

9. The Contractor shall render a progress report on the 12th and the 28th day of each month during the course of the work showing the nature and extent of the work done, the accounts examined and the departments included, together with the number of men engaged on the work, the rate, the time and the amount for each man, and the total amount due for that period and, on the receipt of it, confirmed by the certificate of the City Auditor, the Contractor shall be paid an amount equal to eighty-five (85%) per cent of the compensation earned during such period, computed on the per diem basis specified.

10. Thirty days after the date of the acceptance of such work, the final estimate for final settlement upon this contract shall be prepared by the Auditor and the same having been first approved by the signature of the Mayor and the Auditor, the City shall pay to the contractor the amount of the final estimate; taking into consideration all amounts previously retained from the estimates remaining payable to the Contractor, and deducting from the amount of such final estimate and retaining, any and all sums which are to be deducted by the City, or due by the Contractor to the City, or claim for labor furnished by any person, or which should be retained and held by the City for any reason.

11. Should the work or any part thereof, prescribed by this contract be abandoned by the City, this contract shall terminate to the extent thereof; but the Contractor shall be paid in full for the services performed prior to the abandonment, but not otherwise, and such payment shall amount to full satisfaction and accord for any debt or demand caused thereby.

12. The Contractor shall give personal attention to the execution of this work, and shall employ competent and skillful persons therefor, and all persons engaged in this work shall be prepared to appear and testify before the Board of Equalization.

13. All information collected, all reports and work sheets, shall be the property of the City of San Antonio and no information acquired by any person under this work shall be divulged to any one except the City. Each case investigated shall be kept in a separate file, properly indexed for prompt reference.

14. PASSED AND APPROVED this 29th day of October, A. D. 1938.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

15. This contract accepted as written.

F. G. Rodgers & Company

BY F. G. Rodgers
Partner.

AN ORDINANCE

01-191

ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN: AND REGULATING AND REDISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, LOCATION AND USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES AND OTHER PURPOSES AND DIVIDING THE CITY OF SAN ANTONIO INTO DISTRICTS AND REGULATING AND REDISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS, AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES OR KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE RESTRICTIVE DISTRICTS, AND ADOPTING A ZONING MAP DISCLOSING THE VARIOUS DISTRICTS AND USE AREAS AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS AND AREAS, AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF SUCH ORDINANCE, AND DECLARING AN EMERGENCY

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

SECTION 1: PURPOSE

1. The Zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district, and its particular suitability for the particular uses; and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout the community.

SECTION 2: GENERAL

2. Zoning regulations and districts as herein set forth are approved and established. The City of San Antonio is hereby divided into districts of which there shall be thirteen (13) known as: A. Single Family Residence District: B. Residence Districts: C. Residence District: D. Apartment District: E. Apartment District: F. Local Retail District: G. Local Retail District: H. Local Retail District: I. Business District: J. Commercial District: K. Commercial District: L. First Manufacturing District: M. Second Manufacturing District:

3. The City of San Antonio is hereby divided into thirteen (13) Districts aforesaid and the boundaries of such districts are shown upon the maps attached hereto and made a part hereof, and said maps and all notations, references and other information shown on such zoning maps shall be as much a part of this Ordinance as if the matters and information set forth by said maps were all fully described herein.

4. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located; no building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located; no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the yard of open spaces provided about any building for the purpose of complying with the

provisions of these regulations be considered as providing a yard or open space for any other building; and every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot except as hereinafter provided.

SECTION 3. A. SINGLE FAMILY RESIDENCE DISTRICT

5. In the A Single Family Residence District, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). One-Family Dwellings.
- (2). Public Park or Playground.
- (3). Accessory buildings will be permitted, including a private garage and servants' quarters when located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line.
- (4). Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupation, such as the office of a physician, surgeon, dentist, musician, or artist; provided no name plate exceeding one (1) square foot in area, nor bulletin boards nor signs exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale of a building or premises, nor advertising sign of any other character shall be permitted in any Residence District.

*Amended
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SECTION 4. B RESIDENCE DISTRICT

6. In the B Residence District, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). One-Family Dwellings.
- (2). Two-Family Dwellings.
- (3). Churches, Schools and Colleges.
- (4). Farming and Truck Gardening. Nurseries and Greenhouses.
- (5). Golf Courses, except miniature courses operated for commercial purposes.
- (6). Water Supply Reserviours, Towers or Artesian Wells.
- (7). Accessory buildings will be permitted, including a private garage and servants quarters when located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line.
- (8). Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupation such as the office of a physician surgeon, dentist, musician, or artist; provided that no name plate exceeding one (1) square foot in area, nor bulletin boards nor signs exceeding twelve (12) square feet in area appertaining to the lease, hire, or sale of a building or premises, nor advertising sign of any other character shall be permitted in any Residence District.

*Amended
8/14/52
Ord # 18156*

SECTION 5: C RESIDENCE DISTRICT, D AND E APARTMENT DISTRICTS

7. In the C Residence Districts, and in the D and E Apartment Districts, no building or land shall be used, and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). Any use permitted in the B Residence District.
- (2). Boarding or Lodging Houses.
- (3). Hospitals and Clinics, excepting tubercular and veterinary hospitals and clinics, and those for alcoholic, narcotic, insane or feeble-minded patients.
- (4). Hotels in which business may be conducted for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business except from the inside of the building.
- (5). Institutions of a philanthropic nature other than penal or correctional institutions.
- (6). Libraries and Museums.
- (7). Multiple dwellings, apartment houses or group houses (not including tourists or trailer camps, courts or lodges).

- (8). Private Clubs, Fraternities, Sororities, Lodges, excepting those whose chief activity is a service customarily carried on as a business.
- (9). In the C Residence District accessory buildings and uses customarily incident to any of the above uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than fifty (50) feet from the front lot line, nor less than five (5) feet from any other street line, nor less than three (3) feet from either side line.
- (10). In the D and E Apartment Districts, accessory buildings and uses customarily incident to any of the above uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than sixty (60) feet from the front lot line, nor less than five (5) feet from any other street line; nor less than three (3) feet from either side line.

Amended to
add (11) 8/14/57
and #16156

(11) -
SECTION 6. F G and H Local Retail Districts.

8. In the F, G And H Local Retail Districts, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). Any use permitted in a residence or apartment district.
- (2). Bakery, employing less than six (6) persons.
- (3). Bank, office. Studio. Wholesale office or sample room. Ice delivery station.
- (4). Commercial bill-board or advertising sign.
- (5). Dyeing or cleaning works, employing less than six (6) persons on the premises; or Laundry employing less than six (6) persons on the premises.
- (6). Gasoline Filling Station.
- (7). Restaurant. Theatre. Moving Picture Show. Tourist or trailer camp, court or lodges.
- (8). Retail store or shop for custom work for the making of articles to be sold at retail on the premises.
- (9). In the H Local Retail Districts, public garages shall be permitted provided that repair work and storage facilities for automobiles shall be purely incidental to an automobile sales room where the major business is the display and sale of new automobiles by an authorized dealer; and provided, further, that the area allowed for the repair and storage of cars shall not be nearer than thirty (30) feet from the front line of the building. Public garages shall not be permitted in the F and G Local Retail District.
- (10). Any use not included in any other class, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration; provided, further, that no kind of manufacture or treatment shall be permitted in the F, G and H Local Retail Districts other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

SECTION 7. I BUSINESS DISTRICT. J & K COMMERCIAL DISTRICTS

9. In the I Business and the J and K Commercial Districts, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). Any use permitted in a Local Retail District.
- (2). Bakeries. (3). Blacksmith or horseshoeing shops. (4). Bottling Works, ice-cream manufacture, ice manufacture, cold storage plants. (5). Brewery. (6). Broom manufacture. (7). Building material storage yards. Lumber Yards. (8). Candy manufacture. (9). Chicken Hatcheries. (10). Cigar making. (11). Commercial amusement parks, skating rinks, dance halls, driving ranges or miniature golf courses. (12). Cooperage works. (13). Electro-plating. Electric works, including armature winding. Galvanizing. Job printing. Newspaper Printing. (14). Laundry, dyeing or cleaning works. (15). Livery stable or riding academy. (16). Machine Shop. (17). Mattress manufacturing and renovating. (18). Milk distribution station. (19). Mortuaries. (20). Paper Box Manufacture. (21). Pecan/shelling. (22). Penal or correctional institutions. Institutions for the care of tubercular, insane, feeble-minded, alcoholic or narcotic patients. (23). Public Garage. (24). Refrigeration manufacture. (25). Storage Warehouse. Contractor's plant or storage. (26). Wholesale

Houses. (27). Manufacture of any kind not listed in Section 8, paragraphs 1 to 51, inclusive; or in Section 9, paragraphs 1 to 26, inclusive; - provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration,

SECTION 8. L FIRST MANUFACTURING DISTRICT

10. In the First Manufacturing District, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). A use permitted in a residence, apartment, local retail or commercial district.
- (2). Acetylene gas manufacture or storage. (3). Alcohol manufacture. (4). Arsenal. (5). Automobile wrecking. (6). Bag Cleaning. (7). Blast furnace. (8). Boiler works. (9). Brick, tile, pottery or terra cotta manufacture. (10). Candle Manufacture. (11). Canning or preserving factory. (12). Carpet Cleaning. (13). Celluloid and similar cellulose material manufacture. (14). Central mixing plant for cement, mortar, plaster or paving materials. (15). Coal hoist, coal pocket or coal tar trestle. (16). Cotton ginning or cotton baling and cotton-seed products manufacture. (17). Creamery and dairy products processing. (18). Disinfectant or insecticide manufacture. (19). Dye stuff manufacture. (20). Emery cloth and sand paper manufacture. (21). Fish smoking and curing. (22). Flour mill. (23). Forge plant. (24). Grain Elevator. (25). Iron, steel, brass or copper foundry or fabrication plant. (26). Oilcloth or linoleum manufacture. (27). Oiled or rubber goods manufacture. (28). Paper and pulp manufacture. (29). Petroleum products, wholesale storage of. (30). Pickle manufacture. (31). Planing mills and wooden box manufacture. (32). Potash works. (33). Poultry killing and dressing; storage of live poultry. (34). Pyroxlin manufacture. (35). Railroad roundhouse or shops. (36). Rock crusher. (37). Rolling mills. (38). Rubber or gutta-percha manufacture or treatment, (39). Salt works. (40). Sauerkraut manufacture. (41). Shoe polish manufacture. (42). Soda and compound manufacture. (43). Stone mill or quarry. Stone monumental works. (44). Storage or baling of rags, iron or junk. (45). Stove polish manufacture. (46) Tar roofing or water-proofing manufacture. (47). Textile manufacture. (48). Tobacco (chewing), manufacture or treatment. (49). Veterinary hospital. (50). Wool pulling or scouring. (51). Yeast plant. (52). Manufacture or industrial operation of any kind not heretofore listed, and exclusive of any use listed as a second manufacturing use in Section 9.

SECTION 9. SECOND MANUFACTURING DISTRICT

11. In a second manufacturing district no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1). A use permitted in a First Manufacturing District. (2). Acid Manufacture. (3). Ammonia, bleaching powder or chlorine manufacture. (4). Asphalt manufacture or refining. (5). Cement, lime (gypsum or plaster-of-paris manufacture. (6). Coke ovens. (7). Creosote treatment or manufacture. (8). Distillation of bones, coal or wood. (9). Explosives or fireworks manufacture or storage. (10). Fertilizer manufacture. (11). Fat rendering. (12) Garbage, offal or dead animal reduction or dumping. (13). Gas (illuminating or heating) manufacture. (14). Glue or gelating manufacture. (15). Gunpowder, manufacture and storage. (16). Lamp Black manufacture. (17). Match manufacture. (18). Ore reduction. (19). Paint, oil shellac, turpentine or varnish manufacture. (20). Petroleum products, refining. (21) Smelting of tin, copper, zinc or iron ores. (22). Soap manufacture, other than liquid soap. (23). Stock yards or slaughter of animals. (24). Tanning, curing or storage of raw hides or skins. (25). Tar distillation or manufacture. (26). Vinegar manufacture. (27). Any purpose whatsoever not in conflict with any ordinance of the City of San Antonio regulating

nuisances. Nothing in this ordinance shall be construed as repealing any existing ordinance of the City of San Antonio regulating nuisances or permitting uses which are now prohibited by ordinances.

SECTION 10. NON-CONFORMING USES

12. The lawful use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereon, may be continued; but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

13. The lawful use of the building existing at the time of the passage of this ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

14. The right of non-conforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may in the judgment of the Board of Adjustment be reasonably required for the protection of adjacent property.

15. Nothing in this ordinance shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty (50) per cent of its reasonable value by fire, explosion or other casualty, or act of God, or a public enemy; nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

SECTION 11. HEIGHT AND AREA REGULATIONS. A SINGLE FAMILY RESIDENCE DISTRICT

16. In the A Single Family Residence District, the height of building and minimum dimensions of yards shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, except as provided in Section 21.

REAR YARD: There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed thirty-five (35) feet.

SIDE YARD: There shall be two side yards, one on each side of the building, having a combined width of not less than twenty (20) per cent of the width of the lot, provided that in no case shall either side yard be less than three (3) feet, and provided further that the combined widths of the two side yards need not exceed ten (10) feet.

17. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

FRONT YARD: There shall be a front yard having a depth of not less than thirty-five (35) feet to the front line of the building, covered porch or covered terrace.

LOT AREA: The minimum area of the lot shall be 5000 square feet for a one-family dwelling.

SECTION 12. HEIGHT AND AREA REGULATIONS, B RESIDENCE DISTRICT

18. In the B residence District, the height of buildings and minimum dimensions of yards shall be as follows:

HEIGHT: No Building hereafter erected or structurally altered shall exceed two and

one-half ($2\frac{1}{2}$) stories, or thirty-five (35) feet, except as provided in Section 21.

REAR YARD: There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

SIDE YARD: There shall be two side yards, one on each side of the building, having a combined width of not less than twenty (20) per cent of the width of the lot, provided that in no case shall either side yard be less than three (3) feet, and provided, further, that the combined widths of the two side yards need not exceed ten (10) feet.

19. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

FRONT YARD: There shall be a front yard having a depth of not less than twenty-five feet to the front line of the building, covered porch or covered terrace.

LOT AREA: The minimum area of the lot shall be 5000 square feet for a one-family dwelling, and 6000 square feet for a two-family dwelling.

SECTION 13. HEIGHT AND AREA REGULATIONS. C, RESIDENCE DISTRICT

20. In the C Residence District, the height of buildings and minimum dimensions of yards shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, except as provided in Section 21.

REAR YARD: There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty five (25) feet.

SIDE YARD: There shall be two side yards, one on each side of the building, having a combined width of not less than twenty (20) per cent of the width of the lot, provided that in no case shall either side yard be less than three (3) feet and provided, further, that the combined widths of the two side yards need not exceed ten (10) feet.

21. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

FRONT YARD: There shall be a front yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such front yard need not exceed twenty (20) feet to the front line of the building, covered porch or covered terrace.

LOT AREA: The minimum area of the lot shall be 3000 square feet for a one-family dwelling; 4000 square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families the minimum area of the lot shall be 4000 square feet, plus 600 square feet for each family in excess of two, provided, that on small lots platted and sub-divided at the time of the passage of this ordinance, such plat or sub-division being then of record, a one-family residence may be erected on each such lot when the combined area of the residence

and accessory buildings does not cover more than forty (40) per cent of the total area of the lot.

SECTION 14. HEIGHT AND AREA REGULATIONS. D APARTMENT DISTRICT

22. In the D apartment district, the height of buildings and the minimum dimensions of yards shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed three (3) stories, or forty-five (45) feet, except as provided in Section 21.

REAR YARD: There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

SIDE YARD: The side yard shall be the same as required in the Residence Districts.

23. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

FRONT YARD: There shall be a front yard having a depth of not less than twenty-five (25) feet to the front line of the building, covered porch or covered terrace.

LOT AREA: The minimum area of the lot shall be 5000 square feet for a one-family dwelling, 6000 square feet for a two-family dwelling, and 1000 additional square feet for each additional family for which an apartment house or other building is arranged or designed.

SECTION 15. HEIGHT AND AREA REGULATIONS. E APARTMENT DISTRICT

24. In the E Apartment District, the height and size of buildings and the minimum dimensions of yards shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed a height at the required front, side and rear yard line of eight (8) stories, or one hundred (100) feet; but above the height permitted at said yard line, four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines, provided, however, that the cubical content of such building shall not exceed the cubical content of a prism having a base equal to the area of the lot and a height of one hundred (100) feet.

REAR YARD: For buildings not exceeding eight (8) stories, or one hundred (100) feet, there shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet. For buildings more than eight (8) stories, or one hundred (100) feet, there shall be a set-back as provided in the height regulation above.

SIDE YARD: For buildings not exceeding three (3) stories in height, the side yard shall be the same as required in the Residence Districts. For buildings more than three (3) stories, but not exceeding eight (8) stories in height, the side yard shall be increased one foot in width for each additional story above the third. For buildings more than eight (8) stories, or one hundred (100) feet, there shall be a set-back as provided in the height regulation above.

25. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage when the corner lot faces an

intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

FRONT YARD: There shall be a front yard having a depth of not less than twenty-five (25) feet to the front line of the building, covered porch or covered terrace.

LOT AREA: The minimum area of the lot shall be 5000 square feet for a one-family dwelling; 6000 square feet for a two-family dwelling; and for apartment house or building arranged or designed for more than two families, the minimum area of the lot shall be 6000 square feet plus 600 square feet for each family in excess of two.

SECTION 16. HEIGHT AND AREA REGULATIONS. F LOCAL RETAIL DISTRICT

26. In the F Local Retail District, the height of the buildings and the minimum dimensions of yards shall be as follows, provided, that buildings erected for dwelling purposes shall comply with the front and side yard regulations of the B Residence District.

HEIGHT: No building hereafter erected or structurally altered shall exceed two and one-half ($2\frac{1}{2}$) stories, or thirty-five (35) feet.

REAR YARD: There shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

SIDE YARD: Where a lot abuts upon the side of a lot zoned for dwelling purposes, there shall be a side yard of not less than ten (10) feet. In the case of reversed frontage, where the corner lot faces an intersecting street, there shall be a side yard on the street side of the corner lot equal to the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a local retail building shall not be required; but, if provided, it shall not be less than three (3) feet.

FRONT YARD: There shall be a front yard of not less than twenty-five (25) feet to the front line of the building.

LOT AREA: The minimum area of the lot shall be 5000 square feet for a one-family dwelling; 6000 square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be 6000 square feet plus 600 square feet for each family in excess of two.

SECTION 17. HEIGHT AND AREA REGULATIONS. G LOCAL RETAIL AND J. COMMERCIAL DISTRICTS

27. In the G Local Retail and the J Commercial Districts, the height of buildings and the minimum dimensions of yards shall be as follows, provided, however, that buildings or portions thereof erected for dwelling purposes exclusively shall comply with the side and rear yard regulations of the D Apartment District:

HEIGHT: No building hereafter erected or structurally altered shall exceed three (3) stories, or forty-five (45) feet.

REAR YARD: In the G Local Retail District there shall be a rear yard having a depth of not less than twenty (20) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

In the J Commercial District, no rear yard shall be required except where the J Commercial District abuts on a dwelling district, in which

case there shall be a rear yard of not less than ten (10) feet.

SIDE YARD: No side yard shall be required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten (10) feet.

28. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear. In all other cases, a side yard for a business building shall not be required but if provided, it shall be not less than three (3) feet.

FRONT YARD: There shall be a front yard of not less than fifteen (15) feet to the front line of the building.

LOT AREA: The minimum area of the lot shall be 3000 square feet for a one-family dwelling; 4000 square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be 4000 square feet plus 600 square feet for each family in excess of two.

SECTION 18. HEIGHT AND AREA REGULATIONS. H LOCAL RETAIL DISTRICT.

29. In the H Local Retail District, the height and size of buildings and the minimum dimensions of yards shall be as follows, provided, however, that buildings or portions thereof erected for dwelling purposes shall comply with the side and rear yard regulations of the E Apartment District.

HEIGHT: No building hereafter erected or structurally altered shall exceed a height at the required front, side and rear yard line of eight (8) stories, or one hundred (100) feet; but above the height permitted at side yard line, four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard line, provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred (100) feet.

REAR YARD: No rear yard shall be required except where the Local Retail District abuts on a Dwelling District, in which case there shall be a rear yard of not less than ten (10) feet.

SIDE YARD: No side yard shall be required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten (10) feet.

30. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear, in all other cases, a side yard for a business building shall not be required, but if provided, it shall be not less than three (3) feet.

FRONT YARD: There shall be a front yard of not less than fifteen (15) feet to the front line of the building.

LOT AREA: The minimum area of the lot shall be 3000 square feet for a one-family dwelling; 4000 square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be 4000 square feet plus 600 square feet

for each family in excess of two.

SECTION 19. HEIGHT AND AREA REGULATIONS. K COMMERCIAL, L FIRST MANUFACTURING DISTRICT, M SECOND MANUFACTURING DISTRICT

31. In the K Commercial, The L First Manufacturing district, and the M Second Manufacturing District, the height and size of buildings and the minimum dimensions of yards shall be as follows, provided, however, that buildings erected or structurally altered for dwelling purposes shall comply with the side and rear yard regulations of the E Apartment District except as provided in Section 21 hereof.

HEIGHT: No building hereafter erected or structurally altered shall exceed ten stories, or one hundred twenty-five (125) feet at the street line; but above the height permitted at the street line four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the street line, provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred twenty-five (125) feet.

REAR YARD: No rear yard shall be required except where a manufacturing district abuts on a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet.

SIDE YARD: No side yard shall be required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten (10) feet. In other cases a side yard, if provided, for a business building shall not be less than three (3) feet.

LOT AREA: The minimum area of the lot shall be a 2000 square feet for a one-family dwelling; 3000 square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be 3000 square feet plus 600 square feet for each family in excess of two.

SECTION 20. HEIGHT AND AREA REGULATIONS. I BUSINESS DISTRICT

32. In the I Business District the height and the size of buildings shall be as follows, provided, however, that buildings erected or structurally altered for dwelling purposes shall comply with the side and rear yard regulations of the E Apartment District, except as provided in Section 21.

HEIGHT: No building hereafter erected or structurally altered shall exceed a height at the street line of one hundred fifty (150) feet, but above the height permitted at the street line four (4) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the street line, provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of two hundred (200) feet. A tower may be constructed without reference to the above limitations, provided the largest horizontal dimensions of any side of the tower shall not exceed sixty (60) feet, provided the horizontal area shall not exceed twenty-five (25) per cent of the area of the lot, and provided that each such tower shall be re-

moved at least twenty-five (25) feet from all lot lines and at least fifty (50) feet from any other tower.

SECTION 21. HEIGHT AND AREA-EXCEPTIONS

33. The foregoing requirements in the height and area districts shall be subject to the following exceptions and regulations:

34. HEIGHT: (a) The height and area regulations for public and semi-public buildings, hospitals, sanitariums, or schools in the thirty-five (35) and forty-five (45) foot height districts shall be the same as those allowed in the E Apartment District except in the case of side yards, which shall be increased three (3) feet in width for each additional story above the second in the thirty-five (35) foot height district, and three (3) feet in width for each additional story above the third in the forty-five (45) foot height district.
35. (b) One-Family dwellings in the thirty-five (35) foot height district may be increased in height by not more than ten (10) feet when two (2) side yards of not less than ten (10) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.
36. (c) Chimneys, towers, penthouses, scenery, lofts, sugar refineries, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted ordinances of the City of San Antonio.
37. (d) On through lots one hundred and fifty (150) feet or less in depth the height of a building may be measured from the curb level on either street. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
38. AREA (a) For the purpose of side yard regulations a duplex two-family dwelling or a double duplex (four-family) dwelling shall be considered as one building occupying one lot.
39. (b) In the case of group houses or court apartments, buildings may rear upon the required side yard, provided:
40. (1) For group houses the required side yard shall be increased by one (1) foot for each building abutting thereon.
41. (2) For apartment houses the required side yard shall be increased by three (3) feet for each stairway opening onto or served by such side yard, but in no case need the side yard be increased more than six (6) feet.
42. (3) The width of the place or court shall not be less than forty (40) feet measured between buildings or from buildings to opposite property line, provided that open unenclosed porches may project into a required place or court not more than twenty (20) per cent of the width of such place or court.
43. (4) Where a roadway is provided in the place or court, the width allowed for such roadway shall be included in that required above.
44. (5) All other requirements, including front, side, and rear yards

shall be complied with in accordance with the district in which such group houses or court apartments are located.

45. (c) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.
46. (d) In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.
- Amended 12/11/52 Ord # 18599
 OAK 'y' Pg 299
47. (e) An accessory building may occupy not more than thirty (30) per cent of a required rear yard.
48. (f) Every part of a required yard or court shall open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt cornices, buttresses, ornamental features and eaves.
49. (g) No cornices shall project over the street line more than five (5) per cent of the width of such street, and shall in no case project more than four (4) feet.
50. (h) Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court nor more than three and one-half ($3\frac{1}{2}$) feet, and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

51. LOT AREA: AREA ON SINGLE LOTS, SEPARATELY OWNED

On any lot held under a distinct ownership from adjoining lots from the time of passage of this ordinance, such separately owned property of record at the time, a single family house may be erected even though the lot be of less area than required by the regulations relating to area in the district in which it is located; provided, however, that in any event the combined area of the residence and accessory buildings shall not cover more than forty (40) per cent of the total area of the lot.

52. SET BACKS: Where the frontage on one side of a street between two intersecting streets is zoned for two classes of districts, the set-back on the most restricted district shall apply to the entire block.

53. VISION CLEARANCE: On any corner lot on which a front yard is required by this Ordinance, no wall, fence or other structure shall be erected; and no hedge, shrub, tree or other growth shall be maintained in such location within such required front yard space as to cause danger to traffic by obstructing the view.

SECTION 22. MUNICIPALLY OWNED PROPERTY AND PUBLIC UTILITIES

54. The provisions of this Ordinance shall not apply to property belonging to the City of San Antonio or to property used to provide public utilities; provided, however, that in the erection of buildings or other structures, the City and Utility Companies shall attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected.

SECTION 23. ENFORCEMENT

55. The provisions of this Ordinance shall be administered and endorsed by the Building Inspector of the City of San Antonio. All applications for building permits shall be accompanied by a plat in duplicate

drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Inspector.

SECTION 24. CERTIFICATION. OCCUPANCY AND COMPLIANCE

56. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the building or proposed use of a building or premises complies with the building Laws and the provisions of these regulations.
57. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
58. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.

SECTION 25. ZONING MAP DESIGNATIONS

59. When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning area are intended to be along existing street, alley or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the maps measured from a given line.
60. Where the street layout actually on the ground varies from the street layout as shown on the zoning map, the Board of Adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent of the plan for the particular area in question.

SECTION 26. BOARD OF ADJUSTMENT

61. ORGANIZATION. There shall be a Board of Adjustment consisting of five members appointed by the Mayor and confirmed by the City Commissioners. The members shall hold office as provided by, and the Board of Adjustment shall be governed and controlled by the provisions of article 1011-G, Revised Statutes of Texas (Acts of 1927, 40th Legislature, page 424, Chapter 283, Section 7.).
62. THE BOARD OF ADJUSTMENT SHALL HAVE THE FOLLOWING POWERS:
63. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
64. To hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass herein.
65. To authorize upon appeals in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardships, and so that the spirit of this ordinance shall be observed and substantial justice done.
66. NOTICE: Public notice of hearings before the Board of Adjustment shall be given for each separate appeal thereto by publication two times, in the official

publications of the City of San Antonio, stating the time and place of such hearing, which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto the Board of Adjustment shall mail notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the City of San Antonio.

67. The published notice and the mailed notice may contain notice of a hearing on more than one matter. Substantial compliance with the provisions of this section shall be deemed sufficient and the depositing of such written notice in the mail by the Board of Adjustment shall be deemed compliance with the provisions for mailed notices.

SECTION 27. COMPLETION OF EXISTING BUILDINGS.

68. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this ordinance, and which entire building shall be completed within two years from the date of the passage of this ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued, and which entire building shall be completed within two years from the date of the passage of this Ordinance, If an amendment to this ordinance is hereafter adopted changing the boundaries of districts, the provisions of this ordinance with regard to buildings or premises existing or buildings under construction or building permits issued at the time of the passage of this ordinance shall apply to buildings or premises existing or building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment.

SECTION 28. PENALTY AND VIOLATION.

69. Any person or corporation that shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and ~~and~~ approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

SECTION 29. CHANGES AND AMENDMENTS

70. The City Commissioners may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.

71. Before taking action on any proposed amendment, supplement or change, the City Commissioners shall submit the same to the Zoning Commission for its recommendation and report,

72. A public hearing shall be held by the City Commissioners before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication three times in the official publication of the City of San Antonio, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of such publication.

73. Unless such proposed amendment, supplement or change has been approved by the Zoning Commission, or if a protest against such proposed amendment, supplement or change has

been filed with the City Clerk, duly signed and acknowledged by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots; such amendment shall not become effective except by a three-fourths vote of the City Commissioners.

SECTION 30. DEFINITIONS

74. Certain words in this ordinance are defined for the purpose hereof, as follows:
75. Words used in the present tense include the future; words in the singular number include the plural number; the words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.
76. Accessory:--A subordinate use or building customarily incident to and located on the lot occupied by the main building.
77. Alley:--A way which affords only secondary means of access to abutting property.
78. Apartment:--A room or suite of rooms in an apartment house or tenement, arranged, designed, or occupied as the residence of a single family, individual, or group of individuals.
79. Apartment House:--A Building or portion thereof, arranged, designed, or occupied by three or more families living independently of each other.
80. Boarding House:--A Building other than a hotel, where lodging and meals--for five or more persons--are served for compensation.
81. Depth of Rear Yard:--The mean horizontal distance between the rear line of a building other than an accessory building and the center line of the alley, where an alley exists, otherwise the rear lot line.
82. Depth of lot:--The mean horizontal distance between the front and rear lot lines.
83. District:--A Section of the City of San Antonio for which the regulations governing the area, height, or use of buildings are uniform.
84. Family:--A family is any number of individuals living together as a single housekeeping unit.
85. Front Yard:--An open, unoccupied space on the same lot with a building between the building and a street line of the lot.
86. Gross Floor Area:--The Gross floor area of an apartment house shall be measured by taking outside dimensions of the apartment building at each floor level excluding, however, the floor area of basements or attics not used for residence purposes.
87. Height:--The height of a building or portion of a building shall be measured from the average established grade at the street lot line, or from the average natural ground level if higher, or, if no street grade has been established, to the highest point of the roof's surface, if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs; In measuring the height of a building, the following structures shall be excluded; chimneys, cooling towers, radio towers, ornamental cupolas, domes or spires, elevator bulkheads, penthouses, tanks, water towers and parapet walls not exceeding four feet in height.
88. Hotel:--A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, in which provisions are not made for cooking in any individual apartment, and in which there are more than twelve (12) sleeping rooms, a public dining room for the accommodation of more than twelve (12) guests, and a general kitchen.
89. Lodging House:--A Building other than a hotel where lodging for five or more persons is provided for compensation.
90. Lot:--Land occupied or to be occupied by a building and its accessory building and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
91. Lot Lines:--The Lines bounding a lot as defined herein.
92. Non-conforming use:--A building or premises occupied by a use that does not conform to the regulations of the use district in which it is situated.
93. One-family dwelling:--A detached building having accommodations for and occupied by only one family.
94. Open Space:--Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

95. Place:--An open, unoccupied space reserved for purposes of access to abutting property.
96. Private Garage:--A garage with capacity for not more than ten (10) motor-driven vehicles for storage only, and for private use.
97. Public Garage:--Any premises not a private garage, as defined above, used for housing or care of more than three motor-driven vehicles, or where any vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
99. Rear Yard:--A space, unoccupied except by a building or accessory use, as hereinafter permitted, extending for the full width of the lot between a building other than a building of accessory use and the rear lot line.
100. Side Yard:--An open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.
101. Street:--A public thoroughfare more than twenty(20) feet wide.
102. Story:--That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.
103. Story, Half:--A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) per cent of the floor on the first story below.
104. Structural Alterations:--Any change in the supporting member of a building, such as bearing walls, columns, beams or girders.
105. Two-family dwelling:--A detached building having separate accommodations for and occupied as a dwelling by only two families.
106. Width Of Side Yard:--The mean horizontal distance between a side wall of a building and the side line of the lot or to the center line of any alley adjacent to such side lot line.

SECTION 31. VALIDITY OF ORDINANCE

107. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

SECTION 32. WHEN EFFECTIVE.

108. WHEREAS, on account of the congestion in the streets in the City of San Antonio and the danger from fire, panic, and the undue concentration and congestion of population, and the lack of adequate ordinances and provisions controlling the construction and use of buildings and other structures within the City of San Antonio, the lack of regulations restricting and regulating the use to which lands and buildings of the City of San Antonio may be devoted, creates an urgency and emergency in behalf of the public peace, health, safety and general welfare, necessitating that this ordinance become effective at once, and it is accordingly ordained that the same become effective immediately upon its passage, as the Charter of the City of San Antonio in such cases is made and provided.
109. PASSED AND APPROVED on this the 3rd day of November, A. D. 1938.

C. K. Quin
Mayor

ATTEST:

Jas. Simpson
City Clerk

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 afore-
 said and that the ORDINANCE (ZONING REGULATIONS) hereto attached
 has been published in every issue of said newspaper on the following days, to-wit: _____

NOVEMBER 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, ---1938

Thornton Hall

SWORN to and subscribed before me this December 5, 1938.

Edna Brown
 Notary Public in and for Bexar
 County, Texas.

AN ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO TO APPROVE A CONTRACT TO BE ENTERED
 INTO BETWEEN JOSEPHINE SUSAN WESTFALL AND JAMES DONALDSON, INC., FOR
 LEASING APPROXIMATELY EIGHT ACRES OF LAND IN WILSON COUNTY, TEXAS, FOR
 QUARRYING PURPOSES

1. WHEREAS, Josephine Susan Westfall, of Bexar County, Texas, the widow of Edward
 Dixon Westfall, Deceased, is desirous of entering into a contract of lease with James Donaldson,
 Inc., as lessee, under the terms of which the lessee is to be granted the right to excavate
 and remove sand from a certain eight (8) acres of land, more or less, in the P. W. Peacock
 Survey in Wilson County, Texas, in which said land the City of San Antonio, Texas, has an in-
 terest for the use and benefit of its Public Library Fund under the terms of the will of Edward
 Dixon Westfall, Deceased, duly probated in the County Court of Bexar County, Texas, in cause No.
 2390, on the docket of said court, said will being recorded and set out in Volume 6, of the
 Probate Minutes of said court at page 465.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Commissioners of the City of
 San Antonio:-

3. That the City of San Antonio, acting by and through its Mayor, be and it is
 hereby authorized to execute and deliver to James Donaldson, Inc., an instrument in writing,
 dated the 9 day of November, A. D. 1938, approving and confirming the execution and delivery
 of said sand mining lease, dated the 27 of October, 1938, a copy of which lease and of the
 instrument of approval and confirmation is attached hereto, marked Exhibit A, and made a part
 hereof, the consideration therefor to be the sum of ten and no/100 (\$10.00) dollars, to be paid
 by the lessee to the City of San Antonio upon delivery to said lessee of such instrument of
 confirmation.

4. PASSED AND APPROVED this 9 day of November, A. D. 1938.

ATTEST: Jas. Simpson
 City Clerk

C. K. Quin
 Mayor

OX-1921

OI-193

AN ORDINANCE

ADDING SECTION XVlll-A TO AND AMENDING SECTIONS I, II, VII, IX AND X OF AN ORDINANCE ENTITLED "AN ORDINANCE DEFINING "MILK" AND CERTAIN MILK PRODUCTS, "MILK PRODUCERS", "PASTEURIZATION": PROHIBITING THE SALE OF ADULTERATED AND MISBRANDED MILK AND MILK PRODUCTS: REQUIRING PERMITS FOR THE SALE OF MILK AND MILK PRODUCTS: REGULATING THE INSPECTION OF DAIRY FARMS AND MILK PLANTS: THE TESTING, GRADING, LABELING, PLACARDING, PASTEURIZATION, REGRADING, DISTRIBUTION, SALE AND DENATURING OF MILK AND MILK PRODUCTS: PROVIDING FOR THE PUBLISHING OF MILK GRADES: THE CONSTRUCTION OF FUTURE DAIRIES AND MILK PLANTS: 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 14TH DAY OF MAY, A. D. 1936."

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

THAT SECTIONS I, II, IV, VII, IX and X of an ordinance entitled "An ordinance defining "milk" and certain milk products, "milk producers", "pasteurization"; prohibiting the sale of adulterated and misbranded milk and milk products; requiring permits for the sale of milk and milk products; regulating the inspection of dairy farms and milk plants; the testing, grading, labeling, placarding, pasteurization, regrading, distribution, sale and denaturing of milk and milk products; providing for the publishing of milk grades; the construction of future dairies and milk plants; 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 14th day of May, A. D. 1936, be, and the same is hereby amended so that subdivisions (4), (5), (6), (8), (10), (11), (18), (19), (25), (26), (27), of SECTION I, all of SECTION II, subdivision (2) of SECTION IV, subdivisions (3), (6), (7), (9), (12), (16), (22), (27), (29), (30), (32), (33), (39), (43), (45), (47), (48), (49), (55), and (58), of SECTION VII, subdivisions (2) and (4) of SECTION IX, and subdivision (6) of SECTION I, be, and the same are hereby amended so that same shall hereafter read as hereinafter stated, and there shall be added an additional section designated as SECTION XVlll-A reading as hereinafter set forth:

THAT subdivisions (4), (5), and (6) of SECTION I shall hereafter read as follows:

(4), (5), (6) Cream is a portion of milk which contains not less than eighteen per cent (18%) milk fat and the acidity of which is not more than twenty per cent (20%) expressed as lactic acid. Sour cream is cream the acidity of which is more than twenty per cent (20%), expressed as lactic acid.

THAT subdivision (8) of SECTION I shall hereafter read as follows:

(8) Skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to less than $3\frac{1}{4}$ per cent. A milk beverage or skimmed milk beverage is a food compound or confection consisting of milk or skimmed milk, as the case may be, to which has been added a syrup or flavor consisting

of wholesome ingredients.

THAT subdivisions (10) and (11) of SECTION 1 shall hereafter read as follows:

(10), (11) Buttermilk is a product resulting from the churning of milk or cream or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk, reconstituted skimmed milk, evaporated or condensed milk or skimmed milk, or milk of skimmed milk powder. It contains not less than eight per cent (8%) of milk solids not fat.

THAT subdivision (18) of SECTION 1 shall hereafter read as follows:

Milk products shall be taken to mean and include cream, sour cream, (vitamin D Milk, skimmed milk, adjusted milk, buttermilk, evaporated milk (unsweetened), condensed milk (sweetened), condensed skimmed milk, powdered whole milk, powdered skimmed milk, reconstituted or re-combined milk and cream, milk beverages, and skimmed milk beverages. Milk shall be interpreted to mean and include milk from goats as well as from cows.

THAT subdivision (19) of SECTION 1 shall hereafter read as follows:

(19) The terms "pasteurization", "pasteurized", and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to a temperature of not less than 142°F. , and holding at such temperature for not less than thirty minutes in pasteurization apparatus approved by the State Health Officer, provided that approval shall be limited to apparatus which requires a combined holder and indicating thermometer temperature tolerance of not more than $1\frac{1}{2}^{\circ}\text{F.}$, as shown by official tests with suitable testing equipment, and provided that such apparatus shall be operated as directed by the State Health Officer, and so that the indicating thermometers and the recording thermometer charts both indicate a temperature of not less than $143\frac{1}{2}^{\circ}\text{F.}$, continuously throughout the holding period. The terms "pasteurization", "pasteurized", and similar terms shall also include the process of heating every particle of milk or milk products at 160°F. , and holding at that temperature or above for not less than fifteen seconds in apparatus designed and operated in accordance with specifications approved by the State Health Authority.

Provided that nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated as of at least equal efficiency and is approved by the State Health Authority.

THAT subdivision (25) of SECTION 1 shall hereafter read as follows:

(25) The term "City Physician" as used in this Ordinance shall be construed to mean the City Health Officer of the City of San Antonio, in person, or his authorized representative.

THAT subdivision (26) of SECTION 1 shall hereafter read as follows:

(26) AVERAGE BACTERIAL PLATE COUNT, DIRECT MICROSCOPIC COUNT, REDUCTION TIME, AND COOLING TEMPERATURE.- Average bacterial plate count shall be taken to mean the logarithmic average of the bacterial plate counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average direct microscopic count shall be taken to mean the logarithmic average of the direct microscopic counts of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements. Average reduction time shall be taken to mean the arithmetic average of the reduction times of the last four consecutive samples, taken upon separate days, irrespective

of periodic grade announcements. Average cooling temperature shall be taken to mean arithmetic average of the temperatures of the last four consecutive samples, taken upon separate days, irrespective of periodic grade announcements.

THAT subdivision (27) of SECTION 1 shall hereafter read as follows:

(27) The grading period shall be such period of time as the City Physician may designate within which grades shall be determined for all milk and milk products, provided that the grading period shall in no cases exceed six (6) months.

THAT SECTION 11 shall hereafter read as follows:

SECTION 11

THE SALE OF ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS PROHIBITED

(1) No person shall within the City of San Antonio or its police jurisdiction produce, sell, offer or expose for sale or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded or ungraded.

(2) It shall be unlawful, for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded or ungraded milk or milk products.

THAT subdivision (2) of SECTION 14 shall hereafter read as follows:

(2) Every grocery store, restaurant, cafe, soda fountain or other establishment selling or serving milk shall display in a place designated by the City Physician a card furnished by the City Physician stating the lowest grade of milk or milk products served at the time when delivered, and whether the same is raw or pasteurized.

THAT subdivision (3) of SECTION 17 shall hereafter read as follows:

(3) Grade "A" Raw Milk is milk the average bacterial plate count of which, as determined under subdivision (26) of SECTION 1 and SECTION 16 of this Ordinance, does not exceed 50,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 50,000 per cubic centimeter if clumps are counted or 200,000 per cubic centimeter if individual organisms are counted.

THAT subdivision (3) of SECTION 17 shall be further amended so that there shall be added also subdivisions (3A), (3B), (3c), reading as follows:

(3A) GRADE B RAW MILK.-- Grade B raw milk is milk the average bacterial plate count of which at no time prior to delivery exceeds 200,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 200,000 per cubic centimeter if clumps are counted or 800,000 per cubic centimeter if individual organisms are counted, or (the average reduction time of which is not less than six hours, as determined under subdivision (26) of SECTION 1, and SECTION 16, and which is produced upon dairy farms conforming with all items of sanitation required for Grade A raw milk except as follows: Under subdivision (8) of SECTION 17 tight wooden floors and gutters shall be permitted in place of concrete; under subdivision (16) of SECTION 17 the piping of water into the milk house, the partitioning of processes, and the provision of three-compartment wash and rinse vats shall not be required; under subdivision (28) of SECTION 17 the temperature requirement of retail raw milk shall be 60° F., and of milk for pasteurization or separation 70° F.; subdivision (32) of SECTION 17 shall not be interpreted to mean "permanently" covered vehicles; provided that all subdivisions or parts of subdivisions relating

to cleanliness shall be required.

(3B) GRADE C RAW MILK.-- Grade C raw milk is milk the average bacterial plate count of which at no time prior to delivery exceeds, 1,000,000 per cubic centimeter, or the average direct microscopic count of which does not exceed 1,000,000 per cubic centimeter if clumps are counted or 4,000,000 per cubic centimeter if individual organisms are counted, or the average reduction time of which is not less than $3\frac{1}{2}$ hours as determined under subdivisions (26) of SECTION 1 and SECTION V1, and which is produced upon dairy farms conforming with all items of sanitation required for grade B raw milk except subdivisions (11), (17), (25), (26), (27), (29) and (32) of SECTION V11; provided that under subdivision (8) of SECTION V11 properly constructed clay-mixture floors shall be permitted, and that under subdivision (9) of SECTION V11 painting or white-washing and tight ceilings and feed rooms shall not be required.

(3C) GRADE D RAW MILK.-- Grade D raw milk is milk which does not meet the requirements of grade C raw milk, and which shall be plainly labeled "cooking only".

THAT subdivision (6) of SECTION V11 shall hereafter read as follows:

(6) A dairy or milk barn shall be required, and such sections thereof where cows are milked shall have at least three square feet of light area for each animal and when necessary for night milking shall be provided with adequate supplementary artificial light.

THAT subdivision (7) of SECTION V11 shall hereafter read as follows:

(7) All dairy barns where cows are milked shall have at least five hundred (500) cubic feet of air space per cow, and shall be well ventilated, and shall be so arranged as to avoid overcrowding.

THAT subdivision (9) of SECTION V11 shall hereafter read as follows:

(9) The walls and ceilings of all dairy barns shall be whitewashed once each year or painted once every two years, or oftener if necessary, or finished in a manner approved by the City Physician, and shall be kept clean and in good repair. In case there is a second story above that part of the barn in which cows are milked, the ceiling shall be tight. If the feed room adjoins the milking space, it shall be separated therefrom by a dust-tight partition provided with self-closing doors. No feed shall be stored in the milking portion of the barn.

THAT subdivision (12) of SECTION V11 shall hereafter read as follows:

(12) There shall be provided a milk house or milk room for the cooling, handling, and storage of milk and milk products and the washing, bactericidal treatment, and storage of milk apparatus and utensils. The milk house or room (a) shall be provided with a tight floor constructed of concrete or other impervious material, in good repair and graded to provide proper drainage; (b) shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner; (c) shall be well lighted and ventilated; (d) shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies; and (e) shall be used for no other purposes than those specified above as may be approved by the City Physician, shall not open directly into a stable or into any room used for domestic purposes, shall have water piped into it, shall be provided with adequate facilities for the heating of

water for the cleaning of utensils, shall be equipped with 2-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chlorine is employed as the principal bactericidal treatment, the 3-compartment type must be used, and shall be partitioned to separate the handling of milk and the storage of cleansed utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

THAT subdivision (16) of SECTION VII shall hereafter read as follows:

(16) The water supply shall be easily accessible, adequate and of a safe sanitary quality, and shall be properly located, constructed, and operated. All water storage tanks shall be covered as approved by the City Physician.

THAT SUBDIVISION (22) of SECTION VII shall hereafter read as follows:

(22) The udders and teats of all milking cows shall be clean and sponged with water containing chloride of lime or any other approved disinfectant, and dried with a disinfected cloth immediately, before milking. Abnormal milk shall be so handled and disposed of as to preclude the infection of the cows and the contamination of the milk utensils.

THAT SUBDIVISION (27) of SECTION VII shall hereafter read as follows:

(27) Each pail of milk shall be removed immediately to the milk house. No milk shall be strained or poured in the dairy barn.

THAT SUBDIVISION (29) of SECTION VII shall hereafter read as follows:

(29) Milk and milk products shall be bottled from a container with a readily cleanable valve, or by means of a bottling machine approved by the City Physician. Bottles shall be capped by machine. The bottler and capper shall be cleaned and subjected to bactericidal treatment before each usage. Caps shall be purchased in sanitary containers and kept therein in a clean dry place until used.

THAT SUBDIVISION (30) of SECTION VII shall hereafter read as follows:

(30) every person connected with a retail raw dairy whose work brings him in contact with the production, handling, storage or transportation of milk, milk products, containers, or equipment, shall furnish such information, permit such physical examination, and submit such laboratory specimens as the City Physician may require for the purpose of determining freedom from infection.

The City Physician, or a physician authorized by him shall in each such instance take a careful history, and if such history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or of any other communicable disease likely to be transmitted through milk, he shall secure appropriated specimens of bodily discharges and cause them to be examined in a laboratory approved by him or by the State Health Authorities for such examinations. Health certificates shall not be issued for a period of time to exceed six months.

THAT SUBDIVISION (32) of SECTION VII shall hereafter read as follows:

MISCELLANEOUS (32) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect the milk or milk products from the sun and from contamination. Such vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor or trade name and permit number painted thereon in figures and letters at least three inches high and one-half inch wide. The immediate surroundings of the dairy shall be kept in a neat, clean condition.

THAT SUBDIVISION (33) of SECTION VII shall hereafter read as follows:

(33) Grade "A" Pasteurized Milk is Grade "A" Raw Milk which has been pasteurized, cooled and

bottled in a milk plant conforming with all of the following items of sanitation, and the average bacterial plate count of which at no time after pasteurization and until delivery exceeds 30,000 per cubic centimeter.

THAT SUBDIVISION (39) OF SECTION VII shall hereafter read as follows:

(39) Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of San Antonio, There shall be at least one room or vestibule not used for milk purposes between the toilet room and any room in which milk or milk products or equipment or containers are handled or stored. The doors of all toilet rooms shall be self-closing, Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated, and shall be connected to the sanitary sewer system of the City of San Antonio.

THAT SUBDIVISION (43) of SECTION VII shall hereafter read as follows:

(43) All equipment and containers with which milk comes in contact shall be constructed in such manner as to be easily cleaned, shall be kept clean, and in good repair.

THAT SUBDIVISION (45) of SECTION VII shall hereafter read as follows:

(45) All milk and milk products containers and apparatus shall be thoroughly cleaned after each usage by rinsing with clean water, then scrubbing in an alkaline solution, then rinsing in clean water, and finally sterilized in a manner approved by the City Physician, between each usage. When empty and before being returned to a producer by a milk plant each container shall be effectively cleaned and subjected to bactericidal treatment.

THAT SUBDIVISION (47) of SECTION VII shall hereafter read as follows:

(47) Between sterilization and usage and during usage all containers and apparatus shall be handled in such manner as to prevent any part of the person or clothing from coming in contact with any surface with which milk or milk products come in contact.

THAT SUBDIVISION (48) of SECTION VII shall hereafter read as follows:

(48) Milk bottle caps and parchment paper for milk cans shall be purchased and stored only in sanitary tubes and cartons, respectively, and shall be kept therein in a clean dry place until used,

THAT SUBDIVISION (49) of SECTION VII shall hereafter read as follows:

(49) Pasteurization shall be performed as described in the definition section of this ordinance. The time and temperature record chart shall be dated and preserved for a period of three months for the information of the City Physician.

THAT SUBDIVISION (55) of SECTION VII shall hereafter read as follows:

Every person connected with a pasteurization plant whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment shall furnish such information, permit such physical examinations, and submit such laboratory specimens as the City Physician may require for the purpose of determining freedom from infection.

The City Physician, or a physician authorized by him, shall in each such instance take a careful history and if such history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or of any other communicable disease likely to be transmitted through milk or milk products he shall secure appropriate specimens of bodily discharges and cause them to be examined in a laboratory approved by him or by the State Health Authorities for such examinations. Health certificates shall not be issued for a period of time to exceed six months.

THAT SUBDIVISION (58) of SECTION VII shall hereafter read as follows:

(58) All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect the milk or milk products from the sun and from contamination, Such vehicles shall be kept clean, and no substance capable of contaminating milk or milk products shall be transported with milk or milk products in such manner as to permit contamination. All

vehicles used for the distribution of milk or milk products shall have the name of the distributor or trade name and permit number painted thereon in figures and letters at least three inches high and one-half inch wide. The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

THAT SUBDIVISION (2) of SECTION LX shall hereafter read as follows:

(2) In case the applicant's existing low grade is owing to excessive bacterial count the average direct microscopic count, the average reduction time or if the average cooling temperature exceeds the limit fixed for the grade currently held by the supply in question, said application must be supported by at least two bacteriological examinations made subsequent to the end of the previous grading period and indication that the quality of the applicant's output has improved since the last grading announcement and conforms with the requirements of a higher grade. The samples upon which the said two analyses are made may be brought to the Health Department Laboratory by the Applicant.

THAT SUBDIVISION (4) of SECTION LX shall hereafter read as follows:

(4) in case the applicant's existing low grade is owing to a violation of an item of sanitation other than bacterial count, said application must be accompanied by a statement signed by the applicant to the effect that the violated item of sanitation has been conformed with, within one week of the receipt of such an application, the City Physician shall make a re-inspection of the applicant's establishment and thereafter as many additional re-inspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall reward a regrade.

THAT SUBDIVISION (6) of SECTION X shall hereafter read as follows:

(6) No milk or milk product can be sold or served in hotels, cafes, soda fountains, restaurants or food shops except in the original container.

THAT there shall be added SECTION XVllll-A reading as follows:

SECTION XVllll-A

ENFORCEMENT INTERPRETATION

THIS Ordinance shall be enforced by the City Physician in accordance with the interpretation thereof contained in the 1936 Edition of the United States Public Health Service Milk Code.

PASSED AND APPROVED this the 10th day of November, A. D. 1938.

C. K. Quin
Mayor

ATTEST:

Jas. Simpson
City Clerk

05-194

AN ORDINANCE

OF THE CITY OF SAN ANTONIO AUTHORIZING THE ISSUANCE OF SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS CITY OF SAN ANTONIO, TEXAS, IMPROVEMENT DISTRICT NO. 15, BONDS, UPON THE FAITH AND CREDIT OF SAID DISTRICT, AND LEVYING A TAX UPON ALL TAXABLE PROPERTY WITHIN SAID DISTRICT TO PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF AT MATURITY".

WHEREAS, heretofore on the 29th day of September, 1938, the Board of Commissioners of the City of San Antonio, Texas, by an ordinance duly and legally passed, ordered an election to be held in and for Improvement District No. 15 of the City of San Antonio, Texas, on the 25th day of October, 1938, for the purpose of submitting to the qualified property taxpaying voters of said Improvement District No. 15 the following proposition for the issuance of bonds of such District:

"Shall the Board of Commissioners of the City of San Antonio be authorized to borrow Seventy-five Thousand Dollars (\$75,000.00) and issue bonds in said amount on the credit of Improvement District No. 15, as heretofore established, payable serially over the period of thirty (30) years from their date, bearing interest at a rate to be fixed by ordinance at not more than four per cent (4%) per annum, payable semi-annually, and to levy a tax upon the taxable property within said District sufficient to pay the interest on said bonds and create a sinking fund sufficient to pay the same at maturity and as they mature, said bonds to be issued for the purpose of constructing permanent public improvements in and along the San Antonio River between Richmond Avenue and Villita Street within said District, consisting of construction of permanent walls to support the banks of the River, deepening of the River channel, construction of dams for the retention and control of waters of the River, the building of stairs, and walk-ways in the bed and along the banks of the River, the building of seating structures, stages and landings in the River bed and the adjoining public property, the installation of lighting facilities, and the landscaping, terracing and beautifying of the River bed and banks."

and,

WHEREAS, this Board of Commissioners affirmatively finds that notice of said election was duly and legally given by publication in the "SAN ANTONIO EVENING NEWS", a newspaper published in the City of San Antonio and of general circulation in and throughout said City and said District, which notice was published on the following dates, to-wit:

October 4th, 11th, and 18th, 1938:

the date of the first publication thereof being not less than fourteen (14) days prior to the date of said election; and in addition thereto, notice of said election was posted at the door of the City Hall in the City of San Antonio, Texas, and at the voting places in each of the voting precincts within said Improvement District No. 15, which included the place designated for holding the special election; all of such notices having been posted on September 30th, 1938, the same being not less than fourteen (14) days prior to the date of said Election; and

WHEREAS, this Board of Commissioners affirmatively finds that said election was duly and legally held on the 25th day of October, 1938, and the result of said election was duly certified and returned to this Board by the Judges and Clerks of said election; and

WHEREAS, on the 26th day of October, 1938, this Board of Commissioners considered the several returns and canvassed the same, and found that there were cast at said election 76 votes, of which number there were cast:

FOR the issuance of bonds-----	74 votes,
AGAINST the issuance of bonds	2 votes,
MAJORITY "FOR" the issuance of bonds	72 votes;

this Board of Commissioners thereupon, by an ordinance duly entered, declared that the proposition so submitted was sustained and adopted by a majority of the qualified property taxpaying

voters of said Improvement District No. 15 of the City of San Antonio, Texas, voting at said election, and that the Board of Commissioners of the City of San Antonio, Texas, was authorized by said election to issue and sell said bonds and to levy said tax for the payment of the principal and interest thereof on behalf of said district; and

WHEREAS, this Board of Commissioners of the City of San Antonio has investigated the regularity of the proceedings for said election, and finds that the same was duly and legally held; that the notice required by law to be given has been duly and legally given; and that said election was conducted in strict conformity with all the requirements of law; and

WHEREAS, this Board of Commissioners further affirmatively finds that said Improvement District No. 15 of the City of San Antonio was duly created and established by an Ordinance duly passed and approved on the 15th day of September, 1938, which appears of record in Ordinance Book numbered "I", page 272 et seq. of the City of San Antonio, Texas; and

WHEREAS, it is now the desire of the Board of Commissioners of the City of San Antonio to authorize, on the faith and credit of said Improvement District No. 15, the issuance of said bonds and to levy a tax to pay the interest thereon and the principal thereof at maturity; NOW, THEREFORE,

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

SECTION 1. That the organization and establishment of Improvement District No. 15 in the City of San Antonio, Bexar County, Texas, including within its limits the territory described and defined in that certain ordinance passed and adopted by the Board of Commissioners of the City of San Antonio, Texas, on the 15th day of September, 1938, and recorded in Ordinance Book numbered "I", page 272 et seq., is hereby APPROVED, RATIFIED AND CONFIRMED: that the power and authority of said board of Commissioners to create said territory into a separate improvement district and taxable district, investing such District with the status and with all of the authority, rights, powers, benefits and privileges of an improvement district, as authorized by law and the Charter of the City of San Antonio, Texas, is hereby RATIFIED, APPROVED and CONFIRMED; and that all ordinances thereafter adopted by the Board of Commissioners of the City of San Antonio purtenant to and leading up to the issuance of the bonds authorized herein, and all acts heretofore performed by any City Official, servant, or agent, purtenant or leading up to the issuance of the bonds authorized herein, are hereby, in all things, LEGALIZED, APPROVED AND VALIDATED.

SECTION 2. That bonds of Improvement District No. 15 of the City of San Antonio, Texas, to be known as "CITY OF SAN ANTONIO IMPROVEMENT DISTRICT NO. 15, BONDS", shall be issued on the faith and credit of said Improvement District No. 15, under and by virtue of the Constitution, Laws of the State of Texas, including Art. 1179 of the Revised Civil Statutes of 1925, and the Charter of the City of San Antonio.

SECTION 3. That said bonds are issued for the purpose of constructing permanent public improvements in and along the San Antonio River between Richmond Avenue and Villita Street within said District, consisting of construction of permanent walls to support the banks of the River, deepening of the River channel, construction of dams for the retention and control of waters of the river, the building of stairs and walk-ways in the bed and along the banks of the River, the building of seating structures, stages and landings in the River bed and the adjoining public property, the installation of lighting facilities, and the landscaping terracing and beautifying of the river bed and banks.

SECTION 4. That said bonds shall be numbered consecutively from one (1) to seventy-five (75), both inclusive, and shall be of the denomination of one thousand (\$1,000.00) dollars

SECTION 5. That said bonds shall be dated the 1st day of November, 1938, and shall

<u>BOND NUMBERS</u>	<u>DATES OF MATURITY</u>	<u>AMOUNT</u>
1	July 1st, 1940	\$1,000.00
2	July 1st, 1941	1,000.00
3	July 1st, 1942	1,000.00
4	July 1st, 1943	1,000.00
5 and 6	July 1st, 1944	2,000.00
7 and 8	July 1st, 1945	2,000.00
9 and 10	July 1st, 1946	2,000.00
11 and 12	July 1st, 1947	2,000.00
13 and 14	July 1st, 1948	2,000.00
15 and 16	July 1st, 1949	2,000.00
17 and 18	July 1st, 1950	2,000.00
19 and 20	July 1st, 1951	2,000.00
21 and 22	July 1st, 1952	2,000.00
23 and 24	July 1st, 1953	2,000.00
25, 26 and 27	July 1st, 1954	3,000.00
28, 29 and 30	July 1st, 1955	3,000.00
31, 32 and 33	July 1st, 1956	3,000.00
34, 35 and 36	July 1st, 1957	3,000.00
37, 38 and 39	July 1st, 1958	3,000.00
40, 41 and 42	July 1st, 1959	3,000.00
43, 44 and 45	July 1st, 1960	3,000.00
46, 47 and 48	July 1st, 1961	3,000.00
49, 50 and 51	July 1st, 1962	3,000.00
52 to 55, inclusive	July 1st, 1963	4,000.00
56 to 59 inclusive	July 1st, 1964	4,000.00
60 to 63 inclusive	July 1st, 1965	4,000.00
64 to 67 inclusive	July 1st, 1966	4,000.00
68 to 71 inclusive	July 1st, 1967	4,000.00
72 to 75 inclusive	July 1st, 1968	4,000.00

SECTION 6. That said bonds shall bear interest at the rate of three and one-half per centum ($3\frac{1}{2}\%$) per annum, payable on the 1st day of July, 1939, and semi-annually thereafter on the 1st day of January and 1st day of July of each year, while said bonds, or any of them, are outstanding, which interest shall be evidenced by coupons attached to each of said bonds.

SECTION 7. That both principal and interest of said bonds shall be payable upon presentation and surrender of bonds or proper coupons in lawful money of the United States of America at the Office of the City Treasurer, San Antonio, Texas, or at the fiscal agency of said City in the City of New York, New York.

SECTION 8. That each of said bonds shall be signed by the Mayor, countersigned, by the Commissioner of Taxation, who shall sign them as the Ex-officio Treasurer of the City of San Antonio, and they shall be attested by the City Clerk, and the seal of the City of San Antonio, Texas, shall be impressed upon each of them.

SECTION 9. That the fac-simile signatures of the Mayor, City Clerk, and Commissioner of Taxation as Ex-officio Treasurer of said City, shall be lithographed or printed on the coupons attached to each of said bonds and shall have the same effect as if they had been signed by them.

SECTION 10. That the form of said bonds shall be substantially as follows:

NO. _____

STATE OF TEXAS

COUNTY OF BEXAR

CITY OF SAN ANTONIO.

IMPROVEMENT DISTRICT NO. 15, BOND

- - - -

KNOW ALL MEN BY THESE PRESENTS: That the City of San Antonio in Bexar County, Texas, a municipal corporation of the State of Texas, FOR VALUE RECEIVED, hereby promises, on the faith and credit of Improvement District No. 15, of said City, to pay the Bearer the sum of

ONE THOUSAND DOLLARS

(\$1,000.00), in lawful money of the United States of America, on the 1st day of July, 19____ with interest thereon from date hereof at the rate of three and one-half per centum ($3\frac{1}{2}\%$) per annum, payable on the 1st day of July, 1939, and semi-annually thereafter on the 1st day of January and the 1st day of July of each year, upon presentation and surrender of bond or proper annexed interest coupons as they severally mature.

Both principal and interest of this bond are hereby made payable at the Office of the City Treasurer of the City of San Antonio, Bexar County, Texas, or at the fiscal agency of said City in the City of New York, New York, and for the prompt payment of the interest on this bond and the principal thereof at maturity, the full faith, credit and resources of Improvement District No. 15, of said City are hereby irrevocably pledged.

This bond is one of a series of seventy-five (75) bonds, numbered consecutively from one (1) to seventy-five (75), inclusive, of the denomination of One thousand (\$1,000.00) Dollars each, aggregating seventy-five thousand (\$75,000.00) dollars, issued for the purpose of constructing public permanent improvements within said Improvement District No. 15, of said City, under and in strict conformity with the Constitution, Laws of the State of Texas, and Charter of the City of San Antonio, Texas, and pursuant to an ordinance passed by the Board of Commissioners of the City of San Antonio, Texas, on the 23rd day of November, 1938, which is of record in the Minutes of said Board.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond, and the series of which it is a part, is duly authorized by the Charter of the City of San Antonio and by law, and by a majority vote of the qualified property taxpaying voters of said Improvement District No. 15, of the City of San Antonio, Texas, voting at an election held for that purpose within said District on the 25th day of October, 1938; that all acts, conditions and things required to be done precedent to and in the issuance of this series of bonds, and of this bond, have been properly done and performed and have happened in regular and due time, form and manner as required by Law and the Charter of the City of San Antonio; that sufficient and proper provision for the levying and collecting of taxes has been made, which, when collected, shall be appropriated exclusively to the payment of this bond, and the series of which it is a part, and to the payment of the interest coupons hereto annexed, as the same shall become due; and that the total indebtedness of said District, including this bond, does not exceed any constitutional, statutory, or charter limitation.

IN WITNESS WHEREOF, the City of San Antonio, by its Board of Commissioners, has caused its corporate seal to be affixed hereto, and this bond to be signed by its Mayor, Commissioner of Taxation as Ex-officio Treasurer of said City, and attested by its City Clerk, and the interest Coupons hereto attached to be executed by the lithographed fac-simile signatures of the Mayor, Commissioner of Taxation as Ex-officio Treasurer of said City, and the City Clerk; the date of this bond, in conformity with the ordinance above referred to, being the 1st day of November, A. D. 1938.

Mayor, City of San Antonio, Texas

Commissioner of Taxation as Ex-officio
Treasurer of the City of San Antonio,
Texas.

ATTEST:

City Clerk, City of San Antonio, Texas.

SECTION 11. That the form of interest coupons shall be substantially as follows: except Coupon No. 1, which shall be for eight months' interest or \$23.33;

NO. _____ \$17.50

ON THE 1ST DAY OF _____, 19_____.

The City of San Antonio, Texas, hereby promises, on the faith and credit of Improvement District No. 15, of said City, to pay to Bearer at the Office of the Treasurer of the City of San Antonio, Bexar County, Texas, or at the fiscal agency of said City in the City of New York, New York, the sum of SEVENTEEN AND 50/100 (\$17.50) DOLLARS in lawful money of the United States

of America, being the interest due that day on CITY OF SAN ANTONIO IMPROVEMENT DISTRICT NO. 15, BOND, NO. _____, dated November 1st, 1938.

Mayor, City of San Antonio, Texas

Commissioner of Taxation as Ex-officio
Treasurer of the City of San Antonio, Texas

City Clerk, City of San Antonio, Texas.

SECTION 12. That the following certificate shall be printed on the back of each of said bonds:

OFFICE OF COMPTROLLER

STATE OF TEXAS

Register No. _____

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas, to the effect that this bond has been examined by him, as required by law, and that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding obligation upon said Improvement District No. 15, of the City of San Antonio, Bexar County, Texas, and said bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE, at Austin, Texas, this, the _____ day of _____, 19_____.

Comptroller of Public Accounts of the
State of Texas

SECTION 13. That a special fund, to be designated "Interest and Sinking Fund of Improvement District No. 15, Bonds, of 1938, Fund", shall be, and the same is hereby created, which fund when collected shall be used to pay the interest on said bonds and the principal thereof at maturity, and for no other purpose; and

That to create said fund to pay the interest on said bonds and provide a sinking fund sufficient to pay the principal thereof at maturity, there shall be, and there is hereby, levied for the current year, a tax of and at the rate of two (2%) cents on the one hundred (\$100.00) Dollars valuation of all taxable property in said Improvement District No. 15 of the City of San Antonio, Texas; and said tax of and at the rate of two (2%) cents, or so much thereof or so much more, if any, as shall be necessary, is hereby levied for each succeeding year thereafter while said bonds, or any of the, are outstanding, on each one hundred (\$100.00) dollars valuation of taxable property in said Improvement District No. 15 of said City, and said tax shall be annually assessed and collected and applied to the purposes named and to no other.

SECTION 14. That the Mayor of the City of San Antonio, is hereby authorized to take and have charge of all necessary records pending investigation by the Attorney General, and shall take and have charge and control of the bonds herein authorized pending their approval by the Attorney General and registration by the Comptroller of Public Accounts.

PASSED AND APPROVED, this 23rd day of November, A. D. 1938.

C. K. Quin
Mayor, City of San Antonio, Texas.

ATTLST:

Jas. Simpson
City Clerk

OI-195

AN ORDINANCE

AMENDING SECTIONS 8 TO 11, INCLUSIVE, OF AN ORDINANCE HERETOFORE PASSED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO, TEXAS, ON THE 23RD DAY OF NOVEMBER, 1938, AUTHORIZING THE ISSUANCE OF SEVENTY-FIVE (\$75,000.00) DOLLARS CITY OF SAN ANTONIO, TEXAS, IMPROVEMENT DISTRICT NO. 15, BONDS, UPON THE FAITH AND CREDIT OF SAID DISTRICT, AND LEVYING A TAX UPON ALL TAXABLE PROPERTY WITHIN SAID DISTRICT TO PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF AT MATURITY

WHEREAS, heretofore on the 23rd day of November, 1938, the Board of Commissioners of the City of San Antonio, Texas, passed an ordinance authorizing the issuance of \$75,000.00 CITY OF SAN ANTONIO, TEXAS, IMPROVEMENT DISTRICT NO. 15, BONDS, upon the faith and credit of said District, and levying a tax upon all taxable property within said District to pay the interest on said bonds and to create a sinking fund for the payment of the principal thereof at maturity, which said ordinance appears of record in Ordinance Book numbered "I" page 308 et seq. to which reference is hereby SPECIALLY made; and

WHEREAS, Sections 8 to 11, inclusive, of said ordinance provide that said bonds shall be countersigned by the Commissioner of Taxation, who shall sign them as Ex-officio Treasurer of the City of San Antonio, and that the interest coupons attached to such bonds shall have the lithographed fac-simile signature of the Commissioner of Taxation as Ex-officio Treasurer of said City thereon; and

WHEREAS, the Board of Commissioners finding that the office of Commissioner of Taxation of said City is now vacant and that such bonds cannot be executed by such officer in accordance with said ordinance of November 23rd, 1938; and this Board of Commissioners further finding that said bonds may be legally authorized and issued by having same signed by the Mayor and City Clerk without violating any Charter provisions of laws of the State of Texas, it is accordingly the desire of this Board of Commissioners to amend said ordinance of November 23rd in accordance herewith; NOW, THEREFORE,

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

That Sections 8 to 11, inclusive, of the ordinance heretofore passed by the Commissioners of the City of San Antonio on the 23rd day of November, 1938, entitled "AN ORDINANCE OF THE CITY OF SAN ANTONIO AUTHORIZING THE ISSUANCE OF SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS CITY OF SAN ANTONIO, TEXAS, IMPROVEMENT DISTRICT NO. 15, BONDS, UPON THE FAITH AND CREDIT OF SAID DISTRICT, AND LEVYING A TAX UPON ALL TAXABLE PROPERTY WITHIN SAID DISTRICT TO PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF AT MATURITY." shall be, and the same are hereby amended so as to hereafter read as follows:

SECTION 8. That each of said bonds shall be signed by the Mayor and attested by the City Clerk of the City of San Antonio, Texas, and the seal of the City of San Antonio, Texas, shall be impressed upon each of them.

SECTION 9. That the fac-simile signatures of the Mayor and City Clerk shall be lithographed or printed on the coupons attached to each of said bonds and shall have the same effect as if they had been signed by them.

SECTION 10. That the form of said bonds shall be substantially as follows:

NO. _____

\$1,000.00

STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO.

IMPROVEMENT DISTRICT NO. 15, BOND

- - -

KNOW ALL MEN BY THESE PRESENTS: That the City of San Antonio in Bexar County, Texas a municipal corporation of the State of Texas, FOR VALUE RECEIVED, hereby promises, on the faith and credit of Improvement District No. 15, of said City, to pay to Bearer the sum of

ONE THOUSAND DOLLARS

(\$1,000.00), in lawful money of the United States of America, on the 1st day of July, 19____, with interest thereon from date hereof at the rate of three and one-half per centum (3½%) per annum, payable on the 1st day of July, 1939, and semi-annually thereafter on the 1st day of January and 1st day of July of each year, upon presentation and surrender of bond or proper annexed interest coupon as they severally mature.

Both principal and interest of this bond are hereby made payable at the Office of the City Treasurer of the City of San Antonio, Bexar County, Texas, or at the fiscal agency of said City in the City of New York, and for the prompt payment of the interest on this bond and the principal thereof at maturity, the full faith, credit and resources of Improvement District No. 15, of said City, are hereby irrevocably pledged.

This bond is one of a series of seventy-five (75) bonds, numbered consecutively from one (1) to seventy-five (75), inclusive, of the denomination of One Thousand (\$1,000.00) dollars each, aggregating Seventy-five thousand (\$75,000.00) dollars, issued for the purpose of constructing public permanent improvements within said Improvement District No. 15, of said City, under and in strict conformity with the Constitution, Laws of the State of Texas, and Charter of the City of San Antonio, Texas, and pursuant to an ordinance passed by the Board of Commissioners of the City of San Antonio, Texas, on the 23rd day of November, 1938, as amended by an ordinance passed by the Board of Commissioners of said City on the ____ day of November, 1938, both of which appear of record in the Minutes of said Board.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this bond, and the series of which it is a part, is duly authorized by the Charter of the City of San Antonio and by law, and by a majority vote of the qualified property taxpaying voters of said Improvement District No. 15, of the City of San Antonio, Texas, voting at an election held for that purpose within said District on the 25th day of October, 1938; that all acts, conditions and things required to be done precedent to and in the issuance of this series of bonds, and of this bond, have been properly done and performed and have happened in regular and due time, form and manner as required by law and the Charter of the City of San Antonio; that sufficient and proper provision for the levying and collecting of taxes has been made, which, when collected, shall be appropriated exclusively to the payment of this bond, and the series of which it is a part, and to the payment of the interest coupons hereto annexed, as the same shall become due; and that the total indebtedness of said District, including this bond, does not exceed any constitutional, statutory, or charter limitation.

IN WITNESS WHEREOF, the City of San Antonio, by its Board of Commissioners, has caused its corporate seal to be affixed hereto, and this bond to be signed by its Mayor and attested by its City Clerk, and the interest Coupons hereto attached to be executed by the lithographed fac-simile signatures of the Mayor and the City Clerk; the date of this bond, in conformity with the ordinances above referred to, being the 1st day of November, A. D. 1938.

Mayor, City of San Antonio, Texas.

ATTEST:

City Clerk, City of San Antonio, Texas.

SECTION 11. That the form of interest coupons shall be substantially as follows: except Coupon No. 1, which shall be for eight months' interest or \$23.33;

NO. _____ \$17.50

ON THE 1ST DAY OF _____, 19_____.

The City of San Antonio, Texas,; hereby promises, on the faith and credit of Improvement District No. 15, of said City, to pay to Bearer at the Office of the Treasurer of the City of San Antonio, Bexar County, Texas, or at the fiscal agency of said City in the City of New York, New York, the sum of SEVENTEEN AND 50/100 (\$17.50) DOLLARS in lawful money of the United States of America, being the interest due that day on CITY OF SAN ANTONIO IMPROVEMENT DISTRICT NO. 15, BOND, NO. _____, dated November 1st, 1938.

Mayor, City of San Antonio, Texas

City Clerk, City of San Antonio, Texas.

PASSED AND APPROVED, this 29th day of November, A. D. 1938.

C. K. Quin
Mayor, City of San Antonio, Texas.

ATTEST:

Jas. Simpson
City Clerk, City of San Antonio, Texas

AN ORDINANCE

OI-196

MAKING A CONTRACT WITH R. H. H. HUGMAN, ARCHITECT, FOR SERVICES IN RIVER WORK FOR IMPROVEMENT DISTRICT 15, AND MAKING APPROPRIATION TO PAY FEE

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

1. This ordinance creates and manifests a contract between the City of San Antonio, hereinafter called "CITY", and R. H. H. Hugman, as independent Contractor, hereinafter called "ARCHITECT", performable in the City of San Antonio, Bexar County, Texas, as follows:

2. The parties to these presents, each in consideration of the agreements made herein, do hereby mutually covenant, the City for itself and its successors, and the Architect for himself and his successors, to-wit:-

3. The Architect shall supply all architectural and landscape services for the beautification and improvement of the river between Richmond Avenue and Villita Street in Improvement District 15, consisting of walls, stairs, walks, stages, landings, terraces, lights and plants in collaboration with the Engineer.

4. The plans and specifications shall be approved in writing by the San Antonio River Central Improvement Committee, and by an order of the Board of Commissioners of the City of San Antonio, and all hydraulic designs and equations shall be approved by the River Flood Prevention Engineering Department of the City of San Antonio.

5. The Architect shall prepare preliminary sketches, working drawings, special detail drawings, finished plans, complete specifications, and shall supervise the work under his control, furnishing all material and personnel and architectural services as the term is generally used. The Architect shall prepare all applications to the WPA and get the approval thereof, assure that all work under his control is according to the rules of the WPA, and shall cooperate fully with the officers of the City of San Antonio, the San Antonio River

Central Improvement Committee, representatives of the United States of America and other persons employed on this job.

6. Any element that may have been omitted in the description of the work of the Architect but which is implied shall be included in this contract and shall be done by the Architect as if it had been stated specifically without any additional charge to the City and the inclusion of one is not the exclusion of another in the construction of this contract.

7. When requested, the Architect shall make preliminary estimates on the cost of the work and will keep the cost of the finished work within the allotment of WPA and the Improvement District 15 Bond Fund.

8. The Architect shall deliver to the City all drawings, specifications and data prepared by him in order that the City shall have within its custody a complete detailed record of these improvements, and the product of his activities under this contract shall be the property of the City. The Architect shall give preferred personal attention to the performance of this contract and shall employ competent and skillful assistants, satisfactory to the Commissioners of the City.

9. In consideration of this contract and the completion and the delivery of the plans and specifications for a complete job and the acceptance thereof by the City, and supervision to the completion of the job, the City of San Antonio is hereby bound to pay the Architect out of Improvement District 15 Bond Fund only, and the Architect is bound to accept, 2.5 per cent of the actual cost of this work designed by the Architect and accepted, not including fee of Architect, but not in excess of a total maximum fee of \$6600.00, as follows:

10. Before the 5 day of each month as the work progresses, the Architect shall make an estimate of the value of material wrought into the work and the labor done on the work during the preceding month, and the City shall on or about the 15 of each month make a payment to the Architect equivalent to 85 per cent of such monthly estimate. The remaining 15 per cent of the estimated value of such materials and labor, shall be held by the City until final settlement with the Architect, either at the completion of the job or the termination of his employment. The Architect shall not receive payment in any sum in excess of the amounts paid on monthly estimates, unless and until each and all the stipulations, requirements and provisions in this contract are faithfully performed, and unless and until such structures, work and improvements shall be completed entirely and accepted by the City, and such completion, delivery and acceptance approved by an order of the Board of Commissioners of the City of San Antonio. Thirty days after the date of such final certificate the Architect shall prepare his final estimate as a basis for final settlement upon this contract, and the same, having been approved first by the signature of the Mayor and the Auditor, the City shall pay to the Architect the amount of such final estimate.

11. The Architect shall not be entitled to any compensation for extras or for work and material not included in the plans and specifications approved by the Board of Commissioners.

12. The City of San Antonio retains the right to terminate this contract at any time by an ordinance making such declaration, passed and approved by the Board of Commissioners; and, upon such termination the City shall pay the Architect the value of the services rendered by the Architect to the time of the termination, which value shall be fixed exclusively by the estimates stipulated in paragraph 10 of this contract, and the Architect shall accept such payment as full accord and satisfaction for all services under the terms hereof.

13. \$6600.00 is appropriated hereby out of the Improvement District 15 Bond Fund, to be paid upon approved estimates, as provided in this contract.

14. When this instrument is accepted by the signature of the Architect, it shall be binding upon all parties.