



Rochester Public Library

Reference Book

Not For Circulation

W
Form 1a



3 9077 03652 5718

P E N A L

O R D I N A N C E S

O F T H E

C I T Y O F R O C H E S T E R.



ROCHESTER:
CURTIS, BUTTS & CO., PRINTERS, BUFFALO STREET.
1862.

R
v352.011
R676 op
1862

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, ^{Noise or disturbance.} 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 any 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.

No person shall sound any gong in the street, upon any ^{Gongs.} 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.

No tenant or occupant of any dwelling shall suffer or ^{Gongs.} permit any gong to be sounded upon any street 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.

§ 2. No person shall drive or ride, or cause or suffer to be ^{Driving and riding regulated.} 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.

B 378570 ✓

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 on a walk, under a penalty of FIVE DOLLARS for each offence.

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

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

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 TEN DOLLARS for each offence, and the expense and charge which the said corporation shall incur in removing or abating such nuisance.

Nuisances
abated by
police just's,
etc.

The police justice, or any member of the common council or any person authorized by them, or either of them, 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 every person ob-

structing or hindering such removal or abatement shall for- Fine for hin-
 feit and pay a penalty of TWENTY-FIVE DOLLARS for dering,
 each offence.

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

§ 8. No person shall, under a penalty of twenty-five dol- Gun powder,
 lars for each offence, sell, or keep, or expose for sale, any fire crackers,
 gunpowder, or India or China, or other fire crackers, rock- etc., not to be
 ets, or other preparations from gunpowder, without license sold without
 therefor from the common council. And the mayor of said license.
 city, or any alderman, or the city superintendent, is hereby
 authorized to enter upon the premises where the same are
 kept, and to seize and destroy or otherwise dispose of the
 same.

§ 9. No person shall fire or set off any gunpowder, Fireworks,
 cracker, squib or rocket, or fire-work, or fire any pistol, gun &c., prohibi-
 or cannon, or throw any fire ball, or make any bon-fire, or ted.
 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.

§ 10. No person shall cast or throw any hide or skin, Hides, &c.,
 tanned or not tanned, out of any door or window of any not to be ex-
 building above the first story, fronting on any street, or posed.
 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.

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

§ 12. No person shall keep a nine-pin or bowling alley, Bowling Al-
 or billiard table, within said city, without a license therefor leys, &c., to
be licensed.

PENAL ORDINANCES.

from the common council, under a penalty of TEN DOLLARS for each and every day the same shall be so kept.

Bowling Alleys, &c., restricted.

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

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, keeno 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 hindering destruction of gaming instruments 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.

§ 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.

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

§ 17. No person shall post any bill or card, or advertisement 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.

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 without 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.

§ 19. No runner, stage driver or other person, shall solicit passengers, travellers, 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.

Cattle, &c.,
 not to run at
 large.

§ 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 or alleys within said city, under the penalty of ONE DOLLAR for each offence.

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

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

Dogs to be
 secured or
 muzzled.

§ 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 the penalty of TEN DOLLARS for each offence, to be recovered against the owner or possessor of such dog, or the person who harbored such dog within two days previous to the time of such dog being found so going abroad. And it shall be lawful for any person duly authorized by the mayor, to seize or shoot, or otherwise kill any dog so running at large without being led, or securely confined as aforesaid.

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 entertainment,

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

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 houses, factories, arcades, warehouses and establishments where more than ten persons are habitually gathered or employed, within the said city, shall cause to be constructed on their respective premises, one or more strong wooden boxes, slides or drawers, of suitable dimensions, provided with a convenient handle at each end, and with movable lids, which may be fitted thereto perfectly tight; and shall cause such boxes to be placed under the seats of their respec-

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

tive privies, as a substitute for vaults now in use ; and shall cause such boxes to be carried away and emptied by licensed scavengers, into places to be designated by the mayor or board of health, and washed out perfectly clean, and again replaced, at least once in each week, from the first day of May, to the first day of October in each year, or oftener, as the board of health shall direct, under the penalty of FIFTY DOLLARS for each offence.

Contents of
Privies—
When to be
removed.

§ 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.

Not to be de-
posited in
streets, &c.

Privies not
to be built
on canal, &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 a manner as that the same shall communicate with said canal, basin or slip ; and all owners and occupants of privies already built in such manner, shall not use such privies except with boxes, slides or drawers, as described in the twenty-eighth section of this ordinance, under a penalty of FIFTY DOLLARS for each offence.

Exception.

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.

Duty of Supt.
or other of-
ficers, to ex-
amine con-
cerning priv-
ies.

§ 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 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.
Fine for
refusal.

§ 32. No person shall place or post, or cause or permit to be placed or posted, in any street or on any bridge, in said city, any handbill or advertisement giving notice that any person has, or professes to have skill in the treatment or curing of any disorder, 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.

Handbills re-
lating to dis-
ease and
medicines
not to be
posted.

§ 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.

Licenses to,
and duties of
Scavengers.

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.

To give bond

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
refusal to act

No person shall exercise or offer to perform the duties of scavenger within the said city, who has not been duly licensed

Penalty for
acting with-
out license.

for that purpose, under a penalty of FIVE DOLLARS for each offence.

Penalties. § 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 county jail or work-house for the period of not less than TEN nor more than THIRTY DAYS.

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

Idle and disorderly women to be fined &c. § 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 to imprisonment in the penitentiary for a term not exceeding THREE MONTHS.

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

rant, 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.

§ 38. Any person who shall, within the city, appear in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or make an indecent exposure of his or her person, or shall sell, or offer to sell, any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent or immoral play, or other representation, shall be subject to a fine of not less than FIFTEEN DOLLARS, and to such term of imprisonment not exceeding three months, as the magistrate shall deem proper.

§ 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 persons or citizens, shall be liable to a fine not exceeding TEN DOLLARS, and to imprisonment in the penitentiary not less than TEN DAYS nor more than THREE MONTHS.

§ 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.

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 :

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

Licences of
cartmen and
porters.

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

Qualification
of cartmen,
&c.

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

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

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

Carts, &c., to be numbered and have name. § 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.

Cartmen to stand in certain places. § 7. Such common or public carts or vehicles, with the consent of the owners or lessees, and not otherwise, of property adjacent, shall be permitted to stand waiting for employment in any of the public streets in said city, except one hundred and fifty feet from the north side of Buffalo street each way from the corner of State street, except also, one hundred and fifty feet on the south side of Buffalo street each way from the corner of Exchange street, except also one hundred and fifty feet on each side of State street from the corner of Buffalo street, except also one hundred and fifty feet on each side of Exchange street from the corner

Exception.

of Buffalo street, and except also on South St. Paul street ; 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 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 thereof to the side walk, as near the same as can be placed to such side walk. Any person violating the provisions of this section, or either of them, shall forfeit and pay a penalty of FIVE DOLLARS for each offence.

To be 40 feet apart, and 20 ft. from cross walk.

How to stand.

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

Duties of Cartmen, &c. vide sec. 11.

§ 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.

To remove when requested.

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

Cartmens' fees, &c.

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

Commencing on Buffalo street at the intersection of Madison street, thence northerly on Madison street to East Maple street, including one tier of lots on the west side of

Limits.

Madison street; thence across Brown street till it intersects a line running south from Grape street; thence northerly along the centre of Grape street to Magne street; thence north in a straight line to Lyell street; thence easterly on Lyell street to Schuyler street; thence northerly on Schuyler street, including one tier of lots on the west side of Schuyler street to Ambrose street; thence easterly on Ambrose street to the west bank of the Genesee river; thence southerly along the west bank of the Genesee river to a point in range with the south line of the "Gorham tract;" thence east across the Genesee river and along said south line to North St. Paul street; thence across St. Paul street to Ward street; thence easterly on Ward street to North Clinton street, including one tier of lots on the North side of Ward street; thence southerly along the centre of Clinton street, 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 st. to the east bank of the Genesee Valley canal; thence northerly along the east bank of the canal to Adams street; thence westerly along Adams street to Reynolds street, including one tier of lots on the south side of Adams street; thence northerly along Reynolds street, including one tier of lots on the west side of Reynolds street, to the place of beginning, shall be denominated first rate; without said described territory aforesaid, and not over one and a half miles, and within the limits of the city, second rate; over

Limits.

one and a half miles, and within the limits of the city, third rate.

		Rates for Carrying.	
For carrying every load of household furniture, loading and housing the same,		first rate,	\$0,31½
"	"	second rate,	37½
"	"	third rate,	44
For every load of 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,	56½
"	"	third rate,	62½
For every pipe or hogshead of liquor under 90 gallons,			
"	"	first rate,	25
"	"	second rate,	31½
"	"	third rate,	37½
If the same contain 90 gallons or more,			
"	"	first rate,	37½
"	"	second rate,	44
"	"	third rate,	50
For every cask of sugar of 10 cwt. or more,			
"	"	first rate,	25
"	"	second rate,	31½
"	"	third rate,	37½
For every load of loose stones, earthen ware or hollow ware,			
"	"	first rate,	25
"	"	second rate,	30
"	"	third rate,	40
For every load of gunpowder,			
"	"	first rate,	37½
"	"	second rate,	44
"	"	third rate,	50

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

PENAL ORDINANCES.

First rate,	-	-	-	20
Second rate,	-	-	-	37½
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.

**Duties of
 Cartmen,
 vide sec. 8.**

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

Same

§ 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, 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. Penalties.

§ 13. No person shall exercise the employment of a common porter, or porter for any public house, without having obtained a license therefor, as herein before provided. Every porter licensed as above, shall wear in some conspicuous place, on his hat or cap, painted or printed in a plain legible manner, his name, the name of the public house for which he acts as porter, and the number of his license. Any person who shall violate the provisions of this section, shall forfeit and pay a penalty of FIVE DOLLARS for each offence. Porters.

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

§ 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 the sum as provided for in section first of this ordinance. License fee.

**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 ex-
hibit copy
sec. 10.** § 17. Every cartman shall keep, and immedialy 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 county jail or workhouse, for the period of ten days.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO HACKNEY COACHES AND CARRIAGES.

Passed November 11, 1882.

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 license.

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

Hackney
coaches,
where to
stand.

§ 6. Hackney coaches, cabs or carriages, waiting for employment, shall at all times stand, Sundays excepted, on the south side of Buffalo street from Fitzhugh street to Montgomery alley, and from Fitzhugh street to Irving Place, the horses' head towards the east; and on Front street from Mumford street to the New York Central Rail Road Depot, with the horses' heads toward the south; or at such other place or places as the mayor or city superintendent, under the direction of the common council, may designate, and not elsewhere under the penalty of FIVE DOLLARS for each offence, to be sued for and recovered from the owner or driver thereof, severally and respectively.

Omnibusses,
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 owners or drivers of hackney coaches, cabs or carriages, shall be as follows, to wit:

1. For conveying a passenger from the stand, or any other place within the limits herein described, to any point within the following district, twenty-five cents, and the same for returning with a passenger, and twelve cents for each additional passenger going or returning, which charge shall include a detention of not more than fifteen minutes; said district is bounded as follows, to wit: commencing at a point where Jay street continued easterly would strike the Genesee river; thence along Jay street to Magne or Whitney street; thence along said street to Brown street; thence along the west side of the canal to Canal street; thence along Canal street to Buffalo street; thence along Buffalo street to Trowbridge street; thence south along Trowbridge street, and on a continued line therewith, to Adams street; thence through Adams and La Fayette streets to the Genesee river; thence across said river to the bridge over the canal in South St. Paul street; thence along St. Paul street to Griffith st.; thence through Griffith street to Monroe st.; thence through Monroe street to Alexander street; thence through Alexander street to New Main street; thence through New Main street to Riley street; thence through Riley street to Scio street; thence through Scio street to Tappan street; thence through Tappan street to North street; thence along Atwater street to Clinton street; thence along Clinton street to Hand street; thence along Hand street to Genesee river; and the same fee for driving to and from the Orphan Asylum.

Hackney
coach fares.

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

Fare for a
distance not
exceeding
one and a half
miles.

3. For conveying a passenger from the stand, or any other point within said city, to any part of the city, one and a half

Fare for not
more than
two and a
half miles.

miles, and not exceeding two and a half miles in distance, fifty cents, and the same for returning; for conveying two or more passengers within said district, thirty-seven and a half cents each, and the same for returning; which charges shall include for a detention of not more than twenty minutes.

Fare when
 more than
 two stoppages
 are made.

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

Fare for children.

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

Attending
 Funeral.

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

7. For conveying one or more passengers from any point within the following described territory, bounded as follows: Commencing on Buffalo street at the intersection of Madison street; thence northerly on Madison street to East Maple street, including one tier of lots on the west side of Madison street; thence westerly on East Maple street to Brown street; thence across Brown street till it intersects a line running south from Grape street; thence northerly along the centre of Grape street to Magne street; thence north in a straight line to Lyell street; thence easterly on Lyell street to Schuyler street; thence northerly on Schuyler street including one tier of lots on the west side of Schuyler street to Ambrose street; thence easterly on Ambrose street to the west bank of the Genesee river; thence southerly along the west bank of the Genesee river to a point in range with the south line of the "Gorham tract"; thence east across the Genesee river and along said south line to North St. Paul street; thence across St. Paul street to Ward street; thence easterly on

Ward street to North Clinton street, including one tier of lots on the north side of Ward street; thence southerly along the centre of Clinton street to Atwater street, including one tier of lots on the east side of Clinton street; thence easterly along Atwater street to North street, including one tier of lots on the north side of Atwater street; thence easterly to Tappan street; thence easterly along Tappan street to Scio street; thence southerly along Scio street to Riley street; thence easterly along Riley street to Union street; thence southerly along Union street to Court street; thence westerly along Court street to Manhattan street; thence southerly along Manhattan street to Monroe street; thence westerly along Howell street to South St. Paul st.; thence southerly along South St. Paul street to Mt. Hope avenue, including one tier of lots on the east side of said St. Paul street; thence southerly along Mt. Hope avenue to Clarissa street, including one tier of lots on the east side of Mt. Hope avenue; thence westerly along Clarissa street to the east bank of the Genesee Valley canal; thence northerly along the east bank of the canal to Adams street; thence westerly along Adams street to Reynolds street, including one tier of lots on the south side of Adams street; thence northerly along Reynolds street, and including one tier of lots on the west side of Reynolds street, to the place of beginning; to Mount Hope fifty cents, and the same for returning with one or more passengers, which charge shall include the conveyance of such passenger or passengers through the avenues and grounds of Mt. Hope for thirty minutes; and for any additional detention, at the rate of fifty cents for every thirty minutes.

Hackney
Coach fare to
Mt. Hope.

§ 9. No owner or driver of any hackney coach, cab or carriage in the city of Rochester, shall ask, demand, or receive any larger sum than he or they may be entitled to receive as aforesaid, under the penalty of FIVE DOLLARS for every such offence, to be sued for and recovered from the owner or owners, or the driver of any such coaches, cabs or carriages, severally and respectively. And no such owner or driver shall demand or receive from any such per-

Drivers to
ask nor re-
ceive more
than legal
fare.

son or passenger any extra compensation, or any sum whatever, for carrying or transporting with such person or passenger in or upon such hackney coach, cab or carriage, any ordinary luggage belonging to any such person or passenger, to or from any of the points or distances above named.

Coaches to be
numbered
and rate
of fare to be
posted inside

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

Every driver of a hackney coach, cab or carriage, licensed as heretofore 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 two inches, under a penalty of FIVE DOLLARS for each offence, to be sued for and recovered in the manner herein provided.

License may
be transfer'd
on sale.

§ 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 licensed owner or owners shall, within ten days after such sale, report such sale to the mayor, who is authorized to transfer such license to the purchaser or purchasers of such coach, cab, carriage, or any interest therein, on the payment of the mayor's fee. But if the mayor shall refuse to transfer such license, the same shall become void on such sale; and the owner or owners of such hackney coach, cab or carriage, or of any interest therein, 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.

§ 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 or neglect to convey any person or persons to any place or places within the city, upon being applied to for that purpose, and upon being tendered the fare for the same, under a penalty of FIVE DOLLARS for every such refusal or neglect, to be sued for and recovered of the owner or driver of any such hackney coach, cab or carriage, severally and respectively.

Penalty for refusal to convey.

§ 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 farther force and effect.

Licenses 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, and all places where hackney coaches, cabs and carriages are permitted to stand, and to see that all the provisions of this ordinance are in every respect complied with.

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 of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or workhouse for a period of FIFTEEN DAYS.

Penalties, how to be recovered.

IN COMMON COUNCIL

AN ORDINANCE RELATING TO RAILROADS.

Passed February 17, 1863.

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

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 rate of speed than eight miles per hour, under a penalty of FIFTY DOLLARS for each offence.

Running of
Engines, &c.,
regulated.

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

Whistle not
to be sound-
ed in limits.

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

Railroad Co.
shall not use
streets, &c.

§ 4. No railway company, or any person in their employ, shall use any portion of any street, lane, alley or square, for the purpose, or during the process of loading or unload-

Railroad Co.
shall not use
streets, &c.

ing any car, under a penalty of FIFTY DOLLARS for each offence.

Fr'ght cars to
be cleansed.

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

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

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO MARKETS.

Passed February 17, 1863.

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

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, license for.

§ 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 licence, and any person who shall violate the prohibitions to this section shall forfeit and pay a penalty of TEN DOLLARS for each offence. Sale of meat only at places where licensed.

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. Exception.

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

§ 4. No person shall sell or expose for sale in the city of

Sale of unwholesome meats prohibited.

Rochester, any unwholesome, stale, emaciated, blown, stuffed, tainted, putrid or measly meat, poultry, fish, or provisions, nor any live or slaughtered calf or calves, nor the veal or flesh of any calf or calves, unless such calf or calves, if alive, shall be at least four weeks old, or if slaughtered, shall have been at least four weeks old before having been so slaughtered under the penalty of FIFTY DOLLARS for each offence; and the meat, poultry, veal, fish, and provisions so exposed for sale, and herein prohibited, may by the clerk of the market be seized and destroyed; and it shall be the duty of such clerk of the market so to seize and destroy the same, and to report the name of any person violating the provisions of this section for prosecution.

To be weighed.

§ 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.

Meat markets to be kept clean.

§ 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 the clerk of the market 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.

Sale of meat in streets regulated.

§ 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-

Sheep, &c., how to be carried.

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

§ 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. Slaughter houses prohibited.

§ 9. The common council shall annually, or as often as a vacancy occurs, appoint one clerk of the market, who shall, before entering upon the duties of his office, execute and deliver to the city of Rochester, his bond with good and sufficient sureties, to be approved by the mayor, in the penal sum of ONE THOUSAND DOLLARS, and conditioned for the faithful performance of his duties as such clerk of the market. Clerk of market to be appointed.

§ 10. It shall be the duty of the said clerk to have the general charge and supervision of all markets in the city, to see that all persons having licences pay for the same when due, and at least twice in each week to visit all the markets in the city, and see that such markets are conducted in all respects according to the requirements of this ordinance, and to report to the city attorney for prosecution every case of violation thereof. He shall also keep a book in which he shall enter the full names of all persons keeping markets or stalls, where located, when their licence was granted, the amount paid from time to time for such licence, and on the day of the first meeting of the common council in the month of April in each and every year to deliver to the city clerk, the said book, to be placed and remain on file in the office of the said city clerk; such book shall, on demand, always be subject to the inspection and control of the committee on markets. Clerk, duties of.

He shall also be on the watch every day, excepting Sunday, for the detection of persons selling meat in any part of said city in violation of the provisions of this ordinance, and report the names of such persons to the city attorney for prosecution; and he shall be subject to perform such

other or different rules and regulations and duties as the common council may from time to time prescribe or impose.

Ordinance to
be posted,
&c.

§ 11. 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.

§ 12. 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 licences 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 desig-
nated.

§ 13. 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 Supt. 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.

§ 14. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or penitentiary for a period not less than FIVE, nor more than THIRTY DAYS.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE ERECTION AND REMOVAL OF BUILDINGS.

Passed February 17, 1863.

*The Common Council of the City of Rochester do Ordain
follows :*

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

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

Erection of
wooden
buildings
regulated.

Within what
limits.

PENAL ORDINANCES.

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

Wooden cornices.

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

Buildings to be of stone, &c.

§ 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 stories shall be at least twelve inches in thickness; and when more than three stories in height, the outer walls of all but

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

§ 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**. To have scuttle, &c.

§ 5. The owner of every building upon which a new roof shall hereafter be constructed within the limits described in section first of this ordinance, shall cause the roof thereof to be covered with tile, slate or metal, or have Roof, how to be made.

the shingles thereof laid in lime mortar at least one half an inch in thickness.

**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.

**Blacksmith's
shops, how
constructed.** § 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.

**Chimneys,
how made.** § 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.

**To be plas-
tered, &c.** § 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.

**Erection and
removal of
buildings
regulated.** § 10. Every applicant for the erection or removal of any wooden building within the limits described in section first of this ordinance, is required to give a seasonable notice in writing of his intended application, and the time of such application, to every owner or occupant of houses and lots within the distance of two hundred feet from the place where the building is to be erected, or to which it is to be removed; and shall furnish to the common council due proof of the service of such notice, and every application granted by the common council contrary to the provisions of this section shall be void and of no effect.

§ 11. Every applicant for the removal of any wooden building shall be required to set forth in his petition the street or streets through which he designs to pass said buildings; and such applicant shall present to the common council with said petition the written consent of two-thirds of the owners or occupants of buildings on each and every street through which said applicant designs to pass said building, as set forth in the petition asking the privilege of such removal; and every application granted by the common council, contrary to the provisions of this section shall be void and of no effect.

Removal of buildings thro' streets.

Two-thirds consent necessary.

§ 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 roof, and when such pipe shall pass through any wooden partition, floor or wooden wall, the same shall be well protected by a thimble or double tin, or guard of stone or earthenware, between which and such pipe shall be a space of at least one-half inch; every person violating any provision of this section shall forfeit and pay the sum of TWO DOLLARS for each offence.

Use of stoves regulated.

§ 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.

Penalty.

§ 14. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance,

How recovered.

PENAL ORDINANCES.

shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or penitentiary for a period not to exceed TWENTY DAYS.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE CUMBERING OF MILL STREET.

Passed February 17, 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, for the purpose of waiting the arrival of trains upon the New York Central Railroad, or to procure passengers from such trains, under the penalty of TEN DOLLARS for each violation of this ordinance, to be sued for and collected of the owner or driver of such carriage, coach or omnibus. ^{Not to stand in Mill st.}

§ 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.}

IN COMMON COUNCIL.

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

Passed February 17, 1863.

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

SECTION 1. Every person elected or appointed constable, Constables to give bonds. 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.

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

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE JUSTICE.

Passed February 17, 1863.

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

SECTION 1. The police justice of the city shall keep his ^{Office,} office in the room now known as the police office, in the ^{where kept.} north part of the centre market, or in such other place as the common council may designate.

§ 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. <sup>Suits before
Pol. Justice.</sup>

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO UNDERTAKERS.

Passed February 17, 1863.

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

SECTION 1. The mayor may from time to time, license so Undertakers
licensed.
many persons as he may deem proper, to exercise the vocation of undertakers, upon the payment into the city treasury of the sum of ten dollars by each and every person asking a license for that purpose, and the execution of a bond, with one or more sureties, to be approved by the mayor, in the penal sum of 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. License expires.

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

§ 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 county jail of the county of Monroe for the period of THIRTY DAYS, in default of property wherewith to satisfy such execution. Execution to
issue.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO PAWNBROKERS.

Passed February 17, 1863.

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

SECTION 1. The mayor may from time to time, license so Pawnbrokers
licensed. 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.

§ 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. Expires.

§ 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.

§ 4. Upon the recovery of a judgment for the penalty provided by the third section of this ordinance, an execution Execution to
be issued.

PENAL ORDINANCES.

tion shall issue to commit the defendant to the county jail of the county of Monroe for the period of THIRTY DAYS, in default of property wherewith to satisfy such execution.

IN COMMON COUNCIL.

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

Passed February 17, 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 county jail for a period of THIRTY DAYS.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO THE POLICE.

Passed February 17, 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 Duties of Chief. report to the mayor any misconduct, refusal to serve or neglect of duty of the policemen or either of them; to make and return each and every month, to the clerk of the city, a list of the names of the policemen and the amount of service they have severally rendered since the last report; to report to the mayor the names of all persons within the city who shall keep disorderly or gaming houses, and every infraction of the by-laws or ordinances of the city or the laws of the state, 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 of
not permit-
ted.

§ 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 policeman 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
discretion of
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.

Districts.

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

District No. 1 shall include the following portion of said city : beginning at the intersection of Allen street with

the Erie Canal; thence along Allen street to State street; ^{Districts.} thence along State street to Centre street; thence along Centre street to the Genesee river; thence along the river to Andrews street bridge, and Andrews street to North Clinton street; thence along North and South Clinton streets to Court street; thence along Court street to Exchange street; thence along Exchange street to Troup street; thence along Troup street to High street; thence along High street to Buffalo street; thence along the eastern bank of the Erie canal to Allen street.

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

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

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

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

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

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

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

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

IN COMMON COUNCIL.

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

Passed February 17, 1863.

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

SECTION 1. It shall be unlawful for the owner or owners <sup>Logs in Feed-
er or Canal.</sup> of any saw log or logs, or timber or lumber of any kind, or for the agent or agents of any such owner or owners as aforesaid, to keep or cause to be kept (except as herein-after provided) any saw log or logs, or any timber or lumber any kind in the Erie canal feeder, or any private or public basin adjoining the same, in the Twelfth Ward of the city of Rochester.

§ 2. The owner or owners of any private basin situated <sup>Logs in
Basins.</sup> on or adjoining the Erie canal or canal feeder in the Twelfth Ward of the city of Rochester, who shall either by themselves or agents, directly or indirectly permit any saw logs, timber or lumber of any kind to be hereafter kept in his or their said basin, shall forfeit and pay a penalty of FIFTY DOLLARS for each offence.

§ 3. Nothing contained in either section of this ordi- <sup>Floating
Logs.</sup> nance shall prevent any owner or owners of any saw logs, timber or lumber, or their agent or agents, from floating the same from the Erie canal into said canal feeder, or public or private basin adjoining the same, for the purpose of the immediate removal of the same therefrom to his or their prem-

ises. But in no case shall the logs, timber or lumber of any kind, by this section permitted to be floated into said feeder or basins by any one, owner or agent, as aforesaid, exceed twenty-five pieces in number.

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.

IN COMMON COUNCIL.

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

Passed February 17, 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 at-^{Duties of}
tend all the meetings of the common council, and enter in City Clerk.
a book provided for that purpose by them, accurately and
correctly, all the proceedings of said common council,
plainly and fairly written out at full length.

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

§ 3. To keep the common seal of the corporation and ^{Same.}
cause it to be affixed to all instruments in writing or other-
wise, made or executed by order of the common council,
or pursuant to the charter of the city or any law of the
state.

§ 4. On the day succeeding the final passage of any ^{Same.}
ordinance or resolution, directing the payment of any sum
of money out of the treasury, to deliver to the city treas-
urer 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.

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

Same. § 6. To record in a book provided for that purpose, all penal ordinances passed by the common council, written out in full, with the time of 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 Mt. Hope, in a book provided for that purpose; and to make out and countersign all deeds for lots, on the presentation of the comptroller's receipt, which shall be his voucher for the same.

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.

§ 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. Duties of City Clerk.

§ 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. Same.

§ 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 person or persons for the same. Duties of Overseer.

Invoice to be
 furnished.

§ 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.

To make
 Checks on
 Treasurer.

§ 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 keep
 accounts.

§ 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 give se-
 curity.

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

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 the parties thereto, and the manner in which the same have been disposed of; and if any such suit or proceedings shall have been compromised or security taken therein, then he shall report the terms of such compromise and the extent and value of such security, so far as the same is practicable, under a penalty of FIFTY DOLLARS for each violation of this section.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO STREETS.

Passed May 5th, 1863.

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

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. Building materials 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 side-walk, 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. Permission for obstructions in streets.

§ 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.

Carriages
 not to stand
 in streets.

§ 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 the time, under a penalty of ONE DOLLAR for each offence.

§ 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.

Obstructions
 in streets.

§ 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 incommode or obstruct the free passage or use thereof; nor shall any person place any cask, box, plank, board, or other articles, on any sidewalk within the city, or any goods, wares, merchandise, or other articles, in front of any store, shop or other building, further than two feet into the street, under a penalty of FIVE DOLLARS for each offence; but nothing contained in this section shall prohibit merchants and others from placing goods and merchandise, household furniture and other commodities on the side walk, for the purpose of loading and unloading the same, providing the same be removed without any unreasonable delay, and not to exceed one hour.

Sign and
 Awning posts
 in streets.

§ 7. No owner or occupant of any store or other building in Buffalo, State, Exchange, Front, Main, or St. Paul streets, or other persons, shall place or erect, or suffer to be placed or erected, any sign post, awning post, or fixtures of any kind in such street, or any sign projecting more than two feet from such store or building into any such street, or over any sidewalk therein, 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 sidewalk, 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 mentioned; but all awning frames shall be of a uniform length and be constructed in a uniform manner. The frames shall be of iron, so constructed and attached to the buildings as to be self-supporting, and shall extend from the building ten feet; no curtain or sign shall be attached to the sides of such awning, or suspended from such frames so as to extend in any manner across the sidewalk.

§ 8. No bow window or other windows, shall be constructed so as to extend into any street more than fourteen inches; and no porch, stoop or steps, cellar door, cellar-way, or platform, in any of the streets in said city, shall extend into such street or the sidewalk, without permission of the common council. Every cellar-way leading into any cellar, from any street or sidewalk, shall have trap doors so constructed as to be on a level with the sidewalk, or the platform, if any, in front of the building under which such cellar is situate; and so as to be entirely secure for passengers in such streets, or such sidewalks or platform, to pass over the same with safety; or shall have a substantial railing on the side thereof at least two and a half feet high. No trap door or grate in any of the sidewalks 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.

Bow windows
and porches
in streets.

Trap doors

§ 9. No person shall saw, cut or split firewood upon any side or cross walk in the said city; nor shall the owner or occupant of any building cause or permit any firewood to be sawed, cut or split, or be placed or remain on any side

Sawing wood
in streets.

PENAL ORDINANCES.

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.

§ 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 sidewalk, except in passing into or from any lot, where pavements shall be constructed for that purpose, under the penalty of FIVE DOLLARS for each offence.

Shade trees.

§ 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 cost.

Side walks to
 be kept clean

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

§ 13. If any owner or occupant of any lot or house shall neglect or refuse to comply with any or either of the requirements of the last two preceding sections, within twenty-four

hours, it shall be the duty of the city superintendent to cause the foregoing regulations to be enforced, under the provisions of section 212 of the charter of the city of Rochester, passed April 8, 1861.

§ 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 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.

Digging
holes, &c., in
streets.

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.

§ 16. No person shall cast or deposit any wood or stones, or other substance, into any of the drains or sewers within

Rubbish and
obstructions.

the city, or cause the same to be done, or cause any obstruction or injury in or to the same, under a penalty of TEN DOLLARS for each offence.

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 or occupant of any house or building, and every owner of any vacant lot upon Buffalo street from Main street bridge to the Erie canal, Market street from Front street to State street, Main street from Front street to East Avenue, St. Paul street from Andrews street to Court street, Clinton street from Andrew street to Monroe street, Fitzhugh street from Troup street to Ann street, Sophia street from Atkinson street to Ann street, Washington street from Spring street to Ann street, Frank street from Centre street to Platt street, Front street from Buffalo street to Mumford street, Mumford street from Andrews street bridge to State street, State street from Buffalo street to the Railroad, Exchange street from Erie canal bridge to Buffalo street, Mill street from Mumford street to Fish street, (except lots on which buildings are erecting, or in front of which building materials are laid,) shall, between the hours of 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 November in each year, cause the street or alley in front of any such house, building or vacant lot, to the middle thereof, to be scraped and swept, and the dirt and manure to be collected into heaps convenient for carting away; and where any such house, or building or lot shall be situated on the corner formed by the intersection of an alley with any such street, the owner or occupant of any such house or building, or the owner of any such vacant lot, shall, in like manner, scrape and sweep the street in front of any such alley one-half the width of such alley,

and to the centre of such street. Previous to the scraping and sweeping of any such street, the owner or occupant, whose duty it shall be to scrape and sweep the same, shall cause the same to be well sprinkled with water, to prevent the dust from rising. 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.

§ 19. No person shall construct any drain or sewer from Sewers. 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.

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

§ 21. No auctioneer shall, by himself or agent, sell or ex- Goods of Auctioneers pose 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 Supt'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 macademized street in the city, for the purpose of

turning or directing the travel on any particular part of such street, under the penalty of FIVE DOLLARS.

§ 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 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

§ 27. In case the owner or occupant of such lot or house shall refuse or neglect to comply with the requirements of the last section, within twenty days after being thereunto required by the 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.

§ 28. If the owner of any building which now is, or may hereafter be erected within the city of Rochester, and which shall extend into, or in any manner encroach upon or obstruct, any highway, street, alley, or public square, shall not remove the same from off the said highway, street, alley, or public square, within forty days after being required so to do by a written notice from the superintendent of streets, which notice shall specify the location and extent of said encroachment, said owner shall be subject to a penalty of FIVE DOLLARS for every day thereafter, until said building shall be removed from off such highway, street, alley or public square. Encroachments.

May remove
encroachm'ts

§ 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 highway, street, alley or public square, so encroached upon, the said superintendent may remove the same, under the direction of the common council, at the expense of the said owner, who shall be liable to pay the same, with interest at the rate of ten per cent. per annum, as provided by section 212 of the statute referred to in section thirteen of this ordinance.

Streets to be
cleaned.

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

§ 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 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.

§ 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. Any person violating any provision or requirement of this section, shall forfeit and pay a fine of FIVE DOLLARS for each offence, and ONE DOLLAR for each day that the owner or occupant of the premises on which any such construction or erection may be made, shall neglect or refuse to comply with the said provisions or requirements, after notice from the said superintendent.

Platforms,
how con-
structed.

§ 35. 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 sidewalk, 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 scat-
tered.

Shade trees
 not to be
 injured.

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

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.

§ 37. If any 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 re-numbered, every such owner or occupant shall forfeit and pay a penalty of ONE DOLLAR for every day thereafter until the said building or tenement shall be numbered or re-numbered as aforesaid.

Gates, how
 hung.

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

Execution.

§ 39. Every execution issued upon a judgment recovered for a violation of any of the provisions of this ordinance, shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the Workhouse for the period of THIRTY DAYS.

IN COMMON COUNCIL.

AN ORDINANCE RELATING TO FIRES.

Passed May 5th, 1863.

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

SECTION 1. The fire department of the city of Rochester shall be organized by the Common Council and shall consist of a chief engineer, two or more assistant engineers, one fire marshal who shall be appointed as prescribed by the charter of said city, four steam fire engine companies, each to consist of one engineer, one foreman and five hose-men, two hostlers; one or more hook and ladder companies to consist of such number of men to each company as the fire department committee shall direct; one Protective Sack and Bucket Company, to consist of as many members as the company may elect; one company which shall be called the Alert Hose Company, to consist of as many members as the company may elect.

Organization
of the De-
partment.

§ 2. Each Steam Fire Engine Company shall have one steam fire engine, one hose cart and 800 feet hose, and three horses.

§ 3. Each Hook and Ladder Company shall have one truck with hooks and ladders, and such other implements as are necessarily used by such companies in the performance of their duties.

Hook and
Ladder Co.

§ 4. The Protective Sack and Bucket company shall have one carriage or wagon and such sacks, buckets and other implements as are necessarily used by such companies.

Protective
Sack and
Bucket Co.

Hose Co. § 5. The Alert Hose Company shall have one or more hose carts, 400 feet hose and such other implements as are necessarily used in the performance of their duties.

Salaries. § 6. The salaries of the chief engineer, assistant engineers and fire marshal shall be fixed by the Common Council.

Appropriations. § 7. The amount of appropriation to each Hook and Ladder Company, Protective Sack and Bucket Company, and Alert Hose Company shall be \$250.00 per annum, each, payable quarterly to the treasurer of such companies.

1st. The officers of each company named in section seven shall be elected by the members of their respective companies.

Rooms. 2d. The city shall furnish such companies with suitable rooms for the accommodation of such companies with their apparatus.

Steamers, where located. § 8. The Steam Fire Engine Companies shall be located in their respective engine houses, which they now occupy, unless changed by a vote of the Common Council.

H. & L. and Hose Co.'s located. § 9. The Hook and Ladder Companies, Protective Sack and Bucket Company, and Alert Hose Company shall be located at such places as the Fire Department Committee may provide and direct.

Chief Engineer's duties. § 10. It shall be the duty of the chief engineer whenever a fire shall occur in the city, to immediately repair to the place of such fire and take proper measures that the several engines and other fire apparatus be placed in such situations as in his opinion shall be most advantageous for the suppression of such fires.

Same. § 11. The chief engineer shall have the sole management and control of the entire Fire Department at all fires in the city, and direct at such fires the efforts and labor of the men while at such fires until the same is extinguished, or until dismissed by his orders.

§ 12. The Chief Engineer shall, under the direction of the Chief Engineer's duties. Fire Department Committee, have charge of all the running machinery of the department and he shall see that the same is kept in good repair, and at all times ready for duty.

§ 13. It shall be the duty of the assistant Engineers to be Ass. Engin'rs duties at fires at all fires in the city on the first alarm, or as soon thereafter as is practicable and report themselves ready for duty to the chief engineer, and do such duty as the chief engineer shall from time to time direct, and they shall remain at such fire until dismissed by the chief.

§ 14. In case of the absence of the chief engineer at a Foreman's duties at fires fire, the assistant engineer who arrives first at such fire shall exercise the duties of the office with full power of the chief engineer, and in the absence of both chief and assistant engineers, then the foreman of such Steam Engine Company as shall arrive first at such fire shall exercise such duties with full power of the chief engineer until the chief or assistant engineers shall arrive.

§ 15. The Fire Marshal shall do and perform such duties Fire Marshal as is set forth in an ordinance defining his duties.

§ 16. The fire department committee shall have the pow- Men and Salaries. er to appoint such persons as they may see fit to fill the several stations in the Steam Fire Engine Companies as set forth in this ordinance, and in relation to Steam Fire Engine Companies. Also to fix the salaries of such persons, and to discharge such persons for neglect of duty or incompetency.

§ 17. It shall be the duty of the fire department committee to place in each of the Steam Fire Engine Houses suitable benches, tools, &c., for the repairing of the apparatus in such houses. And the engineer of such companies shall do all such repairs to his engine and other machinery belonging to the company to which he is attached as can be done with the materials provided. Benches, Tools, &c.

Rules and
Regulations.

§ 18. It shall be the duty of the Fire Department Committee to immediately prepare proper rules and regulations for the government of the fire companies and members thereof, and to furnish each member of the fire department with a copy of said rules, and to cause said rules to be posted conspicuously in and about the several engine houses belonging to the department.

§ 19. At fires, the officers and firemen shall be distinguished as follows :

Badge of
Chief.

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

Badge of As-
sistants.

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

Badge of
Members.

3. All officers and members of fire companies shall provide themselves and shall be distinguished at fires, with such appropriate equipage, or such badge, as may be designated by the Fire Department Committee.

Police at fires

§ 20. In cases of fire in the night time, the policemen not on duty for the night, shall attend at all such fires, and report themselves to the Mayor or any alderman, or the officers having charge of the Fire Department at such fire.

Same.

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

City hall bell.

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

General In-
spection.

§ 23. The Fire Department Committee once in each year, if they deem it advisable, require the department to meet

at such time and place as they may direct for general inspection.

§ 24. All persons who may be present at any fire, shall Persons to assist. be obedient to the orders of the members of the Common Council and the officers of the Fire Department, in the extinguishment of the fire and the removal of property. Any person who shall neglect or refuse to obey such orders, shall forfeit and pay the sum of FIVE DOLLARS for each offence.

§ 25. Any member of the Common Council or any officer Same. of the Fire Department, may require the aid of any citizen or inhabitant in drawing any engine, hose or hook and ladder, or sack and bucket carriage, to any place for the extinguishment of any fire ; and in the absence of any such persons, then any officer of the company, or any two members thereof, may require such aid, and any person refusing to obey such requirement, shall forfeit and pay to the city of Rochester a penalty of FIVE DOLLARS.

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

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

Lime and
Spittoons.

§ 28. No unslacked lime shall be deposited nearer than twenty feet to any building within the district mentioned in § 29, nor shall any wooden spittoon, or spittoon of any kind filled with saw-dust, be used in any room or building of said city, nor shall any ashes be put or deposited in any place whatever, unless in some receptacle made wholly of iron, stone or brick, and appropriated to that purpose. Any person offending against the provisions of this section, shall forfeit and pay a penalty of FIVE DOLLARS, and the further penalty of THREE DOLLARS for every twenty-four hours such offence shall continue, and it shall be lawful for any alderman or police justice to cause such lime or ashes to be removed to a place of safety at the expense of the person depositing the same, or the owner thereof.

Burning Shavings,
&c.

§ 29. No person shall burn or cause to be burned, or aid or assist in burning any hay, straw, chips, shavings, or other combustible matter, in any street or alley within the district of this city, to which the ordinance in relation to the erection and removal of buildings applies, without first having obtained permission to do so in writing from the chief engineer, mayor or fire marshal, under the penalty of FIVE DOLLARS for each offence.

Shavings,
Candles, &c.

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

Shavings, &c.
in streets.

§ 31. No carpenter, joiner or other person, shall scatter or throw, or deposit any shavings, chips, or other combus-

tible matter, in any street, lane or alley, or at any time direct, or permit or suffer any chips, shavings or other combustible matter to be taken to, or thrown or scattered on any street or alley, under a penalty of TWO DOLLARS for each offence.

§ 32. No chimney or flue shall be burnt out except between sunrise and three o'clock in the afternoon, nor during that time unless the roof be wet or covered with snow, under a penalty of THREE DOLLARS. Chimneys burnt out.

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

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

§ 35. No person shall make or cause to be made, any fire in any yard or premises within the district mentioned in section twenty-nine, owned or occupied by him except within a building, without the consent of an alderman or the fire marshal of said city, under a penalty of TEN DOLLARS for each offence. Fires in yards.

§ 36. Every execution issued upon a judgment recovered for the violation of any of the provisions of this ordinance shall command the amount to be made of the property of 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.

PENAL ORDINANCES.

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

Investigat'n
 of causes of
 fire.

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

IN COMMON COUNCIL.

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

Passed May 19, 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

Deeds of
lots.

the deed, and description and price of the lot, and to whom sold; the mayor may then execute such deed, and the city clerk shall affix the corporate seal of the city thereto.

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 gravestone, 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.

Lots not to be
changed in
grade, &c.

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

Driving on
Mt. Hope.

§ 9. No person or persons shall drive or cause to be driven into or on said cemetery, any vehicle in any part thereof, except in the road or path made for that purpose,

with more than two horses attached thereto, nor shall drive any horse faster than on a walk, nor shall leave any horse or vehicle standing in any road or path in the said cemetery, so as to hinder or obstruct the free passage of any person or persons on said road or path, nor fasten or cause to be fastened any horse in said cemetery, at any other place than at the posts provided for that purpose, nor leave any horse unfastened therein, under the penalty of TEN DOLLARS for each offence.

§ 10. No person or persons shall discharge any fire- Shooting. 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.

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

§ 12. No person shall catch, wound or kill any bird Birds not to be killed. nor remove or disturb any bird's nest or eggs therein, in the said cemetery, under the penalty of TEN DOLLARS for each offence.

§ 13. No person or persons shall be permitted to take Liquor not to be used. into or use, in said cemetery, any spirituous or intoxicating liquors; nor suffer or permit his or her dog to run at large Dogs. 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.

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

Report of
lots sold.

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

Record.

§ 16. 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.

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

Animals at
large.

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

Injuring
fences.

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

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

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 penalty of TEN DOLLARS. Trap door.

§ 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 Pumps in Cisterns.

to a fine of FIVE DOLLARS for every neglect, after having been duly notified in the form and manner hereafter to be described.

Health Insp.
 to examine
 Cisterns.

§ 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.

IN COMMON COUNCIL.

AN ORDINANCE TO REGULATE WEIGHTS AND MEASURES.

Passed May 19, 1863.

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

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 cause the weights and measures used by him or her, to be sealed and marked by the city sealer ; and if any such merchant, retailer, trader or dealer, shall use any weight or measure for weighing or measuring any article for purchase or sale in said city, which shall not be sealed as herein provided, he or she shall forfeit and pay a penalty of FIVE DOLLARS for each offence.

Weights and
Measures to
be sealed.

§ 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.

To conform
to State stan-
dard.

§ 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

Duty of Seal-
er.
Refusal to
exhibit w'ts
& measures.

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.

To register
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.

IN COMMON COUNCIL.

AN ORDINANCE IN RELATION TO STREET RAIL ROADS.

Passed June 24, 1862.

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

That the Common Council of the city of Rochester will permit to be constructed in said city, by the Rochester City and Brighton Rail Road Company, a corporation organized under and by authority of the General Rail Road Law, passed April 2, 1850, and the several Acts amending the same, a Rail Road 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, Main and Buffalo 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 Main street; also from University Avenue along Main street to East Avenue. Also, from the town of Brighton through Mount Hope Avenue to and through Clarissa to Greig street. Also, through Greig street to and through Plymouth Avenue to Buffalo street. Also, from Clarissa street to and through Exchange street to Buffalo street.

Per mission
to Railroad
Company.

Also, from Buffalo 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 Main street through Clinton street to Monroe

PENAL ORDINANCES.

Avenue, and through Monroe Avenue to and through Alexander street to East Avenue.

Also, from 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.

Track—how
constructed.

SECTION 1. Such rail road 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 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
laid.

§ 2. The track of said rail road 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, under the direction of and as required by the Common Council of the city of Rochester, improve with such suitable material as said Common Council shall direct, and in a proper manner between the rails and for two feet and four inches outside thereof, and shall keep the surface of the street inside the rails and for two feet four inches outside thereof in good repair, and all dirt and filth removed therefrom, as may be directed and required by said Common Council.

Street to be
kept open,
and left in
good order.

§ 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 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.

§ 4. The cars to be used on the rail road shall be drawn by horses or mules only, at a speed not exceeding the rate of seven miles per hour, and shall run as the Common Council shall provide, as often as public convenience shall require, or the Common Council prescribe, provided always that said Council will not require them to run oftener than once in fifteen minutes during fourteen hours every day.

§ 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 11 o'clock in the evening, and as often as once each hour during the entire night, after 11 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.

§ 6. The said Company may charge and collect from every person on entering any of their cars or carriages, for

Rate of speed
and how of-
ten to be run.

Time of run-
ning.

Fare for
riding.

riding any distance upon said road, on the same continuous route, a sum not exceeding five cents, except children under five years of age accompanied by parents or other person having them in charge—such children to ride free.

Not to stop
 on a 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.

Character
 and duties of
 drivers.

§ 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.

Women and
 children.

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

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

Turning a
 corner.

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

Cars not to
 meet.

§ 13. Cars driven in the same or opposite direction on the same track shall not approach each other within a dis-

tance of two hundred feet, except in case of accident, or when it may be necessary to connect them together, and also except at stations and turnouts.

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

§ 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 reserved by the city.

§ 18. Wherever gas or water pipes, or sewers, are now laid in any street or avenue, the said railroad must be laid Right of Gas and Water Companies.

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 or 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.

Provided, however, that 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 shall 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 materials 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 case reserves the right When to be completed. Rights of city

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.

Limit 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.

Children
going to
School.

§ 28. The company shall not charge or receive from children under twelve years of age in going to or from school more than two cents each.

AMENDMENTS TO ORDINANCES.

PASSED JUNE 16, 1863.

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

§ 36, on page 12, of the ordinance relating to Nuisances is hereby amended, by inserting before the word "penitentiary" the words "Monroe County."

§ 18, on page 22, of the ordinance relating to Cartmen and Porters is hereby amended by striking out the words "County jail or workhouse," and inserting the words "Monroe County penitentiary."

§ 15, on page 31, of the ordinance relating to Hackney Coaches and Carriages is hereby amended by striking out the words "County jail or workhouse," and inserting the words "Monroe County penitentiary."

§ 14, on page 38, of the ordinance relating to Markets is hereby amended by striking out the words "County jail or," and inserting the words "Monroe County."

§ 14, on page 44, of the ordinance relating to the Erection and Removal of Buildings is hereby amended by striking out the words "County jail or," and inserting the words "Monroe County."

§ 4, on page 51, of the ordinance relating to Undertakers is hereby amended by striking out the words "County jail of the County of Monroe," and inserting the words "Monroe County penitentiary."

§ 4, on page 54, of the ordinance relating to Pawnbrokers is hereby amended by striking out the words "County jail of the County of Monroe," and inserting the words "Monroe County penitentiary."

§ 2, on page 55, of the ordinance relating to regulate and prescribe the Breadth of Tires upon the Wheels of Wagons, Carts and other vehicles, is hereby amended by striking out the words "County jail," and inserting the words "Monroe County Penitentiary."

§ 39, on page 80, of the ordinance relating to Streets is hereby amended by striking out the word "workhouse," and inserting the words "Monroe County penitentiary."

§ 20, on page 93, of the ordinance to regulate the Burial of the Dead and for the protection of Mount Hope Cemetery is hereby amended by striking out the words "County workhouse," and inserting the words "Monroe County penitentiary."

INDEX.

	PAGE.
Awnings,	70
Auctioneers goods,	75
Appropriations to fire department,	82
Assistant Engineers duties,	83
Alarm bells,	87
Bonds of Constable,	47
Bridges, driving on,	4
Bathing,	5
Billiards,	5
Blacksmith shops, how constructed,	42
Basins and canal,	61
Bond of Overseer of the Poor,	66
Building materials in streets,	69
Ball playing,	79
Buildings to be numbered, ...	80
Badge of firemen,	84
Canal and feeder,	61
Cattle running at large,	8
Circuses,	8
Clerk of market, duties,	37
Chimneys, how made,	42
Constable's bonds,	47
City Clerk's duties,	63
Carriages not to stand in streets,	70
Cleaning streets,	78
Chief Engineer's duties,	82-83
" " badge,	84
City Hall bell, to be rung,	84
Chimneys, burnt out,	87
Cisterns to be covered,	95
City Sealer,	97
Cartmen licensed,	15
qualifications of,	15
to give a bond,	16
carts to be numbered,	16
" where to stand,	16
duties of cartmen,	17-20
fees of,	17
penalties of,	20
Chief of Police, his duties,	81-87
Disturbances in public places,	8
Driving and riding regulated,	3

	Page.
Disorderly houses,	6-12
Dogs to be muzzled,	8
" killing of,	8
Drunkenness,	13
Driving away horses,	13
Digging holes in streets,	78
Exhibitions to be licensed,	9
Engines, running of regulated,	33
Embankments,	77
Encroachments,	77
Fire Department,	81
organization of the department,	81
hook and ladder companies,	81
protection sack and bucket co.,	81
hose co.,	82
salaries,	82
appropriations,	82
rooms,	82
steamers, where located,	82
hook and ladder, and hose companies, located,	82
chief engineer's duties,	82
assistant engineer's duties,	83
foreman's duties,	83
fire marshal,	83
men employed and salaries,	83
tools, benches, &c.,	83
rules and regulations,	84
badge of chief,	84
" " assistants,	84
" " members,	84
police at fires,	84
city hall bell rung,	84
general inspection,	84
persons to assist at fires,	85
damaging apparatus,	85
lights in buildings,	85
lime and spittoons,	86
burning shavings, &c.,	86
shavings and candles,	86
" in streets,	86
chimneys burnt out,	87
alarm bells to be rung,	87
false alarms,	87
fires in yards,	87
investigating the cause of fires,	88
Fast driving,	8
Filth not to be deposited,	4
Firing crackers &c.,	5
Fire crackers, sale of,	5
Fees of cartmen,	17
" " hackmen,	26
Fire Marshal,	83
Fires, causes of investigated,	88
Funerals, fare for,	28
Feeder and canal,	61
Fruits, &c., on sidewalks,	75
Foreman of fire company's duties,	83
Gaming houses,	6
Gambling,	6

INDEX.

111

	PAGE.
Geese at large,	8
Gates, how hung,	80
Horses to be tied,	4
Hides not to be exposed,	5
Hogs running at large,	8
Handbills of patent medicines, &c.,	11
Houses of ill-fame,	12
Hay stand,	38
Hand carts in streets,	72
Horses, feeding of, in streets,	77
Hook and Ladder Companies,	81-82
Hose Companies,	82
Hackmen to be-licensed,	25
qualifications,	25
fees for license,	25
where to stand,	26
rates of fare,	26
penalty of overcharging,	30
to be numbered,	30
penalty for refusal to convey,	31
license may be revoked,	31
not to stand on Mill street,	45
Injuring property,	5
Indecent exposure, ..	13
Inspection of fire department,	84
Lumber drying prohibited,	42
Logs in canal and feeder,	61
" floating,	61
Lateral sewers,	73-75
Markets,	35
persons to be licensed,	35
sale of meat at places only where licensed,	35
farmers excepted,	35
when license expires,	35
sale of unwholesome meat prohibited,	36
meat to be weighed,	36
markets to be kept clean,	36
sale in streets regulated,	36
sheep, &c., how to be carried,	36
slaughter houses prohibited,	37
clerk of market to be appointed,	37
clerk's duties,	37
ordinance to be posted,	38
number of leases to be reported,	38
wood and hay stands designated, ...	38
Mill street, cumbering of,	45
Mount Hope Cemetery,	89
no burials except in cemeteries,	89
control of Mount Hope,	89
money to be paid for lots sold,	89
deeds of lots,	89
improvement of lots,	90
injuring gravestones,	90
" trees and plants,	90
grade of lots not to be changed,	90
driving on Mount Hope,	90
shooting on "	91
filth on " ..	91
birds not to be killed,	91

	PAGE.
liquor not to be used,.....	91
dogs,.....	91
undertakers' fees,.....	91
report of lots sold,.....	92
record of interments,.....	92
undertakers' duties,.....	92
animals at large,.....	92
injuring fences,.....	92
Nuisances to be abated,.....	4-10
Nine pin alleys,.....	5
Numbering buildings,.....	80
Nuisances,.....	3
noise or disturbance,.....	3
gongs,.....	3
driving and riding regulated,.....	3
" " " on bridges,.....	4
horses to be tied,.....	4
rubbish in streets,.....	4
prohibiting deposits of offensive substances,.....	4
nuisances, how abated,.....	4
kites, flying of,.....	5
gun-powder and fire-crackers,.....	5
fire works prohibited,.....	5
hides not to be exposed,.....	5
bathing restricted,.....	5
bowling alleys, &c., to be licensed,.....	5
disorderly and gaming houses,.....	6
gambling prohibited,.....	6
injuring and defacing property,.....	7
ringing bells, &c., on Sunday,.....	7
posting bills, &c., and carrying same,.....	7
soliciting alms,.....	7
" passengers prohibited,.....	7
cattle, &c., not to run at large,.....	8
geese.....	8
dogs to be secured or muzzled,.....	8
" killed,.....	8
theatres, circuses, &c., to be licensed,.....	8
vaults and privies,.....	9
" contents of to be removed,.....	11
scavengers licensed,.....	11
houses of ill-fame,.....	12
disorderly women,.....	12
indecent exposure,.....	13
drunkenness,.....	13
driving away horses,.....	13
Omnibuses, where to stand,.....	26
not to stand on Mill street,.....	45
Overseer of the Poor's duties,.....	65
to take a bill of articles bought,.....	66
may make checks on Treasurer,.....	66
to keep an account of provisions,.....	66
to give a bond,.....	66
to make reports,.....	66
Obstructions in streets,.....	69-70
Porters licensed,.....	15
to wear a badge,.....	21
fees,.....	21
Platforms, how constructed,.....	79

	PAGE.
Police justice,	49
where office to be kept,	49
suits before,	49
Protection sack and bucket companies,	81
Pawn brokers,	53
how licensed,	53
license, when expires,	53
execution,	53
Policemen to take the oath of office,	57
duties of,	57
chief's duties,	57
powers of policemen,	58
absence not permitted,	58
persons arrested,	58
badges,	58
to obey orders,	58
districts,	58
at fires,	84
Prostitutes,	12
Privy vaults,	9
contents of to be removed,	10
Rail roads,	33
running of engines regulated,	33
whistles not to be sounded,	33
rail road co. not to use streets,	33
freight cars to be cleansed,	34
Rubbish in streets,	4-73-79
Ringin bells,	7
River, rubbish in,	62
Reservoir coverings,	80
Rules and regulations of fire department,	84
Streets,	69
building materials in streets,	69
permission for obstructions in streets,	69
carriages not to stand in streets,	70
obstructions in streets,	70
signs and awning posts,	70
bow windows and porches in streets,	71
trap doors,	71
sawing wood in streets,	71
hand carts on streets,	72
shade trees,	72
side walks to be kept clean,	72
digging holes in streets,	73
lateral sewers,	73-75
rubbish and obstructions,	73
carriages on cross-walks,	73
sweeping streets,	73
fruits on side walks,	75
goods of auctioneers,	75
street superintendent's duties,	76
feeding horses in streets,	76
destroying materials,	76
embankments,	77
encroachments,	77
streets to be cleaned,	78
platforms, how constructed,	79
ball playing,	79
rubbish not to be scattered,	79

	PAGE.
Streets, shade trees not to be injured,	80
coverings to reservoirs,	80
numbering of buildings,	80
gates, how hung,	80
execution,	80
Street rail roads,	99
track, how constructed,	100
street to be kept open,	100
rate of speed, and how often to be run,	101
time of running,	101
fare for riding,	101
not to stop on a cross walk,	102
how to stop,	102
sleighs may be used,	103
removing ice, &c.,	103
to post rules,	103
rights reserved by the city,	103
" rights of gas and water companies,	103
to keep streets in repair,	104
neglect to comply with rules,	104
when to be built,	105
cars to be licensed,	106
Shooting, &c.,	5
Swimming,	5
Soliciting alms,	7
" passengers,	7
Side-walks to be kept clean,	72
Sewers in streets,	73-75
Sweeping streets,	74
Steamers, where located,	82
Salaries of firemen,	83
Scavenger's duties,	11
" to give bonds,	11
" to be licensed,	11
Slaughter houses,	
Street Superintendent, duties of,	10, 38, 62-76
Stores, use of,	43
Salary of overseer of the poor,	66
Signs in streets,	70
Shade trees,	72-80
Tires on wagons,	55
Theatres,	8
Undertakers,	51
licensed,	51
expiration of license,	51
execution,	51
Vaults of privies,	9
Wooden buildings,	39
erection of regulated,	39
wooden cornices,	40
buildings to be of stone,	40
to have scuttles,	41
roof, how to be made,	41
drying lumber prohibited,	42
blacksmith shops, how constructed,	42
chimneys, how made,	42
to be plastered,	42
erection and removal of buildings regulated,	42
removal of buildings through streets,	43

INDEX.

115

	PAGE.
Wooden buildings, use of stoves regulated,	43
execution,	43
Wood stands,	38
Wide tires on wagons,	55
Windows projecting,	71
Wood sawing in streets,	71
Weights and measures,	97



3 9077 03652 5718