A.D. 1935, AS AMENDED.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

That subdivision (b) of SECTION 5 of an ordinance entitled "An Ordinance regulating and lic-
 ensing taxicabs; licensing taxicabs; licensing chauffeurs; creating the office of Inspector of
 Taxicabs of the City of San Antonio and prescribing his duties; providing a penalty; providing
 for the method of prosecuting individuals and others for violating this Ordinance; enacting the
 necessary provisions incident to the object and purpose of this Ordinance whether mentioned in
 detail in the caption or not; repealing all Ordinances in conflict herewith; and containing a
 saving clause," passed and approved on the 19th day of December, A.D. 1935 as amended by Ordin-
 ance, April 22, 1936, be, and the same is hereby amended so that said subdivision (b) of SECTION
 5 shall hereafter read as follows:

(b) PROVIDED, HOWEVER, that such owner of such taxicab may in lieu of the aforesaid policy
 of liability insurance file with the City Clerk of the City of San Antonio, Texas, a surety
 bond, approved by the Mayor of the City of San Antonio, performable in Bexar County, Texas, pay-
 able to the Mayor of the City of San Antonio, Texas, and his successors in Office, executed by
 a responsible and solvent corporation authorized to conduct a bonding business under the laws
 of the State of Texas, which bond shall be continuous and conditioned for the payment of all
 final judgments which may be rendered against any such owner for damages on account of death or
 injuries to person or property, includign both passenger and public, growing out of accidents
 occurring during the period such bond is in force and occasioned by the operation of any such
 taxicab as hereinbefore defined, or may make a cash deposit, or place as collateral security with
 the City Clerk of the City of San Antonio, Texas, United States Government bonds, or United
 States Treasury certificates, or bonds issued by the State of Texas, County of Bexar, City of
 San Antonio, or bonds issued by the San Antonio Independent School District; and the amount of

said surety bond, cash or securities shall be in an amount graduated according to the number of vehicles owned or offered for hire, according to the following scale, to-wit:

Where such person, firm, corporation, association, partnership or society owns or offers for hire only one such motor vehicle, such bond, cash or securities shall be in the sum of \$2,000.00.

Where such person, firm, corporation, association, partnership or society owns or offers for hire more than one motor vehicle then there shall be added to the amount of said \$2,000.00 bond, cash or securities a sum of \$100.00 for each and every additional vehicle so owned and offered for hire.

That upon receipt of such surety bond, cash or securities, it shall be the duty of the City Clerk of the City of San Antonio, Texas, to issue a receipt therefor, a copy of which shall be furnished to the depositor, and another to the Inspector of Taxicabs, and the Inspector of Taxicabs upon presentation of such receipt shall notify the License and Dues Collector of the City of San Antonio, Texas, as provided for in SECTION 4, paragraph (e) of this Ordinance.

Said surety bond herein referred to may contain a provision that as to future liability it may be cancelled at any time by the Surety giving ten (10) days written notice to the Principal and the Mayor of the City of San Antonio, Texas.

That said surety bond shall provide that the amount of recovery on each vehicle listed in said surety bond shall not be more than the following sums, to-wit:

For injury to any one or more persons or the death of any one or more persons in any one accident \$1500.00.

For injury or destruction of property in any one accident \$500.00.

That said cash and securities deposited with said City Clerk in lieu of the aforesaid policy of liability insurance, or the aforesaid surety bond shall stand and be liable for the amount of recovery on each vehicle being operated by said depositer in amounts of not more than the following sums, to-wit:

For injury to any one or more persons or the death of any one or more persons in any one accident \$1500.00.

For injury or destruction of property in any one accident \$500.00.

PASSED AND APPROVED this 18 day of Dec. A.D. 1941.

C. K. QUIN

Mayor

Attest:

Jas. Simpson
City Clerk

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AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Thornton Hall who being by me duly sworn, says on oath that he is Secretary of the San Antonio Evening News a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit: 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 1941.

THORNTON HALL

Sworn to and subscribed before me this 8th day of January, 1942

C. J. Thomes
Notary Public in and for Bexar County,
Texas.

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05-355
AN ORDINANCE (811)

AMENDING THE TRAFFIC ORDINANCE BY ADDING THERETO RULE 48-(e)

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That an ordinance entitled "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PLAZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING PENALTIES", passed and approved on the 8th day of December, A.D. 1921, as amended, be and the same is hereby amended by adding Section (e) to Rule 48 (forbidding day and night parking on certain streets), as follows:

2. "rule 48-(e). On New Braunfels Avenue from Grayson Street to Highland Boulevard, except where property owners have set back the line for parking in community centers, at which setbacks only parallel parking within the limits of such setbacks may be permitted."

3. WHEREAS, it is necessary for the public safety of the City in the exercise of its police power for the proper regulation of traffic, the control of public streets, and the prevention of the blocking and encumbering of the streets in the congested business district adjacent to military establishments, an urgency is created that this ordinance take immediate effect upon its passage; therefore, upon the passage of this ordinance by vote of four-fifths of the Commissioners, it shall be effective, as made and provided by the Charter of the City of San Antonio.

4. PASSED AND APPROVED this 18th day of December, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

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AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared who being by me duly sworn, says on oath that he is Secretary of the San Antonio Evening News a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit: 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 1941.

THORNTON HALL

Sworn to and subscribed before me this 8th day of January, , 1942.

C. J. Thomes

Notary Public in and for Bexar County
Texas.

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05-356
AN ORDINANCE (812)

RATIFYING ASSIGNMENT OF LEASE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND GEORGE KIMBRIEL, FOR LEASE OF REGRIGERATING AND ENGINE ROOM OF MUNICIPAL MARKET HOUSE, TO A. E. VILLAREAL, AND AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EXECUTE RATIFICATION OF SAID ASSIGNMENT OF LEASE.

WHEREAS, by ordinance styled "AN ORDINANCE CREATING AND MANIFESTING LEASE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND GEORGE KIMBRIEL FOR LEASE OF REFRIGERATING AND ENGINE ROOM OF MUNICIPAL MARKET HOUSE", passed and approved by the Commissioners of the City of San Antonio on the 23rd day of October, A.D. 1941, the City of San Antonio rented and leased to said George Kimbriel the Refrigerating and Enginer Room in the southeast corner of the Municipal Market House, in the City of San Antonio, Texas, for a period from October 23rd, 1941 to May 31st, 1943, both dates

inclusive, for a rental of \$100.00 per month from October 23rd, 1941 to May 31st, 1942, and for a rental of \$110.00 per month from June 1st, 1942 to May 31st, 1943, and,

WHEREAS, said George Kimbriel desires to assign and transfer his interest in said lease contract to A. E. Villareal and said A. E. Villareal agrees to perform and carry out the provisions and conditions of said lease contract; NOW, THEREFORE:-

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

1. That that certain lease contract between the City of San Antonio and George Kimbriel for the rental and lease of the Refrigerating and Engine Room in the southeast corner of the Municipal Market House, in the City of San Antonio, Texas, for the period ending May 31st, 1943, at a monthly rental of \$100.00 per month to May 31st, 1942 and at a monthly rental of \$110.00 per month from June 1st, 1942 to May 31st, 1943, be and the same is hereby assigned to A. E. Villareal, and said A. E. Villareal hereby agrees and covenants to carry out and perform all the provisions and conditions of said lease contract as if he were the original Lessee.
2. That the Mayor of the City of San Antonio be and he is hereby authorized to execute ratification of this assignment on the original ordinance and lease contract of October 23rd, 1941.
3. PASSED AND APPROVED this 18th day of December, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

* * *

05-357

AN ORDINANCE (819)

REQUIRING ALL PERSONS, FIRMS, OR CORPORATIONS WHO MAY INSTALL OR EQUIP ANY RESIDENCE, BUSINESS HOUSE, HOTEL, APARTMENT HOUSE, OR OTHER BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, TEXAS, WITH ANY INSTALLATION OR EQUIPMENT DESIGNED TO USE AS FUEL ANY FORM OF MANUFACTURED OR LIQUEFIED PETROLEUM GASES, TO USE IN SUCH INSTALLATION ONLY STANDARD GRADES OF PIPE, APPLIANCES, AND EQUIPMENT; REQUIRING ANY SYSTEM, APPLIANCES, OR STORAGE TANKS USED FOR LIQUEFIED PETROLEUM GASES TO BEAR THE LABEL OF APPROVAL OF LISTING OF THE UNDERWRITERS' LABORATORIES; PROHIBITING THE STORAGE OF LIQUEFIED PETROLEUM GAS CONTAINERS INSIDE OF ANY BUILDING; REQUIRING THAT ALL SUCH EQUIPMENT BE INSTALLED OR REPAIRED IN A WORKMANLIKE MANNER TO COMPLY WITH ALL LAWS OR REGULATIONS; PROHIBITING THE USE OF ANY EQUIPMENT WHICH USES LIQUEFIED PETROLEUM GAS WITHIN THE FIRE LIMITS OF THE CITY OF SAN ANTONIO; REQUIRING THE INSPECTION AND APPROVAL OF ANY EQUIPMENT BEFORE BEING PLACED IN OPERATION BY THE CITY PLUMBING INSPECTOR, AND PROVIDING AN INSPECTION FEE OF FIVE DOLLARS (\$5.00) FOR EACH INSTALLED STORAGE TANK AND SERVICE PIPE TO BUILDING SO INSPECTED; REQUIRING ALL TANK TRUCKS AND TANK TRAILERS USED IN THE TRANSPORTATION OF LIQUEFIED PETROLEUM GASES TO BE CONSTRUCTED AND OPERATED SO AS TO COMPLY WITH THE REGULATIONS FOR DESIGN, CONSTRUCTION AND OPERATION OF SAME AS APPROVED BY THE NATIONAL BOARD OF FIRE UNDERWRITERS AND THE NATIONAL FIRE PROTECTION ASSOCIATION; REQUIRING THAT SUCH TANK TRUCKS AND TANK TRAILERS SHALL BE KEPT IN GOOD CONDITION AT ALL TIMES; PROVIDING FOR THE IMMEDIATE REPAIR OF ANY DEFECT IN SUCH AUTOMOBILE EQUIPMENT, AND SUBJECTING SUCH TANK TRUCKS AND TANK TRAILERS TO PROPER INSPECTION AT ALL TIMES; PROHIBITING STORAGE AND PARKING OF TANK TRUCKS AND TANK TRAILERS ON STREETS, PRIVATE PROPERTY AND INSIDE OF BUILDINGS IN FIRE LIMITS OF THE CITY OF SAN ANTONIO; REQUIRING THE USE OF MALODORANT IN LIQUEFIED PETROLEUM GAS SOLD WITHIN THE CITY OF SAN ANTONIO; PROVIDING A PENALTY FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OF THIS ORDINANCE SHALL BE CONSTRUED TO BE INVALID SUCH INVALIDITY SHALL NOT AFFECT THE REMAINDER OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Commissioners of the City of San Antonio:-

SECTION 1. DEFINITIONS:

- (a) The Term "CITY" as used in this Ordinance shall mean the City of San Antonio.
- (b) The term "RAILROAD COMMISSION" as used in this Ordinance shall mean the Railroad Commission of Texas.
- (c) The term "street" or "streets" as used in this Ordinance shall mean and include any street, alley, avenue, land, boulevard, drive, public place or highway commonly used for the purpose of public travel within the incorporated limits of the City of San Antonio.
- (d) The term "person" shall include both singular and plural, and shall mean and embrace any individual, firm, corporation, association, partnership or society, and their agents, ser-

vants and employees.

(e) The term "liquefied petroleum gases" as used in this Ordinance shall mean and include any material which is composed predominatly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or iso-butane), and butylenes.

SECTION 2. That any person who may, from and after the effective date of this Ordinance, install or equip any residence, business house, hotel or apartment house, or any other building located and situated within the corporate limits of the City with any installation or equipment designed to use as a fuel any form of ammanufactured or liquefied petroleum gases, shall use in any such installation (whether for domestic or industrial use) only a standard grade of metal pipe and galvanized fittings, and all appliances used in connection with any such installation shall be a standard grade and type of equipment. Any system which uses any form of manufactured or liquefied petroleum gases must bear the label of approval or listing of the Underwriters' Laboratories. The storage of any liquefied petroleum gases in any container, either above ground or underground, is prohibited inside of or underneath any building in the corporate limits of the City.

SECTION 3. Any such equipment as provided for shall be installed or repaired in a workmanlike manner which shall comply with all laws of the State of Texas, Ordinances of the City, and the regulations of the National Board of Fire Underwriters and the National Fire Protection Association; and no equipment using liquefied petroleum gases shall be permitted within fire limits "A" and "B" as defined by the Building Code of the City.

SECTION 4. When any such equipment is installed as herein provided, same shall not be placed in operation or used by any persons, unless and until said installation has been approved, as complying with this Ordinance by the City Plumbing Inspector.

SECTION 5: Any person installing any such equipment as herein provided shall secure approval of same as complying with the requirements of this Ordinance by the City Plumbing Inspector, as herein provided for, and shall pay permit and inspection fee of \$5.00, to cover cost of inspection of each storage tank or container and service pipe to building. No metal service pipe from storage tank or container shall be less than one inch size.

SECTION 6: All tank trucks and tank trailers used for the transportation of liquefied petroleum gases within the City shall be so constructed and operated as to comply with the regulations for the design, construction or operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases as approved by the National Board of Fire Underwriters, the National Fire Protection Association and the Railroad Commission. Any person who shall operate or cause to be operated any tank truck or tank trailer used for the purpose of transporting liquefied petroleum gas within the corporate limits of the City shall keep any such equipment in good condition at all times, and upon the development of any defect that would create a hazard to persons or property, said tank truck or tank trailer shall be removed from the streets until such defects have been repaired, or faulty equipment replaced, and any such tank trucks and tank trailers shall be subject to inspection by the Plumbing Inspector, Fire Chief and Fire Marshal at any time. No tank truck or tank trailer shall be parked or stored on public or private property, or parked or operated upon any street within fire limits "A" and "B", as defined by the Building Code of the City, nor shall they be stored or repaired inside or outside of any building within said fire limits "A" and "B".

SECTION 7: All liquified petroleum gas sold within the City shall be treated with a malodorant in such quantities as required by the Laws of the State of Texas to create an odor easily detected in case of leaks in piping or equipment.

SECTION 8: It shall be unlawful for any person to keep, store, retain, handle, haul, transport, dispense, distribute, use, or consume within the corporate limits of the City any

liquefied petroleum gas, except upon full compliance with the requirements of the Laws of the State of Texas, rules and regulations of the Railroad Commission and all ordinances of the City.

SECTION 9: Whenever liquefied petroleum gas equipment is found to be defective or improperly installed, or is being handled or operated in such a manner as to become a menace to public safety or welfare, thereby creating a nuisance, then, and in such event, the said nuisance must be immediately remedied and abated.

SECTION 10: It shall be unlawful for any person to install, construct, reconstruct or repair any tank or container for storing liquefied petroleum gases, or to install any piping for the distribution or use of liquefied petroleum gases in any building or upon any premises within the corporate limits of the City until said person shall have secured a license from the Railroad Commission, and a license as required by the City for gas fitters.

SECTION 11: Care and diligence shall be exercised to avoid spilling and leakage of liquefied petroleum gases at all times. When handling such gases, the hose, pipe and connections of the type approved by the National Board of Fire Underwriters for filling and withdrawing shall be used; and such operations shall be done during the daylight hours only. No fire or flame shall be allowed within a radius of fifty (50) feet of the storage tank or container while filling and withdrawing such gases, and all tank and container openings shall be locked except when in use. All artificial lights used around liquefied petroleum gas tanks, containers, trucks and equipment shall be of the type approved by the National Board of Fire Underwriters.

SECTION 12: Copies of all applications and reports made to the Railroad Commission shall be filed immediately with the City Plumbing Inspector. It shall be the duty of said Plumbing Inspector to immediately furnish the Fire Department of the City of San Antonio with copies of permits issued by him under the terms of this Ordinance.

SECTION 13: All tanks, containers and all other equipment installed for use withⁱⁿ the Corporate Limits of the City for the purpose of providing liquefied petroleum gas for industrial, commercial and domestic uses shall be designed, constructed, equipped, installed and operated in a manner as required by the laws of the State of Texas, all rules and regulations of the Railroad Commission and all Ordinances of the City. Such containers shall be equipped with suitable excess flow valves, necessary pressure regulator, and shall be suitably protected against corrosion. All storage tanks shall be buried under-ground with top of tank not less than two (2) feet below the surface of the ground and below the level of any piping to which tanks may be connected, and same shall be surrounded with twelve (12) inches of sand well tamped in place, with twelve (12) inches of sand on top of tank, and a slab of concrete not less than six (6) inches under each tank. When a tank is installed in driveway, then there shall be a slab of reinforced concrete in no case less than six (6) inches in thickness on top of same capable of sustaining a load of two hundred and fifty (250) pounds per square foot. When requested by City, tanks shall be securely anchored to prevent possible floating.

SECTION 14: Containers shall not be placed closer than twenty-five (25) feet from basements or other structures which extend to a grade level lower than the highest possible liquid level in the liquefied petroleum gas container, and to which such gas in liquid form could gravitate in case of leakage from its container.

SECTION 15: Tanks and container shall not be placed in service, filled or refilled upon the premises of the ultimate user, nor shall underground tanks be covered over, until the work has been inspected and approved by the City Plumbing Inspector, and a label of such approval attached or affixed thereon by said Plumbing Inspector.

SECTION 16: Underground tanks shall be emptied before being dug up or uncovered, and shall be filled once with water before they are moved or repaired, and this work shall not

be done by any person not having a license issued by the City to perform such work.

SECTION 17: Adjustments, changes or alterations in the accessories, equipment, devices, regulators, and safety devices of liquefied petroleum gas containers shall not be made except by persons licensed by the City to do such work.

SECTION 18: No liquefied petroleum gas shall be stored or retained inside of any structure within the City, excepting that containers of ten (10) pounds or less of gas may be used inside of buildings for demonstration purposes only, after first obtaining written permission from the Plumbing Inspector, Fire Chief or Fire Marshal of the City.

SECTION 19: All distribution of piping, appliances and equipment in buildings shall be installed in full compliance with the ordinances of the City regulating installations for natural gas, except where otherwise specifically required by this Ordinance, and by the rules and regulations of the Railroad Commission; and a Master cut-off valve painted red shall be provided for each premise in a place readily accessible to firemen to be used in case of fire.

SECTION 20: Liquefied petroleum gas at pressures in excess of one (1) pound per square inch shall not be permitted inside of buildings without specific approval of the Plumbing Inspector, Fire Chief or Fire Marshal of the City.

SECTION 21: All piping shall be provided to drain in its entirety to a point outside of the building or structure in which installed. A suitable type of liquid trap approved by the Plumbing Inspector of the City shall be installed outside the building or structure in a manner approved by him; and no pockets or low places shall exist in the gas system which might provide a trap for liquid gas. Piping, when outside of buildings or structures, shall be buried not less than two (2) feet underground in a ditch used for no other purpose; and such piping shall be wrapped with two (2) layers of tar paper and burlap painted with tar, and laid in sand to prevent corrosion. All outside piping shall have swing joints at all changes of direction for expansion.

SECTION 22: When an existing natural gas piping system is to be used with liquefied petroleum gases all piping of the existing system shall be removed, checked, and reinstalled in the manner prescribed for new liquefied petroleum gas installations.

SECTION 23: All appliances used with liquefied petroleum gases shall be designed and adapted for use with the particular mixture of liquefied petroleum gases normally supplied to the piping system. All appliances having a pilot light shall have an automatic safety cut-off for both pilot and burner. All pipes shall have threaded joints fitted with joint compound which is not soluble when used with liquefied petroleum gas systems. Liquefied petroleum gas piping, appliances and equipment shall not be permitted in basements or pits or in any other low place, nor in any building or within fifty (50) feet of any building where gas could collect to form a dangerous flammable mixture. Rubber or leather, including rubber hose, shall not be used where in any manner exposed to the solvent action of liquefied petroleum gas.

SECTION 24: Piping, pipe fittings, appliances, and other equipment for the distribution and utilization of liquefied petroleum gases shall not be placed in service or used until after same have been tested, inspected and approved by the City Plumbing Inspector.

SECTION 25: No liquefied petroleum gas system or distribution of piping in buildings shall be installed where natural gas is available within a reasonable distance.

SECTION 26: Railroad cars, trucks and trailers transporting liquefied petroleum gases in bulk shall not be loaded or unloaded within the corporate limits of the City.

SECTION 27: It is specifically provided that vehicles using liquefied petroleum gases as fuel for motive power and self propulsion shall comply with the following requirements:

(a) Tanks or containers for liquefied petroleum gases shall not exceed thirty (30) water gallon capacity for passenger or commercial vehicles of less than one and one-half (1½) ton

carrying capacity, and shall not exceed one hundred and fifty (150) water gallon capacity for buses and trucks one and one-half (1½) ton and over carrying capacity, and all such tanks shall be provided with complete free air ventilation downward to avoid accumulation of gas.

(b) Tanks or containers for liquefied petroleum gases shall be designed or equipped for two hundred (200) pounds per square inch working pressure, and shall comply fully with the regulations of the Railroad Commission, including the regulations relative to excess flow valves.

SECTION 28: Tanks and containers shall not be located less than thirty (30) feet from any street, and shall be located not less than five (5) feet distant from any private driveway.

SECTION 29: Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction for violation thereof, shall be fined in any sum of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00), and each and every day such violation continues shall constitute a separate offense.

SECTION 30: If any Section or part of Section or provision of this Ordinance shall be held void, ineffective or unconstitutional, the holding of any such Section or provision of any such Section to be void, ineffective or unconstitutional for any cause whatsoever shall not affect the validity of the remaining Sections, and provisions of this Ordinance.

SECTION 31: All Ordinances or parts of Ordinances in conflict herewith shall be and are hereby repealed.

SECTION 32: This Ordinance shall be cumulative of all Ordinances of the City of San Antonio, and of all laws of the State of Texas, and rules and regulations of the Railroad Commission.

SECTION 33: WHEREAS, an emergency is apparent for the immediate preservation of order, good government and public safety, that required this Ordinance to become effective at once, therefore, upon the passage of this ordinance by a vote of four-fifths (4/5) of the Board of Commissioners, it shall be effective from and after the date of its passage as made and provided by the Charter of the City of San Antonio.

PASSED AND APPROVED this 20 day of December, A.D. 1941.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

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AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared THORNTON HALL, who being by me duly sworn, says on oath that he is Secretary of the San Antonio Evening News a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit: December 23, 24, 25, 26, 27, 29, 30, 31, 1941 and January 1, 2, 1942.

THORNTON HALL

Sworn to and subscribed before me this 8th day of January 1942.

C. J. THOMES
Notary Public in and for Bexar
County, Texas.

THE STATE OF TEXAS,
COUNTY OF BEXAR.

05-358

FIRST: THIS AGREEMENT MADE and entered into this the 22nd day of December, A.D. 1941, by and between the City of San Antonio, a municipal corporation, and San Antonio Zoological Society, Inc., a Texas corporation domiciled in San Antonio, Texas, said Corporations hereinafter referred to, respectively, as "CITY" and "ZOOLOGICAL SOCIETY", WITNESSETH:-

SECOND: That the City agrees that an admission fee of Fifteen (15) cents, plus tax, for adults and Ten (10) cents, plus tax, for children from thirteen (13) to eighteen (18) years of age, be charged daily and Sunday for admission to the Zoological Park adjoining Brackenridge and Koehler Parks in San Antonio, Texas; subject to the following exceptions:

1. That each and every Wednesday of each and every week and the first and third Saturdays of each and every month throughout the calendar year be a free day.

2. That teachers in the schools of San Antonio may take pupils into the Zoological Park at all times excepting that tax must be paid for each teacher and pupils from thirteen (13) to eighteen (18) years of age entering said park.

3. That free admission of special groups, such as visitors, convention delegates, etc., may be granted at all times at the discretion of the Mayor or Park Commissioner of the City of San Antonio, excepting that tax must be paid for each person so entering into the Zoological Park.

THIRD: The City agrees to pass an ordinance requiring the admission fees above mentioned, and that all revenues obtained from said fees to be divided one-half (1/2) to the City and one-half (1/2) to the Zoological Society, subject to the conditions contained herein.

FOURTH: The City agrees to furnish the necessary food for the animals exhibited and to employ guards and keepers of same, and to supply the physical properties necessary for the proper exhibition thereof, but shall not be held liable for any act of negligence in that respect.

FIFTH: The Zoological Society agrees that its part of the revenue from admission fees will be spent in the purchase of new animals for exhibition from time to time and for such repairs, additions or improvements in and around said premises or other purposes for benefit of Zoological Society.

SIXTH: The Zoological Society shall have the exclusive right to sell ice cream, soft drinks, candy, cigars, cigarettes, tobacco, lunches, novelties, souvenirs, peanuts, popcorn, etc., in and upon the premises hereby leased, but it being distinctly understood and agreed that sales shall be made only to persons in the Zoological Park and no sales shall be made outside or through the gates, fences or outside windows. It being further understood and agreed that such concession may be operated by the Zoological Society or such rights may be assigned by it without the written consent or permission of the City. The Zoological Society agrees to pay the City of San Antonio for such concession the sum of Fifty (\$50.00) Dollars per month during the entire term of this contract.

SEVENTH: The term of this contract shall begin with the date hereof and shall end May 31st, 1943.

EXECUTED this the 22nd day of December, A.D. 1941, at San Antonio, Texas.

CITY OF SAN ANTONIO,

By C. K. QUIN
M a y o r

ATTEST:

Jas. Simpson
City Clerk

SAN ANTONIO ZOOLOGICAL SOCIETY

ATTEST:

PAUL G. VILLARET
Secretary

By R. H. FRIEDRICH
President