

05-359

AN ORDINANCE (858)

REPEALING AN ORDINANCE ENTITLED "AN ORDINANCE CREATING A ZONING COMMISSION AND APPOINTING THE MEMBERSHIP THEREOF," PASSED AND APPROVED ON THE 6TH DAY OF JANUARY, A.D. 1940.

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

1. That Ordinance No. 1217, entitled "AN ORDINANCE CREATING A ZONING COMMISSION AND APPOINTING THE MEMBERSHIP THEREOF", passed and approved on the 6th day of January, A.D. 1940, be and the same is hereby repealed.

2. PASSED AND APPROVED this 8th day of January, A.D. 1942.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

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05-360

AN ORDINANCE (859)

CREATING A ZONING COMMISSION, DEFINING ITS POWERS, AND DECLARING THE NECESSITY.

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

SECTION 1. The Board of Commissioners of the City of San Antonio declared that there is a need for Zoning Commission in the City of San Antonio, and finds (a) that additional territory has been annexed heretofore to the City of San Antonio, and the City is frequently petitioned to annex additional territory, and boundaries of such new districts should be established and appropriate regulations should be adopted so that such additional territory annexed to the City of San Antonio will come under and be governed by the Zoning laws of the State of Texas and Ordinances of the City of San Antonio, and (b) all other general matters relating to City Planning and zoning matters within the corporate limits of the City of San Antonio which may arise should be given consideration.

SECTION 2. The Mayor shall appoint seven (7) persons as a Zoning Commission, subject to the approval of the Commissioners of the City of San Antonio, whose duty it shall be to recommend the boundaries of the various new districts that have heretofore been and will be hereafter annexed to the City of San Antonio and appropriate regulations to be enforced therein, and said Commission to do and perform any and all other services as they may be called upon to perform by the Commissioners of the City of San Antonio in relation to City planning and zoning matters.

SECTION 3. That the terms of office of each and every member of said Zoning Commission shall be for a period of not to exceed two (2) years and until the next City election and their successors shall have been appointed and qualified, unless sooner removed for cause.

SECTION 4. No regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which times parties in interest and citizens shall have an opportunity to be heard.

SECTION 5. At least fifteen (15) days notice of the time and place of such hearings shall be published in the official advertising medium of the City of San Antonio.

SECTION 6. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case of a protest against such change, signed by the owners of twenty (20) per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote

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of three-fourths (3/4) of all of the members of the Board of Commissioners of the City of San Antonio.

The provisions of the previous sections relative to public hearings and official notice shall apply equally to all changes or amendments.

SECTION 7. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith shall be and are hereby repealed.

SECTION 8. It is ordered by two-thirds (2/3) vote of the full Board of Commissioners of the City of San Antonio that this ordinance shall receive final action without having been read at three several meetings of the Commission.

SECTION 9. PASSED AND APPROVED this 8th day of January, A.D. 1942.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

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A RESOLUTION (860)

APPOINTING THE MEMBERS OF THE ZONING COMMISSION.

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

1. That the following named persons:

- Arthur E. Baird
- I. Silber
- Jas. Tafolia, Jr.
- Mrs. Thomas B. Blue
- Gus B. Mauermann
- Fred E. Pflughaupt
- A. L. Becker

are hereby elected and appointed members of the Zoning Commission, and vested with the authority placed in them by the ordinance of the City of San Antonio creating their offices.

2. PASSED AND APPROVED this 8th day of January, A.D. 1942.

C. K. QUIN

M a y o r

ATTEST:

Jas. Simpson

City Clerk

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AN ORDINANCE (861)

PROVIDING FOR THE ISSUANCE OF PERMITS BY THE BUILDING INSPECTOR FOR THE CONSTRUCTION OF BUILDINGS IN TERRITORY NEWLY ANNEXED TO THE CITY OF SAN ANTONIO.

WHEREAS, the City of San Antonio is frequently petitioned to annex additional territory to the City of San Antonio for all municipal purposes and during the period following the annexation, and before permanent zoning regulations have been duly enacted, problems of building construction arise and there is no definite rule, or provision, now provided for by the ordinances of the City of San Antonio which would provide a uniform method for the issuance of permits in order to protect and properly safeguard the various neighborhoods, or localities, in the matter of proper zoning, having due regard to the public welfare and comfort, it is necessary that such temporary rules and regulations be provided until permanent zoning can be promulgated with due hearings afforded to property owners affected; NOW THEREFORE:

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

SECTION 1. That no permit for the construction of a building shall be issued by the Building Inspector in a territory newly annexed to the City of San Antonio other than a permit

Amended 8/7/57 Ord # 18147 CRK 4-1996

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which will allow the construction of a building permitted to be constructed in what is defined as an "A - Single Family Residence District" or "R - Residence District" as defined in the Zoning Ordinance of the City of San Antonio passed and approved November 3rd, A.D. 1938, and amendments thereto, of the City of San Antonio which provides the general zoning regulations applicable to the City of San Antonio. An application for any other use than that specified hereinabove shall be made to the Building Inspector of the City of San Antonio and by him referred to the Zoning Commission on the designation by the Commissioners of the City of San Antonio for a consideration and recommendation to the Commissioners of the City of San Antonio. Whenever such recommendation is filed with the Commissioners of the City of San Antonio by the Zoning Commission, such classification and recommendation shall be advisory in its nature and the Commissioners of the City of San Antonio shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify.

SECTION 2. No existing building within any territory newly annexed to the City of San Antonio not now lawfully used for business purposes shall be altered, remodeled or constructed for business purposes without a permit from the Commissioners of the City of San Antonio. This permit shall be obtained under the same procedure set out in Section 1 of this ordinance.

SECTION 3. That the owner, lessee, or any other person, firm or corporation, owning, controlling, constructing, supervising or directing the construction of any building or structure now in process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of San Antonio, before proceeding any further with the construction, alteration or completion thereof, shall apply to the Building Inspector of the City of San Antonio for a permit authorizing further work on said building or structure and shall attach to said application for such permit plans and specifications relating to the construction of said building, or structure, which said application for building permit shall be properly referred to the Zoning Commission for consideration and said Zoning Commission shall promptly thereafter file with said Governing Body of the City of San Antonio its recommendations as to granting, modifying or rejecting said permit, the said recommendations to be advisory, as stated in Section 1 hereof. Said construction work shall be suspended until the permit provided for herein has been issued, or until final zoning regulations have been adopted, which permit the construction, use and occupancy of the structure or building.

SECTION 4. That any one violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined any sum not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00), and each day such violation shall exist, or be permitted, shall constitute a separate offense.

SECTION 5. Every section of this ordinance and every provision of each section is hereby declared to be an individual section or provision, and the holding of any section or provision of any section to be void, ineffective or unconstitutional, for any cause whatsoever, shall not be deemed to affect any other sections or provisions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed.

SECTION 7. Whereas, an emergency is apparent for the immediate preservation of order, good government and public health that requires this ordinance to become effective at once, therefore, upon the passage of this ordinance by a vote of four-fifths (4/5) of the Commissioners, it shall be effective from and after the date of its passage, as made and provided by the Charter of the City of San Antonio.

PASSED AND APPROVED this 8th day of January, A.D. 1942.

ATTEST: Jas. Simpson, City Clerk.

C. K. QUIN
M A Y O R

AFFIDAVIT OF PUBLISHER

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

Before me the undersigned authority, on this day personally appeared Thorton Hall who being by me duly sworn, says on oath that he is the Secretary of the San Antonio Evening News, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the ordinance hereto attached has been published in every issue of said newspaper on the following day, to-wit: 1942.

THORTON HALL

Sworn to and subscribed before me this January 26, 1942

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

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05-363

AN ORDINANCE (882)

AUTHORIZING THE MAYOR OF THE CITY OF SAN ANTONIO TO EXECUTE DEED FROM THE CITY OF SAN ANTONIO TO ALBERT RAMIREZ.

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

1. That the Mayor of the City of San Antonio be and he is hereby authorized and directed to execute deed from the City of San Antonio to Albert Ramirez, for a consideration of \$230.05 cash in hand paid, covering the following described property, lying and being situate in the City of San Antonio, County of Bexar and State of Texas, to-wit:

Being Lots Eleven (11) and Twelve (12), Block Thirteen (13), New City Block Thirty Eight Hundred Nine (3809), according to map or plat thereof recorded in Vol. 105, page 297, Deed and Plat Records of Bexar County, Texas, and being the same land sold to the City of San Antonio by Sexauer Realty and Investment Company by deed dated the 25th of November, 1941, and recorded in the Records of Deeds of Bexar County, Volume 1859, pages 585-586, of which reference is here made;

said property having been acquired in the purchase of certain property on which to install the south side water tank, and not now being required for the same.

2. PASSED AND APPROVED this 15 day of January, A.D. 1942.

Henry F. Hein

Mayor Pro-Tem

ATTEST:

Jas. Simpson

City Clerk

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05-364

AN ORDINANCE (899)

PROHIBITING THE USE, SHOOTING, DISCHARGING, EXPLODING, IGNITING OR DISPLAYING ANY FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO; PROVIDING A PENALTY FOR VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH AND CONTAINING A SAVING CLAUSE AND CREATING AN EMERGENCE

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

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

2. As used herein the term "fireworks" shall mean and include any contrivance, combination or preparation of inflammable, combustible or explosive material or materials or substance or substances which are used or are capable of being used to make or create any type or

*Amended
10/2/49
10/2/52
Page 237-239*

*Amended
10/2/52
Page 188-189
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form or explosion, light, fire, blaze, glow or illumination either on the ground or in the air.

3. From and after the passage hereof, it shall be unlawful for any person to in any manner use, shoot, discharge, explode, ignite, or display any fireworks within the corporate limits of the City of San Antonio.

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

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

6. Any and all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

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

8. PASSED AND APPROVED THIS 22 DAY OF JANUARY, A.D. 1942.

C. K. QUIN

M A Y O R

ATTEST:

Jas. Simpson
City Clerk

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05-365

AN ORDINANCE (900)

APPROVING AND CONFIRMING THE APPOINTMENT OF G. G. GRABENHEIMER AS MEMBER OF THE ZONING COMMISSION.

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

1. That the appointment by the Mayor of the City of San Antonio of G. G. Grabenheimer as member of the Zoning Commission, in place and stead of Arthur E. Baird resigned, be and the same is hereby vested with all the authority placed in the members of said Commission by the ordinance of the City of San Antonio creating the said Commission, passed and approved on the 8th day of January, A.D. 1942.

2. PASSED AND APPROVED this 22nd day of January, A.D. 1942.

C. K. QUIN

M A Y O R

ATTEST:

Jas. Simpson
City Clerk.

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05-366

AN ORDINANCE (901)

*amended 8/28/52
Ord. # 18720
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AMENDING SUBDIVISIONS (a) AND (b) OF SECTION ONE, AND SUBDIVISIONS (a), (d), (k) and (m) OF SECTION TWO OF AN ORDINANCE ENTITLED "AN ORDINANCE DEFINING NOISE NUISANCE; SPECIFYING CERTAIN ACTS CONSTITUTING NOISE NUISANCES AND PROVIDING THE SAME SHALL NOT BE EXCLUSIVE; DEFINING CERTAIN TERMS; REPEALING ALL ORDINANCES IN CONFLICT

HEREWITH; PROVIDING A PENALTY; AND CONTAINING AND SAVING CLAUSE",
PASSED AND APPROVED DECEMBER 30TH, A.D. 1937.

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

1. That subdivisions (a) and (b) of SECTION ONE, and subdivisions (a), (d), and (m) of SECTION TWO of an ordinance entitled "AN ORDINANCE DEFINING NOISE NUISANCE; SPECIFYING CERTAIN ACTS CONSTITUTING NOISE NUISANCES AND PROVIDING THE SAME SHALL NOT BE EXCLUSIVE; DEFINING CERTAIN TERMS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; AND CONTAINING A SAVING CLAUSE", passed and approved on the 30th day of December, A.D. 1937, be, and the same are hereby amended so that subdivisions (a) and (b) of SECTION ONE, and subdivisions (a), (d), (k) and (m) of SECTION TWO shall hereafter read as follows:

"SECTION ONE:

(a) Any unreasonably loud, disturbing, and unnecessary noise which causes material distress, annoyance, discomfort and injury to any inhabitants in the neighborhood thereof is hereby declared to be a noise nuisance, and is hereafter prohibited.

(b) Any noise of such character, intensity and continued duration, which substantially interferes with the comfort and enjoyment of any inhabitants in the neighborhood thereof, is hereby declared to be a noise nuisance, and is hereby prohibited.

"SECTION TWO:

(a) The playing of any radio, phonograph or other musical instrument or instruments to be played by any person or persons, or operated by any mechanical device in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence.

* * *

(d) The keeping of any animal, fowl or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the neighborhood thereof.

* * *

(k) The raucous shouting, whistling, yelling, singing, hooting and crying of peddlers, hawkers, vendors or other persons which disturbs the peace and quiet of the neighborhood.

* * *

(m) The blowing or causing to be blown, or permitting to be blown, the whistle of any engine or railroad locomotive, at any time whatsoever in the case of stationary engines, excepting that said stationary whistle may be blown at the time of beginning work in the morning, time of stopping work at noon, time of beginning work at noon, and time of quitting work in the afternoon, and providing that any whistle may be blown to serve as an alarm in case of fire, or other disaster, or to comply with "black-out order" emanating from the Mayor of the City of San Antonio, and in the case of locomotive engines at any time or in any place or under any circumstances whatsoever when the blowing of each whistle is not required by law; and the offense created by this section or provision shall include the blowing of the whistle on any locomotive engine when same is standing on any tracks or in any railroad yard, or when same is switching in the railroad yards, or in any case whatever except when such locomotive engine is moving toward and is intended to cross some public road or street at a distance of eighty rods or more from the place where such whistle may be blown in which case duly necessary signal whistling shall be done without prolonged or unnecessary noise."

2. WHEREAS, an emergency is apparent for the immediate preservation of order, good government, health and public safety that requires this ordinance to become effective at once; therefore, upon the passage of this ordinance by a vote of four-fifths (4/5) of the Commissioners,

it shall be effective from and after the date of its passage as made and provided by the Charter of the City of San Antonio.

3. PASSED AND APPROVED this 29th day of January, A.D. 1942.

C. K. QUIN

ATTEST:

M A Y O R

Jas. Simpson

City Clerk

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05-367

A RESOLUTION (923)

ORDERING INTRODUCTION AND READING OF ORDINANCE PROVIDING FOR ANNEXATION OF TERRITORY BOUNDED BY EL MONTE STREET, ALHAMBRA STREET, BUCKEYE STREET AND CALAVERAS STREET.

WHEREAS, the district and territory bounded by El Monte Street, Alhambra Street, Buckeye Street and Calaveras Street, being Blocks 176 and 183 of County Clock Four Thousand Sixty (4060), in the County of Bexar and State of Texas, is adjacent to the present city limits and a great part thereof is substantially developed and built up and where not so actually developed and built up there is a real probability of immediate development of the City of San Antonio in said new territory and the same is near enough to the thickly settled part of San Antonio to justify the view and conclusion that the growth of the City of San Antonio will soon include all of the territory desired to be annexed so as to be included within the city limits of San Antonio; and,

WHEREAS, it appearing to the Board of Commissioners of the City of San Antonio that the proposed extension of the present city limits to include said territory described would be reasonable and in accordance with justifiable conditions as the Board of Commissioners find them to exist in said territory; NOW, THEREFORE:-

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

That the proposed ordinance for annexation of said area bounded by El Monte Street, Alhambra Street, Buckeye Street and Valaveras Street, and more particularly described in the proposed ordinance, being Blocks 176 and 183 of County Block Four Thousand Sixty (4060), in the County of Bexar and State of Texas, be ordered introduced and read in open council meeting and that the same be published in the SAN ANTONIO EVENING NEWS one time so as to give thirty days published notice before passage of said ordinance.

PASSED AND APPROVED this 29th day of January, A.D. 1942.

C, K. QUIN

ATTEST:

M A Y O R

Jas. Simpson

City Clerk

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05-368

AN ORDINANCE(924)

DEFINING RESTAURANT, ITINERANT RESTAURANT, EMPLOYEE, UTENSILS, HEALTH OFFICER; REQUIRING PERMITS FOR THE OPERATION OF SUCH ESTABLISHMENTS; PROHIBITING THE SALE OF ADULTERATED, UNWHOLESOME OR MISBRANDED FOOD OR DRINK; REGULATING THE INSPECTION, GRADING, RE-GRADING, AND PLACARDING OF SUCH ESTABLISHMENTS, THE ENFORCEMENT OF THIS ORDINANCE, AND THE FIXING OF PENALTIES.

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

SECTION 1. DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Ordinance:

(a) The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other public eating and drinking establishments, as well as kitchens in which food and drink are prepared for sale else

where to the public.

(b) The term "itinerant restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(c) The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

(d) The term "utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

(e) The term "Health Officer" shall mean the Health Officer of the City of San Antonio or his authorized representative.

(f) The term "person" shall include both singular and plural, and shall mean and embrace any individual, firm, corporation, association, partnership or society, and their agents servants or employees.

SECTION 2. PERMITS: (a) It shall be unlawful for any person to operate a restaurant in the City of San Antonio who does not possess an unrevoked permit from the Health Officer, and in whose place of business such permit is not posted in a conspicuous place. Only persons who comply with the requirements of this Ordinance shall be entitled to receive and retain such a permit.

(b) Such a permit may be suspended or revoked by the Health Officer, upon violation by the holder of any of the terms of this Ordinance.

SECTION 2. PLACARDING OR PUBLIC DISPLAY OF GRADE NOTICE: Every restaurant shall display at all times, in a place designated by the Health Officer, a notice of approval by the Health Officer, stating the grade of the establishment.

SECTION 4. EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD OR DRINK: Samples of food and drink shall be taken and examined by the Health Officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which he deems unwholesome or adulterated.

SECTION 5. INSPECTION OF RESTAURANTS: (a) Where there is a violation of any item of sanitation required by law, the Health Officer shall make a second inspection after a reasonable lapse of time for the defect to be remedied, and the second inspection shall be used in determining compliance with the health, grade and other requirements of this Ordinance. Any violation of the same item of this Ordinance on two consecutive inspections shall call for immediate regrading of said restaurant, and in addition the suspension of said permit, if such suspension is necessary for the protection of the Public Health.

(b) One copy of the inspection report shall be posted by the Health Officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the Health Officer. The removing of said inspection report by any person except the Health Officer shall be unlawful, and a violation of this Ordinance.

SECTION 6. THE REGULATING OF RESTAURANTS: The regulating of all restaurants shall be based upon the following standards:

SANITATION REQUIREMENTS FOR GRADE A RESTAURANTS.

All Grade A restaurants shall comply with all of the following items of sanitation:

ITEM 1: FLOORS: (a) The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(b) The floors of all rooms in which food or drink is stored, prepared, or served shall be of such construction as to be easily cleaned, shall be smooth, and in good repair. Floors may be of concrete, terrazzo, tile, or wood covered with linoleum, or tight wood. If floor drains are used they shall be provided with proper traps so constructed as to minimize clogging.

(c) All floors shall be kept clean and free from litter during the hours of preparing, cooking, and serving of food.

ITEM 2: WALLS AND CEILINGS: (a) Walls and ceilings of all rooms shall be kept clean and in good repair. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

(b) Walls and ceilings of all rooms in which food or drink is stored, prepared, or served shall be kept clean and in good repair.

(c) Walls and ceilings of all rooms in which food or drink is prepared or stored shall be painted.

(d) The walls of all kitchens and sculleries shall have a smooth, washable surface up to the level reached by splash or spray, especially splash or spray from the dish-washing vats or machine. Evidence of splash or spray above the impervious surfacing shall be deemed a violation of this item and shall be sufficient cause to require additional impervious surfacing.

ITEM 3: DOORS AND WINDOWS: (a) When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(b) All openings to the outer air shall be effectively screened with not less than 16-mesh wire cloth, and all doors shall be self-closing and screen doors to the outer air open outward; or fans of sufficient power to prevent the entrance of flies shall be in use at all otherwise ineffectively protected openings.

(c) Window and door screens must be tight-fitting and free of holes, and this includes the screens for skylights and transoms.

(d) This Item must be satisfied during the seasons of the year when flies are prevalent.

ITEM 4: LIGHTING: (a) All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(b) Artificial light sources shall be provided equivalent to at least 10 foot-candles at a distance of 30 inches from the floor, as measured by a suitable light meter, and shall be in use except when equivalent natural light is present. This requirement does not apply to the dining room.

ITEM 5: VENTILATION: (a) All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(b) All rooms shall be adequately ventilated so as to be reasonable free of disagreeable odors and condensation. Ventilation equipment supplementary to windows and doors, such as adequate exhaust fans or stove-hoods, shall be provided if necessary. This requirement shall not apply to cold storage rooms.

ITEM 6: TOILET FACILITIES: (a) Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees conforming with the Ordinances of the City of San Antonio. In restaurants hereafter constructed toilet rooms shall not open directly into any room in which food, drink, or utensils 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 lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed

and operated in conformity with the standards of the State Board of Health of the State of Texas.

(b) Adequate toilet facilities shall be provided for employees, conveniently located, and complying with the Plumbing Code of the City of San Antonio.

(c) In restaurants hereafter constructed the toilet room shall not open directly into any room in which food, drink, or utensils are handled or stored.

(d) The toilet-room doors shall be provided with springs or checks to make them self-closing.

(e) The toilet room and fixtures shall be kept clean, sanitary, in good repair, and free from flies.

(f) The toilet room shall be well lighted, and ventilated to the outside air.

(g) Durable, legible signs shall be posted conspicuously in each toilet room directing employees to wash their hands before returning to work. Such signs may be stencilled on the wall to prevent removal.

(h) Privies shall not be allowed.

ITEM 7: WATER SUPPLY: (a) The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed, and shall be adequate, and of a safe sanitary quality.

(b) All rooms in which food is prepared or utensils are washed shall be provided with an adequate number of water outlets.

(c) The water supply shall be ample in quantity to insure proper cleaning of floors, equipment, and utensils.

ITEM 8: LAVATORY FACILITIES: (a) Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his or her hands.

(b) Hand-washing facilities, including warm water, soap, and individual cloth or paper towels, shall be provided. Lavatory facilities shall be adequate and convenient to the toilet rooms. It shall be a violation for any person handling food to use dishwashing vats for the specific purpose of hand washing. Warm water must be on hand at all times or within a reasonable time after opening the faucets. Soap and towels should be provided in such establishment. No employee shall return from a toilet to a room where food, drink or utensils are handled or stored without first having washed his or her hands.

ITEM 9: CONSTRUCTION OF UTENSILS AND EQUIPMENT: (a) All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned, and shall be kept in good repair.

(b) All surfaces with which food or drink comes in contact shall consist of smooth, not readily corrodible material.

(c) All surfaces with which food or drink comes in contact shall be in good repair, free of breaks, corrosion, open seams, cracks and chipped places.

(d) All surfaces with which food or drink comes in contact shall be easily accessible for cleaning, and shall be self-draining.

(e) All display cases, windows, counters, shelves, tables, refrigeration equipment, stoves, hoods, and other equipment shall be so constructed as to be easily cleaned, and in good repair.

(f) The above requirement precludes the use of any type of equipment so designed as to

permit food or drink to come in contact with v-type threaded surfaces.

(g) In all cases where a rotating shaft is inserted through a surface with which food or drink comes in contact, the inspector shall assure himself that the joint between the moving and stationary surfaces is close fitting.

ITEM 10: CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT: (a) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose. By approved bactericidal process is meant the application of any method or substance for the destruction of pathogens and all other organisms so far as practicable, and which, in the opinion of the Health Officer, is effective, and does not adversely affect the equipment, or the food, or drink, or the health of the consumer.

(c) All equipment, including display cases and windows, counters, shelves, tables, meat-blocks, refrigerators, stoves and hoods shall be kept clean and free from dust, dirt, insects, and other contaminating material.

(d) All tablecloths, napkins, and cloths used by waiters, chefs and other employees shall be clean.

(e) Single-service articles, such as paper cups, plates, straws and milk bottle caps shall be used once only.

(f) All multi-service eating and drinking utensils shall be thoroughly cleaned after each usage, and all multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned immediately following the day's operation, in such manner as to be clean to the sight and touch.

(g) After cleaning, all such utensils shall be effectively subjected to one or more of the following or other equivalent approved bactericidal processes:

(1) Immersion for at least 2 minutes in clean, hot water at a temperature of at least 170° F. or for 1/2 minute in boiling water. Unless actually boiling water is used an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance.

Where hot water is used for bactericidal treatment there shall be provided a hot water heater capable of maintaining a water temperature of at least 170° F. in the vat at all times during business hours. The heating device may be integral with the immersion vat. It is considered that even in the case of roadside stands hot water may be obtained through the use of gasoline or kerosene stoves, which may, if the wash and rinse vats are correctly constructed be placed directly thereunder.

Care shall be taken in the bactericidal treatment of containers by immersion in hot water or chlorine rinse to prevent the trapping of air in the containers, thus preventing contact with the entire surface of the container. This may be accomplished by placing all glasses, cups, plates and saucers in a venting position so that air will not be trapped.

(2) Immersion for at least 2 minutes in a lukewarm chlorine rinse containing at least 50 ppm of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. The rinse should be made up at a strength of 100 ppm

or more of hypochlorites and shall not be used after its strength has been reduced to 50 ppm.

Chlorine solutions once used shall not be reused for bactericidal treatment on any succeeding day, but may be reused for other purposes.

Where chlorine treatment is used a three-compartment vat shall be required, the first compartment shall be used for washing, the second for plain rinsing, and the third for chlorine immersion; provided that for existing installations the second or rinsing compartment may be omitted if a satisfactory rinsing or spraying device is substituted. This will prevent the excessive consumption of chlorine by organic matter and washing compound carried over from the washing compartment. The first basket of utensils will remain in the chlorine rinse for at least 2 minutes while the second basket is in the plain rinse and the third basket is being washed. Upon removal from the chlorine rinse the utensils may be rinsed in clean running water, if desired, and allowed to dry either in the basket or inverted on a drain shelf or tray.

The Health Officer shall satisfy himself by frequent test that the chlorine rinse in actual use is of the required strength. The following test suitable for this purpose has been devised by the Sanitation Section of the United States Public Health Service and is hereby approved:

The test of chlorine strength makes use of the fact that when the proper amount of o'tolidin is added to a chlorine solution containing 20 parts per million or more a precipitate is formed, except that in the case of certain chloramines the solution becomes cloudy at chlorine concentrations having a 2-minute bactericidal strength equivalent to at least the bactericidal strength of 20 parts per million of available chlorine in the form of hypochlorite.

The testing outfit consists of two test tubes 7/16 by 4 inches, one of which contains o'tolidin. The other is fitted with a medicine dropper and is used for testing the chlorine solution. It is etched at the 2 cc and 5 cc levels so as to make possible the dilution of the solution to be tested to two-fifths of its original strength, thus diluting an original solution of 50 parts per million or more to one of 20 parts per million or more, which, as above stated, is the critical point for the formation of the precipitate when hypochlorites are tested. Before any tests are made with the apparatus the medicine dropper should be tested to determine whether it delivers drops of the proper size. To do this, simply count the number of drops required to fill to the first mark of the testing tube. If the number required lies between 30 and 50 the dropper is satisfactory. If not, discard it and secure one of the proper size.

The test procedure is as follows: Rinse the testing tube and its dropper thoroughly with clean water. Fill the testing tube to the lower mark with the chlorine solution to be tested, using the dropper for this purpose. Avoid including floating particles. Fill to the second mark with clean water, using the dropper for this purpose. Add 1 drop of o'tolidin. Hold the upper part of the testing tube firmly with one hand and tap the lower end of it sharply 50 times with one or two fingers of the other hand. If, in the case of hypochlorites, reddish or brownish particles separate out within 5 minutes, the solution tested contains at least 50 parts per million of available chlorine. If, in the case of certain chloramines the solution becomes cloudy within 5 minutes, the solution tested has a bactericidal strength for a 2-minute exposure equivalent to at least the bactericidal strength of 50 parts per million of available chlorine in the form of hypochlorite.

In order to determine whether a certain commercial preparation is strong enough for dairy use when mixed as directed on the label, the inspector should mix a portion as directed, then dilute half and half, and test for 50 parts per million by means of the above-described test. If a precipitate appears, the directions upon the label result in a solution containing at least 100 parts per million in the form of hypochlorites or the bactericidal equivalent thereof and may be approved. Otherwise, such larger quantity of the stock solution should be used as will give a

satisfactory test.

(3) Exposure in a steam cabinet equipped with an indicating thermometer located in the coldest zone to at least 170° F. for at least 15 minutes, or to at least 200° F. for at least 5 minutes. For a discussion of steam cabinets see item 14r of the U.S. Public Health Service Milk Code. Steam cabinets should be provided with a valve to permit the discharge of cold air when steam is admitted.

(4) Exposure in a properly designed over or hot-air cabinet equipped with an indicating thermometer located in the coldest zone to hot air at a temperature of at least 180° F. for at least 20 minutes.

Equipment that is too large to immerse may be treated (1) with live steam from a hose, in the case of equipment in which steam can be confined, (2) by boiling water rinse, or (3) by spraying or swabbing with chlorine solution of approved strength.

Health officers should check with a thermometer the actual temperatures used in the methods which employ heat as the bactericidal agent. If washing machines are used the temperatures of both the wash water and the rinse water should be checked. For all bactericidal processes the actual period of exposure to the temperature or the chlorine rinse should be checked to determine the compliance. To promote adequate exposure, restaurants should be encouraged to provide a sufficient supply of glasses, dishes, cups, and tableware, particularly where the process employed requires a long exposure period.

Drying cloths, if used, should be clean and shall be used for no other purpose. It is recommended that wherever possible utensils be permitted to drain dry without the use of drying cloths.

ITEM 11: STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT:

(a) After bactericidal treatment no utensil shall be stored except in a clean dry place protected from flies, dust, or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, and shall be handled in a sanitary manner.

(b) All containers and utensils shall be stored at a sufficient height above the floor in a clean dry place protected from flies, splash, dust, and other contamination. Wherever practicable containers and utensils shall be covered or inverted.

(c) Drain racks, trays, and shelves shall be made of not readily corrodible material, and shall be kept clean.

(d) Containers and utensils shall not be handled by the surfaces which come in contact with food or drink. Any equipment touched by the inspector shall be again subjected to bactericidal treatment before being used.

(e) Paper cups, plates, straws, and other single-service containers and utensils shall be purchased in sanitary cartons, and stored therein in a clean dry place until used, and after removal from the cartons these articles shall be handled in a sanitary manner. Laundered cloths shall be stored in a clean place until used.

(f) Spoons, spatulas, dippers and similar articles, used for dispensing frozen desserts shall be, when not in use, kept either in water maintained at 170° F. or in running water.

ITEM 12: DISPOSAL OF WASTES: (a) All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

(b) All liquid wastes resulting from the cleaning and rinsing of utensils and floors, from flush toilets, and from lavatories shall be disposed of in a public sewer. Grease traps shall be sufficient where much grease is discharged.

(c) All plumbing shall comply with the Plumbing Ordinances of the City of San Antonio, and so designed and installed as to prevent contamination of the water supply through interconnections and backsiphonage.

(d) All garbage shall be kept in tight, non-absorbent and easily washable receptacles which are covered with close-fitting lids while pending removal.

(e) All garbage, trash, and other waste material shall be removed from the premises as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in a manner approved by the Health Officer.

(f) All garbage receptacles shall be washed when emptied, and treated with a disinfectant if necessary, to prevent nuisance.

ITEM 13: REFRIGERATION: (a) All readily perishable food or drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

(b) All readily perishable food or drink shall be kept at or below 50° F. except when being prepared, kept warm, or served. This shall include all cream-filled pastries.

(c) All ice used shall be from a source approved by the Health Officer, and stored and handled in such manner as to prevent contamination. Water used to wash ice shall comply with the safety standards of Item 7, WATER SUPPLY.

(d) All waste water from refrigeration equipment shall drain into an open sink or drain, properly trapped and sewer connected.

ITEM 14: WHOLESOMENESS OF FOOD AND DRINK: (a) All food and drink shall be wholesome and free from spoilage. All milk, fluid, milk products, ice cream, and other frozen desserts served shall be from sources approved by the Health Officer. Milk and fluid milk products shall be served in the original containers in which they were received from the distributor, or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle, or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources.

(b) All food and drink shall be wholesome and free from spoilage. The term "food and drink" shall include condiments, dressings, and sauces.

(c) All milk, fluid milk products, ice cream, frozen custard, sherbert, ices and similar frozen desserts served shall be from sources approved by the Health Officer.

(d) All milk and fluid milk products shall be served in the original containers in which they were received from the distributor, or from a bulk container equipped with an approved dispensing device complying with the following specifications:

(1) It shall comply with the requirements of Item 9, CONSTRUCTION OF UTENSILS AND EQUIPMENT.

(2) No surfaces with which milk or milk products come in contact shall while in use be accessible to manual contact, droplet infection, dust, or flies, but the delivery orifice may be exempted from this requirement.

(3) All parts of the dispensing device with which milk comes in contact, including any measuring device, shall be cleaned and subjected to bactericidal treatment at the milk plant, not at the retail vendor's establishment.

(4) The dispensing device shall be filled and sealed with two seals at the milk plant in such manner as to make it impossible to withdraw any part of its contents without breaking one seal, and impossible to introduce any substance without breaking the other.

(5) It shall mix the milk and cream thoroughly and automatically with each dispensing operation. This requirement may be waived in the case of milk products which remain homogeneous without mixing.

.In the case of milk drinks mixed at restaurants, this provision shall be interpreted as requiring that the milk used shall include the entire contents of the original container, or shall be from an approved bulk dispenser. Mixing of milk drinks shall be done in a sanitary manner.

In enforcing this item the Health Officer may make an exception in the case of cream served with coffee, cereals, etc. For such service the Health Officer may permit transferring from the original bottle, or from a pump, urn, or other dispenser which complies with requirements (1) and (2) above, and which is filled in a sanitary manner, kept clean, and frequently subjected to bactericidal treatment complying with the requirements of Item 10.

(e) All oysters, clams, and mussels shall be from a source approved by the State Health Department of the State of Texas, provided, that if the source is outside the State of Texas, the shipper's name shall be on the current approved lists issued by the U.S. Public Health Service.

ITEM 15: STORAGE AND DISPLAY OF FOOD AND DRINK: (a) All food and drink shall be stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies shall be used.

(b) All food and drink shall be stored in such manner as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, sewage back-flow, and other contamination. Evidence of the presence of rodents, roaches, ants, or other vermin shall be considered as violating this item. Serving of sliced butter and cracked ice shall not be by direct contact with fingers or hands. Bottled milk and other beverages in non-leak-proof containers shall not be submerged in water for cooling. Food or drink shall not be stored on floors which are subject to flooding from sewage backflow, such as those below street level. On new construction the location of a restaurant in a basement below the surface of the ground shall be discouraged.

(c) All unwrapped or unenclosed food and drink on display shall be protected by glass or otherwise from public handling or other contamination, except that hand openings for self-service may be permitted on counter fronts, after approval by said Health Officer.

(d) Dustless methods of floor cleaning shall be used, or dust arresting sweeping compounds and push-brooms shall be employed; and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed.

(e) No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored.

(f) All supplementary means necessary for the elimination of flies, as fly-repellant fans, fly paper, fly traps, or fly-killing sprays or powders, shall be employed.

ITEM 16: CLEANLINESS OF EMPLOYEES: (a) All employees shall wear clean outer garments, and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment.

(b) The outer garments of all persons, including dishwashers, engaged in handling food or utensils shall be clean and used for no other than restaurant duty.

(c) The hands of all persons shall be kept clean while engaged in handling food, drink, utensils or equipment.

ITEM 17: MIXCELLANEOUS: (a) All employees in restaurants must show certificates of completion of training from the San Antonio Food Handlers' Public Health Training School. This requirement to be effective six months after the passage of this Ordinance.

(b) All permits shall be issued by the Health Officer free of charge, but a restaurant

shall not be operated as such until license has been duly issued by the License and Dues Collector of the City of San Antonio, as required under the terms and conditions set forth in Ordinance passed and approved May 31st, 1918, entitled "AN ORDINANCE DEFINING FOOD PRODUCTS ESTABLISHMENTS AND REQUIRING THE LICENSING OF SAME".

(c) The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons, shall be kept in containers provided for this purpose.

(d) All future restaurants from which food is to be served in the City of San Antonio which are hereafter constructed shall conform in their construction and location to the requirements of the Health Officer, and same shall not be less than the Grade "B" requirements of the Ordinance.

(e) All future restaurants from which food is to be served in the City of San Antonio which are to be operated at a location previously occupied by some type of business other than a restaurant shall conform to the requirements of the Health Officer, and same shall not be less than the Grade "B" requirements of this Ordinance.

(f) All future restaurants from which food is to be served in the City of San Antonio which are to be operated under new management at a location previously occupied by another restaurant before re-opening shall conform to the requirements of the Health Officer, and same shall not be less than the Grade "B" requirements of this Ordinance.

SANITATION REQUIREMENT FOR GRADE "B" RESTAURANTS: Grade "B" restaurants are those which fail to comply with Items 1, 2, 4, 5, or 17, but which conform with all other Items of sanitation required for GRADE "A" RESTAURANTS.

The above definition is designed to represent restaurants which fail to meet certain GRADE "A" RESTAURANT requirements that are not of major public health significance. Restaurants which fail to meet any one of the more important of the GRADE "A" RESTAURANT requirements on two successive inspections shall be immediately regraded.

SANITATION REQUIREMENTS FOR ITINERANT RESTAURANTS:

(a) Itinerant restaurants shall be constructed and operated in a manner approved by the Health Officer.

(b) An itinerant restaurant shall be approved only if it complies with the following sanitation requirements:

(1) It shall be located in clean surroundings, and kept in a clean and sanitary condition. It shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to insects or to dust or other contamination. Only food and drink which is clean, wholesome and free from adulteration shall be sold or served. An adequate supply of water of safe sanitary quality shall be easily available and used for drinking and for cleaning utensils and equipment. If multi-use utensils are used in the serving of food or drink, they shall be thoroughly washed with hot water and a satisfactory detergent and rinsed with clean water after each use and so handled and kept as to be protected from contamination. Adequate provision shall be made for refrigeration of perishable food and drink. Ice used in or with food or drink shall be from a source approved by the Health Officer and so handled as to avoid contamination.

(2) Garbage and refuse shall be kept in tightly covered, water tight containers until removed, and shall be disposed of in a place and manner approved by the Health Officer. Dish water and other liquid wastes shall be so disposed of as not to create a nuisance.

(3) No person suffering from any disease transmissible by contact or through food or drink, or who is a carrier of the germs of such a disease, shall be employed in any capacity. Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to

to employees. No person engaged in the handling or serving of food or drink shall return to his work, after using the toilet, without first thoroughly washing his hands.

(4) Upon failure of any person maintaining or operating an itinerant restaurant, after warning, to comply with any of these requirements, it shall be the duty of the Health Officer summarily to forbid the further sale or serving of food or drink therein. Any person continuing to sell or serve food or drink in such a restaurant after being so forbidden, shall be subject to the penalties provided for violation of this Ordinance.

SECTION 7: GRADES OF RESTAURANTS WHICH MAY OPERATE: From and after 12 months from the date on which this Ordinance takes effect no restaurant shall be operated within the City of San Antonio, or its police jurisdiction, unless it conforms with the GRADE "A", or GRADE "B", or approved ITINERANT RESTAURANT requirements of this Ordinance; and when any restaurant fails to qualify for any of these grades the Health Officer is authorized to revoke the permit, or in lieu thereof to re-grade the restaurant, and permit its operation during a temporary period not exceeding 30 days.

SECTION 8: REINSTATEMENT OF PERMIT; SUPPLEMENTARY REGRADING:

(a) Any restaurant the grade of which has been lowered and all grade displays have been changed accordingly, or the permit of which has been suspended by said Health Officer may at any time make application for regrading or the reinstatement of the permit.

(b) Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been conformed with, the Health Officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings indicate compliance, shall award the higher grade or reinstate the permit, as the case may be.

(c) No application for regrading upward should be considered by the Health Officer unless the restaurant in question has complied with the requirements and interpretation of SECTION 4 of this Ordinance relative to the display of grade signs after having been regraded.

SECTION 9: POISONOUS SUBSTANCES: (a) No article, polish, or other poisonous material shall be used for the cleaning or polishing of utensils.

(b) All poisonous or chemical substances used in the cleaning of fixtures and plumbing should be kept in the janitor's closet or other like place. The use of poisons in the control of rats and cockroaches is restricted to bonded exterminators working under the supervision of the City Health Department.

SECTION 10: NOTIFICATION OF DISEASE: Notice shall be sent to the Health Officer immediately by the restaurant manager or by the employee concerned if he or any employee contracts any infectious, contagious, or communicable disease, or has a fever, a skin eruption, a cough lasting more than 3 weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the restaurant manager immediately when any of said conditions obtain, and if neither the manager nor the employee concerned notifies the Health Officer immediately when any of said conditions obtain they shall be held jointly and severally to have violated this Section. A placard containing this Section shall be posted in all toilet rooms.

SECTION 11: PROCEDURE WHEN INFECTION SUSPECTED: When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Health Officer is authorized to require any or all of the following measures: (1) the immediate exclusion of the employee from all restaurants; (2) the immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Health Officer; (3) ade-

quate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

SECTION 12: ENFORCEMENT INTERPRETATION: This Ordinance shall be interpreted in accordance and conformity with the regulations which the Health Officer of the City of San Antonio may adopt, under authority hereby conferred. Said Health Officer is hereby empowered to make reasonable rules and regulations for such establishments as are covered hereunder, which reasonable rules and regulations shall not be in conflict with the laws of the State of Texas and the Ordinances of the City of San Antonio.

SECTION 13: PENALTIES: Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$100.00, and every day such violation continues shall constitute a separate offense.

SECTION 14: REPEAL OF CERTAIN ORDINANCES: All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 15: UNCONSTITUTIONALITY CLAUSE: If any Section or provision of any Section of this Ordinance shall be held to be void, ineffective or unconstitutional, the holding of any such Section or provision of any such Section to be void, ineffective or unconstitutional for any cause whatsoever shall not effect the validity of the remaining Sections and provisions of this Ordinance.

SECTION 16: EMERGENCY CLAUSE: The fact that the present Ordinances of the City of San Antonio governing food handlers' and eating and drinking establishments are inadequate to properly protect the public health and welfare creates an urgency and an emergency so that this Ordinance shall take effect immediately upon its passage by a four-fifths majority of the Board of Commissioners of the City of San Antonio.

PASSED AND APPROVED this 29th day of January, A.D. 1942.

O. K. QUIN

ATTEST:

M A Y O R

Jas. Simpson
City Clerk

* * *
AN ORDINANCE (933)

05-269
ACCEPTING AND RATIFYING ASSIGNMENT OF CONTRACT, DATED SEPTEMBER 11, 1941, BY AND BETWEEN THE CITY OF SAN ANTONIO AND RUSSELL OIL COMPANY, TO PRICHARD REFINING COMPANY, LTD., AND SUBSTITUTING PRICHARD REFINING COMPANY, LTD, FOR RUSSELL OIL COMPANY IN SAID CONTRACT.

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

1. That the City of San Antonio does hereby accept and ratify assignment of contract, dated September 11, 1941, by and between the City of San Antonio and Russell Oil Company, to Prichard Refining Company, Ltd., and agrees that said Prichard Refining Company, Ltd. may be substituted for said Russell Oil Company in said contract and for the performance thereof, and that said Prichard Refining Company, Ltd., of San Antonio, Texas, may perform the obligations in said contract contained and receive all payments thereon due from and after January 1, 1942.

2. Said Prichard Refining Company, Ltd. hereby agrees and obligates itself to perform all of the provisions, conditions and obligations in said contract of September 11, 1941, between City of San Antonio and Russell Oil Company.

3. PASSED AND APPROVED this 3rd day of February, A.D. 1942.

C. K. QUIN

M A Y O R

ATTEST:

Jas. Simpson
City Clerk