

*Ordinance*  
*No. 31*

*7-12-76*

**Art. 4477-1**

**HEALTH-PUBLIC**

**Title 71**

**Cross References**

Home rule cities, water works systems, see art. 1175.  
Injection wells for industrial and municipal waste, see art. 7621b.  
State Board of Health, authority to enter buildings, factories, bakeries, dairies, hotels and restaurants, see art. 4420.  
Texas coordinating commission for state health and welfare services, see art. 4447c.  
Water pollution control, see art. 7621d.

**Article 4477-1. Minimum standards of sanitation and health protection measures**

**Definitions**

Section 1. (a) The following terms wherever found in this Act, unless otherwise defined, shall be understood to mean:

(b) **APPROVED PRIVY:** Any unit for the disposal of human excreta constructed and maintained in conformity with the specifications of the State Department of Health.

(c) **COMMON CARRIER:** Any licensed firm, corporation or establishment which solicits and operates public freight or passenger transportation service. The term "Common Carrier" shall also include any vehicle employed in such transportation service.

(d) **COMMON DRINKING CUP:** Any receptacle used for serving water or other beverage to two or more persons in any public place or any establishment catering to the public; provided this term shall not apply to receptacles properly washed and sterilized after such service.

(e) **DRINKING WATER:** All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleansing of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term "Drinking Water" shall also include all water supplied for human consumption or used by any institution catering to the public.

(f) **HUMAN EXCRETA:** The urinary and bowel discharges of any human being.

(g) **NUISANCE:** Any object, place or condition which constitutes a possible and probable medium of transmission of disease to or between human beings or any other object, place or condition which may be specifically declared by this Act to be a nuisance.

(h) **PUBLIC HEALTH ENGINEER:** Any engineer who has been duly licensed to practice as a registered professional engineer and who is further versed in the sciences of water purification, sewage, treatment, and in the public health principals of conditioning the environment.

(i) **SANITARIAN:** Any trained worker who has a practical knowledge of sanitation as it pertains to disease control.

(j) **SANITARY:** Any condition of good order and cleanliness which precludes the probability of disease transmission.

(k) **SEPTIC TANK:** Any covered water-tight tank, designed for the treatment of sewage.

(l) **SEWERAGE PLANT OPERATOR:** Any person, trained in the collection, treatment, or disposal of sewage who has a practical working knowledge of the mechanics, maintenance and operating principles of the collection, treatment, and disposal of sewage.

(m) **SWIMMING POOL:** Any body of water maintained expressly for public recreational purposes, swimming and similar aquatic sports.

(n) **TOILET:** The hopper device for the deposit and discharge of human excreta into a water carriage system.

(o) **TOURIST COURT:** Any camping place or group of two or more mobile or permanent housing units operated as rental property for the use of transient trade or any or all trailer units housing human beings.

(p) **WATER PLANT OPERATOR:** Any person trained in the purification or distribution of a public water supply who has a practical working knowledge of the chemistry and bacteriology essential to the practical mechanics of water purification and who is capable of conducting and maintaining the purification processes in an efficient manner.

(q) **WATER SUPPLY:** Any source or reservoir of water distributed to and used for human consumption.

#### Nuisances

Sec. 2. (a) Any and all of the following conditions are hereby specifically declared to be nuisances dangerous to the public health;

(b) Any condition or place allowed to exist in populous areas which constitutes a breeding place for flies;

(c) Any spoiled or diseased meats intended for human consumption;

(d) Any restaurant, food market, bakery, or other place of business or any vehicle where food is prepared, packed, stored, transported, sold or served to the public which is not constantly maintained in a sanitary condition;

(e) Any place, condition or building controlled or operated by any governmental agency, state or local, which is not maintained in a sanitary condition;

- (f) All sewage, human excreta, waste water, garbage, or other organic wastes deposited, stored, discharged or exposed in such a way as to be a potential instrument or medium in the transmission of disease to or between any person or persons;
- (g) Any vehicle or container used in the transportation of garbage, human excreta, or other organic material which is defective and allows leakage or spilling of contents;
- (h) Any collection of water in which mosquitoes are breeding within the limits of any city, town or village;
- (i) Any condition which may be proven to injuriously affect the public health and which may directly or indirectly result from the operations of any bone boiling, fat rendering, tallow or soap works or other similar establishments;
- (j) Any place or condition harboring rats in populous areas;
- (k) The presence of ectoparasites (bedbugs, lice, mites, et cetera) suspected to be carriers of disease in any place where sleeping accommodations are offered to the public;
- (l) The maintenance of any open surface privy or of any overflowing septic tank, the contents of either of which may be accessible to flies.

#### Abatement of nuisances

Sec. 3. (a) Every person, possessing any place in or on which there is a nuisance shall, as soon as its presence comes to his knowledge, proceed at once and continue to abate the said nuisance.

(b) Every local health officer who receives information and proof of the existence of a nuisance within his jurisdiction shall issue a written notice to any person responsible for the said nuisance ordering the abatement of same. He shall at the same time send a copy of the said notice to the local city, county, or district attorney. Such notice shall specify the nature of the nuisance and shall designate a reasonable time within which such abatement shall be accomplished. In the event such notice is not complied with within the specified time, the local prosecuting attorney who received the copy of the original notice shall be so advised by the local health officer, and he shall immediately institute proceedings for the abatement thereof.

#### Garbage and refuse

Sec. 4. (a) All premises occupied or used for residential, business or pleasure purposes shall be kept in a sanitary condition.

(b) No kitchen waste, laundry waste, or sewage shall be allowed to accumulate, discharge or flow into any public place, gutter, street, or highway.

(c) No waste products, offal, polluting material, spent chemicals, liquors, brines or other wastes of any kind shall be stored, deposited or disposed of in any manner as may cause the pollution of the surrounding land or the contamination of the well waters to the extent of endangering the public health.

(d) All persons, firms, corporations or municipalities using or permitting the use of any land as a public dump shall provide for the covering or incineration of all animal or vegetable matter deposited thereon and for the disposition of other waste materials and rubbish to the extent of eliminating any and all possibility that such materials and rubbish might constitute breeding places for insects, rodents or flies.

(e) No person shall permit any vacant or abandoned property owned or controlled by him to be or remain in such a condition as will afford the creation of a nuisance or other conditions prejudicial to the public health.

#### Disposal of human excreta

Sec. 5. (a) All human excreta in populous areas must be disposed of through properly managed sewers, treatment tanks, chemical toilets, approved privies, or by other methods approved by the State Department of Health. The disposal system shall be sufficient to prevent the pollution of surface soil, the contamination of any drinking water supply, the infection of any flies, cockroaches, or the creation of any other nuisance.

(b) All effluent from septic tanks hereafter constructed shall be disposed of through a subsurface drainage field designed in accordance with good public health engineering practice or any other method which does not create a nuisance.

(c) No privy shall hereafter be constructed within seventy-five (75) feet of any drinking water well or of a human habitation other than to which it is appurtenant without approval by the Local or State Health Officer, and no privy shall be erected or maintained over any abandoned well or over any stream; provided further that no privy shall be constructed or maintained in any unincorporated village which shall hereafter come within the provisions of Article 4434-35 of the Revised Civil Statutes of Texas, 1925, which is located within thirteen hundred and twenty (1320) feet of any water well which is used for drinking water purposes, and the construction, maintenance, and use of such privy in violation of this section shall be a nuisance. Provided, however, that this Act shall not apply to any county having less than three hundred fifty thousand (350,000) inhabitants according to the last preceding Federal Census.

(d) The superstructure and floor surrounding the seat riser and hopper device of every approved privy shall be kept in a sanitary

condition at all times, and shall have adequate lighting and ventilation.

(e) All material and human excreta removed from any privy vault or from any other place shall be handled so as not to create a nuisance. Such matter shall not be deposited within three hundred (300') feet of any highway unless buried or otherwise treated in accordance with the instructions of the local or State Health Officer.

#### **Toilet facilities**

Sec. 6. (a) All operators, managers, or superintendents of any public buildings, school houses, theaters, filling stations, tourist courts, bus stations and taverns shall provide and maintain sanitary toilet accommodations.

#### **Unincorporated villages**

Sec. 7. (a) Every person in possession of or owning any properties used for human habitation within an unincorporated village which shall hereafter come within the provisions of Article 4434-35 of the Revised Civil Statutes of Texas, 1925, shall:

(b) Install, remodel or maintain an approved privy or other approved type of disposal unit;

(c) Protect all wells providing drinking water from contamination;

(d) Dispose of all garbage and other waste matter in a sanitary manner;

(e) Abate all mosquito and fly breeding areas or mediums;

(f) Exterminate and destroy all rodents by poisoning, trapping or other appropriate means.

#### **Public buildings**

Sec. 8. Any and all public buildings hereafter constructed shall have incorporated therein all such heating, ventilation, plumbing, screening, and rat-proofing features as may be necessary to properly protect the health and safety of the public.

#### **Ice plants**

Sec. 9. (a) No person except officers, employees, or others whose duties require such shall be permitted to go upon the platform covering the tanks in which ice is frozen in ice factories. All employees whose services are required on tanks shall be provided with clean shoes or boots which shall be used for no other purpose.

(b) No ice contaminated with sand, dirt, cinders, lint, or any other foreign substances shall be sold or offered for sale for human consumption.

(c) All water used in the manufacturing of ice shall be from an approved source and be of a safe quality.

(d) Every ice plant operator shall provide sanitary handwashing and toilet facilities for the use of all employees thereof.

#### Drinking water

Sec. 10. (a) All drinking water for public use shall be free from deleterious matter and shall comply with the standards established therefor by the State Department of Health or the United States Public Health Service.

(b) The use of the common drinking cup is hereby prohibited in this state. No drinking water shall be served except in sanitary containers or through other sanitary mediums.

#### Protection of public water supplies

Sec. 11. (a) No district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the supervision of a competent water works operator holding a valid certificate of competency issued under direction of the Texas State Department of Health.

(b) No owner, agent, manager, or operator or other person having charge of any water works supplying water for public or private use shall knowingly furnish to any person any contaminated drinking water or permit the appliances thereof to become insanitary.

(c) The owner or manager of every water supply system furnishing drinking water to 25,000 or more persons shall have the water tested at least once daily for the determination of its sanitary quality and shall furnish the State Department of Health with monthly reports thereof. The owner or manager of any water plant supplying drinking water to less than 25,000 persons, according to the latest Federal Census and such revised Federal Census as may hereafter be taken and established, or by other population-determining methods in all such cases where Federal Census are not taken, shall submit to the State Department of Health at least four (4) specimens of water taken from the supply for the purpose of bacteriological analysis during each monthly period of the operation of such service.

(d) No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless such other water is of a safe sanitary quality and the interconnection is approved by the State Department of Health. No water connection from any public drinking water supply shall be made to any sprinkling, condensing, cooling, plumbing, or any other system unless the said connection is of such a design as will insure

against any backflow or siphonage of sewage or contaminated water from said system into the drinking water supply. Upon discovery of any condition contrary to these provisions, written notice shall be given to the owner or agent maintaining such condition by the local health officer, and such owner or agent shall make such corrections as are necessary to eliminate the condition complained of.

(e) No part of sub-sections (a), (b), and (c) of Section 11 shall apply to the production, distribution or sale of raw, untreated surface water.

Approved plans required for public water supplies and  
sewerage systems

Sec. 12. (a) Every person, firm, corporation, public or private, contemplating the establishment of any drinking water supply or sewage disposal system for public use shall, previous to construction thereof, submit completed plans and specifications therefor to the State Department of Health and the said Department shall approve same; provided said plans conform to the water safety and stream pollution laws of this state. The said water supply or sewage disposal system shall be established only after approval has been given by the State Department of Health.

(b) Any governing body of any municipality or any other agency supplying drinking water or sewage disposal service to the public desiring to make any material or major changes in any water or sewerage system that may affect the sanitary features of such utility shall, before making such changes, give written notice of such intentions to the State Department of Health.

(c) No water supply owner, manager, operator or agent thereof shall advertise or announce any water supply as being of any quality other than is disclosed by the latest rating by the State Department of Health. It shall be the duty of the State Department of Health to assemble and tabulate all necessary data relative to public drinking water supplies, which shall form the basis of an official comparative rating of all public drinking water supply systems, at least once each year and as often during the year as conditions may demand or justify. All supply systems attaining an approved rating shall have the privilege of erecting signs of a design approved by the State Department of Health on highways approaching the city of such supply; and these signs shall be immediately removed upon due notice from the State Department of Health in the event the supply system fails to continue to meet the specified standards.

Sanitary defects

Sec. 13. (a) All sanitary defects existent at public drinking water plants which obtain their supply from underground sources shall be immediately corrected.

(b) No public drinking water supply system furnishing drinking water from underground sources to the public shall be established in any place subject to possible pollution by any flood waters, unless adequately protected against flooding.

(c) All suction wells or suction pipes, used in any public drinking water supply system shall be constantly protected by practical safeguards against surface or sub-surface pollution.

(d) No livestock shall be permitted to enter or remain within the wellhouse enclosure of a public drinking water supply system.

(e) All public drinking water distribution lines shall be constructed of impervious material with tight joints, a reasonably safe distance from sewer lines.

(f) No water from any surface public drinking water supply shall be made accessible or delivered to any consumer for drinking purposes unless it has first received treatment essential to rendering it safe for human consumption. All treatment plants including aeration, coagulation, mixing, settling filtration, and chlorinating units shall be of such size and type as may be prescribed by good public health engineering practices.

(g) Clear water reservoirs shall be covered and be of such type and construction as will prevent the entrance of dust, insects, and surface seepage.

#### Impounded water

Sec. 14. All persons, firms, corporations, and governmental agencies that impound any body of water for public use shall cooperate with the state and local departments of health in the control of disease bearing mosquitoes on the impounded area.

#### Swimming pools and bath houses

Sec. 15. (a) All owners, managers, operators, and other attendants in charge of any public swimming pool shall maintain all such pools in a sanitary condition. The bacterial content of the water in any public swimming pool shall not be allowed to exceed the safe limits as prescribed by established standards of the State Department of Health. Residual chlorine from 0.2 to 0.5 parts per million units of water or any other method of disinfectant approved by the State Department of Health shall be maintained in every public swimming pool throughout the period of their use.

(b) No water in any swimming pool open for the public shall ever be permitted to show an acid reaction to a standard pH test.

(c) Any and all parts of any public bath house and the surroundings thereto shall at all times be kept in a sanitary condition.

(d) No comb or hairbrush used by two or more persons shall be permitted or distributed in any bath house of a public swimming pool.



(e) Facilities shall be provided in all swimming pools for adequate protection of bathers against sputum contamination.

(f) All persons known or suspected of being infected with any transmissible condition of a communicable disease shall be excluded from the pool.

(g) The construction and appliances of all public swimming pools shall be such as to reduce to a practical minimum any possibility of drowning or injury of bathers. All swimming pools hereafter constructed shall be in conformity with good public health engineering practices.

(h) All bathing suits and towels furnished to bathers by any person or persons shall be thoroughly washed with soap and hot water and thoroughly rinsed and dried after each use.

(i) All dressing rooms of any swimming pool shall contain shower bath facilities.

(j) The operator or manager of any public swimming pool shall provide adequate and proper approved facilities for the disposal of human excreta by the bathers thereof.

#### School houses and grounds

Sec. 16. (a) Every school building shall be located on grounds that are well drained and maintained in a sanitary condition.

(b) Every school building shall be properly ventilated and provided with an adequate supply of drinking water and approved sewage disposal system, hand-washing facilities, a heating system, and lighting facilities, all of which shall conform with established standards of good public health engineering practices.

(c) All public school lunch rooms maintained and operated shall comply with the State Food and Drug Regulations.

(d) All public school buildings and appurtenances thereto shall be maintained in a sanitary manner.

(e) All building custodians and janitors employed on a full-time basis shall be versed in the fundamentals of safety and school sanitation.

#### Tourists courts, hotels, inns and rooming houses

Sec. 17. (a) Every agency, person, firm, or corporation operating any tourist court and hotels, inns and rooming houses in this state shall provide a safe and ample water supply for the general conduct thereof and shall submit samples of said water at least once each year before the month of May to the State Department of Health for bacteriological analysis.

(b) Every tourist court and hotels, inns and rooming houses shall be equipped with an approved system of sewage disposal maintained in a sanitary condition.

(c) All owners or operators of any tourist court and hotels, inns and rooming houses shall provide every practical facility essential to keeping the entire area of each of said courts in a sanitary condition.

(d) Every owner or operator of a tourist court and hotels, inns and rooming houses providing gas stoves for the heating of any unit thereof shall determine that such stoves are properly installed and maintained in properly ventilated rooms.

(e) All owners, operators, or managers of every tourist court and hotels, inns and rooming houses shall maintain all sanitary appliances situated therein in good repair.

(f) All food offered for sale at any tourist court and hotels, inns and rooming houses shall be adequately protected from flies, dust, vermin, spoilage, and shall be kept in a sanitary condition at all times.

(g) No owner, manager or agent shall rent or furnish any unit of any tourist court and hotels, inns and rooming houses to any person succeeding a previous occupant without having first thoroughly cleaned the said unit, and having provided clean and sanitary sheets, towels, and pillow cases therefor.

(h) Every tourist court and hotels, inns and rooming houses failing to conform to any provision of this Act is hereby declared to constitute a nuisance.

(i) All owners, operators, or managers of any hotel, inn, or rooming house shall maintain all such premises in a sanitary condition.

#### Fair grounds, public parks and amusement grounds

Sec. 18. Every fair ground, public park or amusement center of any kind shall be maintained in a sanitary condition and any and all food and beverages which may be sold in any part of such place shall be adequately protected against flies, dust, vermin, spoilage, and shall be kept in a sanitary condition.

#### Industrial establishments

Sec. 19. (a) No person, firm, corporation or other employer shall use, or permit to be used in the conduct of any business, manufacturing establishments or other place of employment, any process, material, or condition known to have any possible adverse effect on the health of any person or persons employed therein unless arrangements have been made to maintain the occupational environment to the extent that such injury will not result. Every industrial establishment shall be continually maintained in a sanitary condition.

(b) The Texas State Department of Health shall make available to the citizens of Texas current information concerning minimum allowable concentrations of toxic gases and such environmental standards as may pertain to the health and safety of the employees of industrial establishments in this state.

(c) The Texas State Department of Health shall make health and sanitary surveys and studies of industrial establishments including such special items as water supplies and distribution, waste disposal, adverse conditions caused by processes which may be responsible for or cause ill health of industrial workers. Such Texas State Department of Health shall bring to the attention of each surveyed establishment a summary of the studies and findings resultant thereof, together with any recommendations which may be deemed necessary for the adequate protection of the health, safety and well-being of the workers.

#### Sewage

Sec. 20. (a) The management of every public sewerage treatment plant shall employ a sewerage plant operator holding a valid certificate of competency issued under the direction of the Texas State Department of Health. Such sewerage plant operator shall be in charge of said plant. This certificate shall not apply to sewerage treatment plants using septic tanks and subsoil treatment.

(b) The Texas State Department of Health shall take all necessary procedures essential to the protection of any spring, well, pond, lake, reservoir, or other streams in Texas, from any condition or pollution resulting from sewage, that may endanger the public health, and shall have full authority to enforce all the laws of this state relating thereto.

#### Typhus and pest control

Sec. 21. (a) The word "place" as used in this Section shall be construed as meaning any enclosed structure frequented or inhabited by or operated for public trade.

(b) Every person, firm or corporation possessing any place that is infested with rodents shall, as soon as each such condition comes to their knowledge, proceed and continue in good faith to endeavor to exterminate and destroy all such rodents by the process of poisoning, trapping, fumigation or any other appropriate means and shall immediately proceed to provide every possible practical means of rat stoppage in any such place.

(c) All new public buildings which may hereafter be constructed shall have rat proofing features incorporated therein.

(d) The State Health Officer is directed to promote rodent control programs in all rat infested areas and in localities where typhus fever has appeared.

(e) It shall hereafter be unlawful for any person, firm or corporation to engage in commercial pest control activities in any structure used as a domicile, or otherwise used by human beings, to employ or distribute lethal gases, or other poisons used for the purpose of exterminating pests, unless such exterminating agency conforms to commonly accepted standards for safety in pest control.

Common carriers

Sec. 22. (a) All persons, firms or corporations managing or operating bus lines or airlines in the State of Texas, or any person, firm or corporation operating any coastwise vessel along the shores of the State of Texas shall maintain sanitary conditions in all of their equipment and at all terminals or docking points.

(b) All drinking water provided by common carriers or their agents, shall be taken only from supplies certified as meeting the standards established by the Texas State Department of Health. All such water shall be kept and dispensed in a sanitary manner.

(c) Every place where drinking water is placed aboard any vehicle operated as a common carrier shall be known as a common carrier watering point. Every common carrier's watering point shall meet all required standards of sanitation, and water handling practices as may be established for such purposes by the State Board of Health. All common carrier watering points meeting such standards shall be so certified by the State Department of Health.

(d) In the event any sanitary defects exist at the watering point, the Texas State Department of Health shall issue or cause to be issued a supplemental certification showing that the watering point is only provisionally approved; and if said defects are suffered to continue after a reasonable time for the correction of same has expired, then the State Health Department shall notify or cause to be notified the common carriers not to receive drinking water at the watering point involved.

Authority of home rule cities not affected

Sec. 23. All provisions of this Act are hereby declared to constitute minimum requirements of sanitation and health protection within the State of Texas and shall in no way affect the authority of Home Rule Cities to enact more stringent ordinances pertaining to the matters herein referred to, and shall in no way affect the authority of Home Rule Cities to enact ordinances as granted to them under Article XI, Section V of the State Constitution, and Articles 1175-76 of the Revised Civil Statutes of Texas of 1925.

Penalty

Sec. 24. Any person, firm or corporation who shall violate any of the provisions of any Section or sub-division of this Act, shall be

fined not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00), and each day of such violation shall constitute a separate offense. The penalties of this Act shall not apply where a person or persons have exercised due diligence, and have violated the same without any intent. Acts 1945, 49th Leg., p. 234, ch. 178; Acts 1951, 52nd Leg., p. 764, ch. 416, § 1; Acts 1961, 57th Leg., p. 1019, ch. 446, § 1.

#### Historical Note

##### Section 5

Acts 1951, ch. 416, added the provisos to paragraph (c).

##### Section 15

The amendment of 1961 inserted the words "or any other method of disinfectant approved by the State Department of Health" in the second sentence of subsection (a).

##### Miscellaneous

Section 25a of the Act of 1945, read as follows:

"In the event any sentence, clause, section, or word of this Act is declared invalid by any court of competent jurisdiction, it is hereby declared to be the legislative intent of this 49th Legislature that the remaining and all other portions of this Act shall not be affected thereby, but shall remain in full force and effect in all respects excepting such word or clause as may be so declared invalid."

##### Title of Act:

An Act to promote the public health; providing for methods of control and prevention of preventable diseases; defining certain terms, words, and phrases; providing for the abatement of nuisances; establishing minimum standards and requirements of sanitation and health protective measures and procedures to be complied with by all governmental units, residents, firms, associations, corporations and all other persons within this state; establishing duties of and granting administrative authority to public health and enforcement agencies; repealing all laws and parts of laws in conflict therewith; providing that should any word, sentence, clause, or Section be declared invalid by any court of competent jurisdiction the remaining Section or portion of the Act shall not be thereby affected; providing a penalty; and declaring an emergency. Acts 1945, 49th Leg. p. 234, ch. 178.

#### Cross References

Office of State Health Officer abolished and office of Commissioner of Health created, see art. 4418b-1.  
Regulation of rendering plants, see art. 1015k.

#### Notes of Decisions

Construction and application 1  
Nuisances 2

##### Library references

Health ⇨22 et seq., 26 et seq.  
Municipal Corporations ⇨708 et seq.  
Waters and Water Courses ⇨196.  
C.J.S. Health §§ 12 et seq., 21.  
C.J.S. Municipal Corporations § 1049 et seq.  
C.J.S. Waters §§ 232, 269.

##### 1. Construction and application

A plaintiff who illegally established water supply without approval of State Department of Health, as required by this article did not come into court of equity with "clean hands", and hence was not entitled to permanent injunction, which would aid

performance of unlawful act, restraining defendant from cutting and removing pipe line which plaintiff had laid in road dedicated to public, notwithstanding that defendant in fact was ignorant of statute. *Riley v. Davidson* (Civ.App 1946) 196 S.W.2d 557, ref. n. r. e.

Municipality which engaged in spraying, for small payment, private homes with D.D.T. solution to eliminate rodents and insects, was acting for purposes of public health and therefore in a governmental capacity, and was not liable for explosion in private home, resulting from spraying operations allegedly negligently conducted by its employees. *City of Midland v. Hamlin* (Civ.App.1951) 239 S.W.2d 159, 25 A.L.R.2d 1048.

City must dispose of sewage in a sanitary manner. *Bowie v. City of Houston* (Civ.