

**PENAL ORDINANCES
OF THE
CITY OF ROCHESTER.**

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PENAL ORDINANCES

//

OF THE

CITY OF ROCHESTER.

Published by Authority of the Common Council.

Rochester, N.Y. Ordinances, etc.

COMPILED AND ARRANGED BY

JESSE SHEPHERD,

Late City Attorney.

1874.



ROCHESTER, N. Y.

EVENING EXPRESS PRINTING AND ENGRAVING CO.

1874.

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TABLE OF CONTENTS.

— • • —	
CHAPTER I.	PAGE.
Nuisances.....	9
CHAPTER II.	
Cartmen and Porters.....	20
CHAPTER III.	
Hackney Coaches and Carriages.....	27
CHAPTER IV.	
Railroads.....	34
CHAPTER V.	
Markets.....	36
CHAPTER VI.	
Erection and Removal of Buildings	39
CHAPTER VII.	
Cumbering of Mill Street.....	43
CHAPTER VIII.	
Streets.....	44
CHAPTER IX.	
Breadth of Tires upon Wagons, &c.....	55
CHAPTER X.	
Tying Boats at South End of Irving Place.....	56
CHAPTER XI.	
Erecting Guards to Cellars and Excavations.....	57
CHAPTER XII.	
Weights and Measures.....	58

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	PAGE.
CHAPTER XIII.	
Erie Canal Feeder and Basins	60
CHAPTER XIV.	
Mount Hope Cemetery	61
CHAPTER XV.	
Undertakers	65
CHAPTER XVI.	
Pawnbrokers	66
CHAPTER XVII.	
Covering Cisterns	67
CHAPTER XVIII.	
Duties of City Clerk and Overseer	69
CHAPTER XIX.	
Bonds and Sureties of Constables	73
CHAPTER XX.	
Police Justice	74
CHAPTER XXI.	
Police	75
CHAPTER XXII.	
Fires and Fire Department	78
CHAPTER XXIII.	
Street Railroads	84
CHAPTER XXIV.	
Storage of Petroleum, &c., regulated	92
CHAPTER XXV.	
Manufacturing Kerosene and other inflammable substances ..	95
CHAPTER XXVI.	
Animals Not to Run at Large in Highways	96
CHAPTER XXVII.	
Repair and Construction of Wooden Awnings	100
CHAPTER XXVIII.	
Public Lamps and Lamp Posts	101

TABLE OF CONTENTS.

v.

	PAGE.
CHAPTER XXIX.	
Rochester Water Works Company.....	102
CHAPTER XXX.	
Stone Quarries.....	104
CHAPTER XXXI.	
Shade Trees.....	106
CHAPTER XXXII.	
Scales for Selling Meats and Fish.....	107
CHAPTER XXXIII.	
Rubbish in River and Mill Races.....	108
CHAPTER XXXIV.	
Fire Alarm Telegraph	109
CHAPTER XXXV.	
Fires and Fire Department	111
CHAPTER XXXVI.	
Sprinkling West Main Street....	113
CHAPTER XXXVII.	
Sprinkling Streets.....	114
CHAPTER XXXVIII.	
Injury to Fire Hose.....	115
CHAPTER XXXIX.	
Sealing Ale, Beer and Cider Casks.....	116
CHAPTER XL.	
Removal of Dead Animals.....	117
CHAPTER XLI.	
Deaths and Burials.....	118
CHAPTER XLII.	
Obstructing Street Railroad Track.....	121
CHAPTER XLIII.	
Sale of Foreign Fruits.....	122
CHAPTER XLIV.	
Barriers and Lights at Excavations.....	123

	PAGE.
CHAPTER XLV.	
Regulating Keeping Swine.....	124
CHAPTER XLVI.	
Disturbance at Public Assemblies.....	125
CHAPTER XLVII.	
Relating to Awnings.....	126
CHAPTER XLVIII.	
Relating to Burial of Dead at Mt. Hope Cemetery	127
CHAPTER XLIX.	
Lots in Mt. Hope to be Kept in Order.....	128
CHAPTER L.	
Relating to Railroads.....	130
CHAPTER LI.	
Draining Privy Vaults.....	131
CHAPTER LII.	
Relating to Nuisances in Public and Private Buildings....	132
CHAPTER LIII.	
Crossing Vincent Place Bridge.....	133
CHAPTER LIV.	
Removal of Garbage, &c.....	134

PENAL ORDINANCES

OF THE

CITY OF ROCHESTER.

CHAPTER I.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO NUISANCES.

Passed November 11th, 1862.

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

SECTION 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, in the city of Rochester, nor shall any assemblage or crowd of persons collect in such streets, public squares, lanes or alleys, or on any of the bridges, to the annoyance or disturbance of any of the citizens or others, under a penalty of TEN DOLLARS for each offence. Noise or disturbance.

No person shall sound any gong in the street, or in any alley, upon any sidewalk, or upon any piazza, balcony steps or platform, adjoining any sidewalk or street in the city of Rochester, under a penalty of TEN DOLLARS for each offence. Amended Jan. 8, 1867.

No tenant or occupant of any dwelling shall suffer or permit any gong to be sounded upon any street, alley or sidewalk, or upon any piazza, balcony, stoop, step or platform, adjoining any street or sidewalk in said city, under a penalty of TEN DOLLARS for each offence. Gonga.

Driving and
riding regu-
lated.

§ 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 said city, at a speed exceeding six miles an hour, under a penalty of TEN DOLLARS for each offence.

Driving or
riding on
bridges.

§ 3. No person or persons shall ride or drive, or cause to be rode or driven, any horse, mare, gelding or other animal, upon or over any of the bridges within said city, except Main and Buffalo street bridge; or over the cross-walk at any corner of a street, lane or alley, faster than a walk, under a penalty of FIVE DOLLARS for each offence.

Horses, &c.,
to be tied or
fastened.

§ 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.

Rubbish in
streets.

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

Prohibiting
deposits of
offensive
substances.

§ 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, park 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 TWENTY-FIVE DOLLARS for each offence, and the expense and charge which the said corporation shall incur in removing or abating such nuisance.

Amended
Aug. 23, 1864.

Nuisances
abated by
Police Jus-
tice, &c.

The Police Justice, or any Alderman, Superintendent of Streets, or any person authorized by them, or either of them, or any policeman, 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

Amended
Jan. 8, 1867.

every person obstructing or hindering such removal or abatement shall forfeit and pay a penalty of TWENTY-FIVE DOLLARS for each offence. Fine for hindering.

§ 7. No person shall fly a kite within the said city, under a penalty of TWO DOLLARS for each offence. Flying kites.

§ 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 or destroy or otherwise dispose of the same. Gunpowder, fire crackers, &c., not to be sold without license.

§ 9. No person shall fire or set off any gunpowder, cracker, squib or rocket, or firework, 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. Fireworks, &c., prohibited.

§ 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 such city, under a penalty of TWO DOLLARS for each offence. Hides, &c., not to be exposed.

§ 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, or in the Erie canal between Nelson street bridge and the House of Refuge lot, under a penalty of TWO DOLLARS for each offence. Bathing restricted. Amended June 16, 1883.

§ 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. Bowling alleys, &c., to be licensed.

§ 13. No person keeping an alley commonly called a nine-pin alley, bowling alley or a billiard table, within the city, shall permit any game to be played thereon after ten o'clock Bowling alleys, &c., restricted.

Amended
Jan., 1897.

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.

Disorderly
and gaming
houses, &c.

§ 14. Any person who shall keep a disorderly house, or a gaming house, or a room or rooms within this city for either or both of these purposes, shall, upon conviction therefor, pay a penalty of not less than FIFTY DOLLARS.

Gambling
prohibited.

Any person who shall have or keep a house, building or place in the city in which any e. o. table, keno table, faro bank, shuffle board, bagatelle, playing cards, or any instrument, device or thing employed for gambling, shall, by or with the consent or permission of such person, his agents or servants, be kept or used, whereon or with which money shall in any manner be played for, shall be subject to a fine of not less than FIFTY DOLLARS.

Any person who shall play for liquor, beer, cider, or other article, or permit the same to be played for, as above stated, shall be subject to a fine of not less than FIVE nor more than FIFTY DOLLARS.

Persons hin-
dering de-
struction of
gaming in-
struments to
be fined.

Any owner or keeper, or any person within such disorderly or gambling house, room or rooms, building or place, 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.

Injuring and
defacing
property.

§ 15. No person shall cut, injure, deface or tarnish, any public building, bridge, street sign, or any property belonging to the corporation; nor any well, pump, fence, tree, awning, useful or ornamental improvement, or public work in said city; nor break any window or window glass in any private or public building, or place of worship; nor aid, abet, or assist therein, under a penalty of TEN DOLLARS for each offence.

Ring-
ing
bells, &c., on
Sunday.

§ 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 con-

nected with or used for any railroad depot, be rung within said city on Sunday, under a penalty of FIVE DOLLARS for each offence.

§ 17. No person shall post any bill or card, or advertise-
ment on any building or fence in said city, without leave
from the owner or occupant, nor upon any public bridge,
under a penalty of FIVE DOLLARS for each offence.

Posting bills,
&c., and
carrying
same.

No person shall carry, or procure to be carried, any sign, bill, card or advertisement for the purpose of advertising any business, profession, trade, place of amusement, or occupation, through or upon any of the streets or sidewalks of said city, under a penalty of FIVE DOLLARS for each offence.

§ 18. No person shall solicit alms within said city with out the written permission of the Mayor, nor after thirty days from the date of said permission, or the granting of the same, which written permission 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.

Soliciting
alms.

§ 19. No runner, 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.

Soliciting
passengers
prohibited.

§ 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 to be at large in any of the public streets, lanes, alleys, or parks within said city, under the penalty of ONE DOLLAR for each animal so running or being at large.

Cattle, &c.,
not to run at
large.
Amended
June 12, 1867.

§ 21. No owner or possessor of any goose or geese, ducks, or other fowls, shall suffer any such fowl to run or to 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 fowl, &c., so running or being at large.

Geese, &c.,
not to run at
large.
Amended
1867.

§ 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, or properly muzzled, under a penalty of TEN DOLLARS

Dogs to be
secured or
muzzled.
Amended
July, 1870.

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.

Killing dogs § 23. No person shall hinder or molest any person or persons who may be engaged in lawfully seizing, shooting or killing any dog going abroad as aforesaid, or in removing the carcass thereof, under the penalty of TEN DOLLARS.

Theatres, circuses, &c. to be licensed. § 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 any concert, musical entertainments, exhibition or dances, 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.

No person shall furnish place for same. § 25. The Mayor or other officers 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.

Mayor, &c., may license. § 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.

Vaults and privies. § 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 four feet deep, under a penalty of FIVE DOLLARS for every twenty-four hours any violation of this ordinance shall be continued.

Vaults to be at least four feet deep.

§ 28. All owners and keepers of hotels, taverns, boarding house, 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 moveable 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 a penalty of FIFTY DOLLARS for each offence.

Vaults in hotels, &c., where more than ten persons are employed.

§ 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.

Contents of privies—when to be removed.

Not to be deposited in streets, &c.

§ 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 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.

Privies not to be built on canal, &c.

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.

Exception.

Duty of superintendent or other officers, to examine concerning privies. § 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 upon, 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 owner or agent of the owner, 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.

Contents to be removed.

Amended Jan. 8, 1867.

Fine for refusal.

Handbills relating to disease and medicines not to be posted. § 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 disorders, 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.

Licenses to, and duties of scavengers. § 33. 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.

To give Bond. 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.

Penalty for refusal to act. 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.

Penalty for acting without license. 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.

§ 34. Every execution issued upon a judgment recovered for a violation of any and all of the preceding sections 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 Monroe county penitentiary for the period not less than TEN nor more than THIRTY DAYS.

Penalties.

Amended
June 16, 1863.

§ 35. Any person who shall be guilty of keeping or maintaining, or be an inmate of, or in any way connected with, or 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 be fined in any sum not exceeding ONE HUNDRED DOLLARS, and in default of payment of the penalty imposed, shall be imprisoned in the Monroe county penitentiary, or county jail, for any period not exceeding ONE HUNDRED AND THIRTY DAYS.

Houses of ill-fame not to be kept or maintained.

Amended
Sept. 19, 1871.

§ 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 of not less than TEN nor more than FIFTY DOLLARS, and in default of payment or recovery of such penalty imposed, shall be subject to imprisonment in the Monroe county penitentiary for a term not exceeding THREE MONTHS.

Idle and disorderly women to be fined, &c.

Amended
Sept. 19, 1871.

§ 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.

The Mayor, &c., to enter houses of ill-fame and arrest inmates, &c.

§ 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,

Indecent exposure of person.

Amended June 16, 1863. 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 in default of the payment of the penalty or fine imposed, shall be subject to such term of imprisonment in the Monroe county penitentiary, not exceeding **THREE MONTHS**, as the magistrate shall deem proper.

Amended Sept. 19, 1871. **§ 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 in default of the payment of the fine or penalty imposed, shall be subject to imprisonment in the penitentiary not less than **TEN DAYS** nor more than **THREE MONTHS**.

Driving away and molesting horses, &c., without leave. **§ 40.** No person or persons, without the permission of the owner, shall molest, drive away, or take from any of the public streets of the city of Rochester any horse, mare, or gelding belonging to another person; and any person or persons who shall so molest, drive away, take or use any horse, mare or gelding, shall, upon conviction, be sentenced to the Monroe county penitentiary for a period of not less than **THIRTY DAYS**.

Certain manufactories prohibited. **§ 41.** No person shall carry on, within the city of Rochester, any business or manufactory of such a character, or in such a manner, as shall produce or cause such a dense smoke, or such loud and disturbing noises as to be a nuisance; nor shall any person in the process of any manufactory or business, or in any manner cause to be set afloat in the air, or scattered and deposited upon any houses or lands within the city, cinders or soot so as to be a nuisance; and no person shall carry on any manufactory or business in said city, of such character or in such a manner as shall cause or produce disturbing noises in any of the streets of the city. Every person who shall violate or offend against any provision of this section, shall forfeit and pay a penalty of **FIFTY DOLLARS**, and the further penalty of **FIFTY DOLLARS** for every day that such offence shall continue after notice from any city officer, to the offender to discontinue the same;

Passed April 29, 1863. Penalties.

but every manufactory or business already established, and now actually in operation, or carried on, shall be excepted from the operation of this act.

§ 42. Every execution issued upon a judgment recovered for a violation of this ordinance, or any provision thereof, except as herein otherwise provided, 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 Monroe county penitentiary for a period not exceeding TWENTY DAYS.

ORDINANCE RELATING TO A TALLOW CHANDLER'S SHOP AND SOAP FACTORY ON MILL STREET.

Passed July 28th, 1863.

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

SECTION 1. That the tallow Chandler's shop and soap factory of Samuel Moulson, situated on the east side of Mill street, between Market street and Exchange place, in the city of Rochester, being a nuisance, and its removal being necessary for the health, comfort and convenience of the inhabitants of said city, and the use of the said premises for the said purposes of a tallow Chandler's shop and soap factory, or either of said purposes, having been declared by the board of health of said city to be a nuisance and injurious to the health of said city, the same shall be removed, and it shall be unlawful for the said Samuel Moulson or any other person to use said premises hereafter for the purpose of a tallow Chandler's shop or soap factory, under a penalty of FIFTY DOLLARS for each and every day that it shall be so used.

Passed July
28, 1863.

Soap factory
of Samuel
Moulson, on
Front Street
a nuisance.

§ 2. Any judgment obtained under and by virtue of this ordinance shall be collected by execution directed to be made out of the property of the defendant, if any can be found, or if none, then the defendant to be committed for THIRTY DAYS in the Monroe county penitentiary.

CHAPTER II.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO CARTMEN AND PORTERS.

Passed November 11th, 1862.

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

Licenses of
cartmen and
porters.

Amended
Jan. 8, 1867.

Amended
July 2, 1867.

SECTION 1. The Mayor may, from time to time, license such and so many cartmen, public porters and drivers of baggage wagons, or other vehicles for the carrying or transportation of merchandise, or other property for hire, within the said city, as he shall deem proper, upon the payment to the Treasurer of said city of the sum of eight dollars for each license; provided that if the same person has once paid the full sum of eight dollars for a license as such cartman, his license may be renewed from year to year on payment of the sum of one dollar, and such public 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 cartman's license be granted to any person except to 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.

Qualifica-
tions of cart-
men, &c.

Amended
Jan. 8, 1867

§ 2. No person shall be licensed by the Mayor as a cartman or driver of baggage wagon, 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, wagon or cart, and harness.

§ 3. Before granting such license to any person, 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, and for the payment of all damages to which he shall become liable to any person.

Cartmen to give a bond.

Amended Jan. 8, 1867.

§ 4. The Mayor, before granting such license to any person shall be satisfied by the affidavit of the applicant that he has the requisite qualifications, which affidavit shall be filed with the City Clerk.

Proof of qualification.

Amended Jan. 8, 1867.

§ 5. No person shall use or cause to be used, any cart, or other vehicle, for the carriage of goods or 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 hereinbefore provided, under a penalty of FIVE DOLLARS for each offence.

No person to be such without licenses.

§ 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.

Carts, &c., to be numbered and have names.

§ 7. Such common or public carts or vehicle, with the consent of the owners or lessees, and not otherwise, of property adjacent, shall be permitted to stand waiting for employment in any public streets in said city except thirty feet from the north side of Buffalo street each way from the corner of State street; except also thirty feet on the south side of Buffalo street each way from the corner of Exchange street; except also thirty feet on each side of State street from the corner of Buffalo street; except also thirty feet on each side of Exchange street from the corner of Buffalo street; except also on South and North St. Paul streets, and except also thirty feet on each side of Main street each way from the corner of St. Paul street; except also on each side of East Main street from Water street to Minerva alley, and no such cart or vehicle shall be allowed to stand within forty feet of any other cart or twenty feet from any cross-walk or

Cartmen to stand in certain places.

Exception.

Amended 1869 and 1871.

cross-walks of a street, 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 or side thereof to the sidewalk as near as the same 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.

Duties of
cartmen &c.
vide sec. 11.

§ 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 to, or egress from any store, shop or office, under a penalty of FIVE DOLLARS for each offence.

To remove
when requested.

§ 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.

Cartmen's
fees, &c.

§ 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:

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 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; 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; Limits.
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, 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 terri-
tory 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. 31 $\frac{1}{4}$	<small>Rates for carrying.</small>
“ “ “	second rate..	37 $\frac{1}{2}$	
“ “ “	third rate. . .	44	
For every load of board 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..	56 $\frac{1}{4}$	
“ “ “	third rate. . .	62 $\frac{1}{2}$	

Rates for carrying.	For every pipe or hogshead of liquor under 90 gallons,			
	"	"	"	first rate.... 25
	"	"	"	second rate.. 31 $\frac{1}{4}$
	"	"	"	third rate... 37 $\frac{1}{2}$
	If the same contain 90 gallons or more,			first rate.... 37 $\frac{1}{2}$
	"	"	"	second rate.. 44
	"	"	"	third rate... 50
	For every cask of sugar of 10 cwt. or more,			
	"	"	"	first rate.... 25
	"	"	"	second rate.. 31 $\frac{1}{4}$
	"	"	"	third rate... 37 $\frac{1}{2}$
	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.... 37 $\frac{1}{2}$
	"	"	"	second rate.. 44
	"	"	"	third rate... 50

Amended
Mar. 19, 1853.

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

First rate.....	\$0 25
Second rate.....	37 $\frac{1}{2}$
Third rate.....	44

Extra fees.

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.

Penalties.

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.

The following fees shall be allowed to the driver of a baggage wagon :

Amended
Jan. 8, 1863.

For carrying any trunk or box, or any single article of baggage or goods from any place in the said city, thirty-five cents.

For any additional trunk or box, or any other single article of baggage or goods, twenty cents. If any such driver 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.

§ 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 service 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, under a penalty of FIVE DOLLARS for refusal. Duties of cartmen, vide. sec. 8.

§ 12. It shall be the duty of any cartman, and the driver of every cart or other vehicle in the 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 or 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. Same. Penalties.

§ 13. No person shall exercise the employment of a common porter, or porter of any public house, without having obtained a license therefor, as hereinbefore 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.

Porters' fees. § 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, twenty-five cents. For any additional trunk or box, or any other single article of baggage or goods, ten 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.

Amended
Jan. 17, 1865.

License fee. § 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.

License may be revoked. § 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.

Cartmen to keep and exhibit copy of section 16. § 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.

Penalties, how to be enforced. § 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 Monroe county penitentiary for the period of TEN DAYS.

Amended
June 16, 1863.

CHAPTER III.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO HACKNEY COACHES AND CARRIAGES.

Passed June 10th, 1868.

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

SECTION 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. Hackney coaches and licenses.

§ 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. Qualifications.

§ 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. Expiration of license.

§ 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. Fees for licenses.

§ 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 TEN DOLLARS for each offence. Hacks for hire to be licensed.

§ 6. Hackney coaches, cabs or carriages, waiting for employment, shall at all times stand, Sundays excepted, on the south side of Buffalo street from Irving place to Fitzhugh Hackney coaches where to stand.

Amended
1868 & 1870.

street, with the horses' heads towards the east, and on the west side of Irving place from Buffalo street to the south gate of Court House lawn; and on the east side of Fitzhugh street from Buffalo street to said south gate, with the horses' heads towards the north; and on Front street from Mumford street to the New York Central Railroad depot, with the horses' heads towards the south; on the east side of Exchange street opposite the Genesee Valley depot; and on the south side of Main street from the west bank of the Genesee river to the east bank thereof, with the horses' heads towards the east; or at such other place or places as the Mayor, 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.

Omnibuses
where to
stand.

The omnibuses of the different hotels in said city shall be allowed to stand next to the depot on the west side of Front street.

Hackney
coaches not
to stand
abreast nor
between the
railroad
tracks.

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.

Driver to be
seated on
coach.

§ 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.

Rates of
fare.

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

1st. For conveying a passenger within the limits herein de-

scribed as territory No. 1; and which is designated on the map as territory included within the red lines thereon, fifty cents.

Rates of fare
for Territory
No. 1.

2d. For conveying a passenger from any point within the blue lines or territory herein described as No. 2, to any point outside of the limits of territory No. 1; and within the limits herein described as territory No. 2, and which is designated on the map as territory included within the blue lines, and between the red and blue thereon, seventy-five cents.

Rates of fare
for Territory
No. 2.

3d. For conveying a passenger from any point within the limits of the city to any point outside the limits of territory No. 2, and within the limits herein described as territory No. 3, and which is designated on the map as territory included within the city lines, and between the blue and city lines thereon, one dollar.

Rates of fare
for Territory
No. 3.

4th. For each additional passenger, twenty-five cents.

Additional
passengers.
Return and
detention.

5th. Half fare shall be allowed for returning to place of starting, provided there is a detention of not longer than fifteen minutes; when over that, full fare.

6th. For conveying a pleasure party to Mt. Hope and return, three dollars—one hour being allowed at the grounds.

Mt. Hope.

7th. For the use of a hackney coach, cab or carriage by the hour, to the extent of the capacity of the vehicle, one dollar and fifty cents, and the same proportion for fractional parts of an hour.

Rate per
hour.

8th. For attending a funeral with passengers, including charges for necessary detention and returning with passengers from house, three dollars.

Amended
May 19, 1869.

9th. For children between eight and twelve years of age, half price only to be charged, and for children under eight years of age, no charge is to be made.

Children.

10. A sum exceeding ten dollars shall not be demanded for the use of any hackney coach, cab or carriage in carrying persons to and from the polls on election day.

Election day.

11th. In case of a dispute or disagreement between the driver of any hackney coach, cab or carriage, and the hirer or occupant thereof, when demanded, said driver shall drive to the nearest policeman, who shall decide the matter, and no charge shall be made for the extra drive or ride.

Dispute how
decided.

Territory No. 1, for which fifty cents is to be charged:

Beginning on Union street at its intersection with University avenue; thence westerly along University avenue to Scio

Territory
No. 1.

Territory
No. 1.

street; thence northerly along Scio street to Tappan street; thence westerly along Tappan street to North street; thence along North street to Hudson street; thence northerly along Hudson street to Harrison street; thence westerly along Harrison street to Chatham street; thence along Chatham street to Hamburg street; thence westerly along Hamburg street to Joiner street; thence westerly in a direct line to the corner of Clinton and Ward streets; thence westerly along Ward street to St. Paul street; thence northerly along St. Paul street to Gorham street; thence in a direct line to the intersection of the west bank of the Genesee river with Vincent park; thence westerly along Vincent park to Lake avenue; thence westerly along Smith street to Grape street; thence southerly along Grape street to Wilder street; thence southerly along Wilder street to Brown street; thence westerly along Brown street to Maple street; thence easterly along Maple street to Madison street; thence southerly along Madison street and Reynolds street to Hunter street; thence easterly along Hunter street to Caledonia avenue; thence southerly along Caledonia avenue to Glasgow street; thence easterly along Glasgow street to the Genesee river; thence easterly in a direct line to the corner of Mt. Hope avenue and Alexander street; thence easterly along Alexander street to Pearl street; thence northerly along Pearl street to Union street; thence northerly along Union street to the place of beginning.

No. 2.

Territory No. 2, for which seventy-five cents is to be charged:

Beginning in East avenue at its intersection with Meigs street; thence westerly along East avenue to Prince street; thence northerly along Prince street to Main street; thence in a direct line to the corner of Ontario and Union streets; thence westerly along Ontario street to Scio street; thence northerly along Scio street to Lewis street; thence westerly along Lewis street to Finney street; thence northerly along Finney street to Tyler street; thence westerly along Tyler street to North street; thence northerly along North street to Woodbury street; thence westerly along Woodbury street to Hudson street; thence northerly along Hudson street to Hudson park; thence westerly along Hudson park and Baden street to St. Joseph street; thence northerly along St. Joseph street to Catharine street; thence westerly along Catharine street to Clinton street; thence northerly along Clinton street

to Lowell street; thence westerly along Lowell street to St. No. 2.
Paul street; thence in a direct line to the corner of Ambrose
and Cliff streets; thence westerly along Ambrose street to
Lake avenue; thence westerly along Jones avenue to the
Erie canal; thence southerly along the Erie canal to Lyell
street; thence westerly along Lyell street to Orchard street;
thence southerly along Orchard street, and continuation of the
same to Brown street; thence westerly along Brown street to
West avenue; thence southerly along Genesee street to Hun-
ter street; thence easterly along Hunter street to the west
line of the "Greig tract"; thence southerly along the west line
of said tract to Champlain street; thence easterly along Cham-
plain street to Frances street; thence southerly along Frances
street to Bartlett street; thence easterly along Bartlett street
to Plymouth avenue; thence northerly along Plymouth ave-
nue to Clarissa street; thence easterly along Clarissa street to
Mt. Hope avenue; thence northerly along Mt. Hope avenue
to Gregory street; thence easterly along Gregory street and
Grand street to Cayuga street; thence easterly along Cayuga
street to Nelson street; thence northerly along Nelson street
to Monroe avenue; thence easterly along Monroe avenue to
Meigs street; thence northerly along Meigs street to the
place of beginning.

Territory No. 3, for which one dollar is to be charged: No. 3.

All the territory outside of the boundaries mentioned and
described in territory No. 2, and between that and the city
limits.

§ 9. No owner or driver of any hackney coach, cab or car- Excessive or
extra char-
ges prohib-
ited.
riage, 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 TEN 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 and
transporting with such person or passenger, in or upon such
hackney coach, cab or carriage, any ordinary luggage belong-
ing to any such person or passenger, to or from any of the
points, or distances above named.

Hacks to be numbered & maps provided.

§ 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 the map describing the territory, and of the different rates of fare to be charged, together with section eight, of this ordinance, shall be framed and hung up in some conspicuous place in the inside of such coach, cab or carriage, under a penalty of TEN 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.

Hackmen to furnish a card.

Every driver of a hackney coach, cab or carriage, licensed as hereinbefore provided, shall, on each and every occasion, when his carriage shall be hired, deliver to the hirer thereof a card, with the name of the owner, the driver, and the number of the hack thereon, under a penalty of FIVE DOLLARS for each offence, to be sued for and recovered, in the manner herein provided.

Hackmen to wear a badge and number.

Each driver of a hackney coach, cab or carriage, licensed as hereinbefore provided, shall wear in some conspicuous place on his hat or cap, painted or printed in a plain, legible manner, the word "Hackman," the letters to be not less than one-half inch in length, and the number of his hack, cab or carriage, in figures on each side, not less than one inch, under a penalty of FIVE DOLLARS for each offence, to be sued for and recovered in the manner herein provided.

Duty of owner in case of sale of his hack.

§ 11. If the owner or owners of any hackney coach, cab or carriage, who may have received a license, shall sell or dispose of such coach, cab or carriage, or any interest therein before the expiration of such license, such license shall thereupon terminate and the owner or owners thereof shall immediately report such sale to the Mayor, and any person who shall neglect or fail to report such sale to the Mayor, within the time aforesaid, shall forfeit and pay FIVE DOLLARS for each offence, to be sued and recovered of them severally and respectively.

Owners may not refuse to convey passengers.

§ 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 ten o'clock in the evening, shall refuse and neglect to convey any person or persons to any place or places within the limits

of 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.

§ 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. License may be revoked.

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

§ 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, if any can be found, and if not then to commit the defennant to Monroe county penitentiary for a period of FIFTEEN DAYS. Penalty how collected.

CHAPTER IV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO RAILROADS.

Passed February 17th, 1863.

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

Running of
engines, &c.,
regulated.

Amended
Jan. 7, 1873.

SECTION 1. No railroad company or any other person shall direct, cause or suffer any engine, railroad car, or train 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 speed than eight miles per hour, under a penalty of ONE HUNDRED AND FIFTY DOLLARS for each offence.

Whistle not
to be sound-
ed in limits.

Amended
Jan. 7, 1873.

§ 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 ONE HUNDRED AND FIFTY DOLLARS for each offence.

Railroad Co.
shall not use
Streets, &c.

Amended
Jan. 7, 1873.

§ 3. No railroad company or any person in its 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 of cars, or switching off or switching on any car or cars, or shall in any manner obstruct any street, square or alley, under a penalty of ONE HUNDRED AND FIFTY DOLLARS for each offence.

Railroad Co.
shall not use
Streets, &c.

Amended
Jan. 7, 1873.

§ 4. No railway company, or any person in its 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 ONE HUNDRED AND FIFTY DOLLARS for each offence.

§ 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 ONE HUNDRED AND FIFTY DOLLARS.

Freight cars
to be
cleaned.

Amended
Jan. 7, 1873.

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

§ 7. No person, unless an employee or passenger on any car of such railroad company, while passing through the city limits, shall get on or off such car while in motion, under a penalty of FIVE DOLLARS for each offence.

Penalty for
getting on or
off cars while
in motion.

§ 8. Every execution issued upon a judgment recovered for a violation of the preceding sections, 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 Monroe county penitentiary for a period of TEN DAYS.

Penalty how
collected.

(NOTE.) Sections 7 and 8 were added July 23d, 1867.

CHAPTER V.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO MARKETS.

Passed February 17th, 1863.

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

Sale of meat,
license for.

SECTION 1. No person, except such as may from time to time be licensed by the common council to sell meat, shall sell any fresh meat within the city (venison, wild game, pork in the hog, poultry, and 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.

Sale of meat
only at places
where
licensed.

§ 2. No 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 excepted), at any other place than at the place designated in his license, and any person who shall violate the prohibitions in this section, shall forfeit and pay a penalty of TEN DOLLARS for each offence.

Exception.

Nothing, however, contained in either of the two preceding sections shall prevent the sale within the city of fresh and wholesome meats by the quarter, by farmers who have raised or fattened the same upon their own farms.

When
licenses
expire.

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

Sale of un-
wholesome
meats pro-
hibited.

§ 4. No person shall sell or expose for sale in the city of Rochester any unwholesome, stale, emaciated, blown, stuffed,

tainted, putrid or measly meat, poultry, fish or provisions, nor any poultry not drawn and properly dressed, except it be alive, 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, fish and provisions so exposed for sale, and herein prohibited, may by any policeman be seized and destroyed; and it shall be the duty of every policeman so to seize and destroy the same, and to report the name of any person violating the provisions of this section for prosecution.

Amended
Jan. 9, 1866.

No person shall sell or deliver within the city of Rochester, impure, adulterated or watered milk, under a penalty of TEN DOLLARS for each offence. And no person shall bring into said city, for sale or delivery therein, milk in filthy or unwholesome cans or other vessels, under a penalty of TEN DOLLARS for each offence.

Amended
Jan. 8, 1867.

§ 5. All meats sold by weight shall be weighed by weights sealed by the city sealer, within the preceding three months, under the penalty of FIVE DOLLARS for each offence.

To be weighed.
ed.

§ 6. Every person licensed to sell meat 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 floors of his market house, under the penalty of FIVE DOLLARS for each offence; and any policeman shall have access at all times to any market house, under the penalty of FIVE DOLLARS to be paid by any person who shall refuse such access.

Meat markets to be
kept clean.

§ 7. No 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; nor shall any person bring to market or expose for sale any lamb, sheep, calf or poultry, except in a box, rack or guard, so as such animal may stand erect; nor shall any person drive in any street, lane or alley, any ox, cow, or other animal having their feet tied or shackled, or tied head and foot, under a penalty of THREE DOL-

Sale of meat
in streets
regulated.

Sheep, &c.,
how to be
carried.

LARS for the first offence, and the further sum of FIVE DOLLARS for every subsequent offence.

Slaughter
houses pro-
hibited.

§ 8. No person shall build, make or use, or cause or permit to be built, made or used, any slaughter house within said city, without permission from the common council, under a penalty of FIFTY DOLLARS for each offence.

Ordinance
to be posted,
&c.

§ 9. A copy of this ordinance (to be furnished by the City Clerk) shall be fastened up in a conspicuous place in each licensed market in the city; and any person who shall intentionally deface, destroy or remove the same, shall forfeit and pay a penalty of TEN DOLLARS.

Number of
leases to be
reported.

§ 10. 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.

Other mar-
ket places to
be designa-
ted.

§ 11. The stands for the sale of hay, fodder, 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.

City Super-
intendent to
have control.

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.

Collection of
penalty.

§ 12. 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 Monroe county penitentiary, for a period of not less than FIVE nor more than THIRTY days.

CHAPTER VI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE ERECTION AND REMOVAL OF BUILDINGS.

Passed February 17th, 1863.

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

SECTION 1. No building shall hereafter be erected, nor shall any addition be made to any building already erected within the limits of the city of Rochester as defined in the charter of said city, passed April 8th, 1861, without the permission of the common council, unless the outside walls 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, nor shall any building constructed of wood, in whole or in part, be removed, within said limits, without the permission of the common council as hereinafter provided.

Erection of
wooden
buildings
regulated.

Amended
Oct. 2, 1866.

Amended
Jan. 8, 1867.

§ 2. No building to be erected within the limits described in the preceding section, shall be built with cornices of wood, and no wooden cornice shall be attached to any building heretofore erected, unless by special permission of the common council.

Wooden cor-
nices.

Amended
July 2, 1867.

§ 3. Every building or part of a building made, constructed or placed within the limits or territory described in 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 story shall be at least twelve inches in thickness; and when more than three stories in height, the outer walls of the first story shall be at

Buildings to
be of stone,
&c.

Amended
May 19, 1869.

Same.

least sixteen inches in thickness; and the remaining outer walls of all but the upper story shall be at least twelve inches in thickness; and every building between the basement and third story thereof which is to be divided into two or more stores, or tenements, or dwellings fronting on a street or alley, shall so be 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 and through the roof of such building, and at least two feet above said roof. And the ends of any and all joist 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 joists shall be filled with brick and mortar, and the wall of all chimneys in any building shall be at least four inches in thickness, and the sides of such chimneys 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 remain within the limits named in section one aforesaid.

To have
scuttle, &c.

§ 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.

§ 5. Repealed, 1870.

Drying lum-
ber prohib-
ed.

§ 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.

Black-
smiths' shops
how con-
structed.

§ 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.

§ 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.

Chimneys
how made.

§ 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.

To be plas-
tered, &c.

§ 10. Every applicant for the erection or removal of any wooden building within the limits described in the first section of this ordinance, is required to give one week's notice, in writing, of his intended application, and the time of such application, to the common council for permission to erect or remove such building, to any owner, occupant or agent of houses and lots within the distance of two hundred feet from where such building is to be erected or to which it is to be removed, except such as have given therein written consent to such erection or removal; and he shall furnish proof to the common council, verified by oath, of the service of such notice.

Erection and
removal of
buildings
regulated.

Amended
May 17, 1864.

§ 11. Every applicant for the removal of any wooden building, shall be required to set forth in his petition to the common council for permission to remove such building, the name of the street or streets through which he designs to pass said building.

Removal of
buildings
through
streets.

Amended
May 17, 1864.

§ 12. All stoves erected or used in any building in said city shall be placed at a distance of at least one foot from the wall, composed 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 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

Use of stoves
regulated.

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.

Penalty. § 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 214 of the Statute, entitled an act to amend and consolidate the several acts relating to the city of Rochester, passed April 8th, 1861.

How recovered. § 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 Monroe county penitentiary for a period not to exceed TWENTY DAYS.

Amended June 16, 1863.

CHAPTER VII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE CUMBERING OF MILL STREET.

Passed February 17th, 1863.

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

SECTION 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, 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.

Not to stand
in Mill st.

Amended
Jan. 8, 1867.

§ 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 Monroe county penitentiary for the period of FIVE DAYS.

Penalty.

CHAPTER VIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO STREETS.

Passed May 5th, 1863.

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

Building materials in streets. SECTION 1. No person shall place, or cause to be placed, any stones, bricks, boards, plank, timber, lumber, wood or any materials for building, in or upon any street, alley or public square, within the city, without permission in writing from the Mayor or Superintendent of streets, 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.

Permission for obstructions in streets. § 2. The Mayor or the Superintendent of Streets 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.

§ 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.

§ 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.

Carriages
not to stand
in streets.

§ 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 side walk, under a penalty of TWO DOLLARS for each offence.

§ 6. 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 incommodate 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 in 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 sidewalk, for the purpose of loading and unloading the same, providing the same be removed without any unreasonable delay, and not to exceed one hour.

Obstructions
in streets.

§ 7. No owner, agent of non-resident owner, or occupant of any store or other building in West Main, State, Exchange, Front, East 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 side walk therein, nor shall any person place or cause to be placed, or expose for sale in any manner on any sidewalk, or hang, or suspend in any way from any awning frame, or otherwise over any side walk, any goods, wares or merchandise, 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

Signs and
awning posts
in streets.

Amended
Jan. 8, 1867.

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 side walk.

Bow windows and porches in streets.

§ 8. No bow window or other window shall be constructed so as to extend into the 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 or the side walk, without permission of the common council. Every cellar way leading into any cellar, from any street or side walk, shall have trap doors so constructed as to be on a level with the side walk, 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 side walks or platforms, 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. No trap door or grate in any of the side walks shall be kept open, unless while actually receiving or delivering goods and chattels. Any person violating the provisions of this section, or either of them, shall forfeit and pay a penalty of FIVE DOLLARS for each offence.

Trap doors.

Sawing wood in streets.

Amended
Jan. 8, 1867.

§ 9. No person shall saw, cut or split firewood upon any side or cross walk in the said city; nor shall the owner, agent of non-resident 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.

Hand-carts, &c., on side walks.

Amended
Dec. 24, 1867.

§ 10. 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 side walk, 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. No person

shall drive any horse attached to a sleigh through any of the streets or alleys of said city without having bells attached thereto, sufficient to give warning of its approach, under a penalty of FIVE DOLLARS for each offence.

Bells required on horses.

§ 11. 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 Superintendent of Streets, 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 costs.

Shade trees.

§ 12. Every owner, agent of non-resident 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.

Sidewalks to be kept clean.

Amended Jan. 8, 1867.

§ 13. If any owner, agent of non-resident 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 212 of the charter of the city of Rochester, passed April 8, 1861.

Amended Jan. 8, 1867.

§ 14. No person shall, with a cart, wagon or other carriage, pass over any pavement or street in process of making or repairing, or 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.

§ 15. 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

Digging holes, &c., in streets.

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 Superintendent of Streets, 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. No person shall make any area or lateral sewer in any public street of said city, without the consent of the Mayor, and without executing a bond to the said city, approved by the Mayor, indemnifying it against any damage therefrom, or any liability it may incur.

Lateral sew-
ers and
areas.

Any person who shall dig any area or lateral sewer contrary to the provisions of this section, shall forfeit and pay a penalty of TWENTY-FIVE DOLLARS for each offence.

Rubbish and
obstructions.

§ 16. 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 the penalty of TEN DOLLARS for each offence.

Carriages on
cross walks.

§ 17. 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.

Sweeping
streets.

§ 18. Every owner, agent of non-resident owner, or occupant of any house or building, and every owner or agent of non-resident owner of any vacant lot upon West Main street from East Main street bridge to the Erie canal, Market street from Front street to State street, East Main street from Front street to East avenue, St. Paul street from Andrews street to

Amended
Jan. 8, 1867.

Court street, Clinton street from Andrews street to Monroe street, Fitzhugh street from Troup street to Allen street, Sophia street from Atkinson street to Allen street, Washington street from Spring street to Allen street, Frank street from Centre street to Platt street, Front street from West Main street to Mumford street, Mumford street from Andrews street

Amended
Aug. 24, 1864.

bridge to State street, State street from West Main street to the railroad, Exchange street from Erie canal bridge to West Main street, Mill street from Mumford street to Centre street, Irving place from West Main street to the Erie canal (except

lots on which buildings are erecting, or in front of which building materials are laid) shall, between the hours of five o'clock in the afternoon of Friday and eight o'clock in the forenoon of Saturday in each week, between the first days of April and December 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, agent of non-resident owner, or occupant of any such house or building, or the owner, or agent of non-resident 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 center of such street. Previous to the scraping and sweeping of any such street, the owner, agent of non-resident 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. No person shall wet or sprinkle any cross walk in said city. Any person who shall violate any of the provisions of this section shall forfeit and pay a penalty of THREE DOLLARS for each offence.

Amended
1907.

Sweeping
streets

Amended
Jan. 8, 1907.

§ 19. No person shall construct any drain or sewer from his cellar or lot to any common sewer, without permission in writing from the Superintendent of Streets; and every such drain or sewer shall be constructed under the direction of the Committee on Streets, or Superintendent of Streets, 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.

Sewers.

§ 20. No person shall expose for sale any fruit, nuts, vegetables, or confectioneries, 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

Fruits, &c.,
on sidewalks

or selling nuts, fruit or confectioneries 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.

Goods of Auctioneers. § 21. No auctioner 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.

Street Superintendent's duties. § 22. It shall be the duty of the Superintendent of Streets 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.

§ 23. The Superintendent of Streets 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.

Feeding horses in street. § 24. No person shall feed any horse or other animal in any street in the city, nor shall any person dust, clean, or lay any rug, carpet, oil cloth, or any such thing, 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.

Destroying materials. § 25. No person shall remove, displace or destroy timbers or materials laid by the Superintendent of Streets, or by his direction, or commissioners of streets and avenues, on any macadamized 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.

§ 26. 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, agents of non-resident 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 Superintendent of Streets.

Embankments.
Amended July 8, 1867.

§ 27. In case the owner, agent of non-resident 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 Superintendent of Streets, it shall be the duty of said Superintendent to cause this regulation to be enforced, under the provisions of section 212 of the Statute referred to in section thirteen of this ordinance.

Amended Jan. 8, 1867.

§ 28. If the owner or agent of non-resident 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 Superintendent of Streets, which notice shall specify the location and extent of said encroachment, said owner, or agent of non-resident 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.

Encroachments.
Amended Jan. 8, 1867.

§ 29. 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

May remove encroachments.

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, or agent of non-resident owner, who shall be liable to pay the same, with interest at the rate of ten per cent. per annum, as provided by section 212 of the Statute referred to in section thirteen of this ordinance.

Streets to be
cleaned.

Amended
Jan. 8, 1867.

§ 30. The owner, agent of non-resident 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 FIVE DOLLARS for each offence.

Amended
Jan. 8, 1867.

§ 31. The notice required by section 212 of the City Charter as amended April 8th, 1861, 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 or agent of non-resident 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, and the same shall be collected in the manner therein specified.

Platforms
how con-
structed

§ 32. 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; and all such platforms and cellar doors shall be covered with iron brads or nails, not more than three inches apart, so as to prevent persons passing over them from slipping. 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 agent of non-resident 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.

Amended
Jan. 23, 1866.

Amended
Jan 8, 1867.

§ 33. No person shall play at any game of ball, or any sport with a ball, stone, block or piece of wood, or other hard substance, by throwing, bounding and catching, or knocking the same, or in any other manner, in any street, lane or alley, or upon any side walk, or upon any improved square or park, or upon or within the square upon which the court house stands, under the penalty of TWO DOLLARS for each offence.

Ball playing.

§ 34. 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.

Rubbish not
to be scattered.

§ 35. No person shall deface, mar, injure, remove, or do any damage to any fence, railing, gate, sign or notice, or any other structure or ornament, or the grounds in, around, about, or upon any park, square, or cemetery, in the city of Rochester; and 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

Shade trees
not to be injured.

Amended
June 28, 1864.

tree or trees, or to any lamp post, under a penalty of TEN DOLLARS for each offence.

Coverings to
reservoir.

§ 36. 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.

Numbering
of buildings.

Amended
Jan. 8, 1867.

§ 37. If any owner, agent of non-resident owner, or occupant of any building or tenement within the 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 renumbered, 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 renumbered as aforesaid.

Gates, how
hung.

Amended
Jan. 8, 1867.

§ 38. No owner, agent of non-resident 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 side walk, in such a manner as to obstruct the free use or passage thereof, under a penalty of FIVE DOLLARS.

Wooden
bridges not
to be built
over gutters.

Amended
Oct. 16, 1866.

§ 39. No person shall construct any wooden bridge or other wooden structure over the gutter in front of any premises owned or occupied by him, on any improved street within the city of Rochester, under the penalty of TEN DOLLARS for each offence, and for each twenty-four hours that said bridges are kept on said street or streets.

Execution.

Amended
June 16, 1863.

§ 40. 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 Monroe county penitentiary for the period of THIRTY DAYS.

CHAPTER IX.

IN COMMON COUNCIL.

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

Passed February 17th, 1863.

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

SECTION 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 brick, 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.

Wide tires
on wagons.

§ 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 Monroe county penitentiary for the period of THIRTY DAYS.

Amended
June 16, 1863.

CHAPTER X.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE TIEING OR
SNUBBING BOATS TO CERTAIN POSTS AND
CHAINS AT THE SOUTH END OF IRVING
PLACE.

Passed June 10th, 1863.

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

Boats not to
be tied at
Irving place. SECTION 1. That it shall not be lawful for any person to tie
any boat to, or stop any boat by using either of the posts or
the chains connecting the same, placed at the south end of
Irving place and near the Erie canal in this city.

Penalty. § 2. Any person violating this ordinance shall be subject
to a penalty of FIVE DOLLARS for each offence, and
execution shall issue upon any judgment obtained therefor
against the property of the defendant, if any such can be
found, and if not, then to commit the defendant to the Monroe
county penitentiary for TEN DAYS.

CHAPTER XI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO ERECTING GUARDS TO CELLARS OR OTHER EXCAVATIONS ADJOIN- ING TO ANY PUBLIC STREET.

Passed June 10th, 1863.

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

SECTION 1. Any person who shall make or cause to be made or shall have made any cellar, pit, hole or excavation upon his or her lot, adjoining to and within four feet of the line of any public street or alley of this city, shall cause the same to be protected by the erection of good and sufficient guards or barriers between such cellar, pit, hole or excavation and the line of the street, the same to extend the length of such cellar, pit, hole or excavation.

Certain ex-
cavations
not to be
made.

§ 2. It shall be the duty of the City Superintendent to notify any person making or causing to be made any such cellar, pit, hole or excavation, forthwith to erect such guards or barriers, and if such person shall not erect such guards or barriers within twenty-four hours after receiving such notice, he shall forfeit and pay a penalty of TWENTY DOLLARS for every twenty-four hours he or she shall so neglect to erect such guards.

Duty of Su-
perintend't

§ 3. Every execution issued upon a judgment recovered for a violation of this ordinance, shall command the amount to be made out of the property of the defendant, if any such can be found, or if not, then to commit the defendant to the Monroe county penitentiary for the space of TWENTY DAYS.

Penalty.

CHAPTER XII.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE WEIGHTS AND MEASURES.

Passed May 19th, 1863.

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

Weights and
measures to
be sealed.

Amended
June 16, 1869.

SECTION 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 use such weights and measures only as have been sealed and marked by the City Sealer, and no person shall hereafter sell or dispose of any berries in said city in boxes, racks, baskets, or other packages, without having the quantity by sealed measure contained therein plainly marked on the outside of each such box, rack, basket, or other packages ; but such boxes, racks, baskets or other packages in which such berries are sold need not be sealed. If any such merchant, retailer or dealer, shall violate any of the provisions of this section, he or she shall forfeit and pay a penalty of FIVE DOLLARS for each offence.

To conform
to State stan-
dard.

§ 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.

Duty of
Sealer.

§ 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.

Refusal to exhibit weights and measures.

§ 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.

To register weights and measures.

Amended Feb. 6, 1866.

§ 5. No person shall hereafter use any measures for the sale of charcoal, fruit, roots, meal or any other commodity usually sold by heaped measure, except the standard measures of the State of New York, under a penalty of FIVE DOLLARS for each offence.

CHAPTER XIII.

IN COMMON COUNCIL.

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

Passed February 17th, 1863.

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

SECTIONS 1, 2 and 3 repealed October 1st, 1867.

Rubbish in
the river.

§ 4. 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 Superintendent of Streets of the said city of Rochester, under a penalty of not less than ONE DOLLAR nor more than FIFTY DOLLARS for each offence.

Execution to
issue.

§ 5. Every person who shall be guilty of violating sections one or two of this ordinance, or any provision therein contained, upon conviction thereof, shall forfeit and pay a 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 Monroe county penitentiary for the period of THIRTY DAYS.

CHAPTER XIV.

IN COMMON COUNCIL.

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

Passed May 19th, 1863.

*The Common Council of the city of Rochester do ordain
as follows :*

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

No burials
except in
cemeteries.

§ 2. Mount 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.

Control of
Mt. Hope.

§ 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.

Money to be
paid for lots
sold.

§ 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

Deeds of lots

whom sold; the Mayor may then execute such deed, and the City Clerk shall affix the corporate seal of the city thereto.

Improvement of lots.

§ 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.

Injuring gravestones.

§ 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 gravestone, 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.

Injuring trees and shrubs.

§ 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 any 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.

Amended
June 14, 1864.

§ 8. No person, except when accompanying a funeral procession, shall enter Mount Hope cemetery, except upon a pass or permit from the Comptroller, or the Mayor, or acting Mayor, for the time being, of the city of Rochester, or Superintendent of Mount Hope (and passes shall be furnished to all owners of lots), and the commissioners are requested to keep a person at the gate to deliver said passes; and any person who shall violate the provisions of this ordinance shall forfeit and pay a penalty of TEN DOLLARS for each and every offence.

And every person or persons found in said cemetery who shall not have entered in a funeral procession, nor in virtue of a pass, as aforesaid, shall leave said grounds on request of the keeper or person in charge thereof; and the person or persons refusing so to do, shall forfeit and pay a penalty of TEN DOLLARS for each and every offence.

Lots not to
be changed
in grade, &c.

§ 9. 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.

§ 10. 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 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.

Driving on
Mt. Hope.

§ 11. 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.

Shooting.

§ 12. 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.

Filth.

§ 13. No person shall catch, wound or kill any bird, nor remove or disturb any bird's nest or eggs therein, in the said cemetery, under the penalty of TEN DOLLARS for each offence.

Birds not to
be killed.

§ 14. 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.

Liquor not
to be used.

Dogs.

§ 15. 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

Undertakers's fees.

visitors to said cemetery, not being allowed in any case to charge a fee to visitors.

Reports of
Lots sold.

§ 16. 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.

Record.

§ 17. It shall be the duty of the keeper of Mount Hope cemetery to keep a book in which shall be accurately entered the names, ages and places 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.

Undertakers' duties.

§ 18. 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.

Animals at large.

§ 19. 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.

Injuring fences.

§ 20. 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.

Amended
Jan. 16, 1863.

§ 21. 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 defendant to the Monroe county penitentiary for the period of THIRTY DAYS.

CHAPTER XV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO UNDERTAKERS.

Passed February 17th, 1863.

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

SECTION 1. The Mayor may, from time to time, license so many persons as he may deem proper, to exercise the voca-<sup>Undertakers
licensed.</sup> tion 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 TWO HUNDRED AND FIFTY DOLLARS, 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.

§ 2. Every license granted in pursuance of this ordinance shall expire on the first day of July in each year hereafter. <sup>License
expires.</sup>

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

§ 4. Upon the recovery of a judgment for the penalty provided by the third section of this ordinance, an execution shall issue to commit the defendant to the Monroe county penitentiary for the period of THIRTY DAYS, in default <sup>Amended
June 16, 1863.</sup> of property wherewith to satisfy such execution. <sup>Execution to
issue.</sup>

CHAPTER XVI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO PAWNBROKERS.

Passed February 17th, 1863.

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

Pawnbrokers
licensed.

SECTION 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.

Expires.

§ 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.

Execution to
be issued.

§ 3. No persons, except such as are duly licensed therefor, as 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.

Amended
June 18, 1863.

§ 4. Upon the recovery of a judgment for the penalty provided by the third section of this ordinance, an execution shall issue to commit the defendant to the Monroe county penitentiary for the period of THIRTY DAYS, in default of property wherewith to satisfy such execution.

CHAPTER XVII.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE THE COVERING OF CISTERNS, &c.

Passed May 19th, 1863.

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

SECTION 1. No owner or occupant of any lot in the corporate limits of the city of Rochester shall have on his premises any cistern, tank, hogshead or barrel for the holding of water, unless such cistern, tank, hogshead or barrel shall be suitably covered with timber, plank, or boards, of suitable thickness to protect life, under a penalty of FIVE DOLLARS. Cisterns to be covered.

§ 2. No owner or occupant of any lot shall hereafter cause to be built, or have on his premises, any such cistern, tank, hogshead or barrel, for the holding of water, unless the same shall be covered as required by section 1, under a penalty of TEN DOLLARS. Same.

§ 3. No owner or occupant of any lot, having such cistern, tank, hogshead or barrel, for the use mentioned in sections 1 and 2, shall have in such cover any trap or sliding door, under a penalty of TEN DOLLARS. Trap doors.

§ 4. Every cistern, tank, hogshead or barrel, for the purpose heretofore designated, now in use, or hereafter to be built, shall be supplied with a good and suitable pump, or a curb not less than two feet high, with a proper lid. Any person violating the provisions of this section shall be liable to a fine of FIVE DOLLARS for every neglect, after having been duly notified in the form and manner hereafter to be described. Pumps in cisterns.

Health In-
spector to
examine cis-
terns.

§ 5. It shall be the duty of any and all persons designated as Health Inspectors, appointed either by the board of health, or the Mayor and common council of the city of Rochester, to examine all premises, and notify any person violating either or all of the provisions of this ordinance to comply with the same, and if they fail or neglect to do so, to report the facts and the names of the persons so doing to the City Attorney, who shall proceed against the same in the same way and manner as for the violation of any of the penal ordinances of this city; and any alderman, policeman or city superintendent, may notify any person violating any or all the provisions of this ordinance, to comply with the same, which notice shall be as imperative as if done by the Health Inspectors described above.

Amended
Jan. 8, 1867.

§ 6. 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 Monroe county penitentiary for the period of FIFTEEN DAYS.

CHAPTER XVIII.

IN COMMON COUNCIL.

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

Passed May 5th, 1863.

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

THE CITY CLERK.

SECTION 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. Duties of City Clerk.

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

§ 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. Same.

§ 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. Same.

§ 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 alder- Same.

men, all such resolutions and communications as may be referred to them respectively by such board.

Duties of
City Clerk.

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

Same.

§ 7. To keep a correct and accurate register of all lots sold on Mount 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.

Same.

§ 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.

Same.

§ 9. To draft all resolutions and ordinances for local improvements, when requested by the common council, or any member thereof, and see that the notices of the same are duly published according to law.

Same.

§ 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 that purpose, and to perform any other duties prescribed for him in any statute and not herein referred to.

Same.

§ 11. To countersign all licenses, granted for any purpose by the Mayor or common council, and enter in an appropriate book the name of every person to whom a license shall be granted, the date thereof, and the time during which it is to continue in force, and the sum paid for such license. No license shall be valid, until thus countersigned by the Clerk.

Same.

§ 12. 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.

§ 13. The City Clerk shall not remove, nor permit or allow any papers, books, maps, or any other thing belonging to or kept in his said office, or committed to his charge as such clerk, to be taken therefrom, unless by resolution of the common council, or under the regular judgment or order of the courts, under pain of removal.

Papers, &c.,
not to be
taken from.

THE OVERSEER OF THE POOR.

SECTION 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 persons for the same.

Duties of
Overseer.

§ 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.

Invoice to be
furnished.

§ 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.

To make
checks on
Treasurer.

§ 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.

To keep
accounts.

§ 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

To give
security.

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.

Salary to be
in full, &c.

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

Full report
to be made.

§ 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 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.

CHAPTER XIX.

IN COMMON COUNCIL.

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

Passed February 17th, 1863.

*The Common Council of the city of Rochester do ordain as
follows:*

SECTION 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.

Constables
to give bonds

§ 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.

Additional
bond.

CHAPTER XX.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE JUSTICE.

Passed February 17th, 1863.

*The Common Council of the city of Rochester do ordain as
follows:*

Office, where
kept.

SECTION 1. The Police Justice of the city shall keep his office in the room now known as the police office, in the north part of the centre market, or in such other place as the common council may designate.

Suits before
Police Jus-
tice.

§ 2. 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.

CHAPTER XXI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE.

Passed February 17th, 1863.

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

SECTION 1. Every policeman shall, immediately after his ^{Oath.} 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.

§ 2. The police shall perform such duty as the common ^{Duties.} council shall from time to time prescribe.

§ 3. It shall be the duty of the Chief of the Police to report to the Mayor any misconduct, refusal to serve or neglect of ^{Duties of} duty of the policemen or either of them; to make and return ^{Chief.} 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, within the city, 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.

Duties of
Police.

§ 4. The policemen shall have power, and are hereby required, to arrest all persons engaged in the commission of any crime, misdemeanor, or breach of the peace, and in the violation of any and all ordinances of the city of Rochester, and all vagrants, common prostitutes, drunkards and other disorderly persons found in the city, and detain such persons in the station house, or in some other secure place until dealt with according to law, or duly discharged.

Absence
from duty
not per-
mitted.

§ 5. 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.

Persons
arrested.

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

Badges.

§ 7. The policemen shall, while on duty, wear such insignia as shall be designated by the Mayor.

Police to
obey orders.

§ 8. 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.

Subject to
the direction
of the
Mayor.

§ 9. 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.

§ 10. The city is hereby divided into police districts, as follows :

Districts.

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 Caledonia avenue ; thence along Caledonia avenue to West

Main street; thence along the eastern bank of the Erie canal to Allen street. Districts.

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 West Main 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 West Main 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.

§ 11. 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.

CHAPTER XXII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO FIRES AND THE FIRE DEPARTMENT.

Passed November 14th, 1866.

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

Organiza-
tion.

SECTION 1. The fire department shall be organized by the common council, and shall consist of one Chief Engineer, two or more Assistant Engineers, not more than four, one Fire Marshal, all of whom shall be appointed by the common council in the manner prescribed by the charter of the said city; and such number of steam fire engine companies, hook and ladder companies, hose companies, and sack and bucket companies, as the common council shall determine.

Duties of
Committee
on Fire De-
partment.

§ 2. The committee of the common council on fire department shall have the power, and it shall be their duty to appoint the engineers, drivers, foremen and hosemen of the several steam fire engine companies, the foremen, tillermen, drivers and hook and ladder men of the hook and ladder companies; to determine the number of men to be appointed to each of such companies, but the rate or compensation for their services shall be fixed by the common council.

To prepare
rules, &c.

§ 3. The committee on fire department shall prepare proper rules for the government of the fire department, and of each officer and member thereof; shall cause said rules to be posted in each engine and carriage house and in the hose depot, and shall furnish each officer and member of the department with a copy of said rules; and the committee shall have the power to discharge any member of the department

(officers appointed by the common council excepted) for incompetency, neglect of duty, or for any violation of this ordinance, or of the rules and regulations provided for in this section.

§ 4. It shall be the duty of the Chief Engineer, whenever a fire shall occur in the city, to repair immediately to such fire, and to so use the fire apparatus and direct the efforts and labor of the firemen, as to extinguish the fire with the least possible damage; and he shall have the entire control and direction of the fire department at all fires occurring in the city, until such fires shall be extinguished, or the department dismissed by his order.

Chief Engineer. Duties of.

§ 5. The Chief Engineer shall have charge of all the public cisterns, reservoirs, of the water pipes laid from the Erie canal and the upper mill race to furnish water for fires, and shall report to the committee on fire department any damage which may be sustained by any such reservoirs or water pipes. He shall, under the direction of the committee on fire department, have charge of all buildings, apparatus, tools, and other property belonging to the department; shall see that all of the property is maintained in good condition, and that the fire apparatus is kept in repair and ready for immediate duty. The committee on fire department shall purchase such supplies as may be necessary for the use of the department, and shall see that all supplies and material purchased or furnished by the committee are properly and economically used. The Assistant Engineers shall attend all fires in the city, and report to the Chief Engineer for duty; they shall obey the orders of the Chief Engineer, and remain at the fire until dismissed by him. The Assistant Engineer arriving first at any fire shall, in the absence of the Chief Engineer, and until his arrival, act as chief, with all the powers and duties of that officer.

Powers of.

Committee on Fire Department to purchase supplies.

Assistant Engineers. Duties of.

§ 6. All officers and members of the fire department shall be distinguished at fires by such appropriate equipage or badge as may be designated or approved by the committee on fire department.

Badges.

§ 7. Upon the occurrence of any fire, it shall be the duty of the policemen on duty to cause the city hall bell to be rung, and a sufficient and reliable alarm to be given as rapidly as possible, and it shall be the duty of the messenger of the common council and the night watchman in the city hall to ring the alarm bell in cases of actual fire, for a period of not

Duty of Policemen.

Messenger.

Watchman.

less than fifteen minutes. The bells of such churches as may be designated by the committee on fire department shall also be rung at least fifteen minutes, unless the alarm shall sooner be ascertained to be false.

Covers of
reservoirs
not removed.

§ 8. No person other than a city officer shall remove any cover from or do any damage to any public reservoir or water pipe, under the penalty of FIVE DOLLARS for each offence, besides damages which may ensue.

Water not to
be taken.

§ 9. No person shall take any water from any public reservoir, or shall tap any water pipe leading to such reservoir, except by permission of the common council, under the penalty of TWENTY-FIVE DOLLARS for each offence.

Mayor, &c., to
be obeyed.

§ 10. All persons who may be present at any fire shall obey the orders of the Mayor or aldermen 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.

Injuries to
fire apparatus.

§ 11. Any person or persons who shall enter any place where steam engines, hose or other fire apparatus shall be kept, with intent to injure the same, or who shall injure any such engine, hose or other fire apparatus, or shall remove any portion thereof, or otherwise mutilate or disable the same, or who shall do any damage to any engine house or other place where fire apparatus is kept or stored, or to any articles or fixtures, furniture or ornament in or about any such house or place, or who shall remove from any engine or carriage house, any engine, hose carriage, or other fire apparatus, without permission from the Chief Engineer, or an Assistant Engineer, shall forfeit and pay a penalty of FIFTY DOLLARS.

Penalty.

Use of candles regulated.

§ 12. No person shall use any lighted candle, lamp or torch, in any stable or other place or building where hay, straw or other combustible materials shall be kept or deposited, unless such candle, lamp or torch shall be properly secured in a lantern or other cover; nor shall any person enter or be in any such place with any lighted cigar or pipe, under a penalty of FIVE DOLLARS for each offence.

Lime, how
deposited.

§ 13. No unslacked lime shall be deposited nearer than twenty feet to any building situated within the district defined in section one of "An ordinance relating to the erection and removal of buildings," nor shall any wooden spit-

toon, or spittoon of any kind filled with sawdust, be used in any room or building of said city; nor shall any ashes be put, deposited or kept in any vessel or receptacle made wholly or in part of wood. Any person offending against any of the provisions of this section shall forfeit and pay a penalty of FIVE DOLLARS, and the further penalty of THREE DOLLARS for every period of twenty-four hours that such offence shall be continued; and it shall be lawful for the Fire Marshal or Chief Engineer, or any alderman, to cause any such lime or ashes to be removed to a place of safety at the expense of the owner thereof, or the person depositing the same, to be collected by an action brought in the name of the city of Rochester before any court of competent jurisdiction, by the City Attorney.

Spittoons,
sawdust, &c.

Penalty.

§ 14. No person shall burn or cause to be burnt, or aid or assist in burning any hay, straw, chips, shavings, or other combustible material, in any street or alley within the district mentioned in section thirteen, without having first obtained permission to do so from the Mayor, Fire Marshal or Chief Engineer; nor shall any person make, or cause to be made, any fire in any yard or premises within the said district, except it be within a building, without first having obtained permission as aforesaid. Any person offending against either of the provisions of this section shall forfeit and pay a penalty of TEN DOLLARS for each offence.

Combustible
substances
not to be
burned in
streets.

§ 15. Every carpenter, joiner, or other mechanic, or persons having a shop where chips, shavings, sawdust, or other combustible material may be produced or contained, shall clear and remove such material out of his shop or building, and the yard belonging thereto, at least three times in each week; and no lighted candle, lamp or torch, shall be carried or used in the work-shop of any carpenter, joiner, cabinet-maker, wheelwright, or other shop where wood shavings are produced or contained, or in any planing mill, shingle or heading manufactory, unless the same shall be safely placed in a lantern, or be otherwise securely covered and guarded against the communication of fire. Any person offending against the provisions of this section, or either of them, shall forfeit and pay a penalty of TWO DOLLARS for each offence.

Shavings,
&c., to be
removed
from shops.

Use of
candles, &c.,
regulated.

Penalty.

Shavings not
to be thrown
in street. § 16. No carpenter, joiner, or other person, shall throw or deposit any shavings, chips, or other combustible material in any street, lane or alley, or at any time permit any such combustible material to be taken to or thrown or scattered in any street or alley, under a penalty of TWO DOLLARS for each offence.

Chimneys
when burned
out. § 17. No chimney or flue shall be burned out except between sunrise and three o'clock in the afternoon, nor at any time unless the adjoining roof or roofs shall be wet or covered with snow, under a penalty of THREE DOLLARS.

False alarms § 18. No person shall make or cause to be made, or aid, countenance or assist in making or spreading a false alarm of fire, knowing the same to be false, under a penalty of TWENTY-FIVE DOLLARS for each offence.

Place for
storage of
petroleum
not to be
entered with
lamps. § 19. No person shall at any time enter any store-house, cellar, vault, or other building or place used for the storage of petroleum, rock or earth oil, or any of its products, with any artificial light, either candle, lamp, or torch, or shall light a match, or smoke or use or have a lighted cigar or pipe in any such building or place so used for the storage of any such oil or of its products. Any person who shall offend against any of the provisions of this section shall forfeit and pay a penalty of FIFTY DOLLARS for each offence.

Execution. § 20. Every execution issued upon a judgment 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 Monroe county penitentiary for the period of TWENTY DAYS.

Certain fines
how paid. § 21. All moneys collected under the 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th and 19th sections of this ordinance, shall be paid by the officer collecting the same to the "treasurer of the fire department of the city of Rochester," as incorporated by an act of the legislature of the State of New York, and shall become a part of the fund of the said corporation for the aid and relief of sick, disabled or indigent firemen and their families.

§ 22. The committee on fire department may, whenever they 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 duly sworn by the chairman of said committee or by the Mayor. The deposition of said witnesses shall be reduced to writing, and shall be signed by the witnesses, and attested by the persons administering such oath, and shall be preserved among the records of the city.

Cause of
fires to be
investigated

Deposition.

CHAPTER XXIII.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO STREET RAILROADS.

Passed June 24th, 1862.

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

Permission
to Railroad
Company.

That the common council of the city of Rochester will permit to be constructed in said city, by the Rochester City and Brighton Railroad Company, a corporation organized under and by authority of the general railroad law, passed April 2d, 1850, and the several acts amending the same, a railroad which shall commence in the town of Brighton, Monroe county, to run along the Brighton road to East avenue in said city; along East avenue, East Main and West Main streets and West avenue to the town of Gates. Also, from East avenue along and through Prince street to University avenue, and through University avenue to East Main street; also, from University avenue along East Main street to East avenue. Also, from the town of Brighton through Mount Hope avenue to and through Clarissa street to Greig street. Also, through Greig street to and through Plymouth avenue to West Main street. Also, from Clarissa street to and through Exchange street to West Main street.

Also, from West Main street through State street and Lake avenue, so called, into the town of Greece.

Also, from the Junction of Clarissa street and Mount Hope avenue, through said avenue and through South and North St. Paul streets to the town of Irondequoit.

Also, from East Main street through Clinton street to Monroe avenue, and through Monroe avenue to and through Alexander street to East avenue.

Also, from East Main street through North Clinton street to the town of Irondequoit. To be constructed, established, maintained and operated upon the terms, conditions, and stipulations hereinafter prescribed.

SECTION 1. Such railroad shall consist of a single track, to be laid in the centre of the streets and avenues named, unless the common council shall otherwise direct in respect to some of the wider streets and avenues, with necessary turnouts, side tracks and switches, and to be constructed with the improved Philadelphia broad rail, of the most approved kind and weight, six inches face, half inch raised edge, to be laid flush with surface of street, and four feet and ten inches apart between the raised edges, so as to accommodate the most common width of carriage wheels, and to be laid on suitable timbers, with suitable cross ties.

Track, how
constructed.

§ 2. The track of said railroad shall be so laid as to permit the free passage of vehicles and carriages over the same, and the rails shall be laid even with the surface of the streets, and shall conform to the grades thereof as now established, or as they shall from time to time be established or altered. Said company shall, as soon after the adoption of this ordinance as the condition of the streets through which their track is laid will permit, put the surface of said streets, inside the rails, and for one foot outside thereof, in good and thorough repair, under the direction of the Committee on Streets and Bridges of the common council, and shall thereafter keep said streets in good repair inside or between the rails of their track only during the term of five years, and whenever it becomes necessary to improve, by ordinance or otherwise, any of the streets through which their track is laid, by a new or permanent improvement, said company shall not be required to make any part or portion thereof, nor bear any part or portion of the expense of making the same, during the term of five years from the adoption of this ordinance.

Track, how
laid.

Amended
Jan. 12, 1869.

§ 3. During the operation of laying the rails, a free passage for carriages and vehicles over the streets shall be kept open, and immediately after the rails shall be laid, the pavement, flagging and other materials necessarily removed in laying the

Streets to be
kept open
and left in
good order.

same shall be replaced in a good and substantial manner as before such removal, and the surface of the pavement made flush with the rails, and no portion of the pavement or surface of the streets shall be kept broken or disturbed for a greater time than five days. And all surplus street material shall be carefully removed by said company and deposited in such place or places adjacent to the street as may be directed by the officer having charge of the repairs of the same.

Rates of
speed, how
often to be
run.

Amended
Jan. 12, 1869.

§ 4. The cars to be used on the railroad shall be drawn by horses or mules only, at a speed not exceeding the rate of seven miles per hour, and shall run as often as once in fifteen minutes during fourteen hours every day.

Time of run-
ning.

§ 5. The common council shall have the right to require that the cars shall commence running as early as six o'clock A. M., of each day in the year, and the fourteen hours mentioned above shall commence at that hour in the morning. Said common council shall have the further right to require that said company, after the expiration of said fourteen hours of each day, shall run their cars on each such day, as often as every half hour, until eleven o'clock in the evening, and as often as once each hour during the entire night, after eleven o'clock, if the common council shall so direct. And said common council may regulate or prohibit the running of cars on Sunday.

The said company, while they comply with the requisitions in respect to running their cars above referred to, may run their cars as much oftener as they shall choose, either on the whole length or over a portion or portions of said road.

Fare for
riding.

Amended
Jan. 12, 1867.

§ 6. The said company may charge and collect from every person on entering any of their cars or carriages, for riding any distance upon said road, to or from the extremities, and to the intersection of State and West Main streets, a sum not exceeding five cents, except children under five years of age accompanied by parents or other persons having them in charge; such children shall ride free; and except also that said company shall not charge or receive from children under twelve years of age more than three cents for any of above distances.

Not to stop
on cross-
walk.

§ 7. No car shall be allowed to stop on a cross walk nor in front of an intersecting street, except as shall be necessary to avoid collisions, or to prevent danger to persons in the street.

How to stop.

§ 8. When the conductor of any car is required to stop at the crossing of any two streets to receive or land passengers,

the car shall, if convenient, be stopped so as to leave the platform slightly over the crossing.

§ 9. It shall be the duty of the company to employ careful, sober and prudent agents, conductors and drivers, to take charge of their cars while on the road, and it shall be the duty of such agents, conductors and drivers, so far as the same is practicable, to keep a vigilant watch for all teams, carriages and persons on foot, and especially children, either upon the track or moving towards it, and at the first appearance of danger to such teams, carriages, footmen, children or other obstructions, the cars shall be stopped in the shortest time and space practicable. The company may in their discretion run cars without any other conductor than a driver.

Character
and duties of
driver.

§ 10. The conductors shall not allow women or children to enter or leave the cars while in motion.

Women and
children.

§ 11. Conductors shall announce the names of the principal streets and avenues as the car reaches them.

§ 12. While the cars are turning the corners from one street to another, they shall not be moved faster than on a walk.

Turning a
corner.

§ 13. Cars driven in the same or opposite directions on the same track shall not approach each other within a distance of two hundred feet, except in case of accident, or when it may become necessary to connect them together, and also except at stations and turnouts.

Cars not to
meet.

§ 14. Whenever there shall occur a fall of snow which materially obstructs the track, and allows vehicles to pass over the same on runners, the company is authorized and required to use a sufficient number of sleighs to convey passengers over the road from day to day until the cars can be used on the tracks, and to so use said sleighs the same as they have a right to run their cars, and to charge fare for the carriage of passengers on such sleighs the same as if said passengers were carried on their cars.

Sleighs may
be used.

§ 15. Whenever it shall be necessary to remove any snow or ice from the track or tracks of said road the same shall be done by said company in such manner and so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along said street, or in crossing the same at or upon cross streets. The use of salt for the purpose of removing snow or ice from said track or tracks, or for any purpose, is expressly prohibited.

Removing
ice, &c.

§ 16. The said company shall place and keep placed a printed

To post rules

copy of the foregoing rules and regulations, from No. 6 to No. 13, both inclusive, in a conspicuous place in each car upon the road.

Rights re-
served by the
city.

§ 17. It is hereby reserved to the common council of the city of Rochester the right to make such further orders, rules and regulations, in relation to the construction, repairs and operation of said railroad as from time to time may be deemed necessary to protect the interests of said city, and the safety, welfare or accommodation of the public. But no alteration of these rules shall be made which shall have the effect to impair the substantial rights of said company.

Rights of
gas and wa-
ter compa-
nies.

§ 18. Wherever gas or water pipes, or sewers, are now laid in any street or avenue, the said railroad must be laid down and maintained subject to the rights over the same now in the city, and the gas and water companies to take up, alter, repair or remove said pipes or sewer in such manner as not unreasonably to damage or injure said railroad in its use, without claim for damage to said city, gas, or water companies, and the common council expressly reserves to itself the right hereafter to lay down or permit to be laid down in said streets and avenues, gas or water pipes, or sewers, and to alter, improve and repair said streets or avenues whenever the public or private convenience may require.

Gas, or water companies, or private individuals who shall take up pavement or excavate the street for the purpose aforesaid, being always required as by the present city ordinance to restore the street to its former condition.

To keep the
streets in
repair.

§ 19. In case said company shall fail to keep said streets and avenues in which their said railroad shall be laid in repair, as herein provided, and shall neglect to make such repairs for two days, after notice in writing from the street commissioners or other officers having supervision of repairs of streets or avenues, served upon the superintendent or other managing officers of said railroad, specifying the repairs, the said common council shall have the right to cause such repairs to be made, and to assess the expense thereof upon the property of said company, or sue for and collect the same of said company.

Neglect to
comply with
rules.

And in case said company shall fail to comply with any of the rules and regulations of the common council herein contained or provided for, the said company shall pay to the city

a penalty of TWENTY-FIVE DOLLARS for each and every violation ; and if the said company shall refuse or neglect to comply with any of such rules and regulations, after notice served in writing on the superintendent or other managing officer of said railroad requiring compliance, the said company shall pay to the city an additional penalty of TWENTY-FIVE DOLLARS for each and every day during which such violation is continued.

Penalty.

Provided however, that an action for such penalty or penalties shall be brought within two months from the time of such violation.

§ 20. The construction of said railroad shall be commenced within four months from the passage of this resolution, and said railroad shall be completed in and upon all the streets and avenues herein before mentioned, and the cars running thereon within three years thereafter.

When to be built.

§ 21. It is expressly provided hereby, that a majority of the directors of said railroad company shall at all times be residents of the said city of Rochester.

Directors where to reside.

§ 22. The said company shall not be permitted to use or run any other than passenger cars upon said railroad within the corporate limits of said city of Rochester between the hours of six o'clock in the morning and eight o'clock in the evening, except for the purpose of conveying the baggage of passengers when necessary, between the New York Central and Genesee Valley railroad depots.

Baggage cars.

§ 23. Should said company fail to complete said railroad, and commence running their cars within the time limited by these rules, or should said company within the time limited by this grant neglect to run cars or sleighs on said railroad after the completion thereof, for the accommodation of the public, as provided by the rules and regulations of the common council, for the space of two consecutive months, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or by the use or possession of said streets and avenues ; and in such case the city of Rochester reserves the right to cause all obstructions and materials placed in said streets or avenues by said company to be removed therefrom, and said streets and avenues put in as good condition and repair as they were before said mate-

When to be completed.

Rights of city.

rials and obstructions were placed therein, and the expense thereof shall be paid to said city by said railroad company; and said city, also, in such cases reserves the right to grant the same rights and privileges to any other person or persons, corporation or corporations, free from all charge or liabilities for damage on account thereof.

Limits of
grant.

§ 24. It is expressly provided hereby that the said grant, and the powers, rights and privileges proposed to be conferred to said company, shall, and they are hereby limited to the period of thirty years, from and after the date and acceptance of the same by said railroad company.

Acceptance
by company.

§ 25. This resolution or grant shall not be binding on said city, unless formally accepted by said railroad company, within sixty days, in such manner as shall legally bind said company to perform the same on their part, and as shall be approved by the Attorney of said city.

Cars to be
licensed.

§ 26. Before placing any car proposed to be used upon said railroad and annually thereafter, said company shall pay to the Treasurer of the city of Rochester, and for the use of the city, FIVE DOLLARS for each such car, and obtain from the Mayor of the city a license therefor, which it shall be his duty to grant without fee or reward, on production of the Treasurer's receipt for such payment. The company shall also have the number of each car painted on a conspicuous place on the outside thereof.

Damages.

§ 27. If by reason of any act, omission or neglect of the said railroad company, its officers or agents, the corporation of the city of Rochester shall be subjected to any damages or liability, the said railroad company shall be liable to the said city to the same extent.

§ 28. Repealed January 12th, 1869.

Added Mar.
17, 1868.

§ 29. The said railroad corporation, and any other corporation or company, which has been or may be hereafter organized to construct, or operate a railroad in the streets of said city, shall, as often as once a week, remove all dirt, filth, snow and ice from the surface of the street inside the rails, and for two feet four inches outside thereof; and in case any such company or corporation shall refuse or fail to comply with this ordinance, it shall pay to said city a penalty of

Track to be
cleaned.

Penalty for
neglect.

TWENTY-FIVE DOLLARS for each and every day it shall so refuse or neglect.

§ 30. All the provisions of the foregoing ordinance shall be and are hereby made applicable to any new company or corporation which has been or may be hereafter organized to construct or operate a railroad in the streets of said city, upon the said company or corporation giving its assent thereto. And in case it shall neglect or refuse to file with the City Clerk such assent in writing, within five days from the service on its president or secretary of a copy of this resolution, then the consent of the city of Rochester to the construction, maintenance, and operation of such street railroad within the limits of said city, is hereby withdrawn.

Added Mar.
17, 1908.

These provisions how
applicable.

Consent to
be filed.

Effect of
neglect or
refusal.

CHAPTER XXIV.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE THE STORAGE
AND KEEPING OF CRUDE PETROLEUM, OR ANY
OF ITS PRODUCTS, WITHIN THE CORPORATE
LIMITS OF THE CITY OF ROCHESTER.

Passed August 1st, 1866.

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

Petroleum,
&c., not to
be kept.

SECTION 1. No person shall keep upon sale, or store in any place or building within the corporate limits of the city of Rochester, any crude petroleum, earth or rock oil, or any of its products, except under the following provisions:

How stored.

§ 2. Crude petroleum, earth or rock oil, or any of its products may be stored in detached and properly ventilated warehouses, the exterior walls of which shall be of stone, brick or iron, specially adapted to that purpose by having raised sills at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or adjoining land in such manner as to effectually prevent the overflow of such substances beyond the premises where the same may be kept or stored, which said warehouse shall not be occupied in any part as a dwelling, and if less than fifty feet from any adjacent building, the same must be separated by a brick or stone wall at least ten feet in height and sixteen inches thick.

Keeping of,
regulated.

§ 3. No refined petroleum or kerosene oils shall be kept upon sale or stored within the corporate limits of said city the fire test of which shall be less than one hundred and ten

degrees Fahrenheit; said test shall be determined by the Fire Marshal, using G. Tagliabue's or other improved instruments; the barrels or packages containing the same to be legibly stamped or marked with said marshal's official stamp or mark. When stored above the cellar or basement of any store or building, and in barrels of not over forty-five gallons each, or metallic vessels or tanks, for the convenience of retailing, the quantity of such refined oil so stored shall not exceed the contents of ten barrels. When packed in hermetically sealed metallic packages the quantity so stored shall not exceed one hundred barrels. When stored in cellars or basements surrounded by walls of brick or stone, and at least two feet below the level of the sidewalk, street, or land adjacent, the quantity so stored shall not exceed the contents of one hundred and fifty barrels, unless stored in warehouses specially adapted for that purpose, as provided under section two of this act; provided also, that no quantity of said oils greater than five barrels shall be stored or kept in any building occupied in any part thereof as a dwelling. Benzine or naphtha may be kept or stored, under the provisions of this section, as follows: When stored above the cellar or basement, the quantity so stored shall not exceed the contents of ten barrels; when stored in the cellar or basement, the quantity so stored shall not exceed ten barrels; when stored in a building any part of which may be occupied as a dwelling, the quantity so stored shall not exceed three barrels, provided that nothing in this ordinance contained shall prevent the storage of crude or refined petroleum in wrought iron tanks detached from any building, and specially adapted to that purpose, or in other tanks so constructed that the top shall be at least two feet below the level of the street or adjoining land, and covered with at least one foot of earth, when such tanks are appurtenant to or connected with a refinery, with the approval of the Fire Marshal.

§ 4. In no case shall any of the articles recited in this ordinance be allowed to remain on any sidewalk beyond the front line of any building, or any street, a longer time than is actually requisite for the storage, shipment or delivery of the same, nor after sunset.

§ 5. It shall be the duty of the Fire Marshal to make an examination of all premises wherein either of the articles men-

Keeping of,
regulated.

Not to
remain on
sidewalk.

Duty of Mar-
shal.

tioned in this ordinance may be kept or stored, and to report any violation of this ordinance at once to the City Attorney, to enforce the same.

Penalties.

§ 6. Any person or persons who shall offend against any of the provisions of this ordinance shall, if the offence be against the before noted prescribed fire test and marking for refined petroleum, kerosene and machinery oil, pay a fine of not less than FIFTY DOLLARS nor more than FIVE HUNDRED DOLLARS; and for the excess over the quantity of said merchandise herein defined and permitted, a fine of TWO HUNDRED AND FIFTY DOLLARS shall be paid for each day such excess was made; and for any of said merchandise improperly encumbering the sidewalks or streets, as noted in section four of this ordinance, a fine of TWENTY-FIVE DOLLARS shall be paid for each day such article shall remain, after having been notified to remove the same.

Fines to be
paid for poor
fund.

§ 7. All fines and penalties that may be imposed and collected for violations of this ordinance, after payment of the necessary expenses of prosecution, shall be paid to the Treasurer of said city, and shall belong to the poor fund of said city.

Penalty for
changing in-
spection
marks, &c.

§ 8. Any person who shall in any manner change the mark so put upon such barrel or package by the Fire Marshal, or shall knowingly put upon such barrel or package a false or fraudulent mark, shall pay a fine of TWENTY-FIVE DOLLARS for each barrel or package aforesaid; and any person who shall purchase or sell any empty barrel or package aforesaid with the inspection marks thereon, or who shall fraudulently use any barrel or package so marked for the purpose of selling any other article of a quality or quantity different from that so inspected, shall be subject to a like penalty for each barrel or package so purchased, sold or used.

Execution.

§ 9. 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 defendant to the Monroe county penitentiary for the period of THIRTY DAYS.

CHAPTER XXV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO KEROSENE AND OTHER OILS.

Passed May 5th, 1863.

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

SECTION 1. That it shall not be lawful for any person or persons, corporation or corporations, to store any of the crude earth oil, or to carry on any manufactory or manufactories, or any establishment whatsoever, for the purpose of making, refining, distilling or generating petroleum, naptha, benzole, kerosene, or other easily inflammable oils or substances, within the limits of the city of Rochester, except at those establishments already erected, without having first obtained the consent of the common council, at a regular meeting thereof, by a vote of two-thirds of all the members present, under a penalty of FIFTY DOLLARS for each and every offence.

Manufacturing of certain substances prohibited.

CHAPTER XXVI.

IN COMMON COUNCIL.

AN ORDINANCE TO PREVENT ANIMALS FROM RUNNING AT LARGE IN THE PUBLIC HIGHWAYS IN THE CITY OF ROCHESTER.

Passed June 14th, 1864.

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

Animals not
to run at
large.

SECTION 1. It shall not be lawful for any cattle, horses, sheep, swine or geese, to run at large in any public street, lane, alley, park or square within the city of Rochester.

Any person
may seize
them.

§ 2. It shall be lawful for any person to seize and take into his custody and possession any animal which shall be in any public street, lane, alley, park or square, contrary to the provisions of the foregoing section; and it shall be lawful for any person to take into his custody and possession any animal which may be trespassing upon premises owned or occupied by him.

Mayor to
employ cat-
tle drivers.

§ 3. It shall be lawful for the Mayor to employ two or more suitable persons, whose duty it shall be to seize and take into custody and possession, and keep in some safe and convenient place within said city, and at the expense thereof, any animal which may be running at large contrary to the provisions of section one of this ordinance; and each person employed in pursuance of this section shall receive for his services a suitable compensation, to be fixed by the common council, out of the highway fund.

Duty on
seizure.

§ 4. Whenever any such person shall seize and take into his custody and possession any animal under authority of the

two preceeding sections, it shall be the duty of such person to give immediate notice thereof to a justice of the peace of said city; and such justice shall thereupon give notice by affixing the same in six public and conspicuous places in said city, one of which shall be the outer door of the court house, that such animal or animals will be sold at public auction at some convenient place in said city, not less than ten days nor more than thirty days from the time of affixing such notice, to be specified in such notice. At the time and place mentioned in said notice, the said justice shall proceed to sell the said animal or animals for cash, and out of the proceeds thereof shall, in the first place, retain the following fees and charges for his services in giving said notice and making said sale, viz :

Duty of Justice.

For every horse sold, two dollars; for every cow or calf, or other cattle, one dollar; for every sheep or swine, one dollar; for every goose, twenty-five cents; and shall then pay to the Treasurer of said city, for the benefit of the highway fund, the sum following, that is to say: For every horse so seized and sold, two dollars; for every cow or calf, or other cattle, and for every sheep or swine, one dollar; together with a reasonable compensation to be estimated by such justiae for the care and keeping of said animal or animals, from the seizure thereof to the time of the sale.

Fees.

If there shall be any surplus moneys arising from said sale, the justice shall retain the same in his own hands, and pay the same to the owner or owners of said animal or animals, after a reasonable demand therefor, and satisfactory proof of such ownership, provided such owner or owners shall appear and claim such surplus moneys within one year after such sale. And if the owner or owners of such animal or animals shall not appear and demand such surplus moneys within one year after such sale has been made, he shall be forever debarred from recovering any part of such moneys, and the same shall be paid to the treasurer of said city for the benefit of the highway fund, and the Treasurer's receipt therefor shall be a legal discharge to said justice.

Surplus, how disposed.

§ 5. Any owner of any animal which shall have been seized under and pursuant to the foregoing provisions, may at any time before the sale thereof, demand, and shall be entitled to the possession of such animal, upon the payment to him of

Owner, how to recover animal.

the several sums herein before required to be paid to the said justice and to the said City Treasurer, including a reasonable compensation for the seizure, care and keeping of such animal, to be estimated and paid to such justice, and upon making to such justice satisfactory proof of ownership. And if such owner shall make such demand and proof, at least three days before the time appointed for such sale, he shall be entitled to the custody and possession of such animal, upon paying one-half of the several sums above mentioned, together with the whole amount of compensation awarded by the said justice.

Amended
June 12, 1867.

Fees to be
paid in case
no notice has
been given.

To whom
paid and
how applied.

If no notice shall have been given to a justice of the peace of said city, in pursuance of section four of this ordinance, the owner of any such animal shall be entitled to the possession of the same, upon paying to the City Treasurer or other authorized agent of the city the expense of keeping the same, and the following fees, to wit: For every horse, one dollar; for every cow, calf or other cattle, one dollar; for every sheep or swine, fifty cents; for every fowl, ten cents—which shall be paid to the City Treasurer by the person so receiving the same, to the credit of the highway funds.

Ibid.

§ 6. In case the animal so seized under the foregoing provisions of this act, shall have been so running at large or trespassing by the wilful act of any other person than the owner, to effect that object, such owner shall be entitled to the possession of such animal by making the demand therefor, and the proof required in the next preceding section, and paying to the City Treasurer the amount of compensation fixed by such justice for the care and keeping of such animal, and without paying any other charges; and the person committing such wilful act shall be liable to a penalty of TWENTY DOLLARS, to be recovered at an action at law at the suit of the owner of such animal.

Amended
July 11, 1865.

Penalty for
rescuing animal
or resisting
officer.

§ 7. Any person who shall hinder or resist any officer or other person while attempting to take into his possession, or after he shall have taken into his possession, any animal running at large, in violation of the preceding sections of this ordinance, or who shall rescue, or attempt to rescue, said animal after being so seized by any officer or other person, or who shall break or injure any pound or other place in which such animal shall be confined in pursuance to the previous sections

of this ordinance, shall be liable to a penalty of TEN DOLLARS for each offence.

§ 8. Every execution issued upon a judgment recovered for a violation of any of the preceding sections 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 Monroe county penitentiary for the period of not less than ONE DAY, nor more than TWENTY DAYS. Execution.

CHAPTER XXVII.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE THE REPAIR AND CONSTRUCTION OF WOODEN AWNINGS IN THE CITY OF ROCHESTER.

Passed April 16th, 1867.

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

Pipes to lead
from awn-
ings to gut-
ters.

Penalty for
neglect to
comply.

SECTION 1. The owners of all wooden awnings now being erected, or which have been heretofore, or shall be hereafter erected in the city of Rochester, are hereby required to construct upon them conductor pipes, which shall convey the water from them to the gutters of the streets; and also to construct or repair such awnings in such a manner that they shall protect the sidewalks from leakage. Any person who shall refuse to comply with any of the provisions of this ordinance within five days after the service upon him of a copy thereof by the City Superintendent, shall be liable to a fine of TEN DOLLARS.

Penalty, how
collected.

§ 2. 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 collected of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the Monroe county penitentiary for the period of THIRTY DAYS.

CHAPTER XXVIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO PUBLIC LAMPS AND LAMP-POSTS.

Passed February 18th, 1868.

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

SECTION 1. Any person who shall carelessly or maliciously break or deface, or in any way injure any of the public lamps or lamp-posts, illuminated clock posts or standards, in this city, shall forfeit the penalty of TEN DOLLARS for each and every offence.

Penalty for breaking and defacing.

Amended Oct. 28, 1873.

§ 2. Any person who shall light, or cause to be lighted, or put out, or cause to be put out, or who shall in any way intermeddle with any of the gas or kerosene lamps of this city, without authority from the common council, shall forfeit the penalty of TEN DOLLARS for each and every offence.

For lighting, extinguishing or meddling with.

§ 2. Any person who shall, without authority, climb upon or tie or fasten any horse or other animal to any of the public lamp-posts in this city, shall forfeit the penalty of TEN DOLLARS for each and every offence.

For climbing upon or hitching to.

§ 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 Monroe county penitentiary for the period of TEN DAYS.

Penalty, how collected and enforced.

So in the original.

CHAPTER XXIX.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO STREETS AND THE ROCHESTER WATER WORKS COMPANY.

Passed May 12th, 1868.

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

Pipes, &c., to
be laid with-
out delay.

Materials to
be replaced.

Effect of
neglect.

SECTION 1. The Rochester Water Works Company, or any contractor for them, in laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes or public squares of the city of Rochester, shall, immediately after commencing to open, excavate or tear up any street, lane or public square in said city, proceed without delay to lay said pipes, conduits or aqueducts, or construct or erect said works; and shall immediately thereafter cause the materials removed and displaced from said streets, lanes or public squares, to be replaced in a substantial and permanent manner, leaving them in the same condition, as nearly as may be, as they were before such removal or displacement by such contractor or other person acting for said company. For any neglect or refusal on the part of such contractor, or other person acting for said company, to comply with the provisions of this section or either of them, such contractor or said company shall forfeit and pay a penalty of FIFTY DOLLARS for each offence.

To repair on
notice.

§ 2. Should any street, lane or public square in said city be out of repair in consequence of its having been opened, excavated or torn up by such contractor or said company as in the

first section herein provided, it shall be the duty of said contractor or company, upon being notified and requested by the Superintendent of Streets or the street committee of the common council, forthwith to repair the same; and in case of their neglect or refusal so to do, said contractor or company shall forfeit and pay a penalty of FIFTY DOLLARS for each offence, and also a further penalty of FIFTY DOLLARS for each and every day such street, lane or public square shall remain out of repair after receiving said notice.

Penalty for
neglect, &c.

CHAPTER XXX.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO STONE QUARRIES.

Passed June 10th, 1868.

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

Quarries to
be filled,
drained or
kept dry.

Penalty for
neglect, &c.

SECTION 1. Every owner, occupant or lessee of any stone quarry or premises heretofore used for quarrying stone therefrom within the city of Rochester, shall cause the same to be filled with earth even with the surface of the ground before any excavations were made therein; or shall cause the water therein to be drained therefrom and said quarries or excavations kept dry, and the water prevented from accumulating or standing therein, under the penalty of FIFTY DOLLARS for each offence, to be sued for and recovered from the owner, occupant or lessee thereof, severally and respectively.

Penalty for
continued
neglect.

§ 2. Every owner, occupant or lessee of any stone quarry or premises heretofore used or may hereafter be used for quarrying stone therefrom within the limits of said city, who shall neglect or refuse to comply with this ordinance, and shall suffer or permit his, her or their premises used as aforesaid to remain open and not filled up, or water to accumulate and stand therein, without being drained therefrom for the space of thirty days, shall forfeit and pay a penalty of FIFTY DOLLARS for every thirty days his, her or their premises shall so remain after the passage of this ordinance, to be sued for and recovered from the owner, occupant or lessee thereof, severally and respectively.

§ 3. Every person who shall hereafter quarry any stone, or make any excavations for the purpose of quarrying stone or otherwise, upon lands or premises within the limits of said city, or who shall suffer or permit any stone to be quarried or excavations made upon premises owned or occupied by them within the limits aforesaid, shall immediately thereafter, and as fast as said stone are quarried or excavations made, cause said premises to be filled with earth even with the surface of the ground before any excavations were made therein or stone quarried therefrom, and shall prevent the water from accumulating or standing therein, under a penalty of ONE HUNDRED DOLLARS for each offence, to be sued for and recovered from each respectively.

To be filled
as fast as
quarried.

§ 4. 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, if any such can be found; and if not, then to commit the defendant to the Monroe county penitentiary for a period of THIRTY DAYS.

Penalty how
collected or
enforced.

CHAPTER XXXI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO SHADE TREES.

Passed July 22d, 1868.

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

Shade trees
to be trim-
med, and
penalty for
neglect.

SECTION 1. Every owner or occupant of premises within the city of Rochester shall keep the shade and ornamental trees in the public streets in front of their premises trimmed, so that the branches thereof shall not be lower than seven and one-half feet from the surface of the ground, so as not in any manner to interfere or obstruct the light from the public lamps in said streets, under a penalty of TWO DOLLARS for each offence.

How
collected.

§ 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.

CHAPTER XXXII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE USE OF SCALES FOR SELLING MEATS AND FISH.

Passed November 24th, 1868.

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

SECTION 1. No person or persons shall use within the limits of the city of Rochester, for weighing fresh meats or fish sold by the pound, any small spring balance scale without pan and bow, and which will not weigh thirty pounds or more, under a penalty of FIVE DOLLARS for each offence.

Certain
scales not to
be used.

§ 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 Monroe county penitentiary for a period of not less than FIVE, nor more than TEN DAYS.

Penalty how
collected
and en-
forced.

CHAPTER XXXIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE DEPOSIT OF RUBBISH IN THE GENESEE RIVER AND MILL RACES.

Passed February 3d, 1869.

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

Penalty for
depositing
rubbish in
river and
mill races.

SECTION 1. No person shall cast or deposit into the Genesee river above the upper Genesee falls, or into any of the mill races, any shavings or other substance which may tend to obstruct the free passage of water in any mill race, or in anywise interfere with the gates, racks or any machinery which such water is contemplated to propel, under a penalty of FIVE DOLLARS for each offence.

How collect-
ed and
enforced.

§ 2. Every execution issued upon a judgment for a violation of the foregoing section shall command the amount to be made out of the property of the defendant, if any such can be found. If not, then it shall be lawful for the justice to commit the defendant to the Monroe county penitentiary for a period not exceeding FIVE DAYS.

CHAPTER XXXIV.

IN COMMON COUNCIL.

AN ORDINANCE FOR THE PROTECTION OF FIRE ALARM TELEGRAPH IN THE CITY OF ROCH- ESTER.

Passed February 3d, 1869.

*The Common Council of the city of Rochester do ordain as
follows :*

SECTION 1. Any person who shall make or cause to be made or have in his possession any key, impression or duplicate of any signal box of the fire alarm telegraph in said city, without the express permission or authority of the committee on fire department of said city, shall forfeit and pay a penalty of TEN DOLLARS for each offence.

Keys to fire
signal boxes
not to be
held without
permission.

§ 2. No person shall give or cause to be given a false alarm with intent to deceive, or to pull the slide of any station or signal box, except in case of fire in said city, or to tamper, meddle or in any way interfere with said signal boxes or any part thereof, or to cut, break, injure, deface or remove any of said boxes, or any part or portion thereof, or any wires or supports thereof, connected with any part of said fire alarm telegraph, or to make any connection or communication therewith, so as to interrupt or interfere with the proper working of the same, or with intent to injure, break or destroy any machinery or fixtures connected therewith, except the owner, agent or occupant of any house or building, or other private property, on which such telegraph or any part thereof may be suspended or otherwise; provided such owner, agent or occupant give

Alarms not
to be struck
nor boxes
disturbed.

Exception.

notice of the same to the fire department committee of the common council. Any person violating any of the provisions of this section shall forfeit and pay a penalty of ONE HUNDRED AND FIFTY DOLLARS.

Penalties,
how en-
forced.

§ 3. Every execution issued upon a judgment recovered for a violation of any of the provisions of section 1 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 Monroe county penitentiary for a period of TEN DAYS; and for a violation of any of the provisions of section 2 of said 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 Monroe county penitentiary for a period not exceeding NINETY DAYS.

CHAPTER XXXV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO FIRES AND THE FIRE DEPARTMENT.

Passed March 3d, 1869.

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

SECTION 1. The Fire Marshal and Chief Engineer of the city of Rochester, under the direction of the fire department committee of the common council, shall furnish to the Mayor, each member of the common council, press reporters and insurance agents of said city, a suitable badge by which they may be designated.

Certain persons and officers to be furnished with badges.

§ 2. Every person acting as a member of the fire department, while on duty attending fires, shall wear such badge on some conspicuous place on his person, so that he may be known and distinguished as such.

Badges to be worn when on duty.

§ 3. No person shall wear a badge corresponding to those worn by the members of the fire department of said city, at any fire therein, except the Mayor, members of the common council, press reporters and insurance agents.

Similar ones not to be worn by others at any fire.

§ 4. No person shall enter any dwelling, store or building that may be on fire, or adjacent thereto, during the continuance thereof; nor remove, assist, or attempt to remove any personal property therein, without the permission of the Fire Marshal or Chief Engineer of the fire department of said city, without having on a badge recognized by the Fire Marshal, except

Who may enter buildings in case of fire.

Hindrance
or delay may
not be inter-
posed.

owners of property therein or their agents, the police commissioners, police officers, the Mayor, members of the common council, press reporters, and insurance agents. Nor shall any person, during the continuance of any fire in said city, in any manner hinder, delay or obstruct the members of the fire department, police officers, or other officers of said city in suppressing such fire or the removal of property liable to be consumed thereby.

Badges not
to be dis-
posed of, but
returned
when.

§ 5. A receipt shall be given for each badge delivered by the Fire Marshal, and all persons holding such badges are prohibited from selling, lending or giving them away; and said badges are to be returned to the Fire Marshal when demanded by him, or when they cease to be entitled to them, by expiration of their term of office or otherwise.

Penalty for
violation of
foregoing
provisions.

§ 6. Every person offending against any of the provisions of sections 2, 3, 4 and 5 of this ordinance, shall, upon conviction thereof, forfeit and pay a penalty of TWENTY-FIVE DOLLARS for each offence. Every execution issued upon a judgment 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 can be found, and if not, then it shall be lawful to commit the defendant to the Monroe county penitentiary for the period of TEN DAYS.

CHAPTER XXXVI.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO SPRINKLING BUFFALO STREET FROM THE ERIE CANAL TO MAIN STREET BRIDGE IN THE CITY OF ROCHESTER.

Passed May 11th, 1869.

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

SECTION 1. Every owner or agent of non-resident owner, or occupant of any house or building, and every owner or agent of non-resident owner of any vacant lot upon Buffalo street from the Erie canal to Main street bridge in said city, shall cause the street to be sprinkled in front of their respective lots or premises to the center thereof, every day, Sundays excepted, between the first days of April and November, so as to prevent the dust and dirt in said street from being blown into stores and dwellings about the city. Any person violating the provisions of this section shall forfeit and pay a penalty of THREE DOLLARS for each offence.

Certain streets to be sprinkled.

CHAPTER XXXVII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO SPRINKLING STREETS IN THE CITY OF ROCHESTER.

Passed June 2d, 1869.

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

Certain
streets to be
sprinkled.

SECTION 1. Every owner or agent or non-resident owner or occupant of any house or building, and every owner or agent of non-resident owner of any vacant lot upon West Main street from the Erie canal to Main street bridge, upon Main street from the west end of Main street bridge to Union street, upon East avenue from Main street to Alexander street, upon Clinton street from Andrews street to Monroe avenue, upon St. Paul street from the railroad bridge to the Erie canal, upon State street from West Main street to Jay street, upon Frank street from Centre street to Jay street, and upon Fitzhugh street from Allen street to the Erie canal in said city, shall cause the street to be sprinkled in front of their respective lots or premises to the centre thereof, every day, Sundays excepted, between the first days of April and November, so as to prevent the dust and dirt in said streets from being blown into the stores and dwellings about the city.

Any person violating the provisions of this section shall forfeit and pay a penalty of THREE DOLLARS for each offence.

CHAPTER XXXVIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO STREETS AND TO HOSE USED BY THE FIRE DEPARTMENT OF THE CITY OF ROCHESTER.

Passed June 15th, 1869.

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

SECTION 1. No person shall ride or drive any sleigh, carriage, cart, wagon or other vehicle upon or across any hose used by the fire department of the city of Rochester in any street, lane, alley or other place in said city, under a penalty of TEN DOLLARS for each offence.

Driving
upon or
across fire
hose pro-
hibited.

§ 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 Monroe county jail for a period not exceeding FIVE DAYS.

CHAPTER XXXIX.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO SEALING ALE, BEER, AND CIDER CASKS.

Passed January 11th, 1870.

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

Ale, &c., not
to be sold
unless cask
is gauged
and
stamped.

SECTION 1 No person or persons shall hereafter sell or dispose of within the limits of the city of Rochester any ale, beer or cider by the barrel, cask or package, without having the cask, barrel or package containing the same gauged and stamped by the City Sealer, and the capacity of each stamped thereon, under a penalty of FIVE DOLLARS for each and every barrel, cask or package so used or disposed of.

Duty of City
Sealer.

§ 2. It shall be the duty of the City Sealer to gauge and stamp all barrels, casks or other packages used for the sale or delivery of ale, beer and cider, whenever requested, upon reasonable notice, and upon being paid for each and every barrel, cask or package so gauged and stamped, the sum of five cents for each barrel, and the sum of three cents for each cask or package containing less than a barrel.

CHAPTER XL.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO MOVING DEAD ANIMALS THROUGH THE STREETS.

Passed March 29th, 1870.

*The Common Council of the city of Rochester do ordain as
follows:*

SECTION 1. It shall be unlawful for any person to convey any dead animal through or on any of the streets of the city of Rochester without having the same carried on a cart, truck or wagon, and covered so that no part of the same be exposed to view.

Dead animals may not be carried through the streets unless covered.

§ 2. Any person violating section one of this ordinance shall forfeit and pay the penalty of FIFTEEN DOLLARS for each offence, the amount to be collected from the property of defendant, if any be found, and if not, that he be sent to the penitentiary for the period of TEN DAYS.

Penalty.

CHAPTER XLI.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO CERTIFICATES OF DEATHS AND BURIALS IN THE CITY OF ROCHESTER.

Passed August 11th, 1869.

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

Certificate of
death to be
furnished,
and what to
contain.

SECTION 1. Whenever any person shall die in the city of Rochester, it shall be the duty of the physician who attended said person during his or her last sickness, or of the coroner when the case comes under his notice, to furnish, within forty-eight hours after death, to the undertaker, or other person superintending the burial (on being applied to for that purpose), a certificate, setting forth, as far as the same can be ascertained, the full sex, color, age and condition, whether married or single, the occupation, nativity, cause and date of death of the person deceased.

Restriction
as to burial
or use of
vault.

§ 2. That no person having in charge as sexton or otherwise any vault, burying ground or cemetery within the said city shall inter or allow to be interred, or place or allowed to be placed in any such vault, burying ground or cemetery, the dead body of any person ; nor shall any undertaker or other person remove the dead body of any person who had died in the said city, and has not been buried at any place beyond the limits of the said city, without in either case first procuring the certificate of the attending physician or of the coroner. In case any person shall die without the attendance of a physi-

cian, or if the physician refuses or neglects to furnish a certificate as aforesaid, it shall be the duty of the undertaker, or of any other person acquainted with the facts, to report the same to the Mayor (or some person duly empowered by him), who shall be authorized to give a certificate of death as aforesaid, provided it be not a case requiring the attendance of the coroner. Every sexton or other person having charge of any vault, burying ground or cemetery within the said city, and every undertaker or other person who shall remove any dead body from or out of the said city, shall return the said certificate to the Health Officer of the said city before twelve o'clock M. on the last day of each and every month, accompanied by a schedule of the same, which return shall be published monthly by the Health Officer, in such manner as may be authorized by the board of health.

Mayor in certain cases may grant certificate.

Certificate returned to Health Officers and monthly return published.

Whenever a body is to be removed from or out of the city for the purpose of interment in a cemetery other than the ones in common use by our citizens, the certificate of death from the attending physician shall be left with the Health Officer of the city, who shall issue a permit for the removal of such dead body, provided, however, that the death did not occur from a contagious or infectious disease. In the absence of the Health Officer from the city, or inability to perform said duty, the Clerk of the board of health shall be vested with the power above conferred upon the Health Officer.

Amended Dec. 34, 1873.

§ 3. That in case any physician or coroner shall refuse or neglect to furnish such certificate as aforesaid, he shall forfeit and pay the sum of TEN DOLLARS for each offence; and every undertaker, sexton or other person removing the dead body of any person, or having in charge any vault, burying ground or cemetery, who refuses or neglects to perform any of the duties required by this ordinance, shall forfeit and pay for every such offence the sum of TWENTY-FIVE DOLLARS, which sum shall in every case be recoverable in the manner as prescribed by the penal ordinances of said city, and for the benefit of any pest-house or hospital in said city.

Certain penalties prescribed.

§ 4. That the Health Officer shall keep a full and correct registry of all such certificates of deaths as aforesaid in a book properly ruled and headed, which book shall be furnished at

Duty of Health Officer in respect to registry of deaths.

the expense of the city, and which shall at all times be accessible to the Mayor, members of the common council, city officials and physicians. There shall be a general index kept on separate pages, or in a separate book, in alphabetical order, pertaining to the entries of said registry.

Annual
report of
health
officer.

§ 5. That the Health Officer shall at the end of each official year report to the Mayor and common council a full and concise statement of the doings of the board of health, a classified statement of the number of deaths in said city, and causes of the same; the number of visits and prescriptions made for the benefit of the sick poor by the city physicians, and the general labor of the Health Inspectors, together with a full statement of the sanitary condition of the city, and such other recommendations or facts as may be of benefit to the promotion of health among the inhabitants of the said city.

CHAPTER XLII.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO OBSTRUCTING THE STREET RAILROAD TRACK.

Passed August 11th, 1869.

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

SECTION 1. No person shall obstruct the track of the Rochester and Brighton Street Railway Company or cause the same to be obstructed by placing or driving wagons or vehicles, or putting any other obstruction upon the track in such a manner as to obstruct or delay the free passage of the cars of said company for a longer time than three minutes, under a penalty of TWENTY DOLLARS for each offence.

Obstructing
Street R. R.
Track pro-
hibited.

§ 2. Every execution issued upon a judgment recovered for a violation of this ordinance shall command the amount to be made from the property of the defendant, if any such can be found, and if not, then to commit the defendant to the Monroe county penitentiary for the period not to exceed FIFTEEN DAYS.

CHAPTER XLIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE SALE OF FOREIGN FRUITS.

Passed April 19th, 1870.

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

SECTION 1. No person or persons shall sell or peddle in
Sale of foreign fruits regulated. wagon or other vehicle, any oranges, lemons or other foreign
fruits, in the public streets of said city, under a penalty of
TWENTY-FIVE DOLLARS for each offence.

§ 2. The above penalty shall be collected from the property
of the defendant, if any, but if not, the defendant shall be
sent to the Monroe county penitentiary for the period of FIF-
TEEN DAYS.

CHAPTER XLIV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO BARRIERS AND LIGHTS AT EXCAVATIONS.

Passed August 9th, 1870.

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

SECTION 1. Every contractor who shall hereafter, for any purpose, cause any excavation to be made upon the side walk in any of the streets, lanes or alleys of said city, and shall leave any part or portion thereof open, or shall leave said street, lane or alley obstructed with rubbish, building or other material, during the night time, shall cause the same to be enclosed within suitable barriers, and place lights at each end thereof, which lights shall be kept burning at all hours of the night.

Duty of contractor in case of excavations.

§ 2. Every resident owner, or occupant (in case the owner is a non-resident), who shall for any purpose cause any excavation to be made in front of his or her premises, upon the side walk, or in any street, lane or alley in said city, the said owner or occupant shall provide and place such barriers and lights therefor as in the last section provides.

Duty of owners, in case of excavations.

§ 3. Every person violating the provisions of this ordinance shall forfeit and pay a penalty of TWENTY-FIVE DOLLARS for each and every such violation; and every execution issued upon a judgment recovered for any such violation, 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 Monroe county penitentiary for a period not to exceed THIRTY DAYS.

Penalty for violation.

CHAPTER XLV.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO KEEPING HOGS OR SWINE IN THE CITY OF ROCHESTER.

Passed November 1st, 1870.

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

Hogs and
swine not to
be kept, ex-
cept by con-
sent, &c. SECTION 1. No person or persons shall keep on their premi-
ses, within the corporate limits of the city of Rochester, any
hogs or swine, unless they first obtain the written consent of
all owners and occupants of lands within five hundred feet.

Penalty. § 2. Any person violating this ordinance, after being notified
as hereinafter provided, shall be deemed guilty of maintaining
a nuisance, on their premises, and shall be liable to a fine of
THREE DOLLARS for the first offence, and FIVE DOL-
LARS for each subsequent conviction.

Duty of the
Health In-
spectors. § 3. It shall be the duty of the Health Inspector to give all
persons in their respective districts five days' notice to remove
all such hogs or swine from their premises unless such consent
shall have been obtained as provided in section 1.

Such notice shall consist of a certified copy of this ordinance
by the City Clerk.

CHAPTER XLVI.

IN COMMON COUNCIL.

AN ORDINANCE TO PREVENT IMPROPER DISTURBANCES IN PUBLIC GATHERINGS.

Passed November 17th, 1870.

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

SECTION 1. No person shall make, aid, countenance or assist in making any noise or disturbance by whistling, or indulge in any improper conduct or conversation to the annoyance or disturbance of any person in any church, public hall or theatre, or in any room or building where any number of persons are assembled to hear any lecture or concert, or to see any dramatic or other theatrical play or exhibition of any kind, under a penalty of TEN DOLLARS for each offence.

Noise or disturbance in public assemblages prohibited.

§ 2. 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 Monroe county penitentiary for the period of TEN DAYS.

Penalty, how enforced.

CHAPTER XLVII.

IN COMMON COUNCIL.

AN ORDINANCE IN REFERENCE TO AWNINGS.

Passed November 28th, 1871.

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

Awnings to
be kept free
from snow,
&c.

SECTION 1. Every owner, agent or non-resident owner, or occupant of any house or other building, shall during the winter season and during the time snow shall continue on the ground, keep the awning in front of such house or other building free from snow, ice, and all dirt, filth or other obstruction, under a penalty of THREE DOLLARS for each offence.

Penalty.

§ 2. Any penalty recovered for the violation of this ordinance shall be collected out of the property of the defendant, and in default of payment or collection the defendant shall be imprisoned in the Monroe county penitentiary for the period of TWENTY DAYS.

CHAPTER XLVIII.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE BURIAL OF DEAD IN MOUNT HOPE CEMETERY.

Passed February 18th, 1872.

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

SECTION 1. No person not a resident of the city of Rochester shall hereafter be buried within the limits of Mount Hope Cemetery, unless each person shall have been the owner of a lot or part of a lot therein, or unless the owner of some lot shall authorize the burial of such person on his or her lot; or unless, before the burial of such person, there shall have been paid to the Commissioners or Superintendent of said Cemetery the sum of eight dollars, for the cost and expenses of such burial, and a permit for such burial shall have been granted by them or either of them. This section shall not, however, apply to non-residents or strangers who may have come to their decease within the limits of the said city.

Right of
burial at
Mt. Hope.

§ 2. No person shall hereafter convey, or cause to be conveyed, through the streets of the city of Rochester, the remains of any person deceased, whose death shall have resulted from any infectious, contagious or pestilential disease, and who was a non-resident of said city, unless a permit therefor in writing shall have been obtained from the Health Officer of the city.

Conveying
remains of
infected
dead.

§ 3. Any person violating either of the foregoing provisions shall, upon conviction, be subject to a penalty of TWENTY-FIVE DOLLARS, and in default of the payment of said sum shall be imprisoned in the Monroe county penitentiary for the period of SIXTY DAYS.

Penalty.

CHAPTER XLIX.

IN COMMON COUNCIL.

AN ORDINANCE FOR KEEPING IN ORDER LOTS IN MOUNT HOPE CEMETERY.

Passed August 20th, 1872.

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

Fund for
permanent
care of lots
in Mt. Hope
Cemetery.

§ 1. Any person may pay to the Treasurer of Mount Hope Cemetery a sum of money not less than ten or more than one thousand dollars, for the purpose of keeping in order any lot or parcel of land in such cemetery; and thereafter the interest obtained on such sum shall, from time to time, as occasion may require, be expended on such lot or parcel of land by or under the direction of the Commissioners of said Cemetery.

Place of
deposit of
such fund.

§ 2. The Treasurer of Mount Hope Cemetery shall immediately deposit such sums of money in such Savings Bank or Banks, as the Commissioners of said Cemetery shall direct, which moneys shall be kept in special deposit, on interest, apart from all other moneys belonging to Mount Hope Cemetery.

For what
purposes
drawn.

§ 3. None other than the interest which shall accrue on such moneys shall be drawn from such Savings Banks, except for permanent investment in registered bonds of the United States, the State of New York, the County of Monroe, or the City of Rochester; and such bonds shall be registered in the names of the Treasurer and Commissioner of Mount Hope Cemetery.

How drawn.

§ 4. All moneys drawn from any Savings Bank, in pursuance of this ordinance, shall be drawn by a check signed by

the Treasurer and countersigned by a majority of the Commissioners of Mount Hope Cemetery, and not otherwise.

§ 5. To each person making any payment or deposit for the purpose of keeping any lot in repair in Mount Hope Cemetery, the Treasurer shall give a certificate signed by himself and by a majority of the Commissioners of Mount Hope, and by the City Clerk, and to which the City Seal shall be attached, which certificate shall be in substantially the following form :

Treasurer to
give certificate.

MOUNT HOPE CEMETERY,
ROCHESTER, N. Y., ———, 187—. }

We do hereby certify that ——— has paid into our hands ——— dollars, for the purpose of keeping in order lot No. ——— in section ——— (or range No. ———) in Mount Hope Cemetery ; in consideration whereof, the interest which shall be obtained on that sum, shall, hereafter, from time to time, as occasion may require, be expended on said lot, as provided by an ordinance passed by the common council of the city of Rochester, on the ——— day of ———, 1872.

Form of
certificate.

§ 6. The Commissioners of said Cemetery shall cause to be entered in a register, to be kept for that purpose at the office of said Cemetery, the name of the person, the description of the lot, the amount paid and the date of payment, and the City Clerk shall enter the same particulars in a duplicate register, to be kept in his office, and proper alphabetical indexes shall be made of the names so entered.

Register.

§ 7. In no event shall the city ever be liable to repay the principal paid under this ordinance, but shall be liable for the faithful discharge of all its provisions.

CHAPTER L.

IN COMMON COUNCIL.

AN ORDINANCE IN REFERENCE TO RAILROADS.

Passed January 7th, 1873.

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

Lights on
rear of
engines and
cars.

SECTION 1. No engineer, fireman or other person shall back any engine, or engine with cars attached, across any street, lane, alley or park within the limits of the city of Rochester, during the night time, for any purpose without having a light upon the rear end of the tender of said engine, in case that comes first across said street, lane, alley or park, or upon the end of the car that shall first cross any street, lane, alley or park, under a penalty of ONE HUNDRED AND FIFTY DOLLARS for each offence.

§ 2. Sections one, two, three, four and five of chapter 5 of Penal Ordinance, passed February 17th, 1863, are hereby amended as follows: By striking out the words "fifty dollars," whenever they occur, and constituting therefor the words "one hundred and fifty dollars."

CHAPTER LI.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO DRAINING PRIVY VAULTS.

Passed January 28th, 1873.

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

SECTION 1. No owner or occupant of any building or premises within the limits of the city of Rochester shall conduct or discharge, or cause to be conducted or discharged, the contents of any privy, box or vault, into any sewer, except where such sewer in front of their premises shall have sufficient capacity and flow of water therein to immediately carry off the same.

Drainage of
privy vaults
into sewers
prohibited.

§ 2. Any person violating the provisions of the foregoing section, on conviction, shall be liable to a fine of TWENTY-
FIVE DOLLARS, for which execution may issue, and in default of payment or collection, such person may be imprisoned in the Monroe county penitentiary for the period of SIXTY DAYS.

Penalty.

CHAPTER LII.

IN COMMON COUNCIL.

AN ORDINANCE TO PREVENT THE COMMITTING OF NUISANCES IN PUBLIC AND PRIVATE BUILD- INGS IN THE CITY OF ROCHESTER.

Passed June 3d, 1873.

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

Nuisance in
public or pri-
vate build-
ings.

SECTION 1. No person shall hereafter commit any nuisance in any privy or water-closet in any private or public building in the city of Rochester, or shall defile, deface, or divert the same to any other use or purpose than that for which the same was intended.

Defacing
buildings.

§ 2. No person shall mar, deface, or tarnish the walls or ceilings of any private or public building in said city.

Penalty.

§ 3. Any person violating either of the foregoing sections or provisions, shall, upon conviction, be subject to a fine of TEN DOLLARS for each offence; and in default of payment, shall be sentenced to the Monroe county penitentiary for a period not exceeding TWENTY DAYS.

CHAPTER LIII.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO CROSSING VINCENT PLACE BRIDGE IN THE CITY OF ROCHESTER.

Passed September 23d, 1873.

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

SECTION 1. No person or persons shall ride or drive, or cause to be rode or driven, any horse, mare, gelding, or other animal, upon or over Vincent place bridge, in the city of Rochester, faster than a walk, under a penalty of TWENTY-FIVE DOLLARS for each offence.

Riding or driving across Vincent place bridge.

§ 2. 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 Monroe county penitentiary for a period not exceeding TWENTY DAYS.

Penalty, how collected or enforced.

CHAPTER LIV.

IN COMMON COUNCIL.

AN ORDINANCE REGULATING THE REMOVAL OF KITCHEN GARBAGE AND OFFAL.

Passed May 5th, 1874.

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

Powers of
Board of
Health, as to
the removal
of garbage,
&c.

SECTION 1. The Board of Health of the city of Rochester shall have power and is hereby empowered to take such measures as they shall deem effectual, for the removal of garbage and offal from the city of Rochester, and shall be governed by the following rules and regulations :

Who may re-
move garb-
age, &c.

§ 2. No person shall engage in the business of collecting and transporting kitchen garbage and offal in the city of Rochester (except the persons acting under the direction of the Board of Health), without having obtained a permit from the Mayor or Health Officer, authorizing such person to engage in the business, in conformity with the rules and regulations of the Board of Health.

Regulation
as to carts
and vehicles
for removal.

§ 3. All carts and other vehicles for removing kitchen garbage and offal, shall be so constructed as to be water tight and securely covered on the top. They shall have, permanently, painted in white letters upon both sides thereof, the proper name of the contractor and the number of his district, which name and number shall be plainly and intelligibly displayed and always kept clean and exposed to public view when the carts or other vehicles are in use ; and at all times subject to

the inspection of any police officer or citizen. All such carts and vehicles shall always be kept clean, and shall be so loaded and driven that none of their contents shall fall or spill therefrom.

§ 4. Owners, tenants and occupants of houses shall provide suitable receptacles (not larger than a half barrel), for holding kitchen garbage and offal, and shall deliver the same promptly when called for by the properly authorized persons. No boxes, buckets, or other receptacles used for the purposes aforesaid, shall be placed upon any sidewalk, or in any public place whatever.

Regulations
as to recep-
tacles provi-
ded by own-
ers, tenants,
&c.

§ 5. Contractors shall call regularly at all dwellings and all other buildings, and remove promptly, and in as cleanly a manner as possible, all kitchen garbage and offal that may be offered, and return the receptacles to the houses or yards from which received. They shall also collect and remove all garbage and offal which by accident or otherwise may have been put upon the sidewalks, courts or alleys, by residents, occupants or persons having charge of dwellings and all other buildings.

Duties of
contractors
for removal
of garbage,
&c.

§ 6. The carts or vehicles shall be sent at a regular hour through every street, lane or highway, and adequate notice shall be given by the ringing of a bell to the occupants of all buildings they are about to approach for the removal of kitchen garbage and offal.

When carts
to be sent
and how
coming an-
nounced.

§ 7. No person engaged in collecting and in transporting kitchen garbage and offal, shall do or permit to be done, anything in connection therewith that shall be needlessly offensive or filthy, in relation to any person, place, building, premises or highways.

Persons re-
moving shall
do nothing
needlessly
offensive.

§ 8. No deposit of kitchen garbage shall be made within the built up portions of the city of Rochester, or upon any lot or open space lying within any portion thereof, or upon any wharf, or upon any vessel lying at any wharf, except by special permit from the Board of Health.

Where de-
posit of gar-
bage, &c.,
prohibited.

§ 9. No person shall place or cause to be placed any kitchen offal or filth upon any foot way, or upon any public street.

Not to be on
footway or
public street

Garbage, &c.
not to be
mixed with
ashes and
rubbish.

§ 10. Garbage and offal shall not be kept in the same vessel, nor removed in the same cart or vehicle with ashes and rubbish. It shall be removed once a week during the months of January, February, March, April, November and December; twice a week during the months of May and October, and three times a week during the months of June, July, August and September.

When and
how often to
be removed.

Penalty for
violation.

§ 11. Any person violating any section of this ordinance, shall forfeit and pay the penalty of TEN DOLLARS for each offence, the amount to be collected from the property of the defendant, if any be found, and if not, that he be sent to the Monroe county penitentiary for the period of TWENTY DAYS.

INDEX

TO PENAL ORDINANCES.

	PAGE.
ALMS—soliciting.....	13
ALDERMEN may abate nuisances.....	10
ALE, BEER, &c.—cask to be gauged and stamped.....	116
ANIMALS, &c.—dead, not to be deposited in streets, &c.....	10
not to run at large.....	13
at large in cemeteries.....	64
not to run at large.....	96
who may seize.....	96
cattle drivers.....	96
duty on seizure of.....	99
duty of justice.....	97
sale of.....	97
fees of.....	97
surplus on sale.....	97
owner, how to recover.....	97
fees in case of no notice.....	98
to whom paid, &c.....	98
penalty for rescuing from officer.....	98
execution for penalty.....	98
dead, not to be removed through the streets unless covered.....	117
penalty.....	117
AWNINGS to be kept free from snow and ice, dirt and filth.....	126
penalty.....	126
AUCTIONEER—goods of.....	48
BATHING regulated.....	11
BALL PLAYING.....	53
BELLS—ringing of on Sunday.....	12
on horses drawing sleighs.....	47
BILLS, &c.—posting and carrying.....	13
BRIDGES—wooden, over gutters.....	54
BOARD OF HEALTH—powers of as to removal of garbage, &c.....	134
BOOKS, &c.—indecent or lewd.....	18
BOATS—tying or snubbing.....	56
BOWLING ALLEYS, &c., must be licensed.....	11
restricted after certain hours.....	11
BUILDINGS—wooden.....	39
wooden cornices.....	39
of iron, stone or brick walls regulated.....	39
certain to have scuttle, &c.....	40
for drying lumber not allowed.....	40
blacksmith's shops.....	40
chimneys of, how made.....	41
chimneys to be plastered.....	41
erection and removal of, regulated.....	41
removal of through streets.....	41

	PAGE.
BUILDINGS—penalty and how recovered.....	42
BUILDING material in streets.....	44
BUILDINGS to be numbered.....	54
who may enter in case of fire.....	111
BURIAL of the dead.....	61
rights of at Mt. Hope.....	127
CATTLE, &c., not to run at large.....	13
CARTMEN AND PORTERS—their license.....	20
qualifications of.....	20
to give bonds.....	21
affidavits of qualifications to be filed.....	21
without license, not to act.....	21
carts to have name of owner and number.....	21
where to stand.....	21
rule as to conduct of.....	22
when to move on request.....	22
fees of.....	22-23-24
penalty for violation.....	25
duties of.....	25
duties of in case of fire.....	25
license may be revoked.....	26
to keep a copy of section 10.....	26
penalty, how enforced.....	26
CARRIAGES, &c., on cross walks.....	48
CANDLES—use of regulated.....	80-81
CISTERNS to be covered.....	67
trap doors on.....	67
pumps in.....	67
to be examined by inspector.....	67
CELLARS—guards to.....	52
CITY CLERK—duties of in respect to various matters.....	69-70-71
CHIMNEYS—when burned out.....	82
CONSTABLES to give bonds.....	73
additional bonds.....	73
COMBUSTIBLE SUBSTANCES.....	81
DEFACING PROPERTY.....	12-132
DEAD—burial of.....	127
conveyance of infected dead.....	127
DEATHS AND BURIALS—certificates of death to be furnished and what to contain.....	118
restriction as to burial and use of vault.....	118
mayor may grant a certificate when.....	119
certificate returned to health officer and monthly returns published.....	119
penalties prescribed.....	119
duty of health officer in respect to registry of deaths.....	191
annual report of health officer.....	120
DRIVING and riding regulated.....	10
away horses, &c.....	18
sleighs without bells.....	46-47
over fire hose.....	115
DISORDERLY HOUSES.....	12
DISEASES—handbills relating to not to be posted.....	16
DOGS to be secured or muzzled.....	13
killing.....	14
DOORS in cellar ways.....	46
DRUNKENNESS.....	18
EMBANKMENT in streets.....	51
EXCAVATIONS—barriers and lights at.....	123
duty of contractor.....	123
duty of owners.....	123
penalty.....	123
EXECUTIONS—how collected or enforced.....	19

	PAGE.
ENGINES—running of.....	34-130
EXPOSURE of person.....	17-18
ENCROACHMENT on street may be removed.....	51
FIRE CRACKERS, &c., not to be used.....	11
FIRES AND FIRE DEPARTMENT—organization of.....	78
duties of committee on.....	78
duties of chief engineer of.....	79
powers of chief engineer.....	79
duties of commissioners of.....	79
duties of assistant engineers.....	79
badges of members, &c.....	79
duty of policeman in case of.....	79
certain persons furnished with badges.....	111
when worn.....	111
not to be worn by others.....	111
who may enter buildings in case of fire.....	111
hindrance or delay may not be interposed.....	112
badges not to be disposed of but returned, and when.....	112
penalty and enforcement.....	112
FIRE—authority of mayor in case of.....	80
alarms.....	82
causes to be investigated.....	83
deposition of witness in case of.....	83
FIRE APPARATUS—injuries to.....	80
FIRE ALARM TELEGRAPH.....	109
keys to signal boxes not to be held without permission.....	109
alarms not to be struck nor boxes disturbed.....	109
exception.....	110
penalty.....	110
FIRE HOSE—not to be driven over.....	115
FINES—certain, how paid.....	82
FRUITS, &c., on sidewalk.....	49
exception.....	49
by what measure sold.....	59
foreign, sale of regulated.....	122
GAMING HOUSES.....	12
GAMING for liquor, &c.....	12
GARBAGE—who may remove, &c.....	134
carts, &c., for removal.....	134
receptacles for provided by owner or occupant.....	135
duties of contractors for removal of.....	135
deposit of, where prohibited.....	135
not to be mixed with ashes or rubbish.....	136
when and how often to be removed.....	136
GAMBLING.....	12
GAMING INSTRUMENTS may be destroyed.....	12
persons may not hinder such destruction.....	12
GATES—how hung.....	38
GEESE, &c., not to run at large.....	13
GENESEE RIVER—rubbish in.....	60
GONGS—sounding of prohibited.....	9
GUN POWDER, &c., not to be sold without license.....	11
may be seized and destroyed.....	11
not to be fired of.....	11
GUNS not to be fired.....	11
HAND CARTS on sidewalk.....	46
HAND BILLS of patent medicines, &c., not to be posted.....	16
HACKNEY COACHES, &c.—license.....	27
qualifications of persons licensed.....	27
when license expires.....	27
license fee for.....	27
where to stand.....	27
how to stand.....	28

	PAGE.
HACKNEY COACHES, &c—driver to be seated on, &c.....	28
rates of fare for use of.....	28-29-30-31
excessive and extra fare prohibited.....	31
hacks to be numbered and maps provided.....	32
cards to be furnished.....	32
drivers of to wear a badge.....	32
duty of owner of in case of sale of.....	32
owners of not to refuse to convey passengers.....	32
license for may be revoked.....	33
duty of chief of police in relation to.....	33
penalty for violation, how enforced.....	33
not to stand on Mill street.....	43
HEALTH INSPECTOR to examine cisterns.....	68
duty of.....	124
HEALTH OFFICER—duty of.....	119
annual report of.....	120
HIDES not to be exposed.....	11
HOGS OR SWINE not to be kept without consent, &c.....	124
duty of health inspectors.....	124
HORSES to be tied.....	10
driving away of.....	18
not to be tied to lamp posts.....	101
HOUSES OF ILL FAME.....	17
inmates of.....	17
may be entered by certain officers and inmates arrested....	17
INDECENT EXPOSURE of person.....	17-18
dress.....	17-18
books, &c.....	17-18
KEROSENE OIL, and storage and manufactory.....	95
KITES—flying of regulated.....	11
LAMPS AND LAMP POSTS—public.....	101
not to be injured.....	101
not to be lighted, &c., without authority.....	101
not to be climbed upon or tied to.....	101
penalty and execution.....	101
LIME, &c.—how deposited.....	80-81
MANUFACTORIES—certain prohibited.....	18
MARKETS—license for.....	36
no sale without license.....	36
Exception.....	36
when license expires.....	36
persons licensed, to keep places clean.....	37
ordinance relating to, to be posted in place of business....	38
number of leases for to be reported by market committee	38
general places for to be designated.....	38
executions, how enforced.....	38
MEATS—unwholesome, sale prohibited.....	36-37
how weighed on sale.....	37
sale of in streets regulated.....	37
MESSENGER of common council.....	79
MILK—impure, &c., sale of prohibited.....	37
MILL STREET—hacks not allowed on.....	43
MOUNT HOPE CEMETERY—proceeds of sale of lots in.....	61
deeds of lots in.....	61
improvement of lots in.....	62
injuries to tombs, &c., in.....	62
injuries to trees, &c., in.....	62
who may enter.....	62
no change of grades of lots.....	62
driving in regulated.....	63
shooting prohibited.....	63
nuisance in.....	63
birds protected.....	63

INDEX TO PENAL ORDINANCES.

141

	PAGE.
MOUNT HOPE CEMETERY—liquor not to be used.....	63
dogs not allowed.....	63
fees of undertaker.....	63
superintendent to make report.....	64
records to be kept.....	64
undertaker's duty.....	64
animals in.....	64
injury to fences in.....	64
execution for penalty.....	64
burial of dead in.....	127
lots in to be kept in order.....	128
fund for permanent care of such lots.....	128
where funds deposited and how drawn.....	128
treasurer's certificate and form of.....	129
register to be kept.....	129
NOISE or disturbance in streets.....	9
in public assemblies.....	125
NOTICE by street superintendent.....	52
NUISANCE—penalty for hindering removal of.....	11
in Mount Hope....	63
in public and private buildings.....	132
OVERSEER of the poor—duties of.....	71-72
OMNIBUSES—where to stand.....	28
PAWN BROKERS' licenses.....	66
when license expires.....	66
may not be without license.....	66
execution and penalty.....	66
PASSENGERS—soliciting prohibited.....	13
PLATFORMS—how constructed.....	52
PENALTY for violation of certain ordinances, how enforced..	16-17
PETROLEUM, &c.—place of storage, &c.....	92
storage of.....	92
how stored.....	92
keeping of regulated.....	92-93
not to remain on side walk.....	93
duty of fire marshal.....	93
penalties.....	94
fines paid to poor fund.....	94
penalties for changing inspection mark, &c.....	94
execution for penalty.....	94
PRIVY VAULTS—how constructed.....	14
in hotels.....	15
contents of may not be deposited in the streets.....	15
not to be built on the canal, &c.....	15
exception.....	15
duty of officers as to.....	16
direction to remove contents, and fine for refusal.....	16
draining of contents into sewers prohibited.....	131
PICTURES—indecent or lewd.....	18
POLICE JUSTICE may abate nuisances.....	10
PROPERTY not to be defaced.....	12-132
PORTERS—fees of.....	20-25-26
license fee must be paid before license is granted.....	26
license may be revoked.....	26
POLICE JUSTICE—office.....	74
suits before.....	74
POLICE—oath of.....	75
duties of.....	75
duties of chief of.....	75
not to be absent from duty.....	76
persons arrested by.....	76
badges.....	76
under direction of mayor.....	76

	PAGE.
POLICE—districts.....	76-77
POLICEMEN—night.....	77
duties in case of fire.....	79
PUBLIC ASSEMBLAGES not to be disturbed.....	125
penalty.....	125
PUMPS in cisterns, &c.....	67
QUARRIES—stone, to be filled, drained or kept dry.....	104
penalty for neglect.....	104
to be filled as fast as quarried.....	105
penalty and enforcement.....	105
RAILROADS—engines not to sound whistle.....	34
lights on rear of engines and cars.....	130
RAILROAD CO. not to use streets.....	34
freight cars of, to be cleaned.....	35
RAILROAD CARS—persons not to get on or off while in motion...	35
penalty for violation of above.....	35
RESERVOIRS to be covered.....	54
RESERVOIRS—cover not to be removed.....	80
RIDING or driving regulated.....	10
across Vincent place bridge.....	133
penalty for.....	133
ROCHESTER WATER WORKS CO.—pipes to be laid without delay.	102
material in streets to be replaced.....	102
effect of neglect.....	102
to repair street on notice.....	102
penalty for neglect.....	103
RUBBISH in streets, &c.....	10
sewers.....	48
scattering in street.....	53
in river.....	60
in Genesee river and mill race.....	108
penalty and enforcement.....	108
SCAVENGER—license and duty.....	16
to give bond.....	16
penalty for refusal to act.....	16
not to act without license.....	16
SLAUGHTER HOUSES prohibited.....	38
SHADE TREES—how planted.....	47
may be removed.....	47
injury to.....	53
to be trimmed.....	106
penalty.....	106
SHAVINGS, &c., to be removed.....	81
not to be thrown in the street.....	82
SHEEP, &c., how to be carried.....	37
SEWERS—lateral in streets.....	48
rubbish in.....	48
from cellars or lots.....	49
SEALER OF WEIGHTS AND MEASURES—duty of.....	58
duty of as to ale, beer and cider barrels, &c.....	116
STREET SUPERINTENDENT may abate nuisances.....	10
duties of.....	50
notice by.....	51
duty as to excavations.....	57
STREET R. R.—permission for.....	84
track construction.....	85
track how laid.....	85
keep street in repair for five years.....	85-88
not liable for certain improvements.....	85
company to keep street open, &c.....	85-86
speed and frequency of cars.....	86
fare.....	86
cars stopping on cross walks.....	86

	PAGE.
STREET R. R. —cars, duties of drivers of.....	87
track not to be obstructed.....	87
who not to leave.....	87
conductors of to announce streets.....	87
cars turning a corner.....	87
cars not to meet.....	87
sleighs may be used.....	87
track, snow, &c., to be removed.....	87
salt not to be used therefor.....	87
to post rules.....	87
certain rights reserved to the city.....	88
rights as to act of gas and water companies.....	88
effect of neglect to comply with regulations.....	88-89
when to be built.....	89
director's residence.....	89
baggage cars.....	89
when to be completed.....	89
rights of city in case of obstruction.....	89
limits of grant to.....	90
acceptance by company.....	90
cars to be licensed.....	90
damages for neglect.....	90
track to be kept clean.....	90
penalty for neglect.....	90
provisions, how applicable.....	91
consent to be filed.....	91
effect of neglect or refusal.....	91
STREETS —building material in.....	44
permission for obstruction.....	44
duty of persons thereafter.....	44
carriages, &c., not to stand in.....	45
horses not to obstruct the sidewalk.....	45
obstructions in.....	45
signs and awning posts in.....	45
bow windows in.....	46
trap doors in.....	46
sawing wood in.....	46
in process of repairing, may not be crossed.....	47
digging holes, &c., in.....	47
lateral sewers in.....	48
to be swept.....	48-49
fruits, &c., on.....	49
feeding horses in.....	50
material for not destroyed.....	50
embankment in.....	51
encroachment on may be removed.....	51
to be cleaned.....	52
certain, to be sprinkled.....	113
SIDE WALK not to be obstructed.....	45
hand carts on.....	46
to be kept clean.....	47
effects of neglect.....	47
SIGNS and awning posts in streets.....	45
SOAP FACTORY	19
STORES —use of regulated.....	41
TALLOW CHANDLERS' SHOPS	19
THEATRES , &c., to be licensed.....	14
unless licensed, persons may not furnish place for.....	14
mayor may grant license.....	14
TYING HORSES	10
to lamp posts.....	101
TYING BOATS	56
TIRES on wagons, &c.....	55

	PAGE.
UNDERTAKERS—duty.....	64
licensed.....	65
license expires, when.....	65
persons not licensed may not act.....	65
execution for penalty.....	65
WAGONS—tires on.....	55
WATCHMAN—night duty of.....	79
WATER not to be taken.....	80
WEIGHTS AND MEASURES to be sealed.....	58
what to conform to.....	58
duty of sealer of.....	58
merchants must exhibit.....	59
to be registered.....	59
for charcoal, fruit, &c.....	59
scales for selling meats and fish.....	107
penalty.....	107
WINDOWS in streets.....	46
WOMEN—idle and disorderly.....	17
WOOD SAWING in streets.....	46
WOODEN AWNINGS—pipes to lead from to gutters.....	100
penalty and enforcement.....	100

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