

COPY

04-192

AN ORDINANCE REQUIRING CONNECTIONS TO BE MADE TO CITY SEWERS AND REGULATING SAME; REGULATING THE CONSTRUCTION, MAINTENANCE AND USE OF OUTDOOR PRIVIES, TOILETS, CESS POOLS AND SEPTIC TANKS IN THE CITY OF DE LEON, TEXAS, PROVIDING AS PENALTY FOR VIOLATION OF SAID ORDINANCE A FINE OF NOT EXCEEDING \$100.00 AND COSTS, CONTAINING A SAVINGS CLAUSE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DE LEON, TEXAS:

SECTION 1. That all owners or occupants of buildings, or agents for the said owners, situated in any section of the City where sanitary sewer now exists, or where it may hereafter exist, and where the property line of the land on which any such building is situated approaches or extends to within 100 feet of any such sewer, are hereby required to construct or cause to be constructed suitable water closets on their property, and connect the same with the City sewer, under the supervision of the City, Water, Sewer and Street Superintendent.

And it shall be the duty of any such property owners or agents of same, or occupants of such property to keep and maintain water closets and connections thereof in perfect condition, and free from any obstruction, and it shall be unlawful for any person or persons to build or use any privy vault or private cess pool or septic tank above or below the ground in the City of De Leon or any lot or parcel of land, the property line of which, at any point, extends to within a distance of 100 feet of a City sanitary sewer. All persons now having such privies or private cess pools or septic tanks in such localities are hereby required to abate the same within thirty (30) days after notice, by the City, Water, Sewer and Street Superintendent to do so, and to construct and to put in water closets and connect the same with the City sewer, as required by this Ordinance.

SECTION 2. It shall be unlawful for the owner or other occupant of any building situated on a lot, extending within 100 feet of any sewer of the City, any portion of which said house is used for any purpose, during any portion of the day, to fail to have at least one water closet connected with the City sewer within 30 days after notice from the City Engineer, to do so, and to fail to have said water closets suitably arranged for the use as urinal, unless a separate urinal is provided.

SECTION 3. It shall be unlawful for the owners and occupants of any building, situated within 100 feet of an sanitary sewer, in which said building, food is cooked or clothing washed, to fail to have a suitable sink or hopper for the reception of waste water provided; however, that if the water closet is of the kind suited to such use it may receive the waste water and the sink or hopper may be dispensed with.

SECTION 4. It shall be unlawful for any person to throw, or allow any person under his or her control, to throw or deposit on the surface of the ground, or in any hole or vault, in or under the surface of the ground, on any lot reaching within 100 feet of any City sanitary sewer, except in the proper necessary manuring of the soil, any water, which has been used for domestic purposes, or any liquid or solid filth, feces or urine.

SECTION 5. It shall be unlawful for any person to throw or deposit, or cause or permit anyone, under his or her control, to throw or deposit in any City sewer, or in any vessel or receptacles connected with the City sewer, any garbage, hair, ashes, fruits, or vegetable peelings, or refuse, rags, cotton, cinders, or any other matter whatsoever, except feces, urine, the necessary closet paper and liquid slops.

SECTION 6. It shall be unlawful for any person to refuse or fail to connect all wash stands or slop stands, in his or her house or yard with the City Sewer or to allow any slop, wash or waste waters of any kind to flow over the pavement or into any open gutter or into the street.

SECTION 7. It shall further be unlawful for any person, firm or corporation to construct, maintain, use or operate any outdoor privy or toilet, private cess pool or septic tank, on any lot, tract or parcel of land in the City of De Leon, Texas, the property line of which is more than 100 feet from a City sewer, unless said outdoor privy or toilet be of the closed concrete pit type, and be kept and maintained in a proper and sanitary manner, so that same will not give forth offensive odors or attract flies; and any private cess pool or septic tank so constructed, maintained, used or operated, shall be properly buried well below the surface of the ground, with sufficient drainage or laterals so that fluids from same will not rise to the surface and/or give forth offensive odors and/or attract flies, or flow out upon any street or alley or private property. Any such private cess pool or septic tank shall be properly installed and maintained, in a correct and sanitary manner. The City Water, Sewer and Street Superintendent shall inspect all such outdoor toilets or privies, private cess pools and septic tanks, and in the event such inspection reveals violation of this section of this Ordinance, and the person owning or controlling such outdoor toilet or privy, private cess pool or septic tank, fails, refuses or neglects to remedy the violation within 48 hours from time of notice to remedy same, then the City Water, Sewer and Street Superintendent is hereby authorized, upon orders of the Board of City Commissioners, to remedy such violation at the cost and expense of the person, firm or corporation owning or controlling the same.

SECTION 8. In addition to any other penalties provided for the violation of this ordinance, IT IS HEREBY FURTHER ORDAINED, that any person, firm or organization who resists or wilfully violates any of the provisions of this Ordinance, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$100.00, and costs of court. AND IT IS FURTHER PROVIDED that each and every day upon which a violation of this Ordinance occurs or is allowed to continue, shall constitute a separate offense hereunder.

SECTION 9. In the event the property of any owner within the City of De Leon, the property line of which extends to within a distance of 100 feet of a City sanitary sewer, is so situated as to topography and elevation that it is not possible to tie into said sewer and secure proper drainage into same; or in the event the existing sewer line is too small to carry additional sewer connections satisfactorily, then and in that event the owner or occupant of such property, or his or their agent or agents, may apply to the Board of City Commissioners and secure from said Board a certificate or permit exempting him or them from compliance with the terms of this ordinance, upon such terms and conditions as the Board of City Commissioners may stipulate.

SECTION 10. In the event any section, sentence, phrase or ^{portion} or portion of this Ordinance shall thereafter be declared void, illegal or unconstitutional for any reason by a court of competent jurisdiction, then and in that event the remaining portions of this Ordinance shall nevertheless remain in full force and effect.

SECTION 11. DECLARATION OF AN EMERGENCY:

The fact that there is no ordinance now in effect in the City of De Leon, Texas, requiring connections to be made to the City Sewer and regulating the same, creates an imperative public necessity and demand, requiring that the rule providing for the reading of ordinances at two separate meetings prior to final passage be suspended, and it is accordingly ordered that this Ordinance shall take effect immediately after its passage and approval, and publication for a period of not less than 10 days in two issues of the local newspaper, and it is accordingly so ordained. The City Secretary shall notice on this ordinance the effective date thereof.

PASSED AND APPROVED, on final reading, this 10th day of November, A.D. 1964.

ATTEST:

Eula Coover

CITY SECRETARY

APPROVED:

John L. ...
MAYOR

This ordinance shall be in full force and effect on and after the 30th day of November, 1964.

Eula Weaver
CITY SECRETARY