

ORDINANCE NO. 313-a

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND TO PROVIDE FOR THE DISPOSAL OF HUMAN EXCRETA, THE INSTALLATION AND MAINTENANCE OF SANITARY PIT PRIVIES, WATER CLOSETS, SEPTIC TANKS, SEWERAGE TREATMENT APPURTENANCES, AND TO REGULATE THE TYPE, LOCATION, CAPACITY, CONSTRUCTION, MAINTENANCE AND USE OF THE SAME IN THE CITY OF ROANOKE, ALABAMA, AND ITS POLICE JURISDICTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA as follows:

SECTION 1: It shall be unlawful for any person, firm or corporation or their agent to construct or maintain within the City of Roanoke, Alabama, and its Police jurisdiction any dwelling, building, premise, or other place where human beings, reside- are employed or congregate, or to rent, lease, use, or permit to be used for such purposes any such dwelling, building, premise, or other place which is not provided with adequate facilities for the disposal in a sanitary manner of the bodily discharges of such persons, the method, type, construction, capacity, and location of which shall be in accordance with the provisions of this ordinance.

SECTION 2: The Board of Health of Randolph County, or its duly authorized representatives, being specifically empowered and directed by the State law, are hereby empowered and directed by the City of Roanoke to make such inspections and investigations and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all privies, water-closets, septic tanks, and all appurtenances thereto or used in connection therewith, in the City of Roanoke, Alabama, and its police jurisdiction, and it shall be unlawful for any person, firm or corporation to use or maintain in said City of Roanoke, Alabama, and its police jurisdiction, any privy, water-closet, or other

method of sewage disposal not in accordance with the provisions of this Ordinance, or not approved by, or in accordance with the regulations and specifications, general and uniform in their nature, promulgated by the said Board of Health.

SECTION 3: When used in this Ordinance and for the purposes thereof, the following terms and words shall be construed and have the meaning assigned to them as follows:

Sanitary: The word "sanitary", when used in connection with, or as alluding to a type or character of privy, water-closet, or other appliance or method used for, or in connection with the disposal or handling of human excreta shall be interpreted to mean privies, water-closets, or other appliance or methods used for, or in connection with such purposes, the type, construction, capacity, location and character of which have been approved by the Board of Health of Randolph County.

WATER-CLOSET: A type of closet or receptacle normally containing portion of water into which human excreta will in the course of proper or ordinary use thereof fall or be deposited and which water-closet is connected to water under pressure and so constructed and equipped that such excreta will be washed or carried by water flowing or caused to flow through the same at appropriate intervals into sewer or other system of drainage or method used for the disposal of such excreta, sewage or contents, in a sanitary manner.

SEPTIC TANK: A water-tight tank or receptacle used as a temporary reservoir for the purpose of receiving or depositing the sewage, contents, or drainage from a water-closet and which is connected with a system of sub-surface drainage or other outlet in such

manner as will afford final disposal of such sewage, contents or drainage in a safe and sanitary manner. Provided, that no septic tank shall be installed under the provisions of this Ordinance having less than three hundred (300) gallons effective capacity, nor less than thirty (30) inches of effective depth. Provided further, that no tank shall be used which is not connected to a tile drain and no tank shall be used with less than one hundred and fifty (150) feet of drain tile laid in not less than six (6) inches of porous filtering material. The size and length of drain, and the depth, size and material of the filtering material shall be approved by the County Board of Health of Randolph County, or its duly authorized representatives.

PIT PRIVY: A "pit privy," as provided in this Ordinance, shall consist of an excavation into soil, over which, and as a part of such privy, is placed an appropriate cap or covering and seat riser and screened vent pipe, which shall conform to the design and specifications, rules and regulations of the State Board of Health as set out in the bulletin approved April 19, 1937, entitled, "Plans and Specifications for Approved Earth Pit Privies, Concrete Construction," and be constructed in such a manner that all human excreta will, during the ordinary and proper use thereof, be deposited directly into such excavations. Such privies shall be located, constructed and maintained in such a manner as to exclude surface drainage, flies, insects and animals. Provided, that two or more seats may be placed over and used in connection with a single excavation when the dimensions and capacity of such excavations are proportionately increased.

Water under pressure purchased: Water under pressure shall be deemed purchased when said water is piped into the dwelling or

other building or when said water is piped inside any outside line of the lot upon which such dwelling or other building is located or on the premise of said dwelling, or building, provided; further that said water from said pipe or pipes is used for domestic or commercial purposes by the occupants of said dwelling or other building.

SECTION 4: The provisions of this Ordinance relating to the type, capacity, construction, or location of a water-closet, pit, privy, septic tank, shall be held to apply to such water-closets, pit privies, septic tanks, as are now or may hereafter be constructed, reconstructed, rebuilt, repaired, or installed, and it shall be unlawful to construct, reconstruct, rebuild, repair, or install a water-closet, pit privy, or septic tank, except in accordance with the provisions hereof.

SECTION 5: It shall be unlawful for any person, firm, corporation, or association, owning or controlling property, or for tenants or occupants of such property or premise, in the City of Roanoke, Alabama, and its police jurisdiction to dispose of or to permit the disposal of human excreta on or about such property or premise except in a water-closet or pit privy, as provided in this Ordinance.

SECTION 6: Whenever used in this Ordinance for the purpose thereof, the following words, terms, or name shall be constructed as follows:

DWELLING: A "dwelling" is a house or building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings, either permanently or transiently.

PRIVATE DWELLING: A "private dwelling" is a dwelling occupied

by but one family alone.

TWO FAMILY DWELLING: A "two family dwelling" is a dwelling occupied by but two families.

MULTIPLE DWELLING: A "multiple dwelling" is a dwelling occupied otherwise than as a "private dwelling" or a "two family dwelling."

Classes of Multiple Dwellings: Multiple dwellings are "dwellings" and for the purpose of this Ordinance are divided into two classes, viz:

Class "A" and Class "B".

Class "A" Multiple Dwellings: Class "A" multiple dwellings are dwellings which are occupied more or less permanently for residence purposes by several families, and in which the rooms are occupied in apartment, suits, or groups, and include tenant houses, flats, apartment houses, apartment hotels, bachelor apartments, studio apartments kitchenette apartments, and all other dwellings similarly occupied, whether specifically enumerated herein or not.

Class "B" Multiple Dwellings: Class "B" multiple dwellings are dwellings which are occupied as a rule transiently as the more or less temporary abiding place of individuals, who are lodged, with or without meals, and which, as a rule, the rooms are occupied singly. This class includes hotels, lodging houses, boarding houses, furnished rooming houses, club houses, convents, asylums, hospitals, jails, and all other dwellings similarly occupied, whether specifically enumerated herein or not.

SECTION 7: All privies hereinafter constructed, reconstructed, or rebuilt shall be pit privies, as provided in Section 3 or this Ordinance.

Section 8: In said City of Roanoke, Alabama, and its Police Jurisdiction where sanitary sewers and water under pressure are

not available, there shall be provided, for each and every:

- (a) Private dwelling - One separate pit privy.
- (b) Two family dwelling - one separate pit privy for EACH family,
- (c) Multiple dwelling of Class "A" and Class "B" one separate pit privy for each family, except that one privy riser may be used for each ten (10) persons, or fraction thereof, when the pit space under each privy stool shall be five (5) feet deep, three and one-half ($3\frac{1}{2}$) feet wide and five (5) feet three inches long (5'-3").

SECTION 9: In said City of Roanoke, Alabama, and its police jurisdiction where sanitary sewers are not available, but water under pressure is available and the dwelling is so piped that water under pressure is available or purchased, there shall be provided for each and every:

- (a) Private dwelling - one separate pit privy, or one separate water flush closet located within the house and connected to septic tank and treatment bed, as prescribed in Section 3, and Section 15 of this Ordinance.
- (b) Two family dwelling - One separate pit privy for each family or a minimum of one water flush closet, located within the dwelling and connected to a septic tank and treatment bed, as prescribed in Section 3 and Section 15 of this Ordinance.
- (c) Multiple dwelling of Class "A" - one separate pit privy, as provided in Sub-section (c) of Section 8 of this Ordinance or a minimum of one separate water flush closet, located within the house and connected to septic tank and treatment bed, as prescribed in Section 3, and Section 15 of this Ordinance, for each fifteen (15) persons or fraction thereof occupying same.
- (d) Multiple Dwellings of Class "B" - One separate pit privy, as provided in Sub-section (c) of Section 8 of this Ordinance, or a

minimum of one separate water flush closet, located within the house and connected to a septic tank and treatment bed as prescribed in Section 3, and Section 15 of this Ordinance, for each twenty (20) persons or fraction thereof occupying the same.

SECTION 10: In said City of Roanoke, Alabama, and its police jurisdiction, where sanitary sewers are or become available and water under pressure is or becomes available and water under pressure is purchased, there shall be provided for each and every:

(a) Private dwelling - one separate water flush closet, located within the dwelling and connected to said sewers.

(b) Two family dwelling - a minimum of one separate water flush closet, located within the dwelling and connected to said sewers.

(c) Multiple dwelling of Class "A" - a minimum of one separate water flush closet, located within the dwelling and connected to said sewer for each fifteen (15) persons or fraction thereof occupying same.

(d) Multiple dwellings of Class "B" - a minimum of one separate water flush closet, located within the dwelling and connected to said, sewer for each twenty (20) persons or fraction thereof occupying same.

SECTION 11: In said City of Roanoke, Alabama, and its police jurisdiction where sanitary sewers are or become available and water under pressure is or becomes available but said water is not purchased, there shall be provided a pit privy or pit privies as provided in section 8 of this Ordinance.

SECTION 12: In all multiple dwellings of Class "B" separate water closets or pit privies within separate or complete enclosures, having separate entrances shall be provided for males and females, provided further that where two or more water-closets or privy seats are located within a single or common enclosure, each

shall be separated by a wall or partition, so constructed as to obscure the vision or contact between persons during ordinary use thereof.

SECTION 13: All rooms, buildings, or enclosures, in which such water-closets are located, shall be substantially constructed and have adequate provisions for light and ventilation.

SECTION 14: In all buildings or places other than dwellings, where persons are employed or congregate, the provisions applying to multiple dwellings of Class "B" shall apply.

SECTION 15: Septic Tanks of types approved by the County Board of Health may be constructed and maintained upon issuance of permit by the County Board of Health, or its duly authorized representatives, to serve premises where sanitary sewers are not available, the construction of same to be approved and inspected by the County Health Officer, or his representative, before being covered, and the permit for construction of same shall also provide for the agreement to connect to sanitary sewer system when same is available to such premise in conformity to Section 3 and Section 10 of this Ordinance.

SECTION 16: It shall be unlawful for dwellings or other buildings, or premises which are not provided with sanitary water-closets, or privy facilities, in accordance with the provisions of this Ordinance, to be leased or rented for the purpose of residence or occupancy by human beings or to be used or occupied for such purposes.

SECTION 17: It shall be the duty of the Board of Health of Randolph County, or its duly authorized representatives, to prohibit the use or occupancy of all such dwellings, buildings, or premises not so equipped, and when necessary, to order or cause

such dwellings, buildings, or premises to be vacated:

SECTION 18: It shall be unlawful for a person to use or permit the use of a privy, water-closet or septic tank which is defective, unclean, or for any reason insanitary, or which does not conform to the provisions of this Ordinance, and each use thereof shall be deemed a separate offense.

SECTION 19: No water-flush closet shall be located out of doors or outside of the principal building, the equipment of which it is intended to become a part.

SECTION 20 The provisions of this Ordinance with reference to sewer connections shall be deemed to apply only where connections with a public sewer is or becomes reasonably accessible and connection shall be deemed to be reasonably accessible when such public sewers are within a distance of two hundred (200) feet of any outside line of the lot upon which such dwelling or other building is located, provided such sewer may be reached without crossing the property of another, and provided further that when such property or premises is not subdivided into lots, and so designated on available surveys or maps of record, then the distance specified above shall be deemed to apply to the nearest portion of said dwellings or other buildings.

SECTION 21: The cost of providing water-closets, privies, or other methods of excreta disposal, required by the provisions of this Ordinance, shall be borne by the owner or agent of the property upon which said privies or toilets are located.

SECTION 22: In the case of the failure of any person, firm, association, corporation, or their agent, in the City of Roanoke, Alabama, to comply with the provisions of this Ordinance within

fifteen (15) days after written notice, the City of Roanoke, Alabama, may order and execute the necessary improvements, and the costs of the same to be assessed against and to become a lien upon the entire property or premise upon which such installation or improvements are made, in accordance with Section 2051 of the Code of Alabama of 1923, as amended by Acts of 1927, page 41, and as amended by Acts of 1935, pages 918, et seq.

SECTION 23: When a pit or excavation, used as or in connection with a privy, shall become filled with human excreta or other solid material to within eighteen (18) inches of the level of the surrounding a new excavation of adequate dimensions in another location which shall be constructed and equipped in accordance with the provisions of this Ordinance. When a pit or excavation, used as part of a privy, is abandoned, after becoming filled or partly filled with human excreta, the contents thereof shall be covered with dirt to be a depth of not less than eighteen (18) inches, and in every case such pit or excavation shall be filled up to a level with the surrounding ground surface and kept so.

SECTION 24: All water-closets, privies, septic tanks within the City of Roanoke, Alabama, and its police jurisdiction shall be subject to inspection or investigation by the County Board of Health, or its duly authorized representatives, at all reasonable times and the said Board of Health, or its representatives, shall have the right to enter upon or into all property, premises, or buildings for such purposes at all reasonable times.

SECTION 25: All water-closets, septic tanks, privies and appurtenances thereto on any premise in the City of Roanoke, Alabama, and its police jurisdiction not constructed, located, equipped or maintained in accordance herewith are hereby declared to be

insanitary, a menace to the public health and a nuisance, and shall be abated in accordance with law.

SECTION 26: Each and every violation of the provisions of this Ordinance shall constitute a separate offense for each day such violation occurs or exists, except as provided in Section 18 of this Ordinance.

SECTION 27: Any person found guilty of violating any of the provisions of this Ordinance shall be fined not less than \$1.00 and not more than \$100.00, and may also be sentenced to hard labor for not more than six months, one or both.

SECTION 28: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 29: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this Ordinance which is not in itself and of itself unconstitutional.

Adopted and approved, this the 13th day of June, 1939.

Attest: Ora E. Jones, Clerk
City of Roanoke, Alabama

K. L. Hooper, Mayor
City of Roanoke, Ala.

I, Ora E. Jones, Clerk of the City of Roanoke, Alabama, do hereby certify that the above and foregoing Ordinance No. 313-a, was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama, on the 13th day of June, 1939, and was herein recorded and was published in the Roanoke Leader a newspaper of general circulation in the City of Roanoke, Alabama, on the 14th and 21st

day of June, 1939.

Clerk, City of Roanoke, Alabama