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**Reference Book  
Not for Circulation**

PENAL ORDINANCES  
OF THE  
CITY OF ROCHESTER,  
ENACTED IN 1859.

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PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL.

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ROCHESTER :  
A. STRONG & CO., PRINTERS TO THE CORPORATION.  
1859.

## CERTIFICATE.

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STATE OF NEW YORK, }  
CITY OF ROCHESTER } ss.

I, the undersigned, Clerk of the city of Rochester, in whose custody the ordinances, records and papers belonging to the said city are required to be, do certify, that I have compared the following copies of ordinances with the original records in the office of the City Clerk, and that the following are correct transcripts therefrom and of the whole of said originals; and that the following ordinances have been duly published six times in the official paper of the city, in accordance with the requirements of the charter.

In witness whereof, I have hereunto set my hand  
{ L. S. } and the seal of the city of Rochester, this twentieth  
day of September, one thousand eight hundred and fifty-  
nine.

FRANCIS S. REW,

Rochester, Sept. 20th, 1859.

CITY CLERK.

# PENAL ORDINANCES

OF THE

# CITY OF ROCHESTER.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO NUISANCES.

*Passed July 12, 1859.*

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

Sec. 1. No person shall make, aid, countenance, or assist in making any noise, disturbance or improper diversion in any of the streets, public squares, lanes or alleys of the city of Rochester, nor shall any assemblage or crowd of persons collect in any such streets, squares, lanes or alleys or any of the public squares or bridges, to the annoyance or disturbance of any of the citizens or others, under a penalty of ten dollars for each offence. No person shall ring any gong in the street, upon any sidewalk, or upon any piazza, steps or platform immediately adjoining any sidewalk in the city of Rochester, under a penalty of ten dollars for each offence. No tenant or occupant of any dwelling shall suffer any gong to be rung, as a call or signal, upon any street or sidewalk, or upon any piazza, steps or platform immediately adjoining any sidewalk in said city, under a penalty of ten dollars for each offence.

Sec. 2. No person shall drive or ride, or cause or suffer to be rode or driven, any horse, mare, gelding or other animal, in or through any public street, lane or alley of this city, at a speed greater than six miles to the hour, under a penalty of ten dollars for each offence.

Sec. 3. No person or persons shall ride, drive or cause to be rode or driven, any horse, mare, or gelding upon or over any of the bridges within the city of Rochester, except the Buffalo and Main street bridge, or over the crosswalk at any corner, at a gait faster than a walk, under a penalty of five dollars for each offence.

Sec. 4. No person shall leave any horse, mare, gelding or other animal standing in any public street or alley within said city, without being well secured, tied or fastened, under a penalty of five dollars for each offence.

Sec. 5. No person shall throw the contents of any bed, or any straw, shavings, lime, ashes or refuse coal, or of any scraps, slops, dirt or rubbish of any description, into any street, lane or alley in the said city, under a penalty of two dollars for each offence.

Sec. 6. No person shall deposit, or cause to be deposited, any dead animal, fish, or putrid meat, entrails, shells of oysters or clams, decayed fruit or vegetables, or any other filthy or offensive substance, in or upon any public street, lane or alley, or on the surface of the ground in any lot, or in any canal, or any basin attached thereto, or in the Genesee river, except as hereinafter, provided, or in any mill race or on any bank thereof in said city, or suffer or permit any stagnant or filthy water, or putrid or unwholesome meats, decayed fruits, or vegetables, or other filthy or offensive substance, to remain on his or her lot, or in his or her house, or other building or cellar, or in or upon any boat in any canal or in the Genesee river, within the limits of this city, under a penalty of ten dollars for each offence, and the expense and charge which the said corporation shall be put to in removing or abating such nuisance. And the mayor or any alderman or police justice, with any person in aid of him, may at any

time, enter into or upon any house, cellar, boat, lot or other place, and remove or abate such nuisance in such manner as shall be judged best. And any person obstructing or hindering such mayor, alderman or police justice, or any person in aid of him in the execution of his duty, shall forfeit and pay a penalty of twenty-five dollars for each offence.

Sec. 7. No person shall fly any kite within the said city, under a penalty of two dollars for each offence.

Sec. 8. No person shall, under a penalty of twenty-five dollars for each offence, sell, or keep, or expose for sale, any gunpowder, or India, or China, or other fire crackers, rockets, or other preparations from gunpowder, without license therefor from the common council. And the mayor of said city, or any alderman, or the city superintendent, is hereby authorized to enter upon the premises where the same are kept, and to seize and destroy or otherwise dispose of the same.

Sec. 9. No person shall fire or set off any gunpowder, cracker, squib or rocket, or fire-work, or fire any pistol, gun or cannon, or throw any fire-ball, or make any bon-fire, or aid or abet therein, in any part of the said city, under a penalty of five dollars for each offence. But this section may be suspended in any particular and as to any person, in the discretion of the mayor.

Sec. 10. No person shall cast or throw any hide or skin, tanned or not tanned, out of any door or window of any building, above the first story, fronting on any street, or cause any such untanned hide to be suspended from, or laid on any post or elsewhere, in any street of said city, under a penalty of two dollars for each offence.

Sec. 11. No person shall bathe or swim in any canal, basin, mill-race or river, within the limits of said city, between the hours of six in the morning and eight in the evening, nor at any time, between the upper dam and Clarissa street bridge, under a penalty of two dollars for each offence.

Sec. 12. No person shall keep a nine pin or bowling alley, or billiard table, within said city, without a license therefor from the common council, under a penalty of ten dollars for each and every day the same shall be so kept.



Sec. 13. No person keeping an alley commonly called a nine pin alley, or a billiard table, within the city shall permit any game to be played thereon, after ten o'clock in the evening, or before eight o'clock in the morning; nor shall any such person suffer or permit any minor, or apprentice to play at said alley or table at any time whatever, under a penalty of five dollars for each offence.

Sec. 14. Any person who shall keep a disorderly house, or a gaming house or room within this city, shall, upon conviction therefor, pay a penalty of not less than fifty dollars. Any person who shall have, keep or permit to be used in any building or place in the city, and occupied or controlled by such person, any e. o. table, keeno table, faro bank, shuffle board, bagatelle, playing cards, or any instrument, device or thing used for gambling, whereon, or with which money, liquor or other articles shall in any manner be played for, shall be subject to a fine of not less than fifty dollars. Any owner or keeper, or any person within such disorderly house, or gambling house, or room, who shall refuse to permit the mayor, any alderman, the police justice, chief of police, or any policeman to enter the same, or shall obstruct or resist the aforesaid officers (or persons summoned by them to assist) in entering such place, or in the destruction of any instruments or devices employed in gambling in such places, shall be subject to a fine of not less than ten nor more than one hundred dollars.

Sec. 15. No person shall cut, injure, deface or tarnish, any public building, or any property belonging to the corporation, or any well, pump, fence, tree, awning or any useful or ornamental improvements, or public work in said city, nor aid, abet or assist therein, under a penalty of ten dollars for each offence.

Sec. 16. No boat bell shall be rung, nor shall any signal horn, trumpet or other instrument be blown or played for a signal, within said city on Sunday; nor shall any bell connected with or used for any railroad depot, be rung within said city on Sunday under a penalty of five dollars for each offence.

Sec. 17. No person shall stick any bill or card, or advertisement on any building in said city, without leave from the owner or occupant, under a penalty of two dollars for each offence.

Sec. 18. No person shall solicit alms within said city, without written permission from the mayor or common council, which shall be presented and shown at the time of soliciting, under a penalty of two dollars for the first offence and five dollars for every subsequent offence.

Sec. 19. No runner or stage driver or other person shall solicit passengers, travelers or other persons, in any of the public streets, railroad depots, or public places, or on any wharf, or on board of any boat or stage, within said city, for any railroad car, boat, stage or carriage, or for any public inn or tavern, under a penalty of five dollars for each offence.

Sec. 20. No owner or possessor of any swine, horses, sheep, goats, cows or other cattle, shall suffer any such animal or animals to run or be at large in any of the public streets, lanes or alleys within said city, under the penalty of one dollar for each offence.

Sec. 21. No owner or possessor of any goose or geese, ducks or other fowls, shall suffer any such fowl to run or be at large in any of the public streets, lanes, alleys or squares within said city, under a penalty of twenty-five cents for each offence.

Sec. 22. No dog shall be permitted to go abroad in any of the streets, squares, lanes, alleys or public places in this city, without being led and securely confined by a chain or string, under the penalty of ten dollars for each offence, to be recovered against the owner or possessor of such dog, or the person who harbored such dog within two days previous to the time of such dog being found so going abroad. And it shall be lawful for any person duly authorized by the mayor, to seize or shoot, or otherwise kill any dog so running at large without being led or securely confined as aforesaid.

Sec. 23. No person shall hinder or molest any person or persons who may be engaged in seizing, shooting or killing any dog going abroad as aforesaid, or in removing the carcass thereof, under the penalty of fifty dollars.

Sec. 24. No person or company of persons shall exhibit or perform for gain or profit, any theatrical or circus representations or exhibitions, or any paintings, animal or animals, or other natural or artificial curiosity, or any puppet show, wire or rope dance, or any other idle show, acts or feats which common showmen, mountebanks, or jugglers usually practice or perform, or not being residents of the said city, any concert, musical entertainment or exhibition, or series of lectures for private emolument or gain, without having obtained a license for the same, from the common council of said city; and no owner or occupant of any house, out-house, yard or other place, shall furnish or allow the same to be used for the accommodation of such exhibition or performance, unless such license be obtained as aforesaid, under a penalty of fifty dollars for each offence.

Sec. 25. The mayor, or other officer for the time being exercising the duties of the office of mayor, may, whenever an application cannot in the first instance be made to the common council, grant licenses for public shows and exhibitions, on the payment into the treasury of such sums as the mayor or said officer shall direct; such license to be valid until the next ensuing meeting of the common council.

Sec. 26. No person shall construct or cause to be constructed within the said city, any vault, to be used for the purpose of a privy, without special permission from the board of health, mayor, or health physician, under a penalty of fifty dollars for each offence.

Sec. 27. Every resident, owner of every inhabited lot in said city, and the occupant of every such lot, when the owner thereof is a non-resident, shall provide and keep upon such lot a convenient privy, with a vault at least six feet deep, under a penalty of five dollars for every twenty-four hours any violation of this ordinance shall be continued.

Sec. 28. All owners and keepers of hotels, taverns, boarding houses, factories, arcades, warehouses and establishments where more than ten persons are habitually gathered or employed, within the said city, shall cause to be constructed on their respective premises, one or more strong wooden boxes,

slides or drawers, of suitable dimensions, provided with a convenient handle at each end, and with movable lids which may be fitted thereto perfectly tight; and shall cause such boxes to be placed under the seats of their respective privies, as a substitute for vaults now in use; and shall cause such boxes to be carried away and emptied by licensed scavengers, into places to be designated by the mayor or board of health, and washed out perfectly clean, and again replaced, at least once in each week, from the first day of May, to the first day of October in each year, or oftener, as the board of health shall direct, under the penalty of fifty dollars for each offence.

Sec. 29. No tub, box or other receptacle, nor the contents thereof, shall be removed from any privy within the city, except between the hours of eleven at night and three in the morning, from the first day of May to the first day of October, under a penalty of twenty-five dollars for each offence; nor shall any person, under a like penalty, empty or deposit the contents of any such tub or receptacle out of any privy into any street, alley, canal or public square, or into the river, except at places designated therefor by the mayor or board of health, under a penalty of fifty dollars for each offence.

Sec. 30. No person shall build or cause to be built, a privy on or near the bank of any canal, or on or near the bank of any basin or slip, within said city, in such a manner as that the same shall communicate with said canal, basin or slip; and all owners and occupants of privies already built in such manner, shall not use such privies except with boxes, slides or drawers, as described in the twenty-eighth section of this ordinance, under a penalty of fifty dollars for each offence.

Nothing herein contained shall apply in any manner to any privy, the contents of which are carried into any sewer of ample dimensions, and washed out by a suitable supply of water.

Sec. 31. It shall be the duty of the city superintendent, or such other person as may be specially authorized for that purpose by the board of health, (and such superintendent or person so authorized, shall have power,) to enter into and up-

on, and examine any lot, yard, building, cellar, alley, basin, slip, sink, drain, vault or privy, or any other place within the limits of the said city of Rochester ; and if the same shall be found to be foul, incumbered with rubbish, damp, sunken or ill-constructed, or to contain any filth or other offensive substance or nuisance, to direct the removal of all such nuisance, filth or other offensive substance, or the cleansing or repairing of any drain, vault or privy, upon any such lot of ground or premises, by the lessor, lessee or occupant of the same, within twenty-four hours after such directions, from such superintendent or other person. Any person who shall refuse or neglect to comply with such directions, after such notice as aforesaid, shall forfeit and pay a penalty of twenty-five dollars for each offence.

Sec. 32. No person shall place or post, or cause or permit to be placed or posted, in any street or on any bridge in said city, any handbill or advertisement giving notice that any person has, or professes to have, skill in the treatment or curing of any disorder or disease, or giving notice of the sale or exposure to sale of any nostrum or medicine, under the penalty of ten dollars for each offence.

Sec. 33. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or work house for the period of thirty days.

Sec. 34. The mayor may from time to time license such and so many persons as he shall deem proper, who shall be the scavengers of said city, whose licenses shall expire on the first day of July next after the same shall be granted.

Such scavengers shall execute a bond to the city of Rochester, in the penalty of two hundred and fifty dollars, conditioned for the faithful performance of their duty.

They shall, when called upon by any health officer, owner or occupant of any premises, as soon as practicable, take, carry away and empty in a proper place, the contents of any

privy, vault, box or drawer, according to the provisions of this ordinance, and cleanse the same; under a penalty of five dollars for each offence.

No person shall exercise or offer to perform the duties of scavenger within the said city, who has not been duly licensed for that purpose, under a penalty of five dollars for each offence.

Sec. 35. Any person who shall be guilty of keeping or maintaining, or shall be an inmate of, or in any way connected with, or in any way contribute to the support of any disorderly house, or house of ill-fame, or place for the practice of fornication, or knowingly own, or be interested as proprietor or landlord of any such house, shall on conviction for the same, be liable to imprisonment in the penitentiary for three months, or to be fined in a sum not exceeding one hundred dollars, and in the farther sum of fifty dollars for every twenty-four hours the said house shall be continued for such purpose after the first conviction.

Sec. 36. Any female who shall be convicted of being an inmate of any house of ill-fame, or place for the practice of fornication, or shall be found loitering or strolling about the streets of the city, by day or night, without any regular lawful business, or who shall be convicted of being a prostitute, shall be subject to a penalty in a sum of money not less than ten nor more than fifty dollars, and to imprisonment in the penitentiary for a term not exceeding three months.

Sec. 37. The mayor, police justice, chief of police, any alderman or policeman or persons summoned by them, or by any of them, to aid them, may enter any disorderly house, house of ill-fame, house of prostitution or assignation or gambling house or room, and arrest, with or without a warrant, any suspicious persons found therein, and destroy any instruments or devices employed in gaming in such places; and if admission be refused, may enter by force, by breaking the doors or otherwise.

Sec. 38. Any person who shall, within the city, appear in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or make an indecent

exposure of his or her person, or shall sell, or offer to sell, any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent or immoral play, or other representation, shall be subject to a fine of not less than fifteen dollars, and to such term of imprisonment, not exceeding three months, as the magistrate shall deem proper.

Sec. 39. Any person who shall be drunk, or shall be in a state of intoxication, in any highway, street, alley or public place in the city, or in any private house or place, to the annoyance of any person or citizens, shall be liable to a fine not exceeding ten dollars, and to imprisonment in the penitentiary not exceeding ten days.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO CARTMEN AND PORTERS.

*Passed July 12, 1859.*

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

Sec. 1. The mayor may from time to time, license such and so many cartmen and public porters within the said city, as he shall deem proper, upon such cartmen paying to the Treasurer the sum of eight dollars, provided that if the same person has once paid the full sum of eight dollars, his license may be renewed from year to year on payment of the sum of one dollar, and such porter paying the sum of two dollars. Such license shall not extend beyond the first day of July next after the same shall be granted. And there shall not be granted to any individual more than one cartman's license, nor shall a license be granted to any person, except those who usually drive their own carts, and any person who shall use, by agency or otherwise, more than one cart, by the authority of any one license, shall forfeit and pay a penalty of five dollars for each offence.

Sec. 2. No person shall be licensed by the mayor as a cartman, unless he be either a native born citizen or a naturalized citizen, or shall have taken the preliminary measures prescribed by law to become a naturalized citizen ; nor unless he has resided in the city of Rochester six months ; nor unless he be twenty-one years of age, and shall own, keep and use a good horse, cart and harness.

Sec. 3. Before granting license to any person as a cartman, such applicant shall be required to give a bond in the penal sum of two hundred and fifty dollars to the city of Rochester, with one or more sureties, to be approved by the mayor, conditioned for the faithful discharge of his duty as such cartman, and for the payment of all damages to which he shall become liable to any person as such cartman.

Sec. 4. The mayor, before granting a license to any cartman, shall be satisfied by the affidavit of the applicant that he has the requisite qualifications, which affidavit shall be filed with the city clerk.

Sec. 5. No person shall use or cause to be used, any cart, or other vehicle for the carriage of goods and merchandise, or other property, as a public or common cart or vehicle, or act as a porter in said city, without having obtained a license therefor, as herein before provided, under a penalty of five dollars for each offence.

Sec. 6. No cart or other vehicle shall be used as a common or public cart or vehicle, as aforesaid, without having painted thereon, in a conspicuous place, in plain and durable letters, the name of the owner of such cart or vehicle, and the number designated in the license which shall be given for using the same, under a penalty of five dollars for each offence.

Sec. 7. Such common or public carts or vehicles, with the consent of the owners of property adjacent, shall be permitted to stand waiting for employment in any of the public streets in said city, except south St. Paul street, and no such cart or vehicle shall be allowed to stand within forty feet of any other cart, or ten feet from any cross-walk, or so as in any manner to obstruct the entrance to any street or alley,



or so as in any manner to obstruct the access to any tavern by horses, stages, or other carriages. Each cart or vehicle shall stand with the rear end thereof to the sidewalk, as near the same as can be placed to such sidewalk. Any person violating the provisions of this section, or either of them, shall forfeit and pay a penalty of five dollars for each offence.

Sec. 8. No driver of any such cart or vehicle, while waiting for employment in any place in said city, shall snap or flourish his whip, or congregate with others, or scuffle or play upon the sidewalk ; nor stand nor sit in the doorway or upon the platform of any building, or in any manner, or at any time, obstruct the free ingress or egress of any store, shop, or office, under a penalty of five dollars for each offence.

Sec. 9. Whenever any merchant or other person shall desire to load or unload any goods or other property, in front of any store or other building, and any cartman shall be standing with his cart or other vehicle at the time in front of any such store or building, such cartman shall, at the request of such merchant or other person, immediately remove his cart or vehicle from such place, so as to give free access to such store or other building, for the purpose aforesaid, under a penalty of five dollars for each offence.

Sec. 10. Cartmen shall be allowed fees for their services, at and after the following rates, viz :

For carrying any article to any place within the following described territory, bounded as follows :

Commencing on Buffalo street at the intersection of Madison street, thence northerly on Madison street to East Maple street, including one tier of lots on the west side of Madison street ; thence across Brown street till it intersects a line running south from Grape street ; thence northerly along the centre of Grape street to Magne street ; thence north in a straight line to Lyell street ; thence easterly on Lyell street to Schuyler street ; thence northerly on Schuyler street, including one tier of lots on the west side of Schuyler street to Ambrose street ; thence easterly on Ambrose street to the west bank of the Genesee river ; thence southerly along the west bank of the Genesee river to a point in range with the

south line of the "Gorham tract;" thence east across the Genesee river and along said south line to North St. Paul street; thence across St. Paul street to Ward street; thence easterly on Ward street to North Clinton street, including one tier of lots on the north side of Ward street; thence southerly along the centre of Clinton street to Atwater street, including one tier of lots on the east side of Clinton street; thence easterly along Atwater street to North street, including one tier of lots on the north side of Atwater street; thence easterly to Tappan street; thence easterly along Tappan street to Scio street; thence southerly along Scio street to Riley street; thence easterly on Riley street to Union street; thence southerly along Union street to Court street; thence westerly along Court street to Manhattan street; thence southerly along Manhattan street to Monroe street; thence westerly along Howell street to South St. Paul street; thence southerly on South St. Paul street to Mt. Hope Avenue, including one tier of lots on the east side of said St. Paul street; thence southerly along Mt. Hope Avenue to Clarissa street, including one tier of lots on the east side of Mt. Hope Avenue; thence westerly along Clarissa street to the east bank of the Genesee Valley canal; thence northerly along the east bank of the canal to Adams street; thence westerly along Adams street to Reynolds street, including one tier of lots on the south side of Adams street; thence northerly along Reynolds street, including one tier of lots on the west side of Reynolds street, to the place of beginning, shall be denominated first rate; without said described territory aforesaid, and not over one and a half miles, and within the limits of the city, second rate; over one and a half miles, and within the limits of the city, third rate.

For carrying every load of household furniture, loading and housing the same,

	first rate,	\$0,31½
" "	second rate,	37½
" "	third rate,	44

For every load of boards and lumber,

" "	first rate,	25
" "	second rate	30
" "	third rate,	40

For every hogshead of molasses or cask of over 90 gallons,			
"	"	first rate,	50
"	"	second rate,	56½
"	"	third rate	62½
For every pipe or hogshead of liquor under 90 gallons,			
"	"	first rate,	25
"	"	second rate,	31½
"	"	third rate,	37½
If the same contain 90 gallons or more,			
"	"	first rate,	37½
"	"	second rate,	44
"	"	third rate,	50
For every cask of sugar of 10 cwt. or more,			
"	"	first rate,	25
"	"	second rate,	31½
"	"	third rate,	37½
For every load of loose stones, earthen ware or hollow ware,			
"	"	first rate,	25
"	"	second rate,	30
"	"	third rate,	40
For every load of gunpowder,			
"	"	first rate,	37½
"	"	second rate,	44
"	"	third rate,	50

All other goods and things shall be deemed and taken as promiscuous loading, and shall be carried at the following rates, viz :

First rate,	-	-	-	-	-	-	-	20
Second rate,	-	-	-	-	-	-	-	37½
Third rate,	-	-	-	-	-	-	-	44

Provided any cartman shall be detained at the time of loading or unloading for more than fifteen minutes, he shall be entitled to the sum of thirty-six cents for each additional hour, and after that rate for any shorter detention ; and provided any load shall be of greater weight than one thousand pounds, a cartman shall be entitled to receive greater proportional fees after the same rate.

If any cartman or driver, or owner of any cart or other vehicle, shall demand or receive any other or greater compensation for the service herein specified than is herein provided, the owner of such cart or vehicle shall forfeit and pay a penalty of five dollars for each offence.

Sec. 11. It shall be the duty of every cartman, when applied to by any person whatever, while standing waiting for employment, and upon being paid or tendered the compensation allowed him in this ordinance for the services required, to go to any part of the city, and to carry and transport any load, if not more than one thousand pounds weight, which such person shall require to be carried and transported by such cartman.

Sec. 12. It shall be the duty of any cartman and the driver of every cart or other vehicle, in case of an alarm of fire, and when thereto required by the mayor, or any alderman, or any fire warden, or by the chief engineer, or any assistant engineer of the fire department, or by any foreman or assistant foreman, or secretary of any fire, or hook and ladder or hose company, or by any two firemen, or hook and ladder or hose men, to draw any engine or tender, or hook and ladder or hose carriage, from any place in said city to such fire; or when required by the mayor or any alderman, or chief or assistant engineer, from such fire to any other place in said city, or to the place where such engine, tender, hook and ladder or hose carriage is usually kept. And such cartman, or the owners of any cart or other vehicle, employed in such service, shall be allowed for drawing such engine or tender, hook and ladder or hose carriage to any fire, or to any other place where the same is usually kept, within the limits of the lamp and watch district, forty cents; and without those limits, sixty cents; which shall be audited by the common council, and paid out of the city treasury. If any cartman, or the driver of any cart or vehicle shall violate the provisions of this section or either of them, such cartman or owner of such cart or vehicle, shall forfeit and pay a penalty of five dollars for each offence.

Sec. 13. No person shall exercise the employment of a

common porter, or porter for any public house, without having obtained a license therefor, as herein before provided. Every porter licensed as above, shall wear in some conspicuous place, on his hat or cap, painted or printed in a plain, legible manner, his name, the name of the public house for which he acts as porter, and the number of his license. Any person who shall violate the provisions of this section, shall forfeit and pay a penalty of five dollars for each offence.

Sec. 14. The following fees shall be allowed to public porters for services in this section specified :—For carrying any trunk or box, or any single article of baggage or goods, from any place in said city, twelve and a half cents. For any additional trunk or box or other article of baggage or goods, six cents. If any porter shall demand or receive any greater compensation for the services herein specified, than is herein provided, he shall forfeit and pay a penalty of five dollars for each offence.

Sec. 15. The mayor, before granting any license to any cartman, or public porter, by virtue of this ordinance, shall require that such cartman or public porter pay into the city treasury the sum as provided for in section first of this ordinance.

Sec. 16. Any license hereafter granted under this ordinance may at any time be revoked by the mayor, such revocation to be reduced to writing and filed with the city clerk, and reported to the common council at its next meeting. After such revocation said license shall be of no further force and effect.

Sec. 17. Every cartman shall keep, and immediately produce when called for, a certified copy of section ten of this ordinance, under a penalty of two dollars for each offence.

Sec. 18. Every execution issued upon a judgment recovered for a violation of this ordinance shall command the amount to be made of the property of the defendant if any such can be found, and if not, then to commit the defendant to the county jail or workhouse, for the period of ten days.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO HACKNEY COACHES AND CARRIAGES.

*Passed July 12, 1859.*

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

Sec. 1. The mayor of the city of Rochester, or other officer exercising the duties of mayor, for the time being, may from time to time issue license to any person or persons to keep hackney coaches, cabs and carriages for hire in the said city.

Sec. 2. No person shall be licensed as aforesaid, who has not been a resident of the city for twelve months last preceding the date of such license, and is not of the age of twenty-one years and upwards.

Sec. 3. All licenses to the owners of hackney coaches, cabs and carriages shall expire on the first day of July next after the date thereof.

Sec. 4. Every person who may be licensed as aforesaid, shall pay to the city treasurer, for the use of the city, for each hackney coach, cab or carriage, which such person shall keep for hire, the sum of five dollars.

Sec. 5. No person shall keep or drive any hackney coach or carriage for hire in the city of Rochester, without first being licensed as aforesaid, under a penalty of five dollars for each offence.

Sec. 6. Hackney coaches, cabs or carriages, may stand waiting for employment at all times, Sundays excepted, on the south side of Buffalo street from Fitzhugh street to Montgomery alley, and from Fitzhugh street to Pindall alley, with the horses' heads towards the east, or at such other place or places as the mayor or city superintendent, under the direction of the common council, may designate, and not elsewhere under the penalty of five dollars for each offence, to be sued for and recovered from the owner or driver thereof, severally and respectively. No hackney coach, cab or carriage, while upon, at or near said stand, shall stand abreast or along side

of any other coach, cab or carriage, under the penalty of five dollars for each offence, to be sued for and recovered from the owner and driver thereof, severally and respectively. And no such hackney coach, cab or carriage, or other vehicle, for the carriage of passengers, or cart, shall at any time stand upon the ground between the railroad tracks of the New York Central Railroad, in said city of Rochester, under the penalty of ten dollars for each offence, to be sued for and recovered from the owner or driver thereof, severally and respectively.

Sec. 7. The driver of every hackney coach, cab or carriage, whilst the same is on the stand, shall be seated on the box of his coach or carriage, or shall stand at his horses' heads, and shall keep his coach, cab or carriage as near as may be to the carriage, cab or coach immediately before him, under a penalty of three dollars for each offence, to be sued for and recovered from such driver, or the owner of the hackney coach, cab or carriage which he may drive, severally and respectively.

Sec. 8. The prices or rates of fare to be taken or paid to the owners or drivers of hackney coaches, cabs or carriages, shall be as follows, to wit :

1. For conveying a passenger from the stand to any point within the following district, two shillings, and the same for returning with a passenger, and one shilling for each additional passenger going or returning; which charge shall include a detention of not more than fifteen minutes ; said district is bounded as follows, to wit : commencing at a point where Jay street continued easterly would strike the Genesee river ; thence along Jay street to Magne or Whitney street ; thence along said street to Brown street ; thence along the west side of the canal to Canal street ; thence along Canal street to Buffalo street ; thence down Buffalo street to Trowbridge street ; thence south along Trowbridge street, and on a continued line therewith, to Adams street ; thence through Adams street to the Genesee river ; thence across said river to the bridge over the canal in South St. Paul street ; thence in a straight line to William street ; thence through William

street to Scio street ; thence through Scio street to Henrietta street ; thence through Henrietta street to Atwater street ; thence through Atwater street to the Genesee river ; and the same fee for driving to and from the Orphan Asylum.

2. For conveying a passenger from the stand, or any other point within said city, to any part of the city not included in the foregoing limits, and not exceeding one mile and a half in distance, thirty-seven and a half cents ; for conveying two or more passengers, twenty-five cents for each passenger, and the same for returning with a passenger or passengers, which charges shall include for a detention of not more than fifteen minutes.

3. For conveying a passenger from the stand, or any other point within said city, to any part of the city, one and a half miles, and not exceeding two and a half miles in distance, fifty cents, and the same for returning ; for conveying two or more passengers within said district, thirty-seven and a half cents each, and the same for returning ; which charges shall include for a detention of not more than twenty minutes.

4. For conveying passengers from place to place where more than two stoppages of ten minutes each shall be made, and the time of such conveyance and stoppage shall exceed half an hour, the price shall be estimated by the hour and quarter parts thereof, at the rate of seventy-five cents for the first hour, and fifty cents for each succeeding hour.

5. For children between two and ten years of age, half price only is to be charged, and for children under two years of age, no charge is to be made.

6. For attending a funeral with passengers, including charges for necessary detention and returning with passengers, two dollars.

7. For actually attending, pursuant to directions, for the purpose of conveying any passenger or passengers, the same compensation as if one passenger had been conveyed from the stand to the place of such attendance.

8. For conveying one or more passengers from any point within the following described territory, bounded as follows :

Commencing on Buffalo street at the intersection of Madi-



son street ; thence northerly on Madison street to East Maple street, including one tier of lots on the west side of Madison street ; thence westerly on East Maple street to Brown street ; thence across Brown street till it intersects a line running south from Grape street ; thence northerly along the centre of Grape street to Magne street ; thence north in a straight line to Lyell street ; thence easterly on Lyell street to Schuyler street ; thence northerly on Schuyler street, including one tier of lots on the west side of Schuyler street to Ambrose street ; thence easterly on Ambrose street to the west bank of the Genesee river ; thence southerly along the west bank of the Genesee river to a point in range with the south line of the "Gorham tract ;" thence east across the Genesee river and along said south line to North St. Paul street ; thence across St. Paul street to Ward street ; thence easterly on Ward street to North Clinton street, including one tier of lots on the north side of Ward street ; thence southerly along the centre of Clinton street to Atwater street, including one tier of lots on the east side of Clinton street ; thence easterly along Atwater street to North street, including one tier of lots on the north side of Atwater street ; thence easterly to Tappan street ; thence easterly along Tappan street to Scio street ; thence southerly along Scio street to Riley street ; thence easterly along Riley street to Union street ; thence southerly along Union street to Court street ; thence westerly along Court street to Manhattan street ; thence southerly along Manhattan street to Monroe street ; thence westerly along Howell street to South St. Paul street ; thence southerly along South St. Paul street to Mt. Hope Avenue, including one tier of lots on the east side of said St. Paul street ; thence southerly along Mt. Hope Avenue to Clarissa street, including one tier of lots on the east side of Mt. Hope Avenue ; thence westerly along Clarissa street to the east bank of the Genesee Valley canal ; thence northerly along the east bank of the canal to Adams street ; thence westerly along Adams street to Reynolds street, including one tier of lots on the south side of Adams street ; thence northerly along Reynolds street, and including one tier of lots on the west side of Rey-

nolds street, to the place of beginning ; to Mount Hope fifty cents, and the same for returning with one or more passengers, which charge shall include the conveyance of such passenger or passengers through the avenues and grounds of Mt. Hope for thirty minutes ; and for any additional detention, at the rate of fifty cents for every thirty minutes.

Sec. 9. No owner or driver of any hackney coach, cab or carriage in the city of Rochester, shall ask, demand or receive any larger sum than he or they may be entitled to receive as aforesaid, under the penalty of five dollars for every such offence, to be sued for and recovered from the owner or owners, or the driver of any such coaches, cabs or carriages, severally and respectively. And no such owner or driver shall demand or receive from any such person or passenger any extra compensation, or any sum whatever, for carrying or transporting with such person or passenger in or upon any such hackney coach, cab or carriage, any ordinary luggage belonging to any such person or passenger, to or from any of the points or distances above named.

Sec. 10. The number of the license of every hackney coach, cab or carriage, shall be painted in legible characters on the outside thereof, or on the lamps, and a printed copy of section eight of this ordinance shall be posted up in some conspicuous place in the inside of such coach, cab or carriage, under a penalty of five dollars for each offence, to be sued for and recovered from the owner or driver of such hackney coach, cab or carriage, severally and respectively.

Sec. 11. If the owner of any hackney coach, cab or carriage, who may have received a license, shall sell or dispose of such coach before the expiration of such license, such licensed owner shall, within ten days after such sale, report the same to the mayor, who shall be authorised to transfer such license to the purchaser of such hackney coach, cab or carriage, on the payment of the mayor's fee ; and every owner of a hackney coach who shall neglect or fail to report such sale to the mayor within the time aforesaid, shall forfeit and pay the sum of five dollars.

Sec. 12. No owner or driver of any hackney coach, cab or

carriage, while on the stand heretofore designated, or whilst waiting for employment at any place other than the house or stable of the owner thereof, between the hours of sunrise and nine o'clock in the evening, shall refuse or neglect to convey any person or persons to any place or places within the city, upon being applied to for that purpose, and upon being tendered the fare for the same, under a penalty of five dollars for every such refusal or neglect, to be sued for and recovered of the owner or driver of any such hackney coach, cab or carriage, severally and respectively.

Sec. 13. Any license hereafter granted under this ordinance may at any time be revoked by the mayor, such revocation to be reduced to writing and filed with the city clerk and reported to the common council at its next meeting; after such revocation said license shall be of no further force and effect.

Sec. 14. It shall be the duty of the city superintendent, as often as once every month, to visit the public stand, and all places where hackney coaches, cabs and carriages are permitted to stand, and to see that all the provisions of this ordinance are in every respect complied with.

Sec. 15. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or workhouse for a period of fifteen days.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO RAILROADS.

*Passed July 12, 1869.*

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

Sec. 1. No railroad company or any other person shall direct, cause or suffer any engine, railroad car, or trains of cars,

to be driven, drawn or propelled upon any railway in said city, west of North street, and east of Brown street, on the road leading to Batavia, and east of Jay street, on the road leading to Niagara Falls, at any greater rate of speed than eight miles per hour, under a penalty of fifty dollars for each offence.

Sec. 2. No whistle connected with any railway engine shall be sounded or used within the city limits, except as a signal to apply the brakes in cases of immediate and impending danger, under a penalty of fifty dollars for each offence.

Sec. 3. No railway company, or any persons in their employ, shall use or occupy any portion of any street, lane, alley or square, within said city, for the purpose of making up a train or cars, or switching off or switching on any car or cars, under a penalty of fifty dollars for each offence.

Sec. 4. No railway company, or any person in their employ, shall use any portion of any street, lane, alley or square, for the purpose, or during the process of loading or unloading any car, under a penalty of fifty dollars for each offence.

Sec. 5. No railway company, or any person in its employ, shall leave or station any car used for the transportation of horses, cattle or other animals, within the limits of said city, or direct, cause or suffer the same to be done, unless such car shall be thoroughly cleansed, under a penalty of fifty dollars.

Sec. 6. Every ordinance of this board in conflict with this ordinance, is hereby repealed.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO MARKETS.

*Passed July 12, 1859.*

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

Sec. 1. No person other than lessees of stalls in Centre Market on Front street, and such other persons as may from

time to time be authorised by the common council to sell meat, &c., from out-stalls, shall sell any fresh meat in any quantity less than the quarter, within the city, (venison, wild game, poultry, excepted ; and also excepting offals of hogs, consisting of fat, ears, snouts, and spare ribs, sold by persons being packers of pork;) under a penalty of ten dollars for each offence.

Sec. 2. No butcher, or other person, except as hereinafter provided, shall, by himself, his agent or servant, sell or expose for sale in the city, any lamb, mutton, veal, beef, or other meats, (venison, pork in the hog, wild game, poultry, dried, smoked and other cured meats and meat in the quarter excepted) at any other place than the market house, or at such other place as the common council shall designate ; and any person who shall violate the prohibitions in this section, shall forfeit and pay a penalty of ten dollars for each offence ; provided that no person shall in offering meat for sale, stand with his team or carriage in which such meat shall be contained, at any one place in any of the streets of said city for a longer period than thirty minutes.

Sec. 3. Every license granted under this ordinance shall expire on the first day of July next after the license shall be granted.

Sec. 4. No meat shall be exposed or offered for sale in or at any market house or out-stall after one o'clock in the afternoon of any day except Saturday, during the months of June, July, August and September, under a penalty of ten dollars for each offence.

Sec. 5. Every tenant of a stall in any market, and every person licensed to sell fresh meat as aforesaid, shall furnish his stall every day (except Sundays), with a plentiful supply of good and wholesome meat ; and in case any person shall neglect so to do, he shall forfeit and pay a penalty of ten dollars for the first offence, and for every subsequent offence twenty-five dollars.

Sec. 6. No butcher shall cut or expose in market any meat but at his own stall or standing, under the penalty of three dollars for the first offence, and for every subsequent offence five dollars.

Sec. 7. No person shall sell or expose for sale in the market house or elsewhere in the city of Rochester, any unwholesome, stale, emaciated, blown, stuffed, tainted, putrid or measly meat, poultry or other provisions, nor any live or slaughtered calf or calves, nor the veal or flesh of any calf or calves, unless such calf or calves, if alive, shall be at least four weeks old, or if slaughtered, shall have been at least four weeks old before having been so slaughtered under the penalty of fifty dollars for each offence; and the meat, poultry, veal and other provisions so exposed for sale, and herein prohibited, may by the clerk of the market be seized and destroyed; and it shall be the duty of such clerk of the market so to seize and destroy the same, and to report the name of any person violating the provisions of this section for prosecution.

Sec. 8. All meats sold at the market, except lambs, pigs, shanks, heads and plucks, shall be previously weighed by weights previously and within three months sealed by the city sealer, under the penalty of five dollars for each offence.

Sec. 9. Every butcher shall keep the inside of his locker, and the table of his stall or standing, and the place where his meats may lie, clean and free from filth and dirt, and shall also keep clean the floor of his stall and in the market house the hall opposite thereto, under the penalty of five dollars for each offence.

Sec. 10. Every butcher, victualler, or fish monger in centre market, shall keep his cellar, and that portion of the hall opposite thereto, and the bins which are or may hereafter be provided for the reception and keeping of small live stock in the market, in a neat and sweet state, under a penalty of five dollars; and the clerk of the market shall have access at all times to said cellar, or to any of them, under the penalty of five dollars to be paid by any butcher, victualler, fish monger, or other person who shall refuse such access.

Sec. 11. No butcher or other person shall wantonly or wilfully cast or throw any meat, bones, pluck, garbage, fish, fruit or vegetables, or other thing in either of the markets in

said city, or in the river, or grounds adjoining the market, or make or assist in making any noise, disturbance or improper diversion in either of the markets in said city, under the penalty of five dollars for each offence.

Sec. 12. No butcher or other person shall, for a longer space of time than ten minutes, expose or suffer, or cause to be exposed, or remain in any street, or upon any sidewalk, road or alley, or in front of any market in the city of Rochester, any lamb, sheep, calf or any other animal, without its limbs being tied or fastened together, so as to prevent its standing erect ; nor with its limbs so tied or fastened for a longer space of time than thirty minutes, under a penalty of five dollars for each offence.

Sec. 13. No person who shall lease any vegetable stall or stand in or adjoining the market house, shall sell the same to any person without the permission of the clerk of the market, nor without such permission suffer or permit any other person to use, occupy, or enjoy such vegetable stall or stand, for any purpose whatever, under a penalty of five dollars for each offence.

Sec. 14. No person having cattle, meat, vegetables or other articles for sale, shall be permitted to stand or remain in any part of Front or Market street, or River alley, or in any place contiguous to the market ; except such as has been duly licensed for that purpose by the common council, with or without any cart, wagon or basket, for any longer period than fifteen minutes, under the penalty of five dollars for each offence.

But nothing herein contained shall prohibit any person not having a stall resorting to the market house with garden vegetables for sale, from placing or keeping his wagon or cart on the westerly side of the centre of Front street, and on the northerly side of the centre of Market street, in such a position as shall be required by the clerk of the market.

Sec. 15. No person shall build, make or use, or cause or permit to be built, made or used, any private slaughter house or private stall, within said city, without permission from the common council, under a penalty of fifty dollars for each offence.

Sec. 16. No person shall break, cut down or take away, or wantonly injure any stall, standing, or other part of any market, under a penalty of fifty dollars for each offence.

Sec. 17. There shall be appointed annually, by the common council, a suitable person as clerk of the market, who shall, before entering upon the duties of his office, execute a bond, with one good and sufficient surety, in the penal sum of one thousand dollars, to be approved by the mayor, signified by his endorsement thereon, and payable to the city of Rochester, conditioned for the faithful performance of his duties.

Sec. 18. He shall be provided with a market bell, and cause the same to be rung five minutes previously to the closing of said market, and every butcher, or other person attending such market with articles for sale, who shall remain within the limits of the same for fifteen minutes after the bell shall have been rung as aforesaid, for the purpose of selling or exposing for sale any article or thing, shall forfeit and pay five dollars for each offence.

Sec. 19. The clerk of the market shall have the general charge and superintendence of centre market, and it shall be his duty to collect, receive and pay over to the treasurer all moneys payable by law for the use or rent of the vegetable stalls in or adjoining the market, and to keep an account of the same, which shall be kept open to the inspection of any member of the common council, and to report the first Tuesday in each month to the common council the amount of money received and paid by him to the treasurer during such time; and also regularly to attend at the market to the performance of his duties every morning from at least one hour before sunrise till the time of closing the market in the afternoon, except on Saturdays, when he shall attend from one hour before sunrise till twelve o'clock at noon, and from two o'clock till the time of closing the same in the afternoon. He shall also have power, and it shall be his duty to keep the market house and grounds adjoining, clean and in good repair, and to keep the streets adjacent to it clean and free from all obstructions, and to give the necessary directions to



the butchers for that purpose. It shall also be the duty of the clerk of the market to report to the common council from time to time any violation of the regulations and ordinances relating to the market, and the selling of meat and vegetables.

Sec. 20. Copies of this ordinance shall, as often as requisite, be fastened up in conspicuous places in and about the centre market; and any person who shall intentionally deface, destroy, or take down any of the said copies, shall forfeit and pay a penalty of ten dollars.

Sec. 21. The mayor, upon the recommendation of the market committee, may lease from time to time, on such terms as they shall think proper, for the sale of fish and vegetables, such portions of the market as are not already leased, and the vacant ground adjacent.

Sec. 22. The chairman of the market committee shall, at the first meeting of the common council in January, April, July and October, render to the common council a report of the number of outstanding leases and licenses for the sale of meat, the persons to whom granted, or then holding the same, the amount of rent raised therein, and due thereon, the amount reserved during the previous quarter, and also the like account in relation to vegetable and fish stalls.

Sec. 23. The stands for the sale of hay, straw and wood, shall be designated and appointed by the mayor and the committee on streets. Such designation and appointment shall be made by a notice to be published in one of the newspapers of said city for three successive days. No person shall stand or wait with any wagon, sled or other vehicle loaded with hay, straw or wood, at any other place in said city than the stands so designated, under a penalty of five dollars for each offence.

The city superintendent shall have the regulation and control of such stands, and all persons having charge of teams thereon shall place the same in such position as he shall direct, under a penalty of three dollars for each offence.

Sec. 24. No person shall sell or expose for sale any fresh meat at any place within the limits of said city, except at

the centre market and the several out-stalls where the same is authorized to be sold, under a penalty of ten dollars for each offence; provided, however, that nothing herein contained shall impair the right of any farmer to sell meat by the quarter, of such stock as he may have raised on his own farm.

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IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE ERECTION AND REMOVAL OF  
BUILDINGS.

*Passed July 12, 1850.*

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

Sec. 1. No building shall hereafter be erected, nor shall any addition to be made to any building already erected, within the following limits :

Commencing on Buffalo street at the intersection of Madison street, thence northerly on Madison street to East Maple street, including one tier of lots on the west side of Madison street; thence westerly on East Maple street to Brown street; thence across Brown street till it intersects a line running south from Grape street; thence northerly along the centre of Grape street to Magne street; thence north in a straight line to Lyell street; thence easterly on Lyell street to Schuyler street; thence northerly on Schuyler street including one tier of lots on the west side of Schuyler street to Ambrose street; thence easterly on Ambrose street to the west bank of the Genesee river; thence southerly along the west bank of the Genesee river to a point in range with the south line of the "Gorham tract;" thence east across the Genesee river and along said south line to North St. Paul street; thence across St. Paul street to Ward street; thence easterly on Ward street to North Clinton street, including one tier of lots on the north side of Ward street; thence southerly along the centre of Clinton street to Atwater street,

including one tier of lots on the east side of Clinton street ; thence easterly along Atwater street to North street, including one tier of lots on the north side of Atwater street ; thence easterly to Tappan street ; thence easterly along Tappan street to Scio street ; thence southerly along Scio street to Riley street ; thence easterly on Riley street to Union street ; thence southerly along Union street to Court street ; thence westerly along Court street to Manhattan street ; thence southerly along Manhattan street to Monroe street ; thence westerly along Howell street to South St. Paul street ; thence southerly on South St. Paul street to Mt. Hope Avenue, including one tier of lots on the east side of said St. Paul street ; thence southerly along Mt. Hope Avenue to Clarissa street, including one tier of lots on the east side of Mt. Hope Avenue ; thence westerly along Clarissa street to the east bank of the Genesee Valley canal ; thence northerly along the east bank of the canal to Adams street ; thence westerly along Adams street to Reynolds street, including one tier of lots on the south side of Adams street ; thence northerly along Reynolds street, including one tier of lots on the west side of Reynolds street, to the place of beginning, without the permission of the common council, unless the outside wall thereof shall be constructed of brick or stone or some metallic or incombustible material, except such portions thereof as are usually constructed of wood in brick and stone buildings.

Sec. 2. No building to be erected within the limits described in the preceding section, shall be built with cornices of wood, unless by special permission of the common council.

Sec. 3. Every building or part of a building made, constructed or placed within the limits or territory described in the first section of this ordinance, shall be built of iron, or stone, or brick, and when such building or part of a building is built of stone or brick, and is more than one and a half stories in height, the outer walls of all but the upper stories shall be at least twelve inches in thickness ; and when more than three stories in height, the outer walls of all but the upper stories shall be at least sixteen inches in thickness ; and every building between the basement and third story there-

of, which is to be divided into two or more stores, or tenements, or dwellings, fronting on a street or alley, shall be so divided by stone, or brick partition walls, running from the front of such building to the rear, at least one foot in thickness, and extending from the bottom of the cellar or basement upward to the roof of such building. And the ends of any and all joists resting in or upon any wall or partition, shall be at least four inches apart in each direction; and any space or spaces intervening between the ends of such joist shall be filled with brick and mortar, and the walls of all chimneys in any building shall be at least four inches in thickness, and the sides of such chimney upon the inside thereof shall be properly plastered. And if any building, or part or portion of any building, not made and constructed according to the provisions of the aforesaid section, shall be erected or placed within the prescribed fire-limits in section one, the owner or owners, builder or builders thereof, person or persons directing the same, shall severally forfeit the penalty of one hundred dollars for each and every violation of the aforesaid section; and also a further penalty of twenty-five dollars for each and every week such building or part of building shall so remain within the limits named in section one aforesaid.

Sec. 4. Every building of two stories or more in height, shall have a scuttle in the roof, and a suitable stairway or ladder leading to the same, so as to afford convenient access to the roof thereof; and any person neglecting to comply with the requisition of this section, shall forfeit and pay a penalty of twenty-five dollars.

Sec. 5. The owner of every building upon which a new roof shall hereafter be constructed within the limits described in section first of this ordinance, shall cause the roof thereof to be covered with tile, slate or metal, or have the shingles thereof laid in lime mortar at least one half an inch in thickness.

Sec. 6. No person or persons shall use or erect any building for the purpose of drying lumber by fire heat, within the city of Rochester.

Sec. 7. The owner or occupant of any blacksmith shop, or other shop in which charcoal is used in mechanical operations, shall cause to be fixed upon the chimney of such shop, a cap-piece, or screw, made of wire or sheet iron, so as to prevent the sparks from escaping, under a penalty of ten dollars.

Sec. 8. No person shall hereafter erect within the city of Rochester, any chimney upon a wooden foundation, unless the bottom thereof is two feet in thickness of brick, well laid in lime mortar, under a penalty of three dollars.

Sec. 9. Every chimney which shall hereafter be erected within the limits described in section first of this ordinance, shall be plastered on the inside ; the aperture or top of such chimney shall be at least three feet above the highest part of the roof from which it issues ; and every person violating the provisions of this section shall forfeit and pay a penalty of twenty-five dollars.

Sec. 10. Every applicant for the erection or removal of any wooden building within the limits described in section first of this ordinance, is required to give a seasonable notice of his intended application, and the time of such application, to every owner or occupant of houses and lots within the distance of two hundred feet from the place where the building is to be erected, or to which it is to be removed ; and shall furnish to the common council satisfactory proof of the service of such notice.

Sec. 11. Every applicant for the removal of any wooden building shall be required to set forth in his petition the street or streets through which he designs to pass said buildings ; and such applicant shall present to the common council with said petition the written consent of two-thirds of the owners or occupants of buildings on each and every street through which said applicant designs to pass said building, as set forth in the petition asking the privilege of such removal.

Sec. 12. All stoves erected or used in said city shall be placed at a distance of at least one foot from any wall, com-

posed in whole or in part of wood, and shall stand upon a foundation of metal, brick, or stone, subject to the direction and approval of the chief engineer ; the pipe to all stoves shall be conducted into a chimney horizontally and not otherwise, and at a distance of at least two feet from any floor or roof ; and when such pipe shall pass through any wooden partition, floor or roof, and when such pipe shall pass through any wooden partition, floor or wooden wall, the same shall be well protected by a thimble or double tin, or guard of stone or earthenware, between which and such pipe shall be a space of at least one-half inch ; every person violating any provision of this section, shall forfeit and pay the sum of two dollars for each offence.

Sec. 13. Any person or corporation who shall violate any of the provisions of sections 1, 2, 5, 6, 10, 12 of this ordinance, shall be liable to the penalties provided by section 230 of the Statute entitled an act to amend and consolidate the several acts, relating to the city of Rochester, passed April 10, 1850.

Sec. 14. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or workhouse for a period of twenty days.

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IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE CUMBERING OF MILL  
STREET.

*Passed July 12, 1859.*

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

Sec. 1. No carriage, hackney coach or omnibus shall stand in Mill street, in the city of Rochester, between the north

line of Mumford street and the south line of Centre street, for the purpose of waiting the arrival of trains upon the New York Central Railroad, or to procure passengers from such trains, under the penalty of ten dollars for each violation of this ordinance, to be sued for and collected of the owner or driver of such carriage, coach or omnibus.

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### IN COMMON COUNCIL.

#### AN ORDINANCE PRESCRIBING THE BONDS AND SURETIES TO BE GIVEN BY THE CONSTABLES OF THE CITY OF ROCHESTER.

*Passed July 12, 1869.*

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

Sec. 1. Every person elected or appointed constable, before any warrant for the collection of taxes or assessments is issued to him by the treasurer of the city of Rochester, shall execute to the city of Rochester, and file with the mayor, a bond, with two or more sureties, who shall be freeholders of the county of Monroe, approved by the mayor, in such penalty as he shall direct, conditioned for the faithful execution of his duties as a collector of taxes and assessments, and that he will pay over the same, according to law.

Sec. 2. Before any warrant for the collection of taxes issued by the treasurer of the county of Monroe, shall be delivered to any constable of the city of Rochester, such constable shall execute an additional bond to the treasurer of the county, with two or more sureties, who shall be freeholders of the county of Monroe, and approved by such treasurer, in a penalty of double the amount directed to be collected by such warrant, conditioned that he shall faithfully collect such taxes and pay over the same, according to law, which bond shall be filed with the treasurer of the county, in his office.

## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO POUNDS.

*Passed July 12, 1859.*

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

Sec. 1. The city superintendent shall provide two safe, secure and convenient places or yards, within the limits of this city, one upon each side of the Genesee river, which shall be the public pounds, and shall be under the care of the health inspectors.

Sec. 2. Any animal prohibited from running at large in the public streets of said city, which shall be found so running at large, may, by any officer of the city, or any health officer, be removed to and confined in the said pounds.

Sec. 3. The person having charge of such pound, shall cause notice to be given in the official paper of said city, for the space of five days, requiring the owner of such animal so confined, to pay the penalty incurred by reason of such animal so running at large, and the costs and expenses of securing and keeping said animal, within the period aforesaid; or that, in default thereof, such animal will be sold at public auction, at a time and place therein to be appointed, for the purpose of paying such penalty and expenses.

Sec. 4 The person having charge of such pound, shall, on the day and at the place appointed in such notice, sell the said animal at public auction, and after deducting the expenses of securing such animal, and of the said sale, and the penalties incurred, pay the avails of such sale to the owner of said animal, if claimed within thirty days; and in case the claim is not made in such time, then said pound master shall pay the same to the city treasurer.



IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE JUSTICE.

*Passed July 12, 1859.*

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

Sec. 1. The police justice of the city shall keep his office in the room now know as the police office, in the north part of the centre market.

Sec. 2. The police justice shall receive an annual salary of sixteen hundred dollars, to be paid quarterly in January, April, July and October of each year.

Sec. 3. Every suit prosecuted by any officer appointed by the common council, to recover for the violation of any of the ordinances of this city, or under the statutes, concerning the internal police of this state, shall be prosecuted before the police justice, unless the mayor, or in case of his absence or inability, the city attorney, shall direct such suit to be prosecuted before any other justice of the peace residing in the city of Rochester, or other court of competent authority.

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IN COMMON COUNCIL.

AN ORDINANCE RELATING TO UNDERTAKERS.

*Passed July 12, 1859.*

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

Sec. 1. The mayor may from time to time, license so many persons as he may deem proper, to exercise the vocation of undertakers, upon the payment into the city treasury of the sum of ten dollars by each and every person asking a license for that purpose, and the execution of a bond, with one or more sureties, to be approved by the mayor, in the penal sum of \$250, conditioned for the faithful performance of the duties of an undertaker, and the payment of all damages to which he may become liable as such undertaker.

Sec. 2. Every license granted in pursuance of this ordinance, shall expire on the first day of July in each year hereafter.

Sec. 3. No person except such as are duly licensed therefor, as above herein provided, shall act as an undertaker within the city of Rochester, under a penalty of fifty dollars for each and every violation of this section.

Sec. 4. Upon the recovery of a judgment for the penalty provided by the 3d section of this ordinance, an execution shall issue to commit the defendant to the county jail of the county of Monroe for the period of thirty days, in default of property wherewith to satisfy such execution.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO PAWNBROKERS.

*Passed July 12, 1859.*

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

Sec. 1. The mayor may from time to time, license so many persons as he may deem proper, to exercise the vocation of pawnbroker, upon the payment into the city treasury of the sum of twenty dollars, by each and every person asking license for that purpose, and the execution of a bond with one or more sureties, to be approved by the mayor, in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of a pawnbroker, as prescribed by statute, and the payment of all damages to which he shall become liable to any person as such pawnbroker.

Sec. 2. Every license granted in pursuance of this ordinance, shall designate the building in which the person thus licensed shall thereby be authorized to act as a pawnbroker, and shall expire on the first day of July next thereafter, unless sooner revoked by the mayor.

Sec. 3. No person except such as are duly licensed therefor, as above herein provided, shall act as a pawnbroker within the city of Rochester, under a penalty of fifty dollars for each and every violation of this section.

Sec. 4. Upon the recovery of a judgment for the penalty provided by the 3d section of this ordinance, an execution shall issue to commit the defendant to the county jail of the county of Monroe for the period of thirty days, in default of property wherewith to satisfy such execution.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO CLARISSA STREET BRIDGE.

*Passed July 12, 1859.*

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

Sec. 1. No person shall ride, drive or lead any animal or animals, or any carriage or carriages, or vehicle of any kind, upon or over the bridge in Clarissa street, over the Genesee river in this city, faster than a walk, under a penalty of five dollars for each offence.

Sec. 2. One-half of all penalties recovered and collected for the violation of this ordinance, shall be paid to the informant in each case.

Sec. 3. Upon every recovery of any penalty or forfeiture for violation of this ordinance, an execution shall be issued directing the amount to be collected by levy and sale of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail for the period of five days.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE AND PRESCRIBE THE BREADTH  
OF TIRES UPON THE WHEELS OF WAGONS,  
CARTS AND OTHER VEHICLES.

*Passed July 12, 1859.*

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

Sec. 1. No person shall use, cause, or suffer to be used, any wagon, cart or other vehicle of heavy draught, upon any paved, macadamized or improved streets or highways in said city, for the purpose of drawing bricks, sand, stones, wheat, flour, logs, lumber, iron or other materials, unless the tires upon the wheels of such wagon, cart or other vehicle be at least four inches in width, under a penalty of twenty-five dollars for each offence. But this ordinance shall not apply to vehicles used by farmers coming into the city with produce or fuel, nor to one-horse wagons or vehicles used generally for the purpose of common portorage, or for the purpose of conveying persons or passengers.

Sec. 2. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail for a period of thirty days.

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IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE.

*Passed July 12, 1859.*

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

Sec. 1. The city police shall consist of one chief of police, and so many policemen as the common council shall from time to time determine.

Sec. 2. Every policeman shall, immediately after his appointment, take and subscribe an oath to the effect following: "I do solemnly swear, (or affirm) that I will well and faithfully discharge the duties of a policeman of the city of Rochester, according to the best of my ability;" which oath or affirmation shall be in writing and subscribed by the party making the same and filed with the city clerk.

Sec. 3. The police shall perform such duty as the common council shall from time to time prescribe.

Sec. 4. It shall be the duty of the chief of police to report to the mayor any misconduct, refusal to serve or neglect of duty of the policeman or either of them; to make and return, each and every month, to the clerk of the city, a list of the names of the policemen and the amount of service they have severally rendered since the last report; to report to the mayor the names of all persons within the city who shall keep disorderly or gaming houses, and every infraction of the by-laws or ordinances of the city, or the laws of the state, which he shall discover or have information of. The several policemen shall without delay, report to the chief of police the existence of any disorderly or gaming house, or the violation of any of the by-laws or ordinances of the city or of the laws of the state, within the city, which shall come to their knowledge.

Sec. 5. The policeman shall have the power, and they are hereby required, to arrest all persons engaged in the commission of any crime or misdemeanor, or any breach of the peace, all vagrants, common prostitutes, drunkards and other disorderly persons found within the city, and detain such persons in the station house, or some other secure place, until duly discharged.

Sec. 6. No policeman shall absent himself from duty during the hours prescribed for duty, or serve by substitute, without permission in writing from the mayor, under a penalty of ten dollars.

Sec. 7. All persons apprehended by the police shall be kept in some safe and comfortable place, and the sexes shall be kept apart.

Sec. 8. The policemen shall, while on duty, wear such insignia as shall be provided for them by the common council.

Sec. 9. The chief of police and policemen, shall, for the purpose of preserving the peace and good government of the city, obey all orders given for that purpose by the mayor, police justice or any alderman of the said city, on pain of removal from office.

Sec. 10. The chief of police and the policemen, in the discharge of the duties imposed upon them by this ordinance, shall be subject to the direction of the mayor, and to such rules and regulations as the common council may from time to time prescribe.

Sec. 11. The city is hereby divided into police districts, as follows :

District No. 1 shall include the following portion of said city :—beginning at the intersection of Allen street with the Erie canal ; thence along Allen street to State street ; thence along State street to Centre street ; thence along Centre street to the Genesee river ; thence along the river to Andrews street bridge, and Andrews street to North Clinton street ; thence along North and South Clinton streets to Court street ; thence along Court street to Exchange street ; thence along Exchange street to Troup street ; thence along Troup street to High street ; thence along High street to Buffalo street ; thence along the eastern bank of the Erie canal to Allen street.

District No. 2 shall include all of the Third Ward not included in District No. 1.

District No. 3 shall include all of the Eighth Ward which lies south of Buffalo street.

District No. 4. shall be bounded on the west and north by the city limits, on the east by the Erie canal, and south by Buffalo street.

District No. 5 shall be bounded on the north by the city limits, on the east by the Genesee river, on the south by District No. 1, and on the west by the Erie canal.

District No. 6 shall include all of the Fifth and Sixth Wards not included in District No. 1.

District No. 7 shall include all that portion of the city east of Clinton street and District No. 6, and north of a line drawn from Clinton street through Court street and East Avenue to the city line.

District No. 8 shall include all that portion of the city lying east of the Genesee river and south of Districts No. 1 and 7.

Sec. 12. One night policeman shall be assigned to each of the said Districts except No. 1, and the residue of the policemen shall be assigned to District No. 1.



## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO THE ERIE CANAL FEEDER, THE BASINS ADJOINING THE SAME, AND THE GENESEE RIVER.

*Passed July 12, 1859.*

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

Sec. 1. It shall be unlawful for the owner or owners of any saw log or logs, or timber or lumber of any kind, or for the agent or agents of any such owner or owners as aforesaid, to hereafter deposit or cause to be deposited (except as hereinafter provided,) any saw log or logs, or any timber or lumber of any kind in the Erie canal feeder, or any private or public basin adjoining the same, in the Seventh Ward of the city of Rochester.

Sec. 2. The owner or owners of any saw log or logs, or any timber or lumber of any kind, or the agent or agents of such owner or owners as aforesaid, who has any saw log or logs, or any timber or lumber of any kind now deposited in said

canal feeder, or private or public basin adjoining thereto, in the Seventh Ward of this city, shall remove the same therefrom within six days after the passage of this ordinance.

Sec. 3. The owner or owners of any private basin situated on or adjoining the Erie canal or canal feeder in the Seventh Ward of the city of Rochester, who shall either by themselves or agents, directly or indirectly permit any saw logs, timber or lumber of any kind to be hereafter deposited in his or their said basin, or suffer any such logs or lumber as aforesaid now deposited in said basin to remain therein for a longer space than six days after the passage of this ordinance, shall forfeit and pay a penalty of fifty dollars for each offence.

Sec. 4. Nothing contained in either section of this ordinance shall prevent any owner or owners of any saw logs, timber or lumber, or their agent or agents, from floating the same from the Erie canal into said canal feeder, or public or private basin adjoining the same for the purpose of the immediate removal of the same therefrom to his or their premises. But in no case shall the logs, timber or lumber of any kind, by this section permitted to be floated into said feeder or basins by any one, owner or agent, as aforesaid, exceed twenty-five pieces in number; all of which said pieces shall be removed therefrom within six days after they shall have been deposited therein as aforesaid. And no other logs piece or pieces of timber, or lumber of any kind, shall be permitted to be floated into said feeder, basin or basins, until every log or piece of timber or lumber previously floated therein, by said owner or his agent, shall have been removed therefrom, so that in no case shall the number of logs remaining in said feeder or basin or basins, and belonging to any one person as aforesaid, exceed twenty-five pieces in number.

Sec. 5. No person or persons, either by themselves or agent, shall hereafter deposit any stone, brick, dirt or rubbish of any kind in the Genesee river, within the limits of this city, without previously having obtained written consent thereto of the chairman of the street committee of the common council of the said city of Rochester.



Sec. 6. Every person who shall be guilty of violating either section one, two, four or five of this ordinance, or any provision therein contained, upon conviction thereof shall forfeit and pay the penalty of one hundred dollars for each offence. And upon conviction for a violation of any of the provisions of this ordinance, an execution shall be issued directing the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county workhouse for the period of thirty days.

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## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO THE DUTIES OF CERTAIN OFFICERS MENTIONED THEREIN.

*Passed July 12, 1859.*

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

#### THE CITY CLERK.

Sec. 1. It shall be the duty of the city clerk, to attend all the meetings of the common council, and enter in a book provided for that purpose by them, accurately and correctly, all the proceedings of said common council, plainly and fairly written out at full length.

Sec. 2. To preserve and safely keep and methodically arrange all such books, vouchers, memorandums and papers, the property of the common council or city, or relating to their affairs, which shall come into his hands or possession, as the clerk of the common council.

Sec. 3. To keep the common seal of the corporation and cause it to be affixed to all instruments in writing or otherwise, made or executed by order of the common council, or pursuant to the charter of the city or any law of the state.

Sec. 4. On the day succeeding the final passage of any

ordinance or resolution, directing the payment of any sum of money out of the treasury, to deliver to the city treasurer a certified copy of the same, and also, all references made to the said treasurer by the common council, and statements of all subjects connected with the treasury department.

Sec. 5. To deliver without delay to all other officers of the corporation, or in the employ or under the direction of the common council, and to all committees of the board of aldermen, all such resolutions and communications as may be referred to them respectively by such board.

Sec. 6. To record in a book provided for that purpose, all penal ordinances passed by the common council, written out in full, with the time of the passage and first publication of each respective ordinance noted, and to certify the same.

Sec. 7. To keep a correct and accurate register of all lots sold on Mt. Hope, in a book provided for that purpose; and to make out and countersign all deeds for lots, on the presentation of the comptroller's receipt, which shall be his voucher for the same.

Sec. 8. To keep in a book provided for that purpose, a correct and accurate register of the names of members of the fire department, and he shall enter opposite each respective name, the time of such person's election, resignation or discharge, and to deliver to each fireman his certificate of election, resignation or discharge, as the common council from time to time shall direct.

Sec. 9. To draft all resolutions and ordinances for local improvements, when directed by the street committee or common council, and see that the notices of the same are duly published according to law.

Sec. 10. Immediately after any meeting of the common council, to prepare an abstract of the proceedings of such meeting, and cause the same, certified by him, to be published in the papers of the city selected for the purpose, and to perform any other duties prescribed for him in any Statute and not herein referred to.

Sec. 11. It shall be the duty of the city clerk, whenever any unpaid judgments shall have been reported, by virtue of this ordinance to enter an account of the same in a proper book to be kept by him for that purpose, and when such judgment shall have been paid in whole or in part, or the same shall have been released, discharged, satisfied, or otherwise altered in its condition, the said account of said judgment shall be accordingly altered or explained by entry made opposite thereto or appended thereto.

THE OVERSEER OF THE POOR.

Sec. 1. The overseer of the poor shall procure a printed order or check book similar to the order or check book of the city clerk, in which he shall enter and keep in the margin thereof, copies of all orders, or checks drawn by him upon the treasurer, or any other person, and shall specify in said margin on what account and for what purpose each and every order or check may be drawn; the name of the person or persons in whose favor such order or check may be made, the amount to be paid on such order or check, the date on which it was issued, and shall take a receipt from such person or persons for the same.

Sec. 2. The overseer of the poor shall also require of every person or persons of whom he shall purchase property of any kind as overseer, a regular bill or invoice of the property or articles so purchased by him, which bill or invoice shall be certified by him to be correct and shall be audited by the common council before the treasurer shall pay the same.

Sec. 3. The overseer of the poor may make orders or checks as herein provided, upon the treasurer, for the payment of all sums expended by him for the support or relief of the poor, whenever the same shall have been approved by the common council.

Sec. 4. He shall keep a separate account of all provisions or other articles which shall be furnished, and of all money or time expended for the paupers which are chargeable to the county of Monroe.

Sec. 5. The overseer, before entering upon the duties of his office, shall give security by a bond, executed to the city of Rochester, in such penalty as shall be prescribed by the common council, with two sufficient sureties to be approved by the mayor, conditioned for the faithful discharge of his duties, and to account for all moneys which may be received by him, and to pay over to the city treasurer at the expiration of his office, all such sums, so received by him, as shall remain in his hands.

Sec. 6. The overseer shall be paid an annual salary in full compensation for all services rendered by him as such overseer for the city.

Sec. 7. The overseer of the poor of the city of Rochester, shall, at the first regular meeting of the common council of said city, held on or next after the first day of each and every month, make a just and full report, verified by his affidavit, of the amount of all moneys, which he shall have received in his official capacity, from any source whatever, and the manner in which the same or any part thereof shall have been expended; together with all unpaid judgments or claims, existing in his favor, which shall have been obtained or procured by him in his official capacity; also the number of suits which he shall have commenced as such overseer of the poor, including proceedings in cases of bastardy; the names of the parties thereto, and the manner in which the same have been disposed of; and if any such suit or proceedings shall have been compromised or security taken therein, then he shall report the terms of such compromise and the extent and value of such security, so far as the same is practicable, under a penalty of fifty dollars for each violation of this section.

## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO STREETS.

*Passed July 12, 1859.*

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

Sec. 1. No person shall place or cause to be placed, any stones, bricks, boards, plank, timber, lumber or other materials for building, in or upon any street, alley or public square, within the city, without permission in writing from the mayor or city superintendent, under a penalty of five dollars for each offence, and the further penalty of five dollars for every twenty-four hours the same shall remain in any such street, alley or public square, without permission as aforesaid.

Sec. 2. The mayor or the city superintendent may grant any person permission to place and keep any building materials in any of the streets or alleys of the city ; such permission, however, shall not be for a longer period than three months, nor authorize the obstruction of any part of the sidewalk, nor more than one-half of the carriage way of the street opposite the lot or place where the building is proposed to be erected. Any such permission may be revoked by the common council at any time.

Sec. 3. Any person to whom permission is granted as aforesaid, shall cause all such building materials, and all the rubbish arising therefrom, to be removed from the street at the expiration of the time limited in such permission, under the penalty of five dollars for every twenty-four hours the same shall remain in such street after the expiration of the time aforesaid.

Sec. 4. No person shall suffer his or her carriage, wagon, cart or sleigh without horses or oxen, to remain or stand in any street, alley or public square, in this city, for more than one hour at a time, under a penalty of one dollar for each offence.

Sec. 5. No person shall fasten any horse or other animal in any street, so that such horse or other animal, or the vehicle to which they may be attached, or the halter, reins or lines with which the horse or animal is fastened, shall obstruct the free passage of persons on any part of any sidewalk, under a penalty of two dollars for each offence.

Sec. 6. No person shall move any building, or frame of a building, into or upon any of the public streets or squares of the city, or cause the same to be done, or otherwise obstruct the free passage of such streets, without written permission from the mayor or street superintendent, under a penalty of five dollars for each offence.

Sec. 7. No person shall place, or cause to be placed, or keep, or suffer to remain, any log, timber, box, cask, stone, planks, boards, or other articles, in any street or alley, so as to incommode or obstruct the free passage or use thereof; nor shall any person place any cask, box, plank, board, or other articles, on any sidewalk within the city, or any goods, wares, merchandise, or other articles, in front of any store, shop or other building, further than two feet into the street, under a penalty of five dollars for each offence; but nothing contained in this section shall prohibit merchants and others from placing goods and merchandise, household furniture and other commodities on the side walk, for the purpose of loading and unloading the same, providing the same be removed without any unreasonable delay, and not to exceed six hours.

Sec. 8. No owner or occupant of any store or other building in Buffalo, State, Exchange, Front, Main, or St. Paul streets, or other persons, shall place or erect, or suffer to be placed or erected, any sign post, awning post, or fixtures of any kind in such street, or any sign projecting more than two feet from such store or building into any such street, or over any sidewalk therein, under a penalty of ten dollars for each offence. Nothing contained in this section shall prohibit the erection of awnings of cloth upon iron frames in front of stores or shops on the streets herein mentioned; but all awning frames shall be of a uniform length and be constructed in a

uniform manner. The frames shall be of iron, so constructed and attached to the buildings as to be self-supporting, and shall extend from the building ten feet ; no curtain or sign shall be attached to the sides of such awning, or suspended from such frames so as to extend in any manner across the sidewalk.

Sec. 9. No bow window or other windows, shall be constructed so as to extend into any street more than fourteen inches ; and no porch, stoop or steps, cellar door, cellar way, or platform, in any of the streets in said city, shall extend into such street, including the sidewalk, more than three feet without permission of the common council. Every cellar way leading into any cellar, from any street or sidewalk, shall have trap doors so constructed as to be on a level with the sidewalk, or the platform, if any, in front of the building under which such cellar is situate; and so as to be entirely secure for passengers in such streets, or such sidewalks or platform, to pass over the same with safety ; or shall have a substantial railing on the side thereof at least two and a half feet high. Any person violating the provisions of this section, or either of them, shall forfeit and pay a penalty of three dollars for each offence.

Sec. 10. No person shall saw, cut or split any firewood upon any side or cross walk in the said city ; nor shall the owner or occupant of any building cause or permit any firewood to be sawed, cut or split, or be placed or remain on any side or cross walk opposite to or adjoining his lot, nor shall he suffer the same to be placed or remain in the street opposite his lot further than five feet from the outer edge of the sidewalk, and then only for the purpose of being sawed or cut, and not to remain more than two days, under the penalty of five dollars for each offence.

Sec. 11. No person shall draw or propel any wheelbarrow, hand-cart, sleigh, or other carriage or vehicle, or lead, ride or drive any horse, beast of burthen, or any cattle or swine, over or upon any sidewalk, except in passing into or from any lot, where pavements shall be constructed for that purpose, under the penalty of five dollars for each offence.

Sec. 12. All ornamental shade trees hereafter to be set out in any street, shall be inside, and within one foot of the outer edge of the sidewalk in such street. Any person violating the provisions of this section, shall forfeit and pay a penalty of five dollars for each offence; and in case any person shall neglect or refuse to remove such trees, where otherwise placed, on being required so to do by the city superintendent, it shall be lawful for such superintendent to remove the same, at the expense of the owner of the lot in front of which such trees shall be placed, recoverable of such owner in the name of the city of Rochester, in an action with cost.

Sec. 13. Every owner or occupant of any house or other building, and every owner of any vacant lot shall, during the winter season, and during the time snow shall continue on the ground, keep the sidewalk in front of such house or other building, or vacant lot, free from snow, ice, and all dirt, filth, or other obstruction or incumbrance, under a penalty of three dollars for each offence.

Sec. 14. If any owner or occupant of any lot or house shall neglect or refuse to comply with any or either of the requirements of the last two preceding sections, within twenty-four hours, it shall be the duty of the city superintendent to cause the foregoing regulations to be enforced, under the provisions of section 227 of the Statute, entitled "An Act to amend and consolidate the several Acts relating to the city of Rochester," passed April 10, 1850.

Sec. 15. No person shall, with a cart, wagon or other carriage, pass over any pavement which has not been completed, or is not well settled, under the penalty of ten dollars for each offence; but no person shall be liable to such penalty, unless there shall be placed at the end of such pavement a fence or other obstruction, indicating that the same is in an unfinished and unsettled state.

Sec. 16. No person shall injure or tear up any pavement side or cross walk, drain or sewer, or any part thereof, or dig any hole or drain in any street, or remove any earth or stone therefrom, without authority from the city superintendent or the common council, or hinder or obstruct the making



or repairing any pavement, side or cross walk, drain or sewer, which shall be constructing under any ordinance, by-law or resolution of the common council, or who shall hinder or obstruct the city superintendent, or any person employed by him, in cleaning any street, or in constructing or repairing any street, or any public work or improvement directed by the common council, shall forfeit and pay a penalty of twenty-five dollars for each offence.

Sec. 17. No person shall cast or deposit any wood or stones, or other substance, into any of the drains or sewers within the city, or cause the same to be done, or cause any obstruction or injury in or to the same, under a penalty of ten dollars for each offence.

Sec. 18. No person shall cause or suffer his horse or oxen, wagon or other carriage, to stand on any cross walk within the city, or upon any of the bridges in said city, under a penalty of five dollars for each offence.

Sec. 19. Every owner or occupant of any house or building, and every owner of any vacant lot upon Buffalo street from Main street bridge to the Erie canal, Market street from Front street to State street, Main street from Front street to East Avenue, St. Paul street from Andrews street to Court street, Clinton street from Andrews street to Monroe street, Fitzhugh street from Troup street to Ann street, Sophia street from Atkinson street to Ann street, Washington street from Spring street to Ann street, Frank street from Centre street to Platt street, Front street from Buffalo street to Mumford street, Mumford street from Andrews street bridge to State street, State street from Buffalo street to the Railroad, Exchange street from Erie canal bridge to Buffalo street, Mill street from Mumford street to Fish street, (except lots on which buildings are erecting, or in front of which building materials are laid,) shall, between the hours of four and nine o'clock in the morning of Thursday or Friday in each week, between the first days of April and November in each year, cause the street or alley in front of any such house, building or vacant lot, to the middle thereof, to be scraped and swept, and the dirt and manure to be collected

into heaps convenient for carting away ; and where any such house, or building or lot shall be situated on the corner formed by the intersection of an alley with any such street, the owner or occupant of any such house or building, or the owner of any such vacant lot, shall, in like manner, scrape and sweep the street in front of any such alley one-half the width of such alley, and to the centre of such street. Previous to the scraping and sweeping of any such street, the owner or occupant, whose duty it shall be to scrape and sweep the same, shall cause the same to be well sprinkled with water, to prevent the dust from rising. Any person who shall violate the provisions of this section, shall forfeit and pay a penalty of three dollars for each offence.

Sec. 20. No person shall construct any drain or sewer from his cellar or lot to any common sewer, without permission in writing from the city superintendent ; and every such drain or sewer shall be constructed under the direction of the committee on streets, or city superintendent, and in such a manner that the foul air cannot escape from the sewer into the building. Any person who shall construct any drain or sewer contrary to the provisions of this section, shall forfeit and pay a penalty of five dollars ; and the common council may also direct that such drain or sewer shall be destroyed, filled up, or altered, at the expense of the person who constructed the same.

Sec. 21. No person shall expose for sale any fruit, nuts, vegetables, or confectionaries, upon any sidewalk, or in any street of the city without permission from the common council, under the penalty of three dollars for each offence. This section shall not apply to any farmer or other person, not being a resident of the city, selling fruit or vegetables in the carriage way of the street, nor to any person offering or selling nuts, fruit or confectionaries from a basket or other vessel, carried by him or her, of a size that will not contain more than the half of one bushel, provided no street or sidewalk shall be obstructed thereby.

Sec. 22. No person shall offer or expose for sale on Exchange street bridge, or on any sidewalk, or in the public streets, at any

place within three rods of said bridge, any fruit, nuts, candy, or any other articles of merchandise, under a penalty of five dollars for each offence. But this section shall not prohibit the sale of fruit or other articles from wagons, within the limits aforesaid, nor the offering or exposing for sale by store-keepers, or grocers, or the keepers of fruit stores or shops, of the articles aforesaid in front of their stores or shops.

Sec. 23. No auctioneer shall, by himself or agent, sell or expose for sale, at auction, any goods, wares, or merchandise, upon any sidewalk, or in any street, alley, highway, or public place in the city, under the penalty of ten dollars for each offence, to be sued for and recovered of the seller or auctioneer, or his agent, severally and respectively ; but this section shall not extend to the sale of household furniture, or of horses and carriages, in the carriage way of any street.

Sec. 24. It shall be the duty of the city superintendent to cause all the requirements of the charter and ordinances in relation to repairs of streets, alleys, sidewalks, public squares and parks in the city, and the removal of obstructions therefrom, to be enforced, and to report to the city attorney every infraction of the charter or of the ordinances of the common council in relation to streets and nuisances, which shall come to his knowledge. He shall also report to the common council, in every month, a true account of the amount of labor bestowed by him, and by the persons employed by him, on oath, and the names of such persons, and an account of the money expended by him, and of the place and manner in which the same has been expended, and to whom paid.

Sec. 25. The city superintendent of the city of Rochester shall not be directly or indirectly, or personally interested in any team or teams employed in the work of said city, nor in the wages earned by such team or teams, or by any laborer or laborers so employed, or in contracting for any materials furnished.

Sec. 26. No person shall throw or deposit straw, hay or grass, or feed any horse or other animal therewith, or other provender in any street in the city, nor shall any person dust, clean or lay any rug, carpet, oil-cloth or other thing of the

kind in any of the squares or parks, or hang them upon the fences of the same for that purpose, under a penalty of three dollars for each offence.

Sec. 27. No person shall remove, displace, or destroy timbers or stones laid by the city superintendent, or by his direction, on any macademized street in the city, for the purpose of turning or directing the travel on any particular part of such street, under the penalty of five dollars.

Sec. 28. Whenever any improvement shall be made in the city of Rochester, by which any embankment or filling up shall be made in any street or alley of the depth of one and a half feet, and over that, then, and in that case, all owners and occupants of lots and houses on each side of such street or alley, opposite and adjoining to such embankment or filling up, shall cause a sufficient stone wall to be erected on the line of said lots, of the length of the sidewalks adjacent thereto, or shall cause their said lots to be filled up with earth, stone, or sand, to the level of said sidewalks, and such filling up shall extend back on the upper surface thereof at least one and a half feet from the line of said lots, with a suitable slope; such filling up shall be made, or such stone wall shall be erected under the direction of the city superintendent.

Sec. 29. In case the owner or occupant of such lot or house shall refuse or neglect to comply with the requirements of the last section, within twenty days after being thereunto required by the city superintendent; it shall be the duty of said superintendent, to cause this regulation to be enforced under the provisions of section 327 of the statute referred to in section fifteen of this ordinance.

Sec. 30. If the owner of any building which now is, or may hereafter be erected within the city of Rochester, and which shall extend into, or in any manner encroach upon or obstruct, any highway, street, alley, or public square, shall not remove the same from off the said highway, street, alley, or public square, within forty days after being required so to do by a written notice from the city superintendent, which notice shall specify the location and extent of said encroach-

ment, said owner shall be subject to a penalty of five dollars for every day thereafter, until said building shall be removed from off such highway, street, alley or public square.

Sec. 31. In case of the recovery of any penalty for the violation of the last foregoing section, if the person against whom such recovery shall have been had, shall not, within twenty days thereafter, remove the said building from off the said highway, street, alley or public square, so encroached upon, the said superintendent may remove the same, under the direction of the common council, at the expense of the said owner, who shall be liable to pay the same, with interest at the rate of ten per cent per annum, as provided by section 227 of the statute referred to in section fifteen of this ordinance.

Sec. 32. The owner or occupant of every house or lot within the city, shall keep the pavement, or sidewalk in front of such house or lot, and also the pavement in front of such house or lot, to the centre of the street, free from grass, weeds, or rubbish, and keep such pavement and sidewalk in repair and also repair all lateral sewers, to such house or lot, under a penalty of fifty dollars for each offence.

Sec. 33. The notice required by section 228 of the city charter, as amended April 7th, 1856, shall be given by the city superintendent or the chairman of the street committee of the common council, and shall be a written notice of not less than twenty-four hours, nor more than three days, to be served either personally on the owner of the premises adjoining the sidewalk or pavement, or left at his residence or with some person on the premises adjoining the sidewalk or pavement, or posted on such premises.

Upon a failure to comply with said section, in pursuance of such notice, the superintendent of streets shall cause the necessary repairs to be made, and shall remove and clear away all ice, snow, or other obstructions from the sidewalk, as the case may be, at the expense of the city, not exceeding fifty dollars on any lot or piece of land in any year, and the amount of such expense shall be reported to the city clerk, to be added to the general tax on such land, in pursuance of said section 228 of the city charter.

Such expense when paid by the city treasurer, shall be charged to account of special taxes, and each charge shall contain a brief designation of the lot in relation to which the expense was made, and the street and ward wherein the lot is situated ; and immediately after the resolution of the common council levying the annual city taxes shall be passed in each year, it shall be the duty of the city treasurer to deliver to the city clerk a certified transcript of such accounts of special taxes.

Sec. 34. All platforms shall be constructed on a level with the sidewalks, and at the same inclination, except where the superintendent shall otherwise direct ; and every cellar constructed or used for storing, shall have good and substantial cellar doors or gratings, even with the platform ; and those used or constructed for dwellings, stores or shops, that require open steps, shall be properly and securely railed in, so as to secure the safety of passengers at all times. None of the above mentioned erections or constructions shall be made without the written consent and directions of the mayor, or the superintendent, specifying the location, form, dimensions, and materials of such erection or construction. Any person violating any provision or requirement of this section, shall forfeit and pay a fine of five dollars for each offence, and one dollar for each day that the owner or occupant of the premises on which any such construction or erection may be made, shall neglect or refuse to comply with the said provisions or requirements, after notice from the said superintendent.

Sec. 35. No person shall play at any game of ball, or any sport with a ball, by throwing, bounding and catching or knocking the same, in any street or alley, or upon any sidewalk within the lamp and watch district, or upon any improved squares or parks, or upon or within the square upon which the court house stands, under the penalty of two dollars for each offence.

Sec. 36. No person shall cart, carry or transport sand, gravel, dirt, or any other loose material, across, or over any paved, macadamized, or graveled street within the city of

Rochester, in any cart, wagon, or other vehicle, in such a manner that any portion of such sand, dirt, rubbish, or other loose material, shall be scattered or thrown therefrom upon any such street, under the penalty of five dollars for each offence.

Sec. 37. No person shall remove, or do any damage or injury to any ornamental shade trees, planted or growing in any street, square, or park, in the city of Rochester, nor shall any person tie or fasten any horse, mare, gelding, or other animal, to or near to, or permit his horse, mare, gelding, or other animal, to be tied, or fastened to or near to any such tree or trees, or to any lamp post, under a penalty of five dollars for each offence.

Sec. 38. No person shall remove the covering from any reservoir within the city, except for the purpose of procuring water therefrom, in case of fire, under a penalty of twenty-five dollars for each offence.

Sec. 39. If any owner or occupant of any building or tenement within the said city shall omit, for the space of ten days after he shall have been required so to do by the city superintendent to cause the building or tenement owned or occupied by him to be numbered or re-numbered, every such owner or occupant shall forfeit and pay a penalty of one dollar for every day thereafter until the said building or tenement shall be numbered or re-numbered as aforesaid.

Sec. 40. No owner, tenant, or occupant, of any house or lot, shall construct, or cause to be constructed, continue, or suffer to remain, any gate, so that the said gate shall extend or swing outward from his said house or lot, over or upon any sidewalk, in such a manner as to obstruct the free use or passage thereof, under a penalty of five dollars.

Sec. 41. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the workhouse for the period of thirty days.

## IN COMMON COUNCIL.

### **AN ORDINANCE TO REGULATE THE BURIAL OF THE DEAD, AND FOR THE PROTECTION OF MOUNT HOPE CEMETERY.**

*Passed July 12, 1859.*

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

Sec. 1. No person shall bury or inter, or aid or assist in burying any dead human body within the city of Rochester, except in Mt. Hope cemetery, or in the St. Joseph's cemetery, in said city, under the penalty of twenty dollars for each offence.

Sec. 2. Mt. Hope cemetery, and all the grounds and property belonging thereto, shall be under the care and control of the board of superintendents, who shall regulate the sales and prices of lots therein, and make such general regulations for the cemetery as they may deem proper, not inconsistent with the ordinances of the common council.

Sec. 3. All moneys now due for lots which have been sold and not paid for, or which may be sold hereafter, shall be paid to the city comptroller or treasurer of the board of superintendents, who shall give his receipt for the same, specifying the number of the lot sold, and the price paid therefor. And it shall not be lawful to make an interment on any lot until the same shall be paid for.

Sec. 4. The city clerk, on the presentation of the comptroller's receipt, shall make out a deed for the lot named therein, and shall enter, in a book kept for that purpose, the date of the deed, and description and price of the lot, and to whom sold ; the mayor may then execute such deed, and the city clerk shall affix the corporate seal of the city thereto.



Sec. 5. No person shall dig any grave, put up any fence, gravestone, or boards at graves, or make any erections, or dig up any sod in said cemetery, except under the direction of the superintendents, or their agent, under the penalty of ten dollars for each offence.

Sec. 6. No person shall wilfully destroy, mutilate, write upon, soil, deface, injure, or remove any tomb, monument or grave-stone, stake, board, or other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the said cemetery, or of any tomb, monument, or grave-stone, or other structure aforesaid ; or of any lot within the cemetery aforesaid, except under the direction of the superintendents or their agent, under the penalty of twenty-five dollars for each offence.

Sec. 7. No person or persons shall wantonly or wilfully remove, cut, break, or in any manner injure or destroy any tree, shrub, or plant, or pick, crush or gather, or in manner injure or destroy any flower, either wild or cultivated, or any herbage, or the fruit or produce of any such tree, shrub or plant, within the said cemetery, under the penalty of ten dollars for each offence.

Sec. 8. No person or persons shall excavate any earth, or alter the grade of any lot or lots, walk or walks, in the said cemetery, or remove any earth therefrom, or cut or remove any tree, except by consent or under the direction of the superintendents, under the penalty of ten dollars for each offence.

Sec. 9. No person or persons shall drive or cause to be driven into or on said cemetery, any vehicle in any part thereof, except in the road or path made for that purpose, with more than two horses attached thereto, nor shall drive any horse faster than on a walk, nor shall leave any horse or vehicle standing in any road or path in the said cemetery, so as to hinder or obstruct the free passage of any person or persons on said road or path, nor fasten or cause to be fastened any horse in said cemetery, at any other place than at the posts provided for that purpose, nor leave any horse unfastened therein, under the penalty of ten dollars for each offence.

Sec. 10. No person or persons shall discharge any fire-arms in the said cemetery, or in any other place within the city of Rochester, with the intent that the contents thereof shall enter the said cemetery, under the penalty of ten dollars for each offence.

Sec. 11. No person or persons shall deposit, or cause to be deposited, any filth, or unclean or offensive substance in the said cemetery, under the penalty of ten dollars for each offence.

Sec. 12. No person shall catch, wound or kill any bird, nor remove or disturb any bird's nest or eggs therein, in said cemetery, under a penalty of ten dollars for each offence.

Sec. 13. No person or persons shall be permitted to take into or use, in said cemetery, any spirituous or intoxicating liquors ; nor suffer or permit his or her dog to run at large in said cemetery ; nor suffer or permit his or her horse to be left by the driver unfastened, under a penalty of ten dollars for each offence.

Sec. 14. The board of superintendents shall prescribe the duties, and regulate the fees of the sextons or undertakers, who shall cause interments to be made in said cemetery ; and also such rules as they shall deem proper, concerning visitors to said cemetery, not being allowed in any case to charge a fee to visitors.

Sec. 15. The superintendents of said cemetery may employ such agents and laborers as they may deem proper, and regulate their compensation and services. And they shall at the expiration of every three months, file in the city clerk's office, a written report, showing the amount received for lots sold, and the amount expended by them for improvements and incidental expenses during the preceding three months.

Sec. 16. It shall be the duty of the keeper of Mt. Hope cemetery to keep a book in which shall be accurately entered the names, ages and place of residence at the time of their decease, of all persons who may be interred in said cemetery, together with the disease or cause by which such persons died, and shall report in writing, at the first regular

meeting of the common council, in each and every month, the number of persons interred in said cemetery during the preceding month, together with the said particulars in regard to such interments.

Sec. 17. Every sexton, undertaker, or such person who shall officiate at burials in said city, shall keep a like book, and shall make the like entries therein of all the persons severally at whose funerals they shall have officiated in said city, and shall, at the times above specified, make their like written reports to the city clerk, as to all the funerals which they shall have attended during the preceding month. Every person violating the provisions of this section, shall forfeit and pay a penalty of twenty dollars.

Sec. 18. No person shall drive any animal at large, or cause the same to be driven, or suffer his or her animal to run or be at large in any of the cemeteries within the said city, under the penalty of ten dollars for each offence.

Sec. 19. No person shall injure or remove the fence or any portion thereof surrounding either of the public cemeteries within the said city, under the penalty of ten dollars for each offence.

Sec. 20. Upon the recovery of a judgment for a violation of any of the provisions of this ordinance, an execution shall be issued, directing the amount to be made of the property of the defendant, if any such can be found; and if not then to commit the defenant to the county workhouse for the period of thirty days.

## IN COMMON COUNCIL.

### AN ORDINANCE RELATING TO FIRES AND THE FIRE DEPARTMENT.

*Passed July 12, 1859.*

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

Sec. 1. The fire department of the city of Rochester, shall be organized by the common council and shall consist of a chief engineer and four assistant engineers, and of as many engine, hose, hook and ladder, and sack and bucket companies, as may be hereafter from time to time designated and appointed by the common council.

Sec. 2. It shall be the duty of the chief and assistant engineers to organize themselves into a "board of engineers," the chief engineer to be the chairman thereof, and of which board the fire department committee of the common council shall be *ex-officio* members, a majority of which board shall form a quorum, and the said board of engineers shall have power to make such rules and regulations for their own government, and for the government and regulation of the fire department, as may from time to time be advisable and necessary, not inconsistent with any of the city ordinances and subject to the approval of the common council, and such rules and regulations, when approved by the common council, shall be binding upon the officers and members of the fire department.

In the absence of the chief engineer, the chairman of the fire department committee shall preside over the meetings of the said board of engineers.

Sec. 3. The chief and assistant engineers and all firemen appointed by the common council shall receive certificates of their appointment, which certificates shall be signed by the city clerk.

Sec. 4. The chief and assistant engineers shall be appointed annually by the common council, and shall receive such salaries as the common council shall determine.

Sec. 5. The city shall be divided into five fire districts, to be designated by the board of engineers, with the approval of the common council. The chief engineer shall direct in what manner the several alarm bells shall be rung to designate the location of any fire.

Sec. 6. The chief engineer shall once in each week and after every fire, examine and ascertain the condition of all the fire apparatus, and shall report to the common council at the first meeting held in the months of January and July in each and every year, the condition thereof; and recommend such alterations and improvements in the fire department and the fire apparatus as he may deem necessary and proper. He shall also report to the common council the names of such firemen, if any, as have disobeyed orders, and neglected or refused to attend to their duty; and shall at the same time report the cause of any fire that shall have occurred since his last report, so far as the same has come to his knowledge.

Sec. 7. The chief engineer shall take the management and control of the fire department at all fires within the city, when present, and direct at such fires the efforts and labors, and prescribe the duties of the assistant engineers and firemen, and citizens, and all other persons present.

Sec. 8. The first assistant engineer, in all cases when the chief engineer shall be absent, or there shall be a vacancy in the office, shall perform all the duties and possess all the powers of the chief engineer; and in case the chief engineer and the first assistant shall be absent, or if there be a vacancy in both of these offices, then the second assistant engineer and in case of his absence, then the third assistant engineer, and so on to the fourth, shall perform those duties and possess such powers.

Sec. 9. It shall be the duty of the chief engineer,

1. To remove or abate with the consent of the mayor, or any alderman, any cause from which immediate danger from fire may be apprehended.

2. To report to the city attorney the name of the owner or occupant of any building or premises who shall neglect to remove any cause from which damages by fire may be apprehended, to the end that such owner or occupant may be prosecuted.

Sec. 10. It shall be the duty of the foreman, and in case of his absence, of the assistant foreman of each and every company,

1. Upon any alarm of fire to immediately repair to such fire with his company, and the apparatus of such company.

2. To direct and control his company, under the direction of the chief engineer, or any assistant, until the fire is extinguished, and the company is discharged by the engineer.

3. To cause the engine and apparatus of his company to be kept in such place or places as the common council shall designate; to examine frequently into their condition, and cause the same to be kept in the best order for immediate use.

Sec. 11. All the fire engine companies, hook and ladder, hose, and sack and bucket companies, and their officers, shall be under the general control and direction of the chief engineer, subject to the provisions of this ordinance, and to such ordinances and by-laws as may be made from time to time by the common council or the board of engineers, for the regulation of the fire department, so far as the same may be applicable.

Sec. 12. Said companies shall respectively be under the immediate control and direction of a foreman and assistant foreman, who, together with one secretary and treasurer, and such other officers as may be necessary, shall be elected by said companies respectively, within the first week in December in each year, and as often as any vacancy in any of such offices shall occur.

Sec. 13. Said companies shall have the custody of such implements and apparatus belonging to the city as the chief engineer may direct, and the same shall be kept in such place or places as the common council shall designate. And said companies shall receive such compensation as may from time to time be determined by the common council.

Sec. 14. It shall be the duty of the firemen of said city,

1. To obey promptly and implicitly all orders of superior officers, and especially at fires, of the chief and assistant engineers.

2. Upon any alarm of fire, to immediately repair to such fire, with the engine and implements under the care of the company to which they shall respectively belong, and there work and manage the same, under the direction of their proper officers, until the same be extinguished, or the company is discharged by the acting engineer.

3. To attend every regular meeting of the company.

4. To regularly discharge the duties imposed upon them by the regulations and by-laws of their company.

Sec. 15. No fireman or other person shall, in going to any fire, or at any other time, run, drive, wheel, draw or propel any fire engine, hook and ladder truck, hose cart or carriage, or sack and bucket carriage, upon the sidewalk on Buffalo street, east of Sophia street, or on Main street, west of Clinton street, or on State street, south of Mumford street, or on Exchange street, north of Spring street, or aid in so doing, except in going to or from the engine house to the street in front thereof, under the penalty of twenty-five dollars for each offence; provided, that between eleven o'clock P. M., and sunrise, from the first of April to the first of October, and between ten o'clock and sunrise, from the first of October to the first of April in each year, this section shall not be applicable; provided further, that whenever it can be made to appear, that by reason of mud, snow, or other obstruction, in the said streets, the fire apparatus cannot safely or conveniently be drawn through the streets, then this section shall not be applicable.

Sec. 16. At fires, the officers and firemen, shall be distinguished as follows :

1. The chief engineer shall wear a white hat with the words, "chief engineer," painted thereon in black ; he shall also carry a speaking trumpet, painted white, with the same words in black.

2. The assistant engineers shall have similar hats and trumpets, with the word, "engineer," painted thereon.

3. All officers and members of fire companies shall provide themselves, and shall be distinguished at fires, with such appropriate equipage as may from time to time be approved by their respective companies, or such badge as may be designated by the board of engineers.

Sec. 17. Any person offending against the last section, between nine o'clock in the evening and daylight in the morning, shall forfeit and pay unto the city of Rochester the sum of two dollars.

Sec. 18. In cases of fire in the night time, the policemen not on duty for the night, shall attend at all such fires, and report themselves to the mayor or any alderman, or the officers having charge of the fire department at such fire.

Sec. 19. Upon any alarm of fire, it shall be the duty of the policemen then on duty immediately to procure the ringing of the city hall bell, and to spread the alarm as soon and as generally as possible.

Sec. 20. It shall be the duty of the messenger to the common council upon any alarm of fire to repair immediately to the city hall, and to ring the alarm bell in cases of actual fire, for a period of not less than fifteen minutes.

Sec. 21. The chief engineer shall, in the month of September, in each year, order a general meeting of all companies belonging to the fire department for inspection and review, by the mayor and common council, at which time and at such place, within the city, as the chief engineer may designate, all companies belonging to the fire department, shall assemble with their engines, carriages and implements, for inspection and review.

Sec. 22. All persons who may be present at any fire, shall



be obedient to the orders of the members of the common council and the officers of the fire department, in the extinguishment of the fire and the removal of property. Any person who shall neglect or refuse to obey such orders, shall forfeit and pay the sum of five dollars for each offence.

Sec. 23. Any member of the common council, or any officer of the fire department, may require the aid of any citizen or inhabitant in drawing any engine, hose, or hook and ladder, or sack and bucket carriage, to any place for the extinguishment of any fire ; and in the absence of any such persons, then any officer of the company, or any two members thereof, may require such aid, and any person refusing to obey such requirement, shall forfeit and pay to the city of Rochester a penalty of five dollars.

Sec. 24. Any person or persons who shall enter any house or place where engines, hose, fire apparatus, or implements for the extinguishment of fire shall be kept, with intent to injure, or shall injure any such engine, hose, fire apparatus, or implement, or detach, or remove any portion thereof, or otherwise mutilate the same, or shall do any injury to any public well or other reservoir of water, or any article of furniture, or ornament in or about said house belonging to the city, or the company, shall forfeit and pay a penalty of fifty dollars.

Sec. 25. No hay, straw, stubble, or other combustible substance shall be deposited within fifteen feet of any place where fire or ashes are kept, unless within a close and secure building, under the penalty of two dollars for each offence, and one dollar for every twenty-four hours the same shall remain so deposited ; and if the same shall not be removed within twenty-four hours after notice given by the superintendent, chief engineer, or either of the assistant engineers, it shall be removed by the city superintendent at the expense of the owner.

Sec. 26. No person shall use any lighted candle, lamp or torch in any stable or other place or building, where hay, straw, or other combustible substances shall be kept, unless the same be well secured in a lantern or other cover ; nor

enter or be in any such place with any lighted cigar or pipe under the penalty of five dollars for each offence.

Sec. 27. No unslaked lime shall be deposited nearer than twenty feet to any building within the lamp and watch district ; nor shall any wooden spittoon, or spittoon of any kind filled with saw-dust be used in any room or building of said city, nor shall any ashes be put or deposited in any place whatever, unless in some receptacle made wholly of iron, stone or brick and appropriated to that purpose. Any person offending against the provisions of this section, shall forfeit and pay a penalty of five dollars, and the further penalty of three dollars for every twenty-four hours such offence shall continue, and it shall be lawful for any alderman or police justice to cause such lime or ashes to be removed to a place of safety, at the expense of the person depositing the same, or the owner thereof.

Sec. 28. No person shall burn, or cause to be burned, or aid or assist in burning, any hay, straw, chips, shavings, or other combustible matter, in any street or alley, within the limits of the lamp and watch district of this city as established by the common council, without first having obtained permission to do so in writing from the chief engineer, mayor, or city superintendent, under the penalty of five dollars for each offence.

Sec. 29. Every carpenter, joiner, or other mechanic, or person keeping a shop or other building where chips, shavings, or other combustible material may be contained, shall clear and remove the same out of his shop or other building and the yard belonging thereto, at least three times in each week ; and no lighted candle, lamp or torch, shall be used in the work shop of any carpenter, joiner or other mechanic unless the same shall be safely placed in a lantern or metallic candlestick. Any person offending against the provisions of this section, or either of them, shall forfeit and pay the penalty of two dollars for each offence.

Sec. 30. No carpenter, joiner, or other person shall scatter, or throw, or deposit, any shavings, chips or other combustible matter, in any street, lane, or alley, or any time direct, or

permit, or suffer any chips, shavings, or other combustible matter to be taken to, or thrown or scattered on any street or alley, under a penalty of two dollars for each offence.

Sec. 31. No chimney or flue shall be burnt out except between sunrise and three o'clock in the afternoon, nor during that time, unless the roof be wet or covered with snow, under a penalty of three dollars; and whenever any chimney or flue shall take fire at any other time, each person using or occupying the same shall incur a penalty of three dollars.

Sec. 32. In case of any alarm of fire, the city hall bell shall immediately be rung, and likewise the several church bells in the city, by the respective sextons, as rapidly as a due regard to the security of the bells will allow; and for at least fifteen minutes, when fires actually occur.

Sec. 33. No person shall make or cause to be made, any false alarm of fire within the limits of the city, or aid, countenance or assist in making or spreading any false alarm of fire, within the limits aforesaid, knowing the same to be false, under a penalty of twenty-five dollars for each offence.

Sec. 34. No person shall make, or cause to be made, any fire in any yard or premises within the lamp and watch district as established April 12, 1853, by the common council of said city, owned or occupied by him except within a building, without the consent of an alderman or fire warden of said city, under a penalty of ten dollars for each offence.

Sec. 35. Every execution issued upon a judgment recovered for the violation of any of the provisions of this ordinance shall command the amount to be made of the property of the defendant, if any such can be found, and if not then to commit the defendant to the county jail for the period of twenty days.

Sec. 36. All monies collected under the 25th, 26th, 27th, 28th, 29th, 30th, 31st, 33d, and 34th sections, of this ordinance, shall be paid by the officers collecting the same, to the treasurer of the Firemen's Benevolent Association of the city of Rochester, and shall become a part of the fund of said Association for the aid and relief of indigent and disabled firemen and their families.

Sec. 37. The committee on the fire department may, whenever they shall deem it advisable, and as soon as practicable after the occurrence of any fire within the city, investigate and ascertain the cause thereof, the amount of property destroyed, or of injury done, and the amount of insurance thereon, by the oaths of witnesses to be summoned before the said committee, and sworn by the chairman of said committee or by the mayor. The depositions of said witnesses shall be reduced to writing, and shall be signed by the witnesses, and attested by the persons administering such oath ; which shall be carefully preserved among the records of the city.

Sec. 38. The said committee shall, as soon as practicable, after making such investigation, report to the common council their opinion as to the origin of such fire, the amount of property destroyed and the injury done thereby, and the amount of insurance thereon ; and the substance of their report shall be published with the proceedings of the common council.

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## IN COMMON COUNCIL.

### AN ORDINANCE TO REGULATE WEIGHTS AND MEASURES.

*Passed July 12, 1869.*

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

Sec. 1. Every merchant, retailer, trader, or dealer in merchandise or other property, which is sold by measure or weight, residing or dealing, or trading in the city of Rochester, shall cause the weights and measures used by him or her, to be sealed and marked by the city sealer ; and if any such merchant, retailer, trader or dealer, shall use any weight or measure for weighing or measuring any article for pur-

chase or sale in said city, which shall not be sealed as herein provided, he or she shall forfeit and pay a penalty of five dollars for each offence.

Sec. 2. All weights and measures sealed by the said city sealer, shall be made to conform to the standard of the state, and shall be marked by him.

Sec. 3. It shall be the duty of the city sealer, and he is hereby authorized to inspect and examine, at least once in every six months hereafter, and as much oftener as he thinks proper, all weights and measures used by any merchant, retailer, trader or dealer aforesaid for weighing or measuring. Such weights and measures shall be inspected at the place or places where the same are kept for use ; but if such weights and measures shall be found not conformable to the standard aforesaid, they shall be sent by the owner or owners thereof to such place in said city as the sealer shall direct, for the purpose of being sealed, within three days after such owner or owners shall be required to do so by the said sealer. If any such merchant, retailer, trader or dealer shall refuse to exhibit any such weights and measures to the said sealer, when required so to do by him, or in any manner obstruct such sealer in the performance of the duties hereby enjoined upon him ; or if any such merchant, retailer, trader or dealer, shall refuse or neglect to send any such weights or measures for the purpose of being sealed as aforesaid, within the time and to the place aforesaid, he or she shall forfeit and pay a penalty of ten dollars for each offence.

Sec. 4. It shall be the duty of the city sealer to make a register of all the weights and measures inspected and examined by him, in which he shall state the name of the owner or owners of the same, and whether they are conformable to the standard of this state, and to deliver a copy of such register to the clerk of said city ; and it shall be the duty also of said sealer to report to the common council the names of all owners whose weights or measures are incorrect, or who shall neglect or refuse to have their weights or measures sealed and marked.

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**ERRATA.**—The ordinance relating to fires and the fire department, (page 63,) was passed August 2d, 1859, instead of July 12, 1859.

The ordinance relating to burials of the dead, and Mount Hope cemetery, (pp. 59–62,) was passed September 6th, 1859, instead of July 12th, 1859.

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