

AN ORDINANCE *08-154*

REGULATING AND LIMITING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF DRIVE-IN FILLING STATIONS, AMENDING AN ORDINANCE PASSED AND APPROVED THE 23RD DAY OF JANUARY, A. D. 1919, BOOK "F", PAGE 363.

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

(A) That "An Ordinance prohibiting the construction, operation and maintenance of drive-in gasoline filling stations within the first fire limits, or Fireproof District "A", of the City of San Antonio, providing a penalty and declaring an emergency", passed and approved on the 23rd day of January, A. D. 1919, Book "F", page 363, be and the same is hereby amended by the addition of the following provisions, to-wit:-

*Repealed 6/26/52 Ord # 17794  
Ord BK 1 Pg 632*

(B) SECTION SEVEN: Except within the limits where drive-in filling stations are prohibited, as provided in Section Three of this ordinance; any person, firm or corporation desiring to establish, construct or operate a drive-in filling station shall file a petition with the Commission of the City of San Antonio, describing the location where it is desired to establish, construct or operate said station; which petition, plans and all other facts in connection therewith shall be considered by the said Commission; and, after said consideration, if there be no limitation by ~~covenant~~ running with the land, of the use for the purpose herein contemplated, the City Commissioners may, in their discretion, approve the location of the filling station at that place; or, they may, in their discretion, refuse a permit for the location of the filling station at that place, if in their opinion the location, plans and specifications do not conform to this ordinance; or that the safety, the health, the comfort, the convenience, the order, or the good government of the City will be adversely affected by the granting of said permit.

(C) SECTION EIGHT: The permit shall not be transferred without permission of the City Commission given after the filing of an application therefor. The permit may be revoked by the City Commission in its discretion, because of the failure of the licensee to comply with the ordinances of the City of San Antonio or the laws of the State of Texas affecting things pertaining to the construction, and operation of the station, its appurtenances, appliances and equipment. The permit shall become void unless actual construction of the station, and the installation of equipment, shall begin within ninety (90) days after the issuance of the permit and prosecuted diligently in good faith to completion, according to the plans and specifications.

(D) SECTION NINE: Buildings used for the purpose of a drive-in filling station, may be built of the class of material and construction allowed in the fire district in which said building is to be built, as of the time of the granting of the permit; except as herein stipulated, and except as hereinabove prohibited by Section Three.

(E) SECTION TEN: No permit for the erection or operation of a drive-in filling station shall be granted within three hundred (300) feet of any public school, or of any private school, or of any church, or of any hospital, or of any public playground, or of any public park; or within one hundred and fifty (150) feet of an existing filling station or of the place where a permit shall have been granted; measured from the nearest points of each property.

(F) SECTION ELEVEN: All filling station buildings shall have fireproof walls on the side sides facing the pumps, as defined in the "Building Code"; and, if not more than one story height, shall have metal, plaster or metal lath, or, sheetrock ceilings; and shall have a ~~wooden~~ slate, tin or asbestos roof.

(G) SECTION TWELVE: If the building in which the filling station is located is two stories

high, or higher, and the floors above the filling station are used for human occupancy, the ceiling over the first floor shall be a reinforced concrete slab not less than four (4) inches thick; and the building shall be Class "A" fireproof construction as provided by the "Building Code" of the City of San Antonio in effect at the time of the granting of the permit; otherwise it shall conform to the provisions of this ordinance.

(H) SECTION THIRTEEN: All driveways into the station must be paved from the curb line to the property line on such grades as may be furnished by the City Engineer, and under the specifications covering sidewalks, except they shall be cross-marked every four (4) inches and float finished. At driveways, the curb must curve with a reverse curve from a point twelve (12) inches from the driveway to the driveway at the gutter grade, as shown on the plan in the office of the City Engineer.

(I) SECTION FOURTEEN: There shall not be more than two (2) driveways into the station on the same street, and they shall be at least six (6) feet apart; and no curbing shall be cut more than forty (40) feet at greatest width, and the cut for a driveway shall be at least twenty (20) feet from the nearest intersecting street line.

(J) SECTION FIFTEEN: The station, its equipment and appurtenances must be so arranged and set back from the property line so far that no part thereof and no motor vehicle or any part thereof, while being served or while receiving or delivering gasoline, oil or supplies, can extend beyond the property line at any place.

(K) SECTION SIXTEEN: Plans and specifications shall conform to this ordinance and a copy thereof shall be filed with the Building Inspector, simultaneously with the filing of the petition for the permit with the City Commission.

(L) SECTION SEVENTEEN: Before using the station for the purposes thereof, notice shall be given by the operator to the City Building Inspector who shall make a final inspection of said station and building and if said station and building conform with this ordinance and the "Building Code" of the City of San Antonio, and all other ordinances, and if the City Commission has approved the location; the City Building Inspector shall issue a certificate of final inspection, after the issuance of which said station may be used for the purpose hereinabove.

(M) SECTION EIGHTEEN: The installation of all appurtenances, appliances and accessories necessary to the use of the place as a drive-in filling station shall be made in accordance with all laws, and all ordinances of the City of San Antonio with reference thereto.

(N) SECTION NINETEEN: No person shall smoke in any filling station, and a notice in plain block letters not less than three (3) inches in height, bearing the legend "NO SMOKING", shall be posted in three (3) places in the vicinity of the pumps and on the doors to said building. In drive-in filling stations, lightning shall be by incandescent electric lamps, switches and cutoffs permanently located at least four (4) feet above the floor and, no open flame shall be permitted in said station.

(O) SECTION TWENTY: It shall be unlawful for any person to construct, operate or maintain any drive-in filling station within the limits of the City of San Antonio which does not conform with the provisions of this ordinance.

(P) SECTION TWENTY-ONE: Any drive-in filling station which fails to comply to the provisions of the City of San Antonio, constitutes a menace to the public safety and convenience, interferes with the good government of said City, and is declared to be a nuisance contrary to the general welfare of the City of San Antonio, and shall be abated.

(Q) SECTION TWENTY-TWO: Each and every violation of any part of this ordinance shall constitute a separate offense. And each and every day of such violation of this ordinance, or any part thereof, shall constitute a separate offense; and shall be punished ~~as~~ herein provided.

(R) SECTION TWENTY-THREE: The holding or adjudication of any section, or subdivision of any section, or any part of any subdivision of a section of this ordinance, to be invalid shall not affect the validity of any other section or part of a subdivision of a section thereof, but all of the other sections, subdivisions of section and parts of subdivisions or sections shall be and remain in full force and effect.

(S) SECTION TWENTY-FOUR: This ordinance shall be cumulative of all ordinances on the subject of drive-in filling stations, the storage of gasoline, building ordinances and plumbing ordinances, of the City of San Antonio, and shall not repeal any by implication.

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

(T) SECTION TWENTY-FIVE: That this ordinance shall take effect upon its passage because the public safety, comfort and welfare is being menaced by the construction, operation and maintenance of many filling stations, and the cutting of sidewalks, and the increasing of traffic disorders at or near the street intersections; and being passed by a four-fifths vote of the Commissioners, as provided by the Charter of the City of San Antonio.

PASSED AND APPROVED, this 26th day of September, A. D. 1927.

Phil Wright.  
Acting Mayor.

ATTEST: Fred Fries.  
City Clerk.

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

Before me the undersigned authority, on this day personally appeared W. A. Druce, Office Manager, who being by me duly sworn, says on oath that he is one of the publishers of the San Antonio Evening News a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit: September 29th, 30th, & October 1st, 3rd, 4th, 5th, 6th, 7th, 8th, 10th, 1927.

Express Pub. Co.  
By W. A. Druce.  
Office Mgr.

Sworn to and subscribed before me this October 13th. 1927.

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