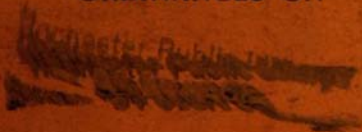


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ORDINANCES ON



PUBLIC SAFETY AND  
GOOD ORDER

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ROCHESTER, N. Y.

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# ORDINANCES

RELATING TO

## PUBLIC SAFETY AND GOOD ORDER

(Adopted April 1st, 1914)

## MOUNT HOPE CEMETERY PUBLIC PARKS and DOGS

(Adopted December 10th, 1907)

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1914

Drafted by

B. B. CUNNINGHAM, Asst. Corporation Counsel

## OFFICIALS

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HIRAM H. EDGERTON

Mayor.

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CHARLES S. OWEN

Commissioner of Public Safety.

JOSEPH M. QUIGLEY

Chief of Police.

CHARLES LITTLE

Chief of Fire Department.

GEORGE W. GOLER, M. D.

Health Officer.

EDWARD WHEELER, JR.

Fire Marshal.

# ORDINANCE RELATING TO PUBLIC SAFETY AND GOOD ORDER

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PASSED APRIL 1, 1914

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BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF ROCHESTER  
AS FOLLOWS :

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## ARTICLE I.

### DEFINITIONS.

Section 1. **Definitions**—As used in this ordinance words and phrases have the following meaning :

1. **Vehicles**: All vehicles, excepting those which run only on rails or tracks, and include the horse, mule or animal drawing the same, if any.

2. **Motor Vehicles**: All vehicles propelled by power, excepting those propelled or drawn by man or animal, excepting those which run only on rails or tracks, and excepting motorcycles, motor bicycles and motor tricycles.

3. **Motorcycles:** Motorcycles, motor bicycles and motor tricycles.

4. **Driver:** The person who drives, rides or leads a horse or mule, or who drives, draws, propels or operates a vehicle.

5. **Congested District:** Main Street, from Plymouth Avenue to Stillson Street; Plymouth Avenue, North and South, from the Erie canal to Church Street; Fitzhugh Street, North and South, from the Erie canal to Church Street; Church Street, from North Fitzhugh Street to State Street; Irving Place; Exchange Street, from the Erie canal to Main Street; State Street, from Main Street to Central Avenue; Corinthian Street; Aqueduct Street; Graves Street; South Avenue, from Main Street to Court Street; St. Paul Street, from Main Street to Andrews Street; Stone Street, from Main Street to Court Street; Clinton Avenue South, from Main Street to Monroe Avenue; Clinton Avenue North, from Main Street to Andrews Street; Cortland Street, from Main Street to Court Street; Elm Street, from Main Street to Atlas Street; East Avenue from Main Street to Swan Street; Franklin Street, from Main Street to North Street; North Street, from Main Street to Fanklin Street.

6. **Limited District:** Main Street, from Plymouth Avenue to Stillson Street; State Street, from Main Street to Corinthian Street; South Avenue, from Main Street to Ely Street; St. Paul Street, from Main Street to Division Street; Clinton Avenue North, from Main Street to Division

Street; Clinton Avenue South, from Main Street to Downs Street.

7. **Street:** A public street, highway or alley in the City of Rochester, or roadway or driveway in the public parks of said city.

8. **Roadway:** That portion of a street set apart or intended especially for vehicles and horses, extending from curb or gutter to opposite curb or gutter.

9. **Sidewalk:** That portion of a street extending from curb or gutter to nearest lot line.

10. **Mile Circle:** All points within a circle, the center of which is the intersection of Main, Exchange and State Streets, and the circumference of which is a mile distant from said center.

## ARTICLE II.

### TRAFFIC REGULATIONS.

Section 10. **Rules of the Road**—A vehicle must

1. Keep to the right of the center of the roadway.

2. Keep as near the right hand curb as possible, if slow moving.

3. When meeting another vehicle, pass it to the right.

4. Keep to the left, when passing another vehicle headed in the same direction.

5. When turning corners, keep to the right of the intersection of the centers of the streets.

6. Turn when crossing from one side of the street to the other, so as to head in the same direction as traffic on that side of the street.

7. When passing a moving or standing street surface car headed in either direction, keep between the car and the curb on the right hand side of the vehicle, except when the tracks are not in the roadway. This subdivision does not apply to a vehicle traveling south in Clinton Avenue between Court Street and Monroe Avenue.

8. Go around the block or make a turn on some other street, if in order to turn it is necessary to back up the vehicle and the same cannot be done without delaying or obstructing traffic.

9. Not be driven between the conveyances of a funeral procession, or so as to interrupt or detain such procession, or any part thereof.

10. Not impede or obstruct the apparatus of the fire department or any official or employee of the city in the discharge of his duty at a fire, or break through or go within the fire lines established by the police.

**Sec. 20. Special Rules for the Congested District**—In the congested district between the hours of 7 A. M. and 6.30 P. M., a vehicle must not

1. In order to pass a vehicle ahead, leave the line on the right unless there is a clear way of at least twenty-five feet in advance on the left.

2. While in motion, come within ten feet of a vehicle in front of it at or near a crosswalk.

3. Be driven or conveyed through any of the streets in such district if the vehicle, with or without its load, exceeds nine feet in width, unless a permit therefor is obtained from the Commissioner of Public Safety.

4. Be driven or conveyed through any of the streets in such district while used exclusively for advertising purposes.

**Sec. 30. Signals by Drivers—**A driver of a vehicle must

1. When about to slow up or stop, give a signal to those behind by raising the hand or whip vertically

2. When about to turn, give a signal by raising the hand or whip indicating the direction in which the turn is to be made.

3. When about to back up, give ample warning by voice or uplifted hand or whip, and while backing exercise unceasing vigilance not to injure those behind.

**Sec. 40. Right of Way of Certain Vehicles—**Police, fire and United States mail vehicles, emergency repair wagons and ambulances have the right of way in all streets and over all vehicles, including street surface cars, and through all processions.

**Sec. 50. Passing Standing Street Cars—**The driver of a vehicle must keep the same at least six feet from the running board or lower step of any surface car headed in the same direction as the



vehicle, and at least six feet from the nearest side of any surface car headed in the opposite direction, which is stopping or has stopped for the purpose of taking on or discharging passengers and must slow the vehicle down to not more than five miles an hour and pass said car at no greater speed; and if by reason of the presence of other vehicles, or by reason of the narrowness of the street, or other causes, it is not possible to keep the vehicle such distance from the car, or if necessary for the safety of the passengers alighting from or getting on said car, the driver of said vehicle shall stop the same at least three feet from the rear of such car, and remain standing until such car shall have started. In the congested district, at street car stopping places, the Commissioner of Public Works shall mark the six foot distance from the running board or lower step of surface cars by painted white lines on the pavement.

**Sec. 60. Obstruction of Street Cars Prohibited.**

1. The driver of a vehicle must not delay or obstruct the passage of street surface cars, and must immediately upon signal from the motor-man or conductor of a car, turn out or to one side, so as to permit the passage of said car.

2. Vehicles must not be driven upon street car tracks when the same are not located in the roadway.

**Sec. 70. Vehicles Standing in Streets—A vehicle must not**

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1. Stop or stand in a street except close to the curb unless in case of accident or other emergency, or when directed by the police to stop.

2. Stop or stand with the left side thereof to the curb.

3. Stop or stand within the intersection of streets, except in case of accident or other emergency, or when directed to stop by the police.

4. Stop or stand upon or obstruct a crosswalk or sidewalk, except in case of accident or other emergency.

5. Stop or stand on a bridge over the Genesee River or Erie Canal other than Main Street river bridge, except in case of accident or other emergency.

6. Stand crosswise on any street for a period longer than actually necessary for the purpose of loading or unloading goods, wares or merchandise, and in such case the horse or horses, if any, attached to such vehicle must be turned so as to stand parallel with the sidewalk, and headed in the general direction of travel on the side of the street on which the vehicle is standing.

7. In the congested district between the hours of 9 A. M. and 6.30 P. M., stand crosswise for the purpose of loading or unloading goods, wares or merchandise, excepting pianos, safes, boilers and heavy machinery, without written permission from the Commissioner of Public Safety.

8. Between the hours of 7 A. M. and 6.30 P.

M., stop or stand in any street in the congested district more than one hour and thirty minutes, unless actually necessary for the purpose of loading or unloading goods, wares or merchandise.

9. Stop or stand in the limited district between the hours of 5 P. M. and 6.30 P. M., any longer than actually necessary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

10. Stop or stand on the easterly side of Irving Place, the northerly side of Corinthian Street, the northerly side of Market Street, or the easterly side of Stone Street, any longer than actually necessary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

11. Stop or stand within twenty-five feet of a street corner any longer than actually necessary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

12. Stop or stand within ten feet of a fire hydrant any longer than actually necessary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

13. Stop or stand within thirty feet of a street car stopping sign in the congested district, or within fifteen feet of any such sign outside the congested district, any longer than actually nec-

essary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise. Stops for street cars shall be designated by a sign suspended over or between the trolley wires, or by white bands on poles. In case of a sign suspended over or between the trolley wires, the measurement shall be along the curb starting at a point where a straight line drawn from the sign would intersect the curb. In the congested district such thirty foot distances shall be marked by the Commissioner of Public Works by painted white lines at or near the curb.

14. Stop or stand in front of premises which are posted with a notice prohibiting vehicles from standing in front thereof, any longer than actually necessary for the purpose of receiving or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

15. Stand in a street, if a motor vehicle, unless the brakes are set and the motor stopped.

**Sec. 80. Special Rules for Street Surface Cars**—A street surface car must not

1. Between the hours of 7 A. M. and 6.30 P. M. in the congested district, while in motion, come within ten feet of another car or vehicle in front of it, at or near a crosswalk at the intersection of two or more streets, or at the Court House,, Reynolds Arcade, or midway between Front and Water Streets.

2. Stop or stand upon or obstruct a crosswalk

at the intersection of two or more streets, or at the Court House, Reynolds Arcade, or midway between Front and Water Streets.

3. Stop or stand within the intersection of streets, except in case of accident or other emergency.

4. Outside the congested district, pass another car which is stopping or has stopped for the purpose of taking on or discharging passengers, without coming to a full stop, and then proceeding slowly with the gong ringing.

Sec. 90. **Speed Limits**—Vehicles must not exceed the following speed limits:

1. Motor Vehicles and Motorcycles: Five miles per hour turning a corner; eight miles per hour on any bridge excepting the stone arch bridges over the Genesee River; ten miles per hour in the congested district; twelve miles per hour in public parks; fifteen miles per hour outside of the congested district and within the mile circle; eighteen miles per hour outside the mile circle.

2. Street Surface Cars: Seven miles per hour on Main Street between Elm Street and the Erie canal; ten miles per hour elsewhere in the congested district; fifteen miles per hour outside of the congested district and within the mile circle; eighteen miles per hour outside the mile circle.

3. All other Vehicles: Five miles per hour turning a corner or on any bridge excepting the

stone arch bridges over the Genesee River; ten miles per hour elsewhere.

4. All Vehicles Including Street Surface Cars: Ten miles per hour when passing a public or parochial school on school days between the hours of 8 A. M. and 4 P. M.

5. This section does not affect the special regulations as to speed when passing a standing surface car, or when traveling with a wind shield up in rain or snow.

6. This section does not apply to the apparatus of the fire and police force, to ambulances or to vehicles carrying United States mail.

Sec. 100. **Care and Caution**—The driver of a vehicle and the motorman of a street surface car must use care and caution, and must not drive, operate or run the same with a reckless or negligent disregard of the conditions then obtaining, and the rights of others, or so as to endanger the life or limb of any person, or the safety of property, or so as to splash mud, water or other substance upon the body or clothes of a person.

Sec. 110. **Lights on Vehicles.**

1. Lights on motor vehicles are regulated by the State Law.

2. A motorcycle during the period from one-half hour after sunset to one-half hour before sunrise, must display a white light visible within a reasonable distance in front thereof, and a red light carried on the rear of the vehicle.

3. Bicycles must exhibit during the period from one-half hour after sunset to one-half hour before sunrise, a white light visible within a reasonable distance in front thereof.

4. All other vehicles must exhibit during the period from one-half hour after sunset to one-half hour before sunrise, on the left side of the vehicle, a white light visible within a reasonable distance in the front of such vehicle, and a red light visible within a reasonable distance in the rear thereof, which lights if otherwise complying with this ordinance may be combined in one lamp or apparatus.

5. A motor vehicle or motorcycle must not display or have lighted a light burning acetylene or gas containing acetylene, or an electric headlight or searchlight, unless in either case the same be screened or covered so as not to glare or dazzle, provided that outside of the congested district such lights may be used after sunset and before sunrise on any street where the street lights are not burning.

**Sec. 120. Special Regulations for Motor Vehicles and Motorcycles.**

1. The muffler cut-out on a motor vehicle or motorcycle must not be opened.

2. Nothing but a bulb or single tone electric horn in, upon or attached to a motor vehicle or motorcycle shall be blown, sounded or operated, and those only by a quick, short blast, and only for the purpose of warning pedestrians, drivers of



other vehicles and motormen and conductors of street surface cars.

3. Dense smoke must not be caused, suffered or permitted to be discharged from any motor vehicle or motorcycle.

**Sec. 130. Dangerous and Annoying Practices Prohibited.**

1. The driver of a bicycle or motorcycle must not coast or ride with the hands off the handle bars, or practice any trick or fancy riding thereon.

2. The driver of a two wheeled motorcycle must not carry any other person thereon, and no other person shall ride thereon except on a seat securely fastened to the machine in the rear of the driver, and provided with foot rests and hand grips.

3. In case it is raining or snowing, and a vehicle is traveling at a speed exceeding ten miles per hour, the driver thereof must not have a wind shield or other obstruction on said vehicle extending to or above the line of his vision.

4. A vehicle moving on runners must have bells attached thereto or hanging from the animal drawing the same sufficient to give warning of approach.

5. A gong similar to that used on ambulances, or police and fire vehicles must not be carried or used on any other vehicle.

6 A vehicle must not be driven through the



streets loaded with iron or other material that may strike together without properly deadening such material, so that it will not cause any unnecessary noise.

7. A person while in an intoxicated condition must not drive a motorcycle.

8. If a motorcycle strikes a person or property and causes injury to the same, the driver thereof must not leave the place where the same occurred without stopping and giving his name and residence and license number to the injured party, and to a police officer, and in case no police officer is in the vicinity, the driver must report the accident with his name, address and license number at the nearest police station.

#### **Sec. 140. Driving on Sidewalks Prohibited.**

1. A vehicle or animal must not be driven, ridden or led upon or along any sidewalk, or a plot in the roadway planted with grass, flowers or shrubs, or an ornamented parkway in the roadway, except that baby carriages and invalid chairs may be propelled on the sidewalk; and except also that velocipedes and tricycles may be ridden on the sidewalk outside of the congested district by children under ten years of age.

2. Riders of bicycles when dismounted may lead their bicycles along the sidewalk in single file, except in the congested district.

**Sec. 150. Vehicles Injurious to Pavements—**A person must not

1. Drive upon an improved street, a vehicle having upon it a weight which together with the weight of the vehicle exceeds two thousand pounds, unless the tires thereon are at least three inches in width; or a vehicle having upon it a weight which together with the weight of the vehicle exceeds five thousand pounds, unless the tires thereon are at least four inches in width. This subdivision does not apply to vehicles used by farmers coming into the city with produce or fuel.

2. Drive a vehicle having metal spuds or dogs upon the wheels, or a vehicle which with or without a load exceeds fifteen tons in weight, unless in either case a permit in writing is obtained from the Commissioner of Public Works, which permit must prescribe the precautions to be taken to prevent injury to pavements and bridges, and such vehicle must not be driven upon or through any street, or portion of a street, other than those designated in said permit, or in any manner different than that specified in said permit.

**Sec. 160. Unusually Large and Heavily Loaded Vehicles.**

1. The driver of a loaded hay wagon must not drive upon Main Street between East Avenue and Genesee Street, unless having hay to deliver thereon, and then only on such portion thereof as may be necessary to reach and leave the place where the hay is to be delivered.

2. The driver of a slow moving or heavily

loaded or unusually large vehicle for transporting goods, wares or merchandise, must not drive upon Main Street between Plymouth Avenue and East Avenue during the period from 5 P. M. to 6:30 P. M., or when directed by a police officer not to do so, unless having a load to deliver or pick up on Main Street between said points, and then only on such portion thereof as may be necessary to reach and leave the place where the load is to be delivered or picked up. This subdivision does not affect the special regulation as to vehicles over nine feet in width.

**Sec. 170. Funerals**—A funeral must not pass through Main Street between Plymouth Avenue and East Avenue, excepting in crossing Main Street at the intersection of streets, without written permission from the Commissioner of Public Safety.

**Sec. 180. Drivers to Obey Instructions of Police Officers**—Drivers of vehicles and motor-men and conductors of street surface cars must at all times comply with the directions by hand, voice or signal of any member of the police force, as to stopping, starting, standing, approaching or departing from a place, the streets to pass through or not to pass through, taking on, or discharging passengers or occupants, or loading or unloading goods, wares or merchandise.

**Sec. 190. Licenses for Motorcycles.**

1. A motorcycle must not be operated unless a license and number plate therefor are obtained

from the City Clerk, and unless such number plate is affixed to and carried on said vehicle in a conspicuous place in the rear thereof.

2. Such license must be obtained annually, and expires on the last day of each year, and application therefor must be made in the manner and form prescribed by and on a blank provided by the City Clerk, and the annual fee therefor is one dollar.

3. Such license is not transferable and must not be loaned or used by any person other than the one to whom issued.

4. The Commissioner of Public Safety may make provision for escorting through the city a club or number of motorcyclists not residents of the city, and not having licenses issued hereunder.

5. In case a person holding a license hereunder is convicted more than once of a violation of the traffic regulations contained in this ordinance, his license thereupon shall be summarily revoked by the City Clerk, and shall have no further force or effect, and shall not thereafter be used, and the number plate issued therefor shall be surrendered to the Police Justice and shall not thereafter be used; and such person upon a second conviction as described above, shall not have another license issued to him for a period of one month thereafter, and upon a third or subsequent conviction, for a period of six months thereafter.

6. This section does not apply to motorcycles

used by the police force in the performance of official duties.

Sec. 200. **Violation**—Any person driving, operating, or in control or in charge of a vehicle or a street surface car, or driving, riding, leading or in control or in charge of an animal, who does any act prohibited by the terms of this article, or fails to do any act required to be done by the terms of this article, or who drives, operates, rides or leads a vehicle, street surface car or animal, contrary to any provision thereof, or maintains, places, stands or leaves the same contrary to any provision thereof, is guilty of a violation of this ordinance.

Sec. 210. **Application**—This article applies to all public streets, highways, alleys and places of the City of Rochester, and roadways and drive-ways in the parks of said city.

### ARTICLE III.

## SAFETY AND GOOD ORDER IN STREETS.

### Sec. 230. **Pedestrians.**

1. In the congested district a pedestrian crossing the street must do so in the most direct line from curb to curb, and must not cross diagonally or obliquely except upon a crosswalk.

2. Pedestrians are warned that it is unsafe to cross the street except at regular crossings, and especially is this so in the congested district

Sec. 240. **Crowds in Streets**—At the time of any public parade, accident, riot, public peril or other circumstance causing people to congregate or assemble, a person must not enter or remain within the danger lines or other bounds established by the police, or by, or under the direction of an authorized city official for the preservation of public safety, peace and order, unless such person be duly authorized by an officer there in charge.

Sec. 250. **Fire Lines.**

1. At any fire, the police on arrival must immediately establish and maintain fire lines by stretching ropes or otherwise as circumstances may require, and must exclude from the streets within the fire lines all vehicles and persons not officials or employees of the city in the discharge of duty, except such persons as are entitled to wear and are actually wearing conspicuously upon an outside garment the fire line badge of the Department of Public Safety.

2. Owners of property endangered and personally known to the police to be entitled to remove the same, may be admitted within the fire lines upon order of the superior officer present, and not otherwise.

3. A person must not in any way impede the access to a fire or its vicinity, of any apparatus, official or employee of the city, or enter or remain within the fire lines without permission, and must not by disorderly conduct or otherwise impede

the work of extinguishing fire, or of protecting lives and property thereat.

4. At a fire or in case of an alarm of fire, the fire apparatus and all city officials and employees in the discharge of their duty have the right of way and full and unobstructed use of the streets.

Sec. 260. **Disturbances**—A person must not create a disturbance or make a loud noise in or near a street.

Sec. 270. **Malicious Mischief**—A person must not willfully injure or interfere with a street sign, street lamp, lamp post, danger lamp or other signal or barrier placed for public safety, or any monument locating the line of a street, sidewalk or improvement.

Sec. 280. **Hindering Street Improvements**—A person must not hinder or obstruct the construction or repair of any pavement, sidewalk, crosswalk, sewer or other public improvement which is being done under the direction of, or with the consent of the Commissioner of Public Works; or hinder or obstruct any person employed by the Commissioner of Public Works in cleaning any street.

Sec. 290. **Games of Sport**—A person must not play with a ball or fly a kite in a street.

Sec. 300. **Obstructing Public Travel**—A person must not skate or slide upon or over any sidewalk or crosswalk in such a manner as to hinder or endanger pedestrians; occupy any street,



sidewalk, crosswalk, bridge or entrance to a church or public hall in such a manner as to obstruct the free passage of the public.

**Sec. 310. Cellar Doors.**

1. A trap door or grate must not be left open in a sidewalk at any time except when receiving or delivering goods, and during such time, the door or grate must be surrounded by barriers sufficient to secure public safety.

2. All iron or steel cellar doors, covers of any kind over openings into areas, gratings or glass skylights in sidewalks, must be kept covered from November 15 to April 1, with asphalt or other composition containing gravel or other substance, so that the surface thereof shall not be slippery; and such covering shall at all times be kept in repair and free from holes or depressions. Burlap bagging or cloth must not be used for such covering.

**Sec. 320. Swinging Gates**—A gate that swings outward over any sidewalk must not be constructed or maintained.

**Sec. 330. Barbed Wire.**

1. A fence of barbed wire, or of which barbed wire is a part must not be constructed or maintained along the line of a street.

2. A fence of barbed wire must not be constructed or maintained elsewhere without permission in writing from the Commissioner of Public Safety.



Sec. 340. **Fruit Skins**—A banana peel or other fruit skin must not be thrown upon a sidewalk.

Sec. 350. **Cleaning Sidewalks.**

1. The person occupying the ground floor of a building, and the owner of a vacant building or lot, must keep the sidewalk adjoining such building or lot free and clear from snow and ice, and must not suffer or permit snow or ice to collect or remain on such sidewalk later than nine o'clock in the forenoon, if such snow shall have fallen or collected after eight o'clock of the previous evening, or later than eight o'clock in the evening, if such snow shall have fallen and collected after nine o'clock in the forenoon. When the snow is removed from sidewalks by city contractors using ploughs, it shall be the duty of the occupant or owner, as above stated, to remove the snow and ice remaining after such ploughs have gone through. The portion of the sidewalk required to be kept free from snow and ice is the portion thereof which is paved, if any, and if no portion thereof is paved, a space at least four feet in width shall be kept free and clear as above stated.

2. The person occupying the ground floor of a building, and the owner of a vacant building or lot, must keep the sidewalks adjoining such building or lot free and clear from all obstructions and from weeds and rubbish.

3. A person must not sweep or shovel snow, dirt, water or rubbish out of a building or lot

upon the sidewalk, and must not sweep ashes, water, paper, fruit, vegetables or the skins thereof, or any rubbish, except leaves and snow from the sidewalk into the roadway.

4. The sidewalks of the following named portions of the following streets must be swept daily before 7:30 A. M. and must not be swept later than said hour, so as to remove dirt, dust and other accumulations therefrom, except that when snow or ice is removed from the sidewalk in the morning it shall be deemed to cover the sweeping herein required, and before sweeping except in freezing weather, the sidewalks must be well sprinkled with water so as to avoid making any dust, viz: Both sides of Main Street between Gibbs Street and Prospect Street; and both sides of all streets named as follows: Exchange Street from Court Street to State Street; State Street from Main Street to Central Avenue; Mill Street from Corinthian Street to Central Avenue; Front Street from Main Street to Central Avenue; North Water Street from Main Street to Central Avenue; St. Paul Street from Main Street to Central Avenue; Clinton Avenue North from Main Street to Central Avenue; Franklin Street from Main Street to a point four hundred feet north therefrom; North Street from Main Street to a point six hundred feet therefrom; East Avenue from Main Street to Gibbs and Chestnut Streets; Clinton Avenue South from Main Street to Court Street; Stone Street from Main Street to Court Street; Minerva Place from Main Street to Ely Street; South Avenue from Main Street to Court

Street; South Water Street from Main Street to a point four hundred feet south therefrom; Graves Street from Main Street to Canal Aqueduct; Aqueduct Street from Main Street to Canal Aqueduct; Fitzhugh Street from Erie Canal to Allen Street; Plymouth Avenue from Erie Canal to Church Street; Cortland Street from Main Street East to Temple Street; Court Street from Exchange Street to Cortland Street; Andrews Street from State Street to St. Paul Street; Market Street from State Street to Front Street; Central Avenue from State Street to Clinton Avenue North.

**Sec. 360. Rubbish in Streets.**

1. Ashes, waste paper, rags, boxes, bottles, cans or other materials must not be scattered or thrown in or on a street.

2. A person must not interfere with an ash can or receptacle, or rubbish can or receptacle, or the contents thereof, on a street, or tip the same over, or take therefrom paper, rags, boxes, bottles, tin cans or other materials.

3. Every householder must provide three separate receptacles for ashes, rubbish and garbage, and ashes, rubbish and garbage must not be mingled or placed together in one receptacle, but each must be placed in a separate receptacle. Rubbish includes paper, rags, pasteboard boxes, bottles, tin cans and similar things. Garbage includes all animal and vegetable matter.

**Sec. 370. Signs.**

1. A sign or banner must not be erected or suspended over a street, or so as to extend or project over a street or any part thereof, without written permission from the Commissioner of Public Works. Before such permission is granted, the location and construction of such sign or banner must be approved in writing by the Fire Marshall, and the same must not be erected or constructed except in accordance with such written approval.

2. A sign attached to a building and projecting or extending over a street must not project more than four feet from such building, and must not be less than nine feet above the sidewalk.

3. In case a sign is wholly over a street or projects more than two feet over the sidewalk, the owner thereof must execute a bond in a sum fixed by the Commissioner of Public Works not less than four thousand dollars, with sureties approved by said Commissioner indemnifying the city of Rochester against all loss, cost, damage or expense incurred or sustained by or recovered against the city by reason of the construction or maintenance of such sign.

**Sec. 380. Awnings.**

1. Cloth awnings attached to a building may project over the sidewalk not exceeding ten feet, provided such awnings are supported by an iron framework securely attached to said building in such a manner as to be at all times safe and self

supporting, and provided that every part of such awning is at least seven feet above the surface of the sidewalk.

2. Wooden awnings must not hereafter be erected or renewed without the consent of the Commissioner of Public Works.

3. The owner of a wooden awning heretofore or hereafter erected must construct and maintain conductor pipes sufficient to convey all water from such awning to the street gutter, and must maintain said awning so as to protect the sidewalk from leakage.

4. Every owner or occupant of a building must at all times keep the awnings in front thereof free from snow, ice, dirt and other obstructions.

5. Merchandise or articles of any kind must not be suspended from an awning over the sidewalk.

#### **Sec. 390. Building Materials.**

1. A person must not place building materials upon a street without a permit in writing from the Commissioner of Public Works, which may be revoked without notice.

2. The permit must not be for a longer period than three months, or authorize the obstruction of more than one-third of the sidewalk, or more than one-half of the roadway, or the placing of materials within two feet of any street railroad track.

3. The person to whom such permit is granted must cause all said materials to be enclosed with guards sufficient to secure public safety, and at all times during the night must keep lighted lamps upon said guards to give warning to all persons.

4. All such building materials and rubbish arising therefrom must be removed not later than the expiration of the time limit in the permit, and immediately upon the revocation of the permit.

**Sec. 400. Moving Buildings in Streets**—A building must not be moved upon or along any street without permission in writing from the Commissioner of Public Works, which consent shall specify the route to be taken and said Commissioner may require a bond to the City of Rochester to be given, signed by the applicant and one responsible surety approved by said Commissioner, conditioned that the applicant will, in all respects, comply with the terms and conditions of such permit, and indemnify the city against any damage or loss occasioned by reason of such removal.

**Sec. 410. Street Obstructions.**

1. Merchandise or obstructions of any kind extending more than two feet from a building, must not be placed upon or over the sidewalk upon Main Street from Stillson Street to the Erie canal bridge, or upon intersecting streets for a distance of two hundred feet from said portion of Main Street; and within the said territory mer-

chandise or articles of human food must not be displayed on the sidewalk unless enclosed in glass cases.

2. Except as above set forth a person must not place or suffer to remain any box, barrel or other article upon a street so as to obstruct the free passage of the public, unless actually engaged in loading or unloading goods, wares or merchandise.

Sec. 420. **Excavations in Streets**—A person must not injure any pavement, sidewalk, crosswalk, sewer or street, or dig an area, sewer or other excavation in a street, or remove any earth or stone from a street without permission in writing from the Commissioner of Public Works, and under such conditions as he may impose; and the Commissioner may order any sewer or excavation dug or constructed contrary to the provisions of this section, to be filled up or altered at the expense of the person causing the same to be dug or constructed.

Sec. 430. **Excavations Near Streets**—Any person who digs a cellar or other excavation adjacent to and within four feet of the line of the street, must erect barriers between said excavation and the street sufficient to secure public safety, and must at all times during the night keep lighted lamps upon said barriers in such a manner as to give warning of the presence of the excavation; and in case of failure to do so, the Commissioner of Public Works may cause such barriers and lights to be placed at the expense of the owner,



occupant or tenant of the property, after notice given as provided by the Charter.

**Sec. 440. Streets to be Guarded When Being Improved.**

1. Whenever a pavement or sewer is being constructed or repaired in a street, or whenever pipes, mains or conduits are being laid or repaired in a street, or whenever any other work is being done in a street, it is the duty of the person performing the work to place and maintain sufficient guards about the place where the work is being done, so as to secure public safety, until said street is ready for use; and such person must at all times during the night keep lighted lamps not more than twenty-five feet apart upon said guards so as to give warning to all persons of such work.

2. A person must not ride or drive an animal or vehicle upon such street until the same is completed and open to public travel.

**Sec. 450. A Portable Plant Burning Coal or Wood.**—An asphalt plant, a cement or concrete mixer, or kettle for boiling or heating tar or asphalt, burning coal or wood, excepting anthracite coal or coke, must not be maintained or operated in a street.

**Sec. 460. Trees.**

1. An employee or agent of a telephone, telegraph, electric light, electric power or other public service corporation authorized by law to place



wires and cables in and along streets must not cut or remove from any tree standing on a street any greater part or portion thereof than is necessary to permit the construction and successful use and operation of the respective poles, wires and cables of such company.

2. In all cases in which the cutting and trimming of trees is necessary to the construction and operation of poles, wires and cables, the amount of such cutting and trimming is limited by the actual necessities of the service of the company owning the same, as then existing, and all such cutting and trimming shall be done in a neat and workmanlike manner with a saw, and not with an axe or hatchet.

3. An employee or agent of a public service corporation when engaged in cutting or trimming trees for the purpose of erecting poles or stringing wires or cables, must upon request of any householder, forthwith give his full name and address, and the name of the corporation by whom he is employed and for whose benefit such work is being done.

#### ARTICLE IV.

#### DISORDERLY CONDUCT.

Section 470. **Disturbance**—A person must not create a disturbance or engage in improper conduct in any church, theater or public hall.

Sec. 475. **Intoxication**—A person must not be intoxicated in a public place.

Sec. 480. **Begging**—Alms or subscriptions must not be publicly solicited without the consent of the Mayor.

Sec. 485. **Barkers**—A person must not accost or compel an individual against his will to enter any place where merchandise is exposed for sale.

Sec. 490. **Climbing on Lift Bridges**—A person must not climb or step upon, remain upon or be upon a canal lift bridge while the same is being operated or is in motion.

Sec. 495. **Steam Whistles**—A whistle operated by steam or other artificial means must not be blown or operated for more than fifteen seconds at one time during a period of thirty minutes in any one day.

Sec. 500. **Hose and Sprinkling Carts**—While using a sprinkling cart or hose for sprinkling streets or any other purpose, a person must not carelessly or maliciously throw water upon any person, animal or vehicle.

Sec. 505. **Bathing**.

1. Bathing is permitted in the Genesee River above Clarissa Street where the west bank adjoins the property of the Vacuum Oil Company, on the east side near the property of the Genesee Brewing Company, and near the property of the Rochester Railway and Light Company; in the

Erie canal at the Eastern Widewaters and at the Western Widewaters.

2. The body must be clothed in a suitable garment from the knees to the shoulders.

3. Bathing in any other portion of the river or canal or any mill race is prohibited.

**Sec. 510. Weeds Prohibited in Vacant Lots—**  
The owner of a vacant lot must at all times keep the same free from burdocks, thistles, sticktights, briars and other noxious weeds.

**Sec. 515. Obstructing Rivers or Sewers—**A person must not throw any substance into the Genesee River above the upper falls or into any mill race or sewer which may tend to interfere with the free passage of water therein.

**Sec. 520. Injury to property—**A person must not wilfully injure or interfere with any public or private property, real or personal.

**Sec. 525. Fire and Police Apparatus—**A person must not

1. Injure or interfere with any wire, pole, apparatus or other thing connected with, or auxiliary to, the fire alarm or police telegraph systems, or with any apparatus of the police or fire force without the consent of the Commissioner of Public Safety.

2. Make or cause to be made, or have in possession, any key, or impression or duplicate of a

key of any signal box of the fire alarm or police telegraph systems without such consent.

3. Give, or cause to be given, any false alarm of fire in any manner whatsoever,

**Sec. 530. Firearms, Fireworks and Bonfires—**  
A person must not.

1. Discharge any cannon, firearms or fireworks.

2. Discharge, sell or offer for sale dynamite firecrackers, so called, or firecrackers containing an explosive agent other than gunpowder compounded of saltpeter, sulphur and charcoal.

3. Discharge, sell or offer for sale firecrackers of any kind or description more than three inches in length or one-half inch in diameter.

4. Discharge, sell or offer for sale any toy pistol, so called, except such as are constructed to explode paper caps.

5. Build a bonfire.

6. The Mayor may, however, by proclamation suspend the operation of this section so as to permit the building of bonfires and the discharge of cannon, firearms or fireworks other than firecrackers and toy pistols of the kind above specifically prohibited at such times and places as he shall deem best.

**Sec. 535. Gifts to City Officials Or Employees Prohibited.**

1. An official or employee of the City of Roch-

ester must not accept any compensation, gift or gratuity for doing any work or service arising from or in connection with his said office or position, or the duties thereof, or which he is able to do, or has the opportunity to do solely because of his said office or position, or because of the duties imposed thereby.

2. This section does not prohibit costs and fees specifically allowed by law, or fees for furnishing minutes of testimony in legal actions or proceedings.

**Sec. 540. Sale Or Gift of Dangerous Weapons.**

1. Every person selling, exposing or offering for sale or giving away a revolver, pistol, or a dagger, dirk or dangerous knife must report in writing within twenty-four hours after such sale or gift to the Chief of Police a description of such articles sold or given away by such person, including the manufacturer's number and name, if known or ascertainable, together with the name, address and description of the person receiving or purchasing the article, and the time of such sale or gift.

2. A person must not make any false entry in such report.

3. A person receiving or buying any such article must not give a false or incorrect name or address to the person so selling or giving away.

**Sec. 545. Indecent Advertisements Or Acts -**  
A person must not

1. Sell, lend, give away or post any indecent or immoral book, picture, advertisement, play bill or other printed matter, or any article which is intended for immoral or indecent use.

2. Appear in a state of nudity, or in an indecent dress, or wilfully and lewedly expose the person, or the private parts thereof in a street or public place where others are present.

Sec. 550. **Soliciting**—A person must not solicit another to go to any gambling house, house of ill fame, house of assignation or place kept for unlawful sexual intercourse.

Sec. 555. **Improper Resorts**—A person must not keep any house of ill fame, house of assignation, or place for persons to visit for unlawful sexual intercourse; or any place of public resort by which the peace, comfort or decency of a neighborhood is disturbed; or be an inmate of such a place or knowingly rent any building or portion thereof for such purposes.

Sec. 560. **Gambling.**

1. A person must not keep or use, or permit to be kept or used, any table, slot machine, instrument or device of any nature whatsoever for the purpose of gambling, or with which money, liquor or anything of value shall be played for in any manner.

2. A person must not be an inmate of any place where such aforesaid gambling devices are kept or used.

3. A person must not engage in any game of chance as banker, dealer, player or otherwise.

4. It is the duty of every member of the police force to take all lawful means to suppress gambling devices and games of chance, and to seize any tables, slot machines, instruments or devices used for the purpose of gambling, and upon conviction of the owner hereunder, to destroy them upon the order of the Police Justice.

## ARTICLE V.

### SMOKE.

Sec. 570. **Color Scale**—For the purpose of regulating the emission of smoke from chimneys, stacks, flues and open spaces, and to determine by comparison the degree of darkness of smoke so emitted, a color scale is hereby adopted as follows: A dead white surface of cardboard or other material not less than sixteen inches in length and in width shall be divided into squares by straight, dead black lines drawn at right angles to one another across said surface. Each of said lines shall be of a uniform width of one twenty-fourth of an inch and shall be spaced one-quarter of an inch from centers. The color of the above scale when viewed from a distance of not less than one hundred feet in the open air shall be used as a basis of comparison of the color of smoke in the City of Rochester.

Sec. 575. **Dark Smoke Prohibited**—Smoke of



a color darker than the scale above provided must not be suffered or permitted to escape from any fire not in motion, or fire banked or in a state of rest, or from any burning or active fire, through a stationary stack, flue or chimney; provided, however, that smoke may be permitted to escape from a stationary stack, flue or chimney for a period not exceeding five minutes once in four consecutive hours.

**Sec. 580. Dark Smoke from Locomotives and Boats Prohibited.**

1. Smoke of a color darker than the scale above provided must not be suffered or permitted to escape from any locomotive or steam canal boat standing with banked fires, moving, or engaged in shifting, within the city limits.

2. Smoke of a color darker than the scale above provided must not be suffered or permitted to escape for a period of more than ten minutes in twenty-four consecutive hours from any locomotive or steam canal boat, the fires of which may be in preparation for starting.

3. The provisions of this section do not apply in case of a locomotive or steam canal boat in transit through the city from some point outside of the city, or entering or departing from the city, provided such locomotive or steam canal boat does not stop within the city for a period or periods amounting in the aggregate to more than five minutes.

**Sec. 585. Soot Prohibited**—Soot must not be



expelled or suffered, permitted or caused to escape from any stack, flue or chimney.

Sec. 590. **Time Excepted**—The provisions of this article, excepting section five hundred and eighty-five, do not apply between the hours of 5 A. M. and 7.30 A. M.

Sec. 595. **Enforcement**—It is made the duty of the Commissioner of Public Safety to enforce the provisions of this article.

Sec. 600. **Special Penalties**—Any corporation or person who violates any of the provisions of this article, or suffers, permits or causes to be done any of the acts in this article prohibited, is punishable for each offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifty days, or by both such fine and imprisonment, or by a penalty of fifty dollars, to be recovered by the City of Rochester in a civil action.

## ARTICLE VI.

### ANIMALS AND PUBLIC POUNDS.

Section 610. **Animals Prohibited from Running at Large**—Animals or fowls must not run at large upon any street or place to the injury and annoyance of the public. This section does not apply to dogs.

Sec. 615. **Driving Animals Regulated**—Sheep, hogs or cattle must not be driven through or upon a street unless each animal has securely fastened

to it a rope or strap of sufficient size and strength to control it, and unless such animal or animals are led by means of such rope or strap by a person over sixteen years of age of sufficient strength to control such animal or animals.

**Sec. 620. Dangerous Dogs.**

1. A person must not suffer or permit to run at large any dog of dangerous disposition.

2. A person must not keep or suffer to be kept on the premises occupied by him any dog in the habit of howling or whining at night, or barking at, or in any manner annoying any person.

3. A female dog in time of heat must not be allowed to run at large.

4. Upon a second conviction for a violation of this section it may be a part of the sentence that such dog immediately be killed; and this sentence shall be executed forthwith by the city pound-keeper, to be designated by the magistrate imposing the sentence, and any owner or keeper of any such dog who refuses to deliver up the same in compliance with said judgment is liable to additional fine therefor.

5. Any person harboring a dog for two days prior to any violation thereof shall be held to be the owner of said dog.

**Sec. 625. Pounds Established**—There shall be maintained one or more public pounds in which shall be distrained all animals or fowls running at large.

Sec. 630. **Pound-keeper**—There shall be one or more pound-keepers, to be appointed by the Mayor.

Sec. 635. **Pound Records**—At each pound a book must be kept, in which the pound-keeper must enter forthwith the name and residence of any person bringing any animals or fowls to the pound, the date when the same was brought, a description of said animals or fowls sufficient for identification, and the name and residence of the owner thereof, if known, which book must at all times be open for public inspection.

Sec. 640. **Impounding of Animals.**

1. It is the duty of the pound-keepers to seize and impound animals or fowls running at large.

2. Any person may seize and impound animals or fowls running at large, but such person is entitled to no compensation therefor.

Sec. 645. **Impounding Fees**—There shall be charged for all cattle or horses impounded a fee of fifty cents each, and also fifty cents for each day or part of a day that sustenance is provided for such cattle or horses, and for all fowls impounded a fee of twenty-five cents each, and also twenty-five cents for each day or part of a day that sustenance is provided therefor.

Sec. 650. **Sale of Impounded Animals.**

1. Upon the expiration of seventy-two hours after the impoundage of horses, cattle or fowl, the

Pound Master shall give notice by publication for two days in one of the official papers that the same will be sold at public auction, and at the time and place specified in said notice the same shall be sold at public auction to the highest bidder therefor; and upon the payment of the amount bid, the horses, cattle or fowl so sold shall become the property of such highest bidder.

2. At any time before the sale of horses, cattle or fowl impounded, the owner thereof may redeem the same by paying to the pound-keeper the impoundage fees at rates herein specified, and the cost of advertising and other expenses in connection with the proposed sale.

3. When the proceeds of the sale of horses, cattle or fowl exceed the amount of impoundage fees and expenses of advertising and sale, such excess shall be paid to the City Treasurer, and the owner of such horses, cattle or fowl is entitled thereto upon the audit of his claim therefor by the Comptroller, provided such claim is presented within one year after the deposit of such moneys.

**Sec. 655. Interference with Pound-keeper Prohibited**—A person must not molest or interfere in any way with the pound-keeper, or any of his assistants while he or they are engaged in the performance of their duties.

**Sec. 660. Dog Ordinance Not Repealed**—The ordinance relating to licensing of dogs, adopted December 10th, 1907, and the amendments there-

to are not repealed or affected by the provisions of this article.

## ARTICLE VII.

### MORGUES AND FUNERALS.

Section 670. **Location of Morgues and Undertaking Establishments.**

1. A morgue, funeral parlor or undertaking establishment must not hereafter be located within five hundred feet of a building on the same street occupied as a public or parochial school, or within three hundred feet of such building on another street.

2. A morgue, funeral parlor or undertaking establishment must not be located elsewhere without the consent of the Common Council.

3. A morgue, funeral parlor or undertaking establishment located or maintained contrary to or in violation of the provisions of the Ordinance in relation to Public Safety and Good Order, adopted October 11, 1904, must not be hereafter maintained or conducted unless the consent of the Common Council is obtained as provided in this article.

4. The distance shall be measured commencing on the street sidewalk in front of the center of the main entrance of the morgue, funeral parlor or undertaking establishment; thence along sidewalks and crosswalks by the most direct

route to the street sidewalk in front of the center of the nearest entrance of the building to which the measurement is to be taken.

**Sec. 675. Application to Common Council—**Every person applying for permission to locate a morgue, funeral parlor or undertaking establishment, is required to give one week's notice in writing, personally or by mail, to the owners, occupants or agents of all buildings or structures within a distance of two hundred feet, measured on the sidewalk as prescribed in section 670, from where such morgue, funeral parlor or undertaking establishment is proposed to be located, and such application shall not be considered by the Common Council without verified proof of the service of the notice herein required, or the written consent of such owners, occupants or agents.

**Sec. 680. Funeral Processions Not To Be Interfered With—**A person must not interrupt, detain or interfere with a funeral procession, or any part thereof, or the vehicles in such procession.

## ARTICLE VIII.

### QUARRIES.

**Section 690. Permit—**A person must not make an excavation upon any premises for the purpose of quarrying stone therefrom, or engage in or continue in the business of quarrying stone without a permit from the Commissioner of Public

Safety, which permit may be summarily revoked and is not transferable.

Sec. 695. **Application**—The application for such permit must be in writing and signed by the person on whose behalf it is requested, and must describe the property on which it is desired to conduct such quarry business by metes and bounds, and must state the nature of the interest of the applicant in such property; and if it is intended to remove stone from such property by blasting, such fact must be stated, and in such case the applicant must serve notice of the time when the application is to be presented on all persons owning or occupying property within five hundred feet in any direction from the exterior lot line of the premises in question, and must file with his application verified proof of the service of such notice, or written consent of such owners or occupants.

Sec. 700. **Bond**—The Commissioner of Public Safety before granting such permit may require a bond to be given by the applicant to the City of Rochester, in the penal sum of two thousand dollars, with one, or more sureties approved by said Commissioner; conditioned that the applicant, his servants, agents and all persons acting under said permit will comply with all ordinances of the City of Rochester and all orders of said Commissioner of Public Safety relating to the conduct, management and keeping of quarries, or of said special quarry; and for the payment to the City of Rochester of all judgments, fines or



penalties that may be recovered against the applicant, his servants, agents or persons acting under said permit for violation of said ordinances or orders; and further condition for the payment to the city of all costs and expenses incurred by the city at any time in filling in any excavations on said property, draining the same, or doing any other act or thing in or upon said premises deemed necessary by the Commisisoner of Public Safety for the proper protection of the public health.

**Sec. 705. Taxes and Assessments To Be Paid**—Stone must not hereafter be quarried or removed from any stone quarry or other premises on which there have accrued or remains due to the City of Rochester city taxes or local assessments, until all such taxes and assessments have been paid in full; and the Commissioner of Public Safety must not grant a permit to a person to quarry stone, except upon production of the certificate or tax search of the City Treasurer showing that no taxes or local assessments on said premises are due the city.

**Sec. 710. Blasts**—A blast must not be set off in any stone quarry within one thousand feet of a public or parochial school during school hours.

**Sec. 715. Draining**—The owner, occupant or lessee of premises heretofore or hereafter used for quarrying stone must keep said premises drained and free from stagnant water, and must not allow

any water to accumulate or stand in such quarry longer than twenty days at any time.

**Sec. 720. Filling.**

1. Every owner, occupant, or lessee of any lands who shall hereafter quarry any stone therefrom, or make any excavations for the purpose of quarrying stone, immediately upon discontinuing operations in any excavation must cause such excavation to be filled with earth even with the ground level as it existed previous to the making of the excavation.

2. Every owner, occupant or lessee of any premises heretofore used for a stone quarry, and in which operations have been discontinued, or of premises containing an excavation from which stone has been quarried, and in which operations have been discontinued, must, within ninety days from the time this ordinance takes effect, cause said quarry or excavation to be filled with earth even with the ground level of such premises as it existed before excavations were made thereon.

**Sec. 725. Building Excavations Not Affected—**Nothing contained in this article requires a permit for or prevents the removal of stone by blasting, or otherwise, from any premises when such removal is necessary in the course of excavation for a building intended in good faith to be immediately thereafter erected on said premises; or in the construction of a sewer or lot lateral, or the laying of water or gas pipes, or in the making in

good faith of any other public or private construction.

## ARTICLE IX.

### OIL PLANTS.

Section 735. **Permit**—A plant for the storage and distribution of gasoline, naphtha, benzine or kerosene must not hereafter be opened or erected, and an existing plant must not hereafter be extended or enlarged, and additional buildings or tanks must not be erected in connection therewith, without the permission of the Commissioner of Public Safety, who has power to grant a permit therefor upon such terms and conditions as he deems proper, after application made to him in such form as he directs.

Sec. 740. **Permit To Be Granted Before Building Permit**—A permit for the erection, extension or enlargement of plants described in the foregoing section must not be granted by the Bureau of Buildings until the permit above provided for has been granted by the Commissioner of Public Safety.

## ARTICLE X.

### WEIGHTS AND MEASURES.

Section 750. **Sealing Required**—Business must not be transacted by weights and measures, un-

less the same have been inspected and sealed by the Sealer of Weights and Measures of the City of Rochester within six months previous to the transaction, and such weights and measures must conform to the standards of the State of New York.

**Sec. 755. Inspection and Sealing.**

1. It is the duty of the Sealer of Weights and Measures to inspect at least once in every six months, and as much oftener as necessary, all weights and measures used in the transaction of business, and to seal the same when they conform to the standards of the State of New York. Weights and measures may be inspected and sealed at the place where kept for use.

2. It is the duty of the Sealer to inspect and seal all weights and measures brought to him at any reasonable time during the day.

3. The Sealer must keep a record of all weights and measures inspected or sealed by him, including the name of the owner, the name and address of the person having the same inspected or sealed, and a statement as to whether or not the weights and measures conform to State standards.

4. No fee shall be charged or collected by the Sealer for sealing weights and measures.

**Sec. 760. Weights and Measures Not Conforming to Law.**

1. If weights and measures do not conform to

State standards they must be made to so conform by the owner or person using the same forthwith upon the order of the Sealer.

2. Liquid or dry measures, or measures of extension which are found to be defective by the Sealer shall be forthwith destroyed by him.

**Sec. 765. Interference with Sealer Prohibited**—The owner or person in charge of, or using weights and measures, must not refuse to exhibit the same to the Sealer on demand, or refuse to allow the Sealer to inspect and seal weights and measures as herein directed, and a person must not interfere with the Sealer while engaged in the discharge of his official duties.

**Sec. 770. Topping of Fruits and Vegetables Prohibited**—A person must not sell, offer or expose for sale fruit or vegetables in any package in which the face or shown surface gives a false representation of the contents of such package. It is considered a false representation when more than 15 per cent of such fruit or vegetables is substantially smaller in size than, or inferior in grade to, or different in variety or character from the face or shown surface of such package.

**Sec. 775. Bags and Crates To Be Marked with Name of Packer**—Every bag, crate and other package containing fruit or vegetables sold, offered or exposed for sale must have legibly written or printed thereon the name and address of the packer by whom the same was packed.

Sec. 780. **Weight of Crock To Be Marked Thereon**—An article of food must not be sold or delivered in a crock unless the weight of the empty crock is marked thereon with paint in figures and letters not less than two inches high.

## ARTICLE XI.

### GENERAL PROVISIONS.

#### Section 790. **Application.**

1. This ordinance applies to persons and corporations, and in proper cases the use of the word "person" herein is deemed to apply to and be co-extensive with the word "persons" and also with the word "corporation" or "corporations."

2. This ordinance applies to the City of Rochester and to the whole thereof, except when otherwise specifically limited to a certain portion thereof.

Sec. 795. **Penalties**—Except when a special penalty is otherwise provided herein, a violation of this ordinance is punishable by a fine not exceeding one hundred fifty dollars, or by imprisonment not exceeding one hundred fifty days, or by both such fine and imprisonment, or by a penalty not less than five dollars, nor more than five hundred dollars, to be recovered by the City of Rochester in a civil action.

#### Sec. 800. **Commissioner to Do Work.**

1. When by the terms of this ordinance, some

act, work or thing is required to be done in, upon, about or in connection with real property, or a structure thereon, or street adjoining thereto, such act, work or thing must be done by the owner, occupant or tenant of such real property; and in case of the failure of such owner, occupant or tenant to do the same, either the Commissioner of Public Safety or the Commissioner of Public Works is authorized to do, or cause to be done, such act, work or thing, after a notice to comply with such requirement within the time determined by the Commissioner, has been served upon the owner in the manner prescribed in the City Charter, and the expense incurred shall be assessed against said real property as prescribed in the City Charter.

2. When a structure or material is constructed, maintained or placed upon real property, or structure thereon, or a street adjoining thereto, contrary to or in violation of the terms of this ordinance, such structure or material must be removed by the owner, occupant or tenant of such real property; and in case of the failure of such owner, occupant or tenant to do the same, either the Commissioner of Public Safety or the Commissioner of Public Works is authorized to remove, or cause to be removed, such structure or material, after a notice to comply with the requirements for the removal of the same within the time determined by the Commissioner, has been served upon the owner in the manner prescribed by the City Charter, and the expense in-



curred shall be assessed against said real property as prescribed in the City Charter.

**Sec. 805. Effect of Repeal.**

1. Any ordinance or part thereof repealed by this ordinance shall not be repealed or be deemed to be repealed until such time as this ordinance takes effect.

2. The repeal hereby of an ordinance or part thereof does not revive an ordinance heretofore repealed by an ordinance or part thereof hereby repealed.

3. The repeal hereby of an ordinance or part of an ordinance, does not affect or impair any penalty, forfeiture or punishment incurred prior to the time when this ordinance takes effect; and such ordinance or part of ordinance shall be deemed to remain in force for the purpose of enforcing, prosecuting or inflicting such penalty, forfeiture or punishment.

4. The ordinance prohibiting street cars standing in streets, adopted September 2nd, 1913, is not repealed or affected by the passage of his ordinance.

**Sec. 810. Repeal**—All ordinances and parts of ordinances inconsistent herewith are hereby repealed or affected by the passage of this ordinance are hereby specifically repealed:

The ordinance relating to Public Safety and Good Order, adopted October 11th, 1904, and the ordinances amending, altering or adding to the

same, adopted on the following dates, respectively: June 13th, 1905; June 27th, 1905; July 11th, 1905; July 24th, 1905; April 2nd, 1907; December 10th, 1907; May 26th, 1908; July 28th, 1908; May 11th, 1909; February 8th, 1910; June 28th, 1910; July 26th, 1910; January 10th, 1911; February 14th, 1911; March 14th, 1911; April 11th, 1911; June 27th, 1911; November 14th, 1911; November 28th, 1911; March 26th, 1912; July 9th, 1912; July 23rd, 1912; October 8th, 1912; May 22nd, 1913; September 9th, 1913; also the ordinance in relation to trees, adopted June 23rd, 1908; the ordinance prohibiting topping of fruits and vegetables, adopted April 13th, 1909; and the ordinance prohibiting officials from accepting gifts, adopted March 12th, 1912.

Sec. 811. **This ordinance shall take effect immediately.**

## **AN ORDINANCE IN RELATION TO MT. HOPE CEMETERY.**

(Passed December 10, 1907.)

The Common Council of the City of Rochester do ordain as follows:

Section 1. **The term "cemetery"** as used in this ordinance shall be construed to include all lands now or hereafter within the limits of Mount Hope Cemetery.

Sec. 2. **The cemetery shall be closed during**

the hours determined by the Mount Hope Commission, as indicated by the signs at the gates of the cemetery, and no persons except members of Mount Hope Commission or employees thereof shall go into or remain in said cemetery while closed, and no person shall enter or leave the cemetery except by the public gates and children under the age of fourteen years shall not enter the cemetery unless attended by some older person responsible for their conduct.

**Sec. 3. No person shall commit any of the following acts within the cemetery:**

<sup>1r</sup> 1. Excavate any earth; lay or remove any sod or alter the grade of any lot or walk within the cemetery; either on or about his own or another's lot; or plant, remove or trim any tree or shrub.

2. Pluck or remove any plant or flower, either wild or cultivated, either from his own lot or any other part of the cemetery; provided that growing plants may be removed by owners in the fall to preserve them from the frost, by special permit issued at the office of the Mount Hope Commission.

3. Spade up the surface of any lot for the purpose of making a flower bed.

4. Plant any tree or shrub without the permission of the Superintendent of Mount Hope Cemetery.

5. Erect any fence, rail or inclosure of any kind.

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6. Attach guy ropes to trees or posts without special permission from the Superintendent of Mount Hope Cemetery.

7. Bring into the cemetery or display therein any sign of an advertising nature.

8. Drive or ride rapidly.

9. Drive or ride on the lawns.

10. Ride a bicycle on the walks or lawns.

11. Ride a bicycle rapidly, or coast on a bicycle.

12. Bring into the cemetery any refreshments or liquors.

13. Sit, walk upon or occupy any private lot not belonging to them or to a member of their family.

14. Drive or bring into the cemetery an automobile.

15. Bring firearms or dogs into the cemetery.

16. Discharge firearms within the cemetery, except at military funerals.

17. Congregate about a grave or carriages while funeral ceremonies are in progress, unless accompanying the funeral.

18. Throw or strew about on the roadways or lots papers or decayed flowers.

19. Hitch a horse to a tree.

20. Leave a horse which is not securely tied or in charge of some person.

21. Turn a vehicle about in the road. Such vehicle must continue to the next turn.

**Sec. 4. The following acts within the cemetery are regulated as follows:**

1. Disinterments may be made on consent of the Mount Hope Commission or the Superintendent of the Mount Hope Cemetery and the written consent of the owner or owners of the lot and of the surviving wife, husband, children if of full age, or parents of the deceased; but if the consent of any such person cannot be obtained, or if the commission or the superintendent refuse consent, the consent of the Supreme Court shall be sufficient. Disinterments must be made by the cemetery authorities.

2. The erection of vaults or tombs wholly or partly above the ground will not be allowed without special permission of the Mount Hope Commission and according to the rules and regulations therefor.

3. All monumental work and foundations therefor shall be built and constructed in accordance with the rules and regulations of the Mount Hope Commission.

4. All workmen and builders are subject to the directions of the Superintendent of Mount Hope while on the cemetery grounds, and must enter and leave the cemetery within the working hours of its employees.

5. Chairs or benches must be submitted to the Superintendent of Mount Hope Cemetery, or person designated by him, for inspection before they are brought into the cemetery, and must not be brought in until approved by the Superintendent or person designated by him.

6. Sprinkling pots will be cared for at the entrances, and must not be left upon any lot, tree or shrub.

7. Visitors are required to keep to the walks and roads, and under no circumstances shall climb the banks or terraces.

8. Carriages not accompanying and belonging to funeral processions will not be admitted to the grounds on Sunday.

Sec. 5. **Violation of this ordinance** is punishable by a fine not exceeding \$150 or by imprisonment not exceeding 150 days, or by both such fine and imprisonment, or by a penalty of \$50 to be recovered by the City of Rochester in a civil action.

Sec. 6. **This ordinance shall take effect on the first day of January, 1908.**

## **AN ORDINANCE IN RELATION TO PARKS**

(Passed December 10, 1907.)

The Common Council of the City of Rochester  
do ordain as follows:

**Section 1. Definition of terms.**—The term “parks” used herein shall be construed to include all lands and waters under the control of the park commission of the City of Rochester, except parkways, and the term “said commission” shall be construed to mean the Board of Park Commissioners of said City.

**Sec. 2. General rules as to the use of parks.**—The parks of the City of Rochester are for the benefit and pleasure of the public and every person shall use said parks subject to the ordinances of the Common Council.

The roadways in the parks shall not be used by any vehicles except those employed for the purposes of pleasure; the rides and bridle paths shall be used only by persons on horseback or bicycles, and the walks shall be used exclusively by pedestrians except that baby carriages and invalid chairs and children's carts and tricycles may be propelled thereon. This section shall not apply to vehicles used by order of said Commission.

The parks shall be closed from 11 o'clock p. m., until 5 o'clock a. m., during the summer season, and from 10 o'clock p. m., until 7 o'clock a. m., during the winter season; and no persons except employees of said Commission on duty, or members of said Commission, shall go into, or remain in said parks, while closed. The summer season shall be from April first until November 15th, and the winter season shall be from November 15th until April 1st.



Sec. 3. **Acts prohibited.**—No person shall commit any of the following acts within said parks:

- (1) Commit any disorderly or immoral acts.
- (2) Be intoxicated.
- (3) Throw stones or missiles.
- (4) Utter loud or indecent language.
- (5) Play any game of cards or chance.
- (6) Tell fortunes.
- (7) Beg.
- (8) Publicly solicit subscriptions.
- (9) Drive or lead a horse not well broken.
- (10) Allow any dog to run at large.
- (11) Throw or drain offensive substances into any park waters.
- (12) Bathe in park waters without having the body concealed by suitable covering extending from the knees to the shoulders.
- (13) Commit any of the following acts as to boats or canoes on park waters:

Row or paddle a boat or canoe unless able to handle the same with safety to himself and the other occupants thereof or in such a manner as not to annoy or endanger the occupants of other boats or canoes; make a raft of canoes; pass to the left of boats going in opposite directions or to the right of boats going in the same direction;

go up the river on the easterly side or down on the westerly side, except that in daylight persons may go in either direction on the same side of the river but must observe the rule as to passing; let for hire or use a rented canoe that does not carry a life preserver; propel any boat or canoe during hours of darkness that does not show the following lights: for launches or motor boats, a stationary white light showing in front, or regular combination launch light, for canoes and row boats, an open colored light carried in front, no white light being allowed for this class of boats; propel any steam, naphtha, electric or other motor boat at a speed exceeding eight miles per hour; or in such manner as to annoy or endanger the occupants of other boats or canoes; or in such manner as to cause dangerous swells at the landing platforms; propel any launch or motor boat along or near the banks except when landing or avoiding obstructions; use any launch or motor without horn or whistle attached, which shall be sounded to warn other boats approached.

**Sec. 4. Acts prohibited without permission.**—No person shall commit any of the following acts within said parks without the consent of said commission or some duly authorized person:

- (1) In any manner injure any tree, plant, grass, flower, fruit, turf, or structure.
- (2) Keep or offer anything for sale.
- (3) Play any music.

(4) Post or display any sign, banner or advertisement.

(5) Deliver any public speech.

(6) Solicit passengers for any boat or vehicle for hire.

(7) Obstruct in any way any roadway or path.

(8) Discharge any firearms or fireworks or send up any balloon.

(9) Permit any animal except horses and dogs to enter said parks.

(10) Speed limits, see Section 90, ordinance relating to Public Safety and Good Order, this book, page 14.

(11) Hold any picnic at a place not designated by said commission for that purpose.

(12) Hold any public meeting or engage in any marching or driving as members of a military, political or other organization.

(13) Conduct any funeral procession nor vehicle containing the body of a deceased person.

(14) Build any fire.

(15) Write, paint or carve on any tree, bench or structure.

(16) Climb any tree, nor tie any horse to a tree.

(17) Enter any place upon which the words "No Admittance" shall be displayed.

(18) Play baseball, tennis, nor any other game at a place not designated by said commission for that purpose.

(19) Take ice from any park waters.

(20) Fish in any park waters.

(21) Bathe in any place not designated by said commission for that purpose.

(22) Enter nor leave said parks except at the established ways of entrance and exit.

(23) Place or propel any boat or other craft upon park waters.

(24) Land from any boat at a place not designated by said commission for that purpose.

(25) Carry any flowers or shrubs, firearms, sling shot, axe, saw, shovel, or spade within the following parks: viz., Genesee Valley Park, Highland Park, Seneca Park and Maplewood Park.

(26) Occupy in any way the slopes of the river banks.

(27) Violate the regulations of said commission relating to any building or place.

(28) Injure or unnecessarily disturb any fish, water fowl, birds or animals.

(29) Injure any notice posted by order of said commission.

(30) Throw or cause to be thrown on any ice or skating rink or rinks, or carry or cause to be

carried any missile, hockey or shinney sticks, in the several parks or parkways, without the consent in writing of the Park Commission.

**Sec. 5. Disposition of vagrant animals.**—Pounds for temporarily restraining animals found running at large within said parks shall be established at such places as the Superintendent of Parks may designate. All animals found running at large within said parks contrary to the ordinances of said commission, may be seized by any person and conducted to any one of such pounds. Upon the impounding of any animal within a park pound, it shall be the duty of the Superintendent of Parks forthwith to notify the keeper of the city pound, who shall at once take and dispose of such animal in the manner provided by the Penal Ordinance of the City of Rochester relating to the disposition of vagrant animals.

**Sec. 6. Penalties.**—A violation of this ordinance is punishable by a fine not exceeding one hundred and fifty dollars or by imprisonment not exceeding one hundred and fifty days, or by both such fine and imprisonment, or by a penalty of fifty dollars to be recovered by the City of Rochester in a civil action.

**Sec. 7.** This ordinance shall take effect January first, nineteen hundred and eight.

### **DOG LICENSE.**

An ordinance to provide for the licensing of

dogs, for the care and protection of lost, strayed and homeless dogs, for securing and protecting the rights of the owners thereof, and for the protection of the public:

(Passed December 10, 1907.)

The Common Council of the City of Rochester do ordain as follows:

Section 1. **License Fee.**—Every person who owns or harbors any dog within the corporate limits of the City of Rochester, who desires to maintain or preserve any right of property in such dog, must procure yearly a license for the dog so owned or harbored, and shall pay therefor the sum of one dollar.

Sec. 2. **Unlicensed Dogs Not To Be Owned Or To Run at Large.**—It shall be unlawful hereafter for any dog to be owned, possessed, or harbored or to run or be at large in any of the streets, alleys, parks or public places within the corporate limits of the City of Rochester, without being duly licensed and wearing the metal tag as herein provided.

Sec. 3. **Licenses; by Whom Granted.**—The license shall be granted upon written application to the City Clerk, shall be signed by the Mayor's Clerk, and shall continue in force until the first day of May next ensuing after its issue.

Sec. 4. **Description of Dog.**—In applying for such license, the owner shall state in writing the

name, sex, breed, age, color and marking of the dog for which a license is to be procured.

**Sec. 5. Collar To Be Worn.**—Every dog so licensed must wear around its neck a collar to which shall be attached a metal tag distinctly marked with the year in which the same is issued and a number designated by the City Clerk, which number shall be stated in the license granted. Such metal tag shall be furnished by the city, and no other tag shall be issued as a substitute therefor.

**Sec. 6. Record of Licenses.**—The City Clerk shall keep in a book to be provided for that purpose a record of all dog licenses granted, with the name and residence of the person to whom issued, and the number designated upon the metal tag furnished therewith.

**Sec. 7. Term and Renewal of License.**—Licenses granted under the provisions of this ordinance shall date from the first day of May in each year, and must be renewed on expiration by the payment of one dollar for each renewal. The certificate of license or renewal shall be granted upon a similar application to that made in applying for the original license, and shall state the name and address of the owner of the dog and also the number of such license or renewal. No license shall be transferred without the consent of the City Clerk endorsed thereon.

**Sec. 8. Seizure of Unlicensed Dogs.**—It shall be lawful for any peace officer or any person duly



authorized in writing by the Mayor or for the Poundmaster or any of his duly authorized assistants, or for the duly authorized representatives of a person or corporation under contract with the city, to capture, seize and deliver to the public pound or any suitable place to be approved by the Mayor, any dog found running at large in any of the streets, alleys, parks or public places within the City of Rochester, not licensed, and not wearing the metal tag as provided by this ordinance.

**Sec. 9. Possession of Dog, How Resumed.—**Any dog so seized and impounded may be redeemed by any person producing the license thereof, and proving ownership of such dog within seventy-two hours after such seizure and impoundage. If it shall be shown that the license so produced was issued prior to the time when such dog was so seized and impounded, no payment shall be exacted for the return of the dog; otherwise, before the owner shall be permitted to resume possession of the said dog, he shall pay the sum of two dollars to the City Clerk, who shall thereupon issue an order directing the return of such dog to the owner. All sums of money so received shall be deposited with the City Treasurer in like manner as the license fees hereinbefore provided for. If the owner of a dog seized or impounded under the provisions of this ordinance, does not resume its possession by compliance with the foregoing provisions within seventy-two hours after the seizure and impound-

ing thereof he shall forfeit all right of property in such dog.

**Sec. 10. Person Harboring Dog Deemed Owner.**—Any person owning or harboring a dog for three consecutive days shall be deemed to be the owner thereof.

**Sec. 11. Dogs To Be Muzzled.**—A dog not securely muzzled with a basket muzzle shall not run at large, be in or upon, or be led in or upon any street, alley, park or public place within the City of Rochester. This section shall apply to all dogs within the limits of the City of Rochester whether owned by residents or non-residents of the city, or non-residents passing through the city. If any dog be found within the City of Rochester in violation of this section, he shall be seized and impounded in the manner provided and by the persons designated in section 8 of said ordinance in relation to dogs. If said dog is thereafter found not to be affected with the disease known as rabies, it may be redeemed by any person producing the license thereof, and proving ownership of such dog and the payment of \$3.00, penalty, within 72 hours after such seizure and impoundage, and if not so redeemed, the owner thereof shall forfeit all right of property in such dog; and if such dog after such forfeiture is not found to be affected with the disease known as rabies, it may be sold by the Poundmaster for a sum not less than \$3.00, and if not so sold shall be killed. The other provisions of said ordinance in relation to dogs, adopted December 10, 1907.

not inconsistent herewith, and including section 17, providing punishment for violations, shall apply to this section as herein amended. (Amended November 11, 1913.)

**Sec. 12. Interference With Officer or Other Person.**—No person shall molest or interfere in any way with any Peace Officer, Pound Master or any of his duly authorized assistants, or with the duly authorized agents of any person or corporation under a contract with the city while engaged in performing work under the provisions of this ordinance.

**Sec. 13. Contracts For Seizing and Impounding Dogs.**—The Mayor is hereby authorized to enter into a contract with any incorporated society for the prevention of cruelty to animals having jurisdiction in the City of Rochester, for the capture and impoundage of all unlicensed dogs, and for the maintenance of a shelter for lost, strayed and homeless dogs; provided, however, that the compensation to be paid to such society shall not exceed in any one year the amount collected by the city from the payment of license fees during the year for which such contract is made. The Mayor may prescribe in the contract the manner in which the work is to be done and in which payments are to be made by the city thereunder, and may also direct the disposition to be made of any and all dogs seized pursuant to the provisions of this ordinance.

**Sec. 14. Destruction of Vicious Dogs.**—The

Mayor has power to order the destruction of any dog which he may deem dangerous and vicious, whether licensed or not, after three days written notice to and an opportunity to be heard by the owner of such dog.

**Sec. 15. Ordinance Not To Apply To Certain Dogs.**—The provisions of this ordinance shall not apply to dogs owned by non-residents passing through the city, nor to dogs brought to the city and entered for exhibition at a dog show.

**Sec. 16. Licenses Heretofore Issued.**—All licenses heretofore issued pursuant to the provisions of chapter two hundred ninety-four of the laws of nineteen hundred and two, and still effective, shall remain in force for the time for which they were issued.

**Sec. 17. Penalties.**—A violation of this ordinance is punishable by a fine not exceeding one hundred fifty dollars, or by imprisonment not exceeding one hundred fifty days, or by both such fine and imprisonment, or by a penalty not exceeding fifty dollars to be recovered by the City of Rochester in a civil action.

**Sec. 18. When To Take Effect.**—This ordinance shall take effect on the first day of January, nineteen hundred and eight.



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Historic Monographs Collection*



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