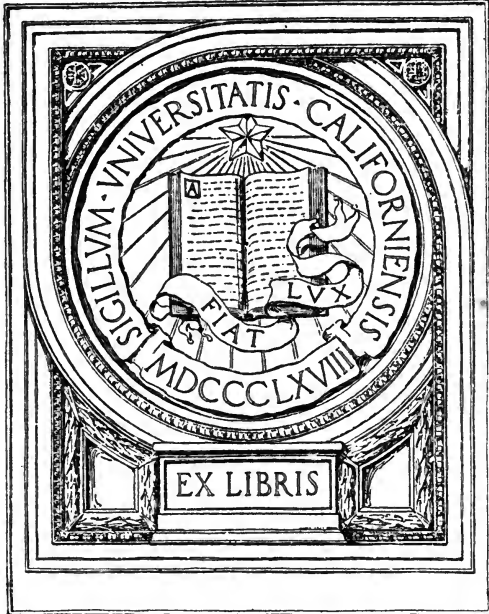




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# AMENDMENTS

TO THE

# CITY ORDINANCES

To September 1, 1912

Passed by the Common Council and approved  
by His Honor, the Mayor, since the  
publication of the Ordinances  
in book form, June  
1, 1912

Compiled by  
**HAROLD J. BALLIETT**  
City Clerk

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# AMENDMENTS

That Section 20 of Chapter VII of the Ordinances be and the same is hereby amended so as to read as follows:

No person shall sell or offer for sale in the public markets, or elsewhere in the city, any fruit, vegetables, berries or other products or commodities, at, for or by any weight or measure other than the weight or measure required by law and duly tested and stamped or certified as correct by the Sealer of Weights and Measures; and all meats, poultry and provisions, except such vegetables as are, according to custom, sold by the head or bunch, being offered for sale in the public markets or elsewhere in the city, shall be weighed or measured by the scale, dry measure, weight, balance or other measure duly tested and stamped or certified as correct by the Sealer of Weights and Measures, provided, that, except where the purchaser otherwise requests or desires, poultry may be sold in any other manner than by weight. Any lessee or occupant of a stall, stand or space in any public market of the city, and any other person doing business on the markets or elsewhere under a license or permit from any department of the city, who shall violate any of the provisions of this section, shall, in addition to the other penalties prescribed by statute or ordinance, forfeit his or her lease, license or permit, and the same shall expire, cease and determine as if the original term of letting had expired by limitation of time, and no stand, stall or space in the public markets shall thereafter, without the consent of the Common Council, be leased, rented or hired to such occupant or lessee, nor to any member of his or her family. Provided, however, that in every case the person charged with a violation of any of the provisions of this section shall, before the incurring of the penalty herein prescribed, be notified in writing of the charge against him or her and of a hearing thereon before the Mayor at a time and place to be fixed in said notice; and no forfeiture or other penalty prescribed by this section shall be imposed or incurred until after such hearing and a decision thereon by the Mayor sustaining the charge or charges.

That Section 18 of Chapter XXXII of the Ordinances be and the same is hereby amended so as to read as follows:

Sec. 18. Application for tapping must be made at the office forty-eight hours prior to the time requested for insertion, in order that proper inspection of the premises may be made by an inspector of the Bureau before the order is delivered to the tapper. Such application must state the time when the main will be uncovered and ready for the tapper, the size of the taps and service pipe applied for, the number of the premises, the side of the street and the name of the person owning the premises.

That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo

under the Department of Health, Ernest Wende Hospital, be amended by adding thereto the following:

1 chauffeur-mechanician .....\$900.00

That Section 20 of Chapter 4 of the Ordinances of the City of Buffalo be amended so as to read as follows:

Sec. 20.—1. No wagon, car or other vehicle shall be driven upon the streets or highways by animal or mechanical traction, unless it shall have tires of the following widths: For combined weight of vehicle and load from 4,000 to 5,000 pounds, tires at least three inches in width. For combined weight of vehicle and load exceeding 5,000 pounds, tires at least four inches in width.

2. No wagon, car, truck, or machine which has solid lugs, spikes or cleats attached to the face of its wheels shall be driven, hauled or propelled upon paved or improved streets or highways, excepting under restrictions prescribed by and upon written permission from the Commissioner of Public Works.

Provided, however, that nothing in this section shall be construed to prohibit the use of anti-skid chains on any automobile weighing, with its load, not more than five tons.

3. No machine or other contrivance intended primarily for purposes other than the transportation of persons or goods and weighing more than five (5) tons, excepting road or pavement rollers, shall be driven, hauled or propelled upon paved or improved streets or highways, excepting under restrictions prescribed by and upon written permission from the Commissioner of Public Works.

4. No wagon, car, truck or machine upon wheels which shall weigh, together with the load upon it, more than 36,000 pounds or have a load upon a single wheel of over 10,000 pounds shall be driven or propelled through the streets and highways or over or upon any bridge or viaduct upon such street or highway, unless with the written permission of the Commissioner of Public Works. Such provision shall not apply to the operation of any car over or along a fixed track properly constructed for such purpose.

5. Where permission is granted by the Commissioner of Public Works for the purposes set forth in Sub. Div. 2, 3 and 4 next above, he may require the payment of an inspection fee not to exceed \$1.00 per mile or fraction thereof traveled by such wagon, car, truck or machine upon the streets or highways, and the persons to whom such permit is issued shall pay the expenses of all repairs to pavements, bridge roadways, manholes, sewers and receivers which may be necessary by such use of the streets and highways.

Every person violating the provisions of sub-divisions 1, 2, 3 or 4 of this section shall upon conviction be subject to a fine of not less than \$5.00 nor more than \$50.00.

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That Section 32 of Chapter 4 of the Ordinances of the City of Buffalo be amended so as to read as follows:

Sec. 32. (1). It is hereby declared to be unlawful for any person, firm or corporation to attach or cause or permit any of his or their or its agents or employes to attach to any lamp post, electric light post, telegraph, telephone, street railway or other pole, or any hydrant or box covering the same, or to any structure or building in or upon any of the streets, avenues, lanes, alleys or public places of the city, any bills, posters, notices, letters, pictures or characters of any kind for advertising purposes. It is also hereby declared to be unlawful to attach any such bills, posters, notices, letters, pictures or characters of any kind for advertising purposes upon any structure or building adjoining any of the public streets, avenues, lanes, alleys or places in the city, except by licensed bill posters, and by them only in such manner that they shall not be detached and scattered upon such streets, avenues, lanes, alleys or public places; provided, however, that the owners or occupants of buildings shall be permitted to attach securely to such buildings signs advertising the business carried on therein subject to the provisions of this section.

(2). No person, firm or corporation shall erect or maintain over any sidewalk or over the exterior line of any street, avenue, lane, alley or public place in the City of Buffalo any sign for displaying the name or trademark of any person, firm or corporation for advertising purposes, or otherwise giving notice of any business or occupation, without first having obtained a license therefor from the Commissioner of Public Works, for which shall be paid the fees fixed by this section. Provided, however, that signs projecting not more than eighteen inches over such exterior line may be erected and maintained without license, subject to the control of the Commissioner of Public Works, AND THE FURTHER ORDER OF THE COMMON COUNCIL. No sign in the City of Buffalo shall extend over the exterior street line beyond the curb, and in no event shall any sign BE ERECTED HAVING A GREATER DIMENSION THAN 10 FEET IN THE DIRECTION AT RIGHT ANGLES TO THE WALL OF THE BUILDING. Nor shall any sign extend more than 12 feet beyond the exterior street line. Before any license for any sign shall be granted, the person, firm or corporation desiring to erect or maintain the sign or signs shall file with the Commissioner of Public Works a written application therefor, signed by the applicant and stating in detail the kind and character of the sign proposed to be erected or maintained, the actual area in square feet of the exterior surface of such sign, and such application shall also state, in such details as the Commissioner of Public Works shall require, the place where and the manner in which it is proposed to erect such sign or signs. The application shall be signed by the person, firm or corporation occupying as tenant or otherwise the premises to which the sign is to be attached and whose business is to be advertised by the sign, and such person, firm or corporation shall agree in the application to save the city harmless from all claims for damages arising in connection with such

sign. Upon the approval by the Commissioner of Public Works of such application and of the place and manner of erecting the sign therein mentioned, and upon his writing or stamping thereon the amount of fee required for the sign applied for, the applicant shall pay to the Treasurer the fee prescribed by this section and obtain said Treasurer's receipt therefor. The fees received by the Treasurer pursuant to this section shall be paid into the General Fund. Upon presentation of the Treasurer's receipt for any fee, the Commissioner of Public Works shall issue to the applicant a license for the sign applied for. All licenses issued hereunder shall be numbered consecutively, and each such license shall describe briefly the kind and character of sign authorized to be erected or maintained, the place where to be on, the name of the applicant, the amount of fee which has been paid and the dates of issue and expiration of the license.

Duplicates of all licenses issued pursuant to this section shall be kept on file in the office of the Commissioner of Public Works.

(3). All licenses issued pursuant to this section shall expire on the 30th day of June next after their issuance.

The license fees for the erection or maintenance of signs shall be as follows:

For illuminated signs having an area of less than thirty square feet, \$2 per annum.

For illuminated signs having an area of not less than thirty nor more than forty square feet, \$2.50 per annum.

For illuminated signs having an area of more than forty and not more than fifty square feet, \$3 per annum.

For illuminated signs having an area of more than fifty and not more than seventy-five square feet, \$4 per annum.

For illuminated signs having an area of more than seventy-five square feet, the annual fees shall be \$4 and, in addition thereto, ten cents for every square foot in excess of seventy-five square feet.

Permits for illuminated signs not more than 75 square feet in area may be issued by the Commissioner of Public Works, as above provided, without the order of the Common Council. In case any application for permission to erect a sign exceeding 75 square feet in area shall be made, and the Commissioner of Public Works shall determine that the same can be properly and safely erected according to full plans and specifications filed with him, he shall report such application to the Common Council with the facts and reasons bearing on the same, and the erection of such sign on the Commissioner's recommendation may then be authorized by a two thirds vote of the members of each Board composing the Common Council.

For all signs which shall project more than eighteen inches over the exterior street line, other than illuminated signs, the license fee shall be as follows:

For all signs having an area of less than twenty square feet, \$1 per annum.

For all signs having an area of not less than twenty nor more than thirty square feet, \$1.50 per annum.

For all signs having an area of more than thirty and not more than forty square feet, \$2 per annum.

No sign other than an illuminated or cloth or canvas sign shall be hereafter

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erected or maintained within the City of Buffalo projecting more than eighteen inches over the exterior street line and having an area of more than forty square feet, except for temporary purposes and then only on resolution of the Common Council.

(4). For the purpose of this section an illuminated sign shall be any sign in connection with which artificial light is used.

The area of a sign for the purposes of this section shall be construed as being one-half of the total exterior surface of the sign, computed in square feet.

The amount of fees to be paid under this section shall be computed and fixed by the Commissioner of Public Works and shall be written or stamped upon the applications for licenses, which applications shall be presented to the Treasurer at the time of the payment of said fees to him, and shall be returned to the Commissioner of Public Works, together with the Treasurer's receipt for the fee or fees.

Licenses for less than one year may be issued upon payment in each case of a fee bearing the same proportion to the amount of the annual fee for such license as the period of time intervening between the date of such license and the 30th day of June next thereafter bears to one year; provided that no fee shall be accepted for less than three months, and that a fraction of a three months' period shall be counted as a full quarter of a year.

(5). For each and every violation of any provision of this section the offender shall be subject to a penalty of \$10, and for each day during which any sign shall be maintained without a license, or in any other manner in violation of any provision of this section, the offender shall be subject to a separate penalty of \$10 as for a separate offense.

Any license issued hereunder may be revoked by the Commissioner of Public Works for cause, after reasonable notice to the licensee and a hearing before said Commissioner at his office at a time specified in such notice. The said Commissioner of Public Works shall file a copy of his determination of such hearing with the City Clerk within twenty-four hours after it is made.

That so much of section one of chapter one of the Ordinances of the City of Buffalo under the head Legislative Department as relates to the following:

1 City Clerk.....\$2,500.00  
--be amended to read as follows:

1 City Clerk.....\$3,000.00  
The above to take effect January 1, 1912.

That the final paragraph of Section 84 of Chapter XIV of the Ordinances, as amended and inserted by action of the Common Council in 1911 and printed on pages 140 and 141 of the printed proceedings of the Common Council for this year, be and the same is hereby amended so as to read as follows:

"The foregoing amendments of sections 83 and 84 shall take effect at the beginning of the school year in September, 1911, and every grade teacher, including each assistant principal, department principal,

teacher of German, kindergarten teacher and assistant in any special department, for that year and all subsequent years shall receive the salary which such teacher would be entitled to receive if these amendments of sections 83 and 84 had been in force at the date of the appointment of such teacher; provided, however, that as to high school teachers, teachers of theory and practice of teaching at the Teachers' Training School, and the directors of special departments, each such teacher and director shall receive during the school year beginning September, 1911, the increases provided by the amendments adopted in the year 1911, and that for the school year beginning in September, 1912, and for all subsequent years, each such high school teacher and each such teacher of theory and practice of teaching at the Teachers' Training School, and each such director of a special department, shall receive the salary which such high school teacher, or which such teacher of theory and practice of teaching at the Teachers' Training School, or which such director would be entitled to receive if the salary ordinance of 1911 by amendment of sections 83 and 84 had been in force at the date of the appointment of such teacher or director."

That so much of section one of chapter one of the Ordinances of the City of Buffalo, under the Department of Finance, City Treasurer, as relates to the following:

1 Deputy .....\$2,000.00  
be amended so as to read as follows:

1 Deputy .....\$2,500.00

That so much of section 1 of Chapter 1 of the Ordinances as creates the two positions of Assistant City Attorney in the Department of Law, be and the same is hereby amended so as to create three such positions, as follows:

Three Assistant City Attorneys,  
each .....\$3,000.00

That so much of Section 83 of Chapter XIV of the Ordinances relating to the salaries of teachers in the Department of Public Instruction, as fixes the salaries of the directors of special departments, be and the same is hereby amended by adding thereto the following:

There shall also be an assistant director of manual training, who shall receive as an annual salary a minimum of \$1,200, an annual increase of \$100 and a maximum of \$1,500

That the last sentence, as printed on page 2344 of the proceedings of the year 1910 (No. 30), of the amendment of subdivision 20 of Section 8 of Chapter III of the Ordinances of the City of Buffalo, relating to the employes of the Juvenile Detention Home, be and the same is hereby amended so as to read as follows:

"Such statement must be signed and sworn to by the said superintendent and certified as just and correct by the judge of the children's court."



And that said amendment of 1910 of subdivision 20 of Section 8 of Chapter III of the Ordinances and as hereinbefore amended, be and the same is hereby further amended, by adding thereto the following:

"Said detention home is hereby designated as the place for the trial of children's cases by the children's court."

That the final paragraph of Section 34 of Chapter XIV of the Ordinances, as amended and inserted by action of the Common Council in 1911 and printed on pages 2538 and 2549 of the printed proceedings of the Common Council for that year, be and the same is hereby amended so as to read as follows:

"The foregoing amendments of sections 83 and 84 shall take effect at the beginning of the school year in September, 1911, and every grade teacher, including each assistant principal, department principal, teacher of German, kindergarten teacher and assistant in any special department, for that year and all subsequent years shall receive the salary which such teacher would be entitled to receive if these amendments of sections 83 and 84 had been in force at the date of the appointment of such teacher; provided, however, that as to high school teachers, principals of grammar and primary schools, teachers of theory and practice of teaching at the Teachers' Training School, and the directors of special departments, each such teacher, principal, and director shall receive during the school year beginning September, 1911, the increase provided by the amendments adopted in the year 1911, and that for the school year beginning in September, 1912, and for all subsequent years, each such high school teacher, and each such grammar and primary school principal, and each such teacher of theory and practice of teaching at the Teachers' Training School, and each such director of a special department, shall receive the salary which such high school teacher, or which such grammar and primary school principal, or which such teacher of theory and practice of teaching at the Teachers' Training School, or which such director would be entitled to receive if the salary ordinance of 1911 by amendment of sections 83 and 84 had been in force at the date of the appointment of such teacher, principal or director."

That Section 32 of Chapter VIII of the Ordinances be and the same is hereby amended by adding thereto the following:

The Ohio street bridge over the Buffalo River and the Hamburg turnpike bridges over the Ship Canal and the Union Canal, so-called, shall remain closed between the hours of six-thirty and eight o'clock in the forenoon and five and six-thirty o'clock in the afternoon, daily; provided, however, that the Ohio street bridge will be opened during one hour of such period, morning and night, for the passage of craft engaged exclusively upon contract work for the City of Buffalo, which hour shall be designated and determined by the Harbor Master. Each of such bridges shall be lowered immediately after the passage of each vessel, craft, or tow, for the purpose of allowing the traffic in said

highways both ways to pass during the said hours.

That so much of Section 84 of Chapter 14 of the Ordinances of the City of Buffalo as reads as follows:

All increases of salary provided for by the foregoing amendment of Section 83 shall be made only at the beginning of school years in September of each year, except salaries of truant officers and clerks in the Superintendent's office, increases in which shall begin on the first day of July of each year.

—be amended so as to read as follows:

All increases of salary provided for by the foregoing amendment of Section 83 shall be made only at the beginning of school years in September of each year, except salaries of truant officers and clerks in the Superintendent's office, increases in which shall begin at the end of the year's service.

That Section 77 of Chapter XXXII of the Ordinances, relating to water rates, be and the same is hereby amended by inserting therein in place of the words "Fire sprinkler connection, fire use only \$10.00." the following:

Fire pipe lines or sprinkler connections, fire use only, as approved by the Commissioner of Public Works and of the type approved by the Board of Fire Underwriters in December, 1910, which approval is on file in the office of the City Clerk, will be granted on special request; blue print of system as granted to be filed in the Bureau of Water, with a good, sufficient bond in the sum of fifteen hundred dollars, conditioned that the applicant, his successors, assigns and lessees shall comply with all the ordinances of the city and the regulations of the Department of Public Works in relation thereto; and the supply to be metered; rate, \$24 per annum, in addition to the regular meter rate for all water shown by the meter to have been used, except in case of fire. The provisions of this paragraph shall not apply to outside hose connections on buildings intended for the use of the fire department exclusively.

That Section 7 of Chapter III of the Ordinances be and the same is hereby amended so as to read as follows:

Sec. 7. It shall be the duty of every officer, in whose favor the Common Council shall at any time direct to be drawn any order or warrant on the treasury for the purpose of paying any debt or liability of the City, or otherwise disbursing moneys for the City, immediately after making payment or disbursements contemplated to report to the Common Council a detailed statement or account of the disposition of such order or funds and pay to the City Treasury any balance in his hands to the credit of the proper fund. Such order or warrant and the proceeds thereof, which may be so turned over to any such officer, shall be and remain the property and money of the City and shall be used for no other purpose than that for which such money was appropriated or raised, or for which such order or warrant was directed drawn.



That Chapter 3 of the Ordinances of the City of Buffalo be amended by adding thereto the following to be known as Section 28:

Section 28. That upon the receipt by the City of the purchase price accruing upon the sale of the Hamburg Canal Strip, the Comptroller be and he is hereby directed with such proceeds to create a sinking fund to be known as "The Canal Nuisance Abatement Sinking Fund," by depositing such proceeds to the credit of such fund in the banks designated as City depositories, and that all interest received from such deposits shall be placed to the credit of the sinking fund herein provided for. Upon the authority of the Common Council, the Comptroller, from time to time, may invest said sinking fund in bonds of the City or other securities; and the earnings or interest of said bonds or securities shall be placed to the credit of said sinking fund. Said Canal Nuisance Abatement Sinking Fund shall be set apart and held for the redemption of the bonds which were floated in aid of the construction of sewers and the abatement of nuisances in the Main and Hamburg Canal, Clark and Skinner Canal, and Ohio Basin Slip, as said bonds mature, and for the payment of interest on said bonds as it becomes payable, and the principal and the incomes of said sinking fund shall be used for no other purpose until all of said bonds shall have been redeemed.

That Section 2-a of Chapter X of the Ordinances of the City of Buffalo be and the same is hereby amended as follows:

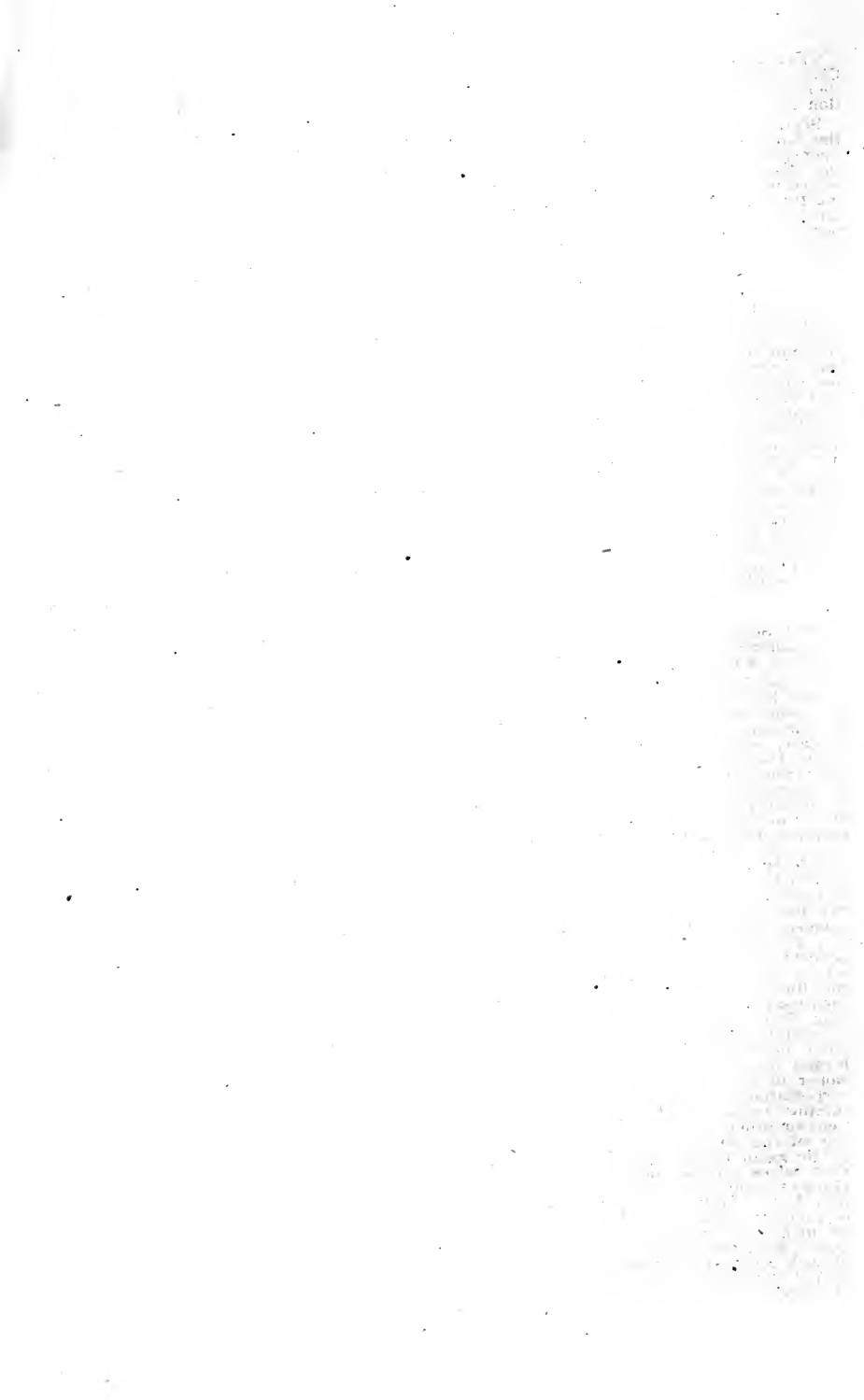
Sec. 2-a—The Commissioner of Public Works is hereby authorized and directed to extend the districts defined in Section 2 of this chapter, not to exceed, in the aggregate, nine thousand two hundred and forty feet, street measurement, in the year nineteen hundred and seven; not to exceed in the aggregate, eighteen thousand four hundred and eighty feet, street measurement, in the year nineteen hundred and eight; not to exceed, in the aggregate, fifteen thousand eight hundred and forty feet, street measurement, in the year nineteen hundred and nine; and not to exceed, in the aggregate, ten thousand five hundred and sixty feet, street measurement, each year thereafter. On or before the first day of March in each year (except in the year nineteen hundred and seven) the said commissioner shall define the limits of such enlarged district for such year and report the same to the Common Council for its action thereon, and immediately upon the approval or amendment, by the Common Council, of the enlarged district so reported said Commissioner of Public Works shall notify each corporation, company or individual maintaining telegraph, telephone or electric light or other wires or cables overhead in any of the streets, alleys, public ways or public grounds in such district, to remove such wires, cables and the poles and appliances connected therewith before the first day of January following such notice, or such later time as shall be not less than six months from the service thereof. Said notice shall specify a date when the work of such removal must be done, which shall be not less than six months from the date of service of the notice. For the year

nineteen hundred and seven such enlarged district shall be reported by said Commissioner to the Common Council, as nearly as practicable, on the first day of June and after approval or amendment thereof by the Common Council the notice hereby required to be given by said Commissioner shall be given, as nearly as practicable upon the fifteenth day of June, nineteen hundred and seven. No person, company or corporation shall be excused from the obligation of removing the wires from overhead in such enlarged district, in any year, by reason of the failure of said Commissioner to serve the notice hereby required; from year to year the said Commissioner shall give preference first to the territory bounded as follows:

Beginning at the intersection of Chippewa street and Delaware avenue; running thence east along Chippewa street to Washington street; thence north along Washington street to the north bounds of Washington Market; thence east along the north bounds of Washington Market to Ellicott street; thence south along Ellicott street to Exchange street; thence west along Exchange street to the Terrace; thence continuing northwesterly along the Terrace to Delaware avenue; thence northwesterly along Delaware avenue to Chippewa street at the place of beginning.

The street mentioned in the foregoing paragraph, or in any notice given pursuant thereto, shall be deemed included in said territory or in the district defined.

Upon the completion of the work in the territory last above described, the said Commissioner, in defining the enlarged district from year to year, shall give preference to the following described territory: Main street, from Chippewa street to Ferry street; Main street, from Exchange street to Buffalo river; Genesee street, from Ellicott street to Fillmore avenue; Broadway, from Ellicott street to Fillmore; William street, from Michigan street to Fillmore avenue; Seneca street, from Ellicott street to Fillmore avenue; Perry street, from Main street to Chicago street; Delaware avenue, from Chippewa street to Gates Circle; Edward street, from Main street to Virginia street; Elmwood avenue, from Virginia street to Forest avenue; Linwood avenue, from North street to Ferry street; Niagara street, from Niagara Square to Albany street; Triangle street, from Abbott road to South Park avenue; South Park avenue, from Triangle street to City Line; Michigan street, from Scott street to Fulton street; East Market street, from Scott street to Fulton street; West Market street, from Scott street to Fulton street; West Bennett street, from William street to Clinton street; East Bennett street, from William street to Clinton street; Gibson street, from Broadway to south bounds of the Broadway Market; Lombard street, from Broadway to south bounds of the Broadway Market. Provided, however, that said Commissioner shall include in the district last above defined, in the notice given for the year 1912, the following streets, which shall be substituted for an approximately equal amount of work in such district as hereinbefore defined, and shall not be deemed an additional requirement: Ferry street, between Niagara and Grant streets, and Grant street, between Hampshire street and Forest avenue; it being hereby required that all poles and all overhead



wires, cables and appliances shall be removed in the year 1912, and all such wires, cables and necessary appliances shall be buried during said year or as soon thereafter as practicable, without detriment to the service.

Where the Commissioner of Public Works is satisfied that permission for the maintenance of distributing poles on private property cannot be obtained at reasonable expense, or cannot be placed in public alleys, such necessary distributing poles may be erected and maintained in the streets, alleys and public places in locations to be designated by the Commissioner of Public Works. Such permits of the Commissioner shall be subject to revocation by the Common Council.

The refusal or neglect on the part of any corporation, company or individual to comply with the notice of the Commissioner of Public Works herein provided for, or with this section of the ordinances, shall subject the offender to the penalty prescribed in section one of this chapter; and compliance with any such notice shall be enforced, so far as practicable, by the city by mandamus proceedings.

All ordinances or parts of ordinances of the City of Buffalo, enacted prior to January 1, 1907, which are inconsistent with this section, are hereby repealed.

That pursuant to the provisions of Chapter 651 of the Laws of 1911 (Title XXV of the Charter), Section 1 of Chapter 1 of the Ordinances of the City of Buffalo be and the same is hereby amended by adding thereto the following, to take effect January 1, 1912:

**The Children's Court of Buffalo.**

1 Judge .....	\$3,600.00
1 Clerk .....	1,300.00
1 Stenographer, to be confidential secretary .....	1,300.00
2 Probation Officers (men) each.	1,200.00
1 Probation Officer (woman)....	900.00
1 Superintendent Detention Home	900.00
1 Attendance Officer .....	900.00

All provisions of ordinances enacted in the year 1909 or at any other time, creating the positions of Superintendent and Assistant Superintendent of the Detention Home under the jurisdiction of the City Court, and fixing salaries therefor, shall be repealed from and after January 1, 1912.

That Section 16 of Chapter 13 of the Ordinances of the City of Buffalo be amended so as to read as follows:

Sec. 16—The Board of Police Commissioners shall provide all necessary livery for the proper performance of the duties of his office, and that of Assistant Sealers of Weights and Measures. They shall also provide a suitable place for the keeping and storing of weights and measures used by the Sealers of Weights and Measures as standards.

That so much of Section 1, Chapter 1 of the Ordinances of the City of Buffalo under the Department of Public Works, Bureau of Building, be amended by adding thereto the following:

2 Plaster Inspectors, on appointment .....	\$1,100.00
After 5 years' continuous service.	1,200.00
After 10 years' continuous service	1,300.00
After 15 years' continuous service	1,400.00

That sections 188 and 203 of Chapter 12 of the Ordinances of the City of Buffalo be amended so as to read as follows:

Sec. 188—Buildings of Class IV shall be divided into two special classes.

Class IVa—Shall embrace all buildings of Class IV in which no movable scenery is used upon the stage thereof, excepting buildings used as motion-picture theatres having a seating capacity of 300 or more.

Class IVb—Shall embrace all buildings of Class IV in which movable scenery is used upon the stage thereof and all buildings used as motion-picture theatres having a seating capacity of 300 or more.

Sec. 203—There shall be, over the stage of every building of Class IVb, flues or ducts extending eight (8) feet above the top of the highest roof which forms a part of such building, which flues or ducts shall have an area of at least one-tenth (1-10th) of the total area of such stage. The dampers for opening and closing such ducts shall be controllable from a point near the proscenium opening, and shall be so constructed that they will open by the operation of a fusible link. These dampers and ducts shall be made of incombustible material and shall be properly insulated as regards transmission of heat to adjacent combustible substances.

That Chapter X of the Ordinances of the City of Buffalo be and the same is hereby amended by adding thereto the following sections, to be designated respectively Sections 10 to 23, inclusive, and to read as follows:

Sec. 10—For the sake of convenience, in Sections 10 to 17, inclusive, electric light and power wires, other than railway wires of a potential not exceeding 700 volts, are termed group "A" wires; telegraph, telephone and similar wires are termed group "B" wires; and railway wires of a potential not exceeding 700 volts are termed group "C" wires.

When wires are run horizontally on cross-arms from one pole to another, their distance from the center of the pole shall be not less than the following:

All group "A" wires on straight runs: 15 inches.

All group "A" wires on curves or corners: 12 inches.

Group "B" wires when attached to the same pole and below group "A" or group "C" attachments—On straight runs: 15 inches; on curves or corners: 12 inches.

Group "C" attachments when attached to the same pole with the below group "A" or "B" attachments—On straight runs: 12 inches; on curves or corners: 9 inches.

Sec. 11—No wires of one group shall be placed on the same cross-arm with wires of another group. When group "A" and group "B" wires, run horizontally from one pole to another, are placed on the same pole, the group "A" wires shall occupy the upper position on the pole and the uppermost cross-arm for group "B" wires, and the uppermost group "B" hori-





zontally run cable, shall be not less than 4 feet below the lowest crossarm for group "A" wires.

When group "B" and group "C" wires, run horizontally from one pole to another, are placed on the same pole, the group "C" wires may be placed below the group "B" wires, in which case the uppermost group "C" cross-arm shall be not less than four feet below the lowest cross-arm for group "B" wires or the lowest horizontally run group "B" cable. Where group "C" wires are run above group "B" wires or other group "B" attachments, they shall be placed in accordance with the requirements for group "A" wires.

Horizontally run group "C" wires shall always be run below horizontally run group "A" wires.

Sec. 12—Group "A," "B" and "C" lead-sheathed cable shall be protected by wooden molding or enclosed within a conduit of solid insulating material, wherever such cable shall be run vertically upon the pole between a point not less than 40 inches above and a point not less than six feet below any wire, connection or attachment of another group, except properly run vertical attachments of another group.

Sec. 13—No part of any transformer connected to group "A" wires shall be placed less than 40 inches above or below group "B" wires or attachments, except vertically run group "B" attachments. One side of the pole shall be kept clear of transformers to permit free space for climbing.

Sec. 14—Each guy attached to a pole on which there are both group "A" and group "B" attachments or group "B" and group "C" attachments, shall contain a strain insulator, placed not less than six feet from the pole, said distance being measured horizontally. As far as practicable each strain insulator shall have the following qualifications:

(a) Mechanical strength equal to the tensile strength of the guy in which it is placed.

(b) Construction so designed that a rupture of the insulating material shall not result in parting the guy.

(c) Insulating properties suitable to the voltage of the currents to which the guy is exposed.

Sec. 15—Group "A" or group "C" wires must not be placed on the same pole with group "B" wires unless the voltage does not exceed the following normal operating values: Constant potential metallic circuits 5,000 volts; alternating current series circuits 5,000 volts; direct current series circuits 7,500 volts; direct current railway circuits 700 volts; except that where alternating or direct current series circuits do not exceed 7 1-2 amperes the voltage may be increased to 10,000 volts, and that all the above-mentioned wires be covered when installed with at least a standard weatherproof insulation.

Nor shall any of the provisions of this chapter apply to any of the poles, wires and conduits used and controlled by any street railroad having a grant from the City of Buffalo, excepting when and to the extent that such street railroad company strings its wires on or past the poles of other companies.

Sec. 16—In all cases where metal ropes or chains are used to raise and lower arc lamps, a breaker shall be placed thereon.

Sec. 17—Sections 10 to 16, inclusive, shall apply to all pole lines constructed after the ordinance goes into effect, and to existing pole lines as they are reconstructed.

Sec. 18—There is hereby created in the Bureau of Engineering of the Department of Public Works the position of City Electrician, who shall be appointed by the Commissioner of Public Works and who shall, within fifteen years previous to the time of his appointment, have had not less than five years' practical experience as an electrician, and not less than three years' practical experience on work similar to the work described in sections 10 to 17, inclusive of this chapter provided, however, that said three years' practical experience on such similar work need not be in addition to the five years' practical experience as an electrician. Subject to the control of the Commissioner of Public Works, the City Electrician shall inspect the wires and appliances on the streets and public places in the City of Buffalo, and shall be charged with such other duties relating thereto as may be imposed upon him by said Commissioner of Public Works. The salary of the City Electrician shall immediately be fixed by the Commissioner of Public Works, with the concurrence of the Common Council.

That Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under the Department of Health, Ernest Wende Hospital, be amended by striking therefrom the following:

Fumigators, two, each.....\$1,000.00

Also by striking out under the Department of Health the following:

Clerks, five, minimum each.....\$ 900.00

Labor Certificate Clerk ..... 900.00

Fumigators, two, minimum each. 1,000.00

And by adding, under the Department of Health, the following:

Clerks, six, minimum, each.....\$ 900.00

Clerks and Stenographers, two,

one for the Bureau of Vital

Statistics and one for the

Bureau of Plumbing and Drain-

age, minimum each..... 1,000.00

Fumigators, four, minimum each. 1,000.00

Female attendant, psychopathic

ward ..... 720.00

That Section 1 of Chapter 1 of the Ordinances of the City of Buffalo be amended by adding thereto the following:

The J. N. Adam Memorial Hospital for Tuberculosis.

Superintendent .....\$2,000.00

House physician ..... 1,000.00

Bookkeeper and storekeeper..... 1,200.00

Matron ..... 900.00

Three nurses, each ..... 720.00

Stenographer ..... 480.00

Chef or chief cook ..... 900.00

Assistant cook ..... 600.00

Baker ..... 720.00

Laundryman ..... 540.00

Laborer ..... 300.00

Farmer ..... 720.00

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Teamster .....	480.00
15 waitresses, each .....	240.00
Engineer, at \$3.50 per day.	
Fireman with second-class papers, as many as necessary, at \$2.50 per day.	

That Section 83 of Chapter 14 of the City Ordinances, so far as it relates to the salary of clerks in the office of the Department of Public Instruction be amended to read as follows:

One Superintendent of German and Secretary to the Superintendent of Education, per year.	\$2,700.00
One Chief Clerk, per year.	1,700.00
One Director of Compulsory Education and School Supplies.	1,700.00
One Assistant Chief Clerk, per year.	1,100.00
One Clerk, per year.	900.00
One Stenographer, per year.	900.00

The above employes will receive in addition to the sum above mentioned an increase of \$100.00 for every period of five years not exceeding three such periods during which he has been or shall hereafter be continuously in the employ and service of the City, but in no event shall this increase of salary exceed the sum of \$300.00.

#### Supervisors.

That so much of Sections 83 and 84 of Chapter 14 as relates to supervisors be and the same are hereby amended to read as follows:

General Supervisors: Three general supervisors shall receive a minimum of \$2,500.00, a yearly increase of \$100.00 and a maximum of \$3,000.00. One supervisor of extension work shall receive a minimum of \$2,500.00, a yearly increase of \$100.00 and a maximum of \$3,000.00.

The amendments affecting clerks and supervisors shall take effect July 1, 1912.

That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under Department of Finance, Comptroller's office be amended so as to read as follows:

The head of this department shall be a Comptroller at a salary of \$4,000.00 and the subordinate employes of this department and the annual minimum salary shall be:

1 Deputy Comptroller .....	\$3,000.00
1 Chief Bookkeeper .....	2,000.00
1 Bookkeeper .....	1,600.00
3 Assistant Bookkeepers, each ..	1,000.00
1 Local Accounts Bookkeeper ..	1,200.00
1 Chief Tax Sale Clerk .....	1,700.00
4 Assistant Tax Sale Clerks, each	900.00
1 Warrant Clerk .....	1,200.00
2 Assistant Warrant Clerks, each	900.00
1 Bond and Insurance Clerk ....	1,200.00
1 Assistant Bond and Insurance Clerk .....	900.00

And such assistant bond and insurance clerk, in addition to the above named minimum salary, shall receive one increase of \$100.00 for every five years of service which he shall have rendered to the city or any of its departments, provided that the sum total of such increases shall not exceed the sum of three hundred dollars.

1 Record Clerk .....	\$ 900.00
1 Bank Deposit Clerk .....	900.00

6 Clerks, each .....	900.00
1 Clerk and Stenographer .....	900.00
1 Auditor .....	2,500.00
1 Chief Clerk to Auditor .....	1,500.00
2 Clerks to Auditor, each .....	900.00

And each of the following named employes, in addition to the above minimum salary, shall receive one increase of \$100.00 a year for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the City:

Assistant Bookkeepers.
Local Accounts Bookkeeper.
Chief Tax Sale Clerk.
Assistant Tax Sale Clerks.
Warrant Clerk.
Assistant Warrant Clerks.
Bond and Insurance Clerk.
Record Clerk.
Clerks.
Clerk and Stenographer.
Clerks to Auditor.

The Bank Deposit Clerk shall receive to his minimum salary an increase of \$100.00 after five years' continuous service.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under Department of Finance, Comptroller's office, as relates to the following:

3 Assistant Bookkeepers, each ..\$	900.00
2 Clerks to Auditor, each .....	900.00

—be amended so as to read as follows:

3 Assistant Bookkeepers, each ..\$	1,000.00
2 Clerks to Auditor, each .....	900.00

Clerks to Auditor.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under the title Department of Public Instruction, as reads as follows:

"1 Superintendent of Education, \$5,000.00"—be and the same is hereby amended so as to read as follows:

1 Superintendent of Education..\$7,500.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under Subdivision Treasurer's Department, as relates to the following: One Clerk and Stenographer, \$900.00 be amended to read as follows:

One Clerk and Stenographer, minimum salary, \$900.00.

One Clerk and Stenographer shall receive to his or her minimum salary an increase of \$100.00 for every period of five years, not exceeding one such period, during which he or she has been or shall hereafter be continuously in the regular employ and service of the City, but in no event shall this increase of salary exceed a maximum of \$100.00.

Resolved, That so much of Section 1, Chapter 1, of the Ordinances of the City of Buffalo, which reads:

Bridge Engineers, per day .....	\$3.50
—be amended to read as follows:	
Bridge Engineers, per day .....	\$4.00

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Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under Miscellaneous as relates to the following:

1 Inspector Grand Army Relief Fund, \$750.00; be amended so as to read as follows:

1 Inspector Grand Army Relief Fund, \$1,000.00.

The above to take effect July 1, 1912.

Resolved, That pursuant to Chapter 349 of the Laws of 1911, so much of Section 1 of Chapter 1 of the Ordinances, as relates to salaries in the Department of Public Instruction, be and the same is hereby amended by the following provisions, fixing the salaries of the members of the Board of School Examiners at \$1,000.00 per annum each:

Five school examiners, each .... \$1,000.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under Playground Commission as reads as follows:

12 Directors of Playgrounds, each per annum ..... \$1,020.00

12 Assistant Directors of Playgrounds on duty six months, each per annum ..... 390.00

12 Caretakers of Playgrounds, each per annum ..... 720.00

—be amended so as to read as follows:

13 Directors of Playgrounds, each per annum ..... \$1,020.00

13 Assistant Directors of Playgrounds on duty six months, each per annum ..... 390.00

13 Caretakers of Playgrounds, each per annum ..... 720.00

Resolved, That, in concurrence with the action of the Commissioner of Public Works, in fixing the salaries of the four deputy commissioners in the Department of Public Works at \$4,000.00 per annum each, so much of Section 1 of Chapter 1 of the Ordinances as relates to salaries in the Department of Public Works be and the same is hereby amended by inserting therein the following:

1 Deputy Engineer Commissioner, per annum ..... \$4,000.00

1 Deputy Water Commissioner, per annum ..... 4,000.00

1 Deputy Building Commissioner, per annum ..... 4,000.00

1 Deputy Street Commissioner, per annum ..... 4,000.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances as relates to the following positions in the Department of Public Works be and the same is hereby amended to read as follows:

#### General Office.

Secretary, per annum ..... \$2,200.00

Cashier, per annum ..... 1,800.00

#### Bureau of Engineering.

Superintendent of Sanitary and Sewage Station, per annum ... 1,400.00

Franchise Clerk, per annum .... 1,200.00

Chief Clerk, per annum ..... 1,400.00

#### Bureau of Building.

Inspector of Heating, per annum 1,400.00

Chief Architectural Draughtsman 1,400.00

Three (3) Architectural Draughtsmen, each ..... 1,200.00

Chief Inspector of Buildings .... 1,600.00

#### Municipal Building.

Three (3) Special Officers, each, per day ..... 3.00

Three (3) Porters, each, per day 2.50

Custodian, per annum ..... 1,200.00

#### City Court Building.

Custodian, on appointment, per annum ..... 1,200.00

After 5 years, per annum ..... 1,300.00

After 10 years, per annum ..... 1,400.00

Three (3) Special Officers, each, per day ..... 3.00

Three (3) Porters, each, per day 2.50

9 Charwomen, each, per day .... 1.75

Custodian, Convention Hall, per annum ..... 1,100.00

Custodian, Arsenal, per annum .. 1,100.00

#### Bureau of Water.

4 Meter Inspectors, each, on appointment, per annum ..... 900.00

After 5 years' service, per annum 1,000.00

Supt. of Distributions, per annum 1,400.00

Asst. Supt. of Distributions, per annum ..... 1,200.00

Meter Clerk, on appointment, per annum ..... 1,100.00

After 5 years, per annum ..... 1,200.00

After 10 years, per annum ..... 1,300.00

Chief Engineer, Pumping Station, per annum ..... 2,800.00

1st Asst. Engineer, Pumping Station, per annum ..... 1,800.00

#### Bureau of Streets.

Secretary ..... 1,600.00

Chief Clerk ..... 1,300.00

The same to take effect July 1, 1912.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under the heading, Department of Assessment, as reads as follows:

3 Assessors, each ..... \$4,000.00

—be amended so as to read as follows:

3 Assessors, each ..... \$5,000.00

The above to take effect July 1, 1912.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under Department of Poor, as reads as follows:

2 Special Inspectors, each ..... \$ 800.00

—be amended so as to read as follows:

2 Special Inspectors, each ..... \$ 900.00

—also by adding thereto the following:

1 Clerk and Stenographer ..... \$ 900.00

1 Nurse for Quarantined Homes. 900.00

One clerk and stenographer shall receive to his minimum salary an increase of \$100.00 for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the City, but in no event shall this increase of salary exceed the maximum of \$200.00.

Every such period of five years shall be deemed continuous where such employ or employes has not been or shall not be



separated from service for more than one year in the aggregate; provided that such separation shall not have been or shall not be due to the fault or misconduct of such employe or employes.

The above to take effect July 1, 1912.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo as relates to the salaries of the assistant clerks and probation officers of the City Court be and the same are hereby amended as follows:

That the item heretofore reading "\$ assistant clerks, each, per annum, \$900," be amended so as to read as follows:

2 Assistant Clerks, each of whom shall have had not less than nine years' experience as a court clerk, minimum .....	\$1,000.00
6 Assistant Clerks, minimum, each .....	900.00
4 Probation Officers, each per annum .....	1,200.00
1 Chief Probation Officer, per annum .....	1,300.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under the Department of Finance, Treasurer's Office, as relates to the following:

1 Bookkeeper .....	\$1,200.00
1 Assistant Bookkeeper .....	900.00
1 Receiving Clerk .....	900.00
1 Index Clerk .....	900.00

—be and the same hereby is amended so as to read as follows:

1 Bookkeeper .....	\$1,300.00
1 Assistant Bookkeeper .....	1,000.00
1 Receiving Clerk .....	1,000.00
1 Index Clerk .....	1,000.00

—the same to take effect July 1, 1912.

Resolved, That Section 83 of Chapter 14 of the Ordinances be amended by adding the following:

Male Director of German Gymnastics .....	\$1,400.00
Male Assistants .....	1,200.00

Resolved, That the last sentence of the fourth paragraph of Section 2-a of Chapter X of the Ordinances of the City of Buffalo, as printed on pages 193 and 194 of the Proceedings of the Common Council for the year 1912, be and the same is hereby amended so as to read as follows:

"Provided, however, that said commissioner shall include in the district last above defined in the notice given for the year nineteen hundred and twelve, the following streets which shall be substituted for and approximately equal amount of work in such district as hereinbefore defined, and shall not be deemed an additional requirement: Ferry street, between Niagara and Main streets, and Grant street, between Hampshire street and Forest avenue; it being hereby required that all poles and all overhead wires, cables and appliances shall be removed in the year nineteen hundred and twelve, and all such wires, cables and necessary appli-

ances shall be buried during said year, or as soon thereafter as practicable, without detriment to the service."

Sec. 25. No person shall walk, stand or be upon a public or private alleyway, street, sidewalk, or any public or private place within the City of Buffalo for the purpose of asking, soliciting or inducing any person to accompany him or her to any assignation house, house of prostitution, bawdy house or any other place for the purpose of prostitution or other immoral act; nor shall any person from, in, or upon any yard, steps, doorway, window, street, sidewalk or any public or private place, ask, solicit or endeavor by any word, act, sign or gesture whatsoever, to persuade any person to go with or accompany or meet him or her or any other person for any such purpose. Any person who shall violate any provision of this section shall be guilty of disorderly conduct and shall, upon conviction thereof, forfeit and pay a fine or penalty of not to exceed fifty dollars, or shall be imprisoned for a period not exceeding six months for each offense, or shall suffer both such fine or penalty and imprisonment.

Resolved, That Section 79 of Chapter 14 of the Ordinances of the City of Buffalo be amended so as to read as follows:

Sec. 79. Substitutes must be supplied for all absent teachers, and they shall be paid at the following rate: The substitute teacher in grammar or primary schools shall be paid at the rate of \$2.00 per day. Substitutes for special teachers in the high schools shall be paid at the rate to be fixed by the Superintendent of Education. Acting principals shall receive an addition to their regular salary of \$1.00 per day, to be deducted with the substitute's pay, from the pay of the principal. Provided, further, that no substitute shall receive compensation for less than one-half day's services.

Resolved, That Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under the heading Children's Court, be amended by adding thereto the following:

Housekeeper - Cook, Detention Home .....	\$ 480.00
Maid .....	180.00
Helper .....	416.00

—and that so much of the above chapter and section, under the heading Children's Court, as reads as follows:

1 Assistant Superintendent Detention Home .....	\$ 600.00
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—be amended so as to read as follows:  
1 Janitor, Detention Home .....

And that the second paragraph of subdivision 20 of Section 8 of Chapter 3 be amended so as to read as follows:

That on the written requisition of the Superintendent of the Juvenile Detention Home the City Clerk may draw, and the Comptroller countersign a warrant for any such requisition not to exceed \$25.00 in any one month, provided that the Comptroller has certified in writing upon the requisition that its payment will not overdraw the amount appropriated for the ex-

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penses of said home. The Superintendent of said home is hereby authorized with the funds thus obtained to employ the necessary laundress or laundresses and charwomen at not to exceed \$1.50 per day. Provided that to each requisition from the said Superintendent is attached a detailed statement showing the expenditures of money advanced upon the previous requisition with any balance remaining unexpended. Such statement must be signed and sworn to by the Superintendent and certified as just and correct by the Judge of the Children's Court. The above to take effect July 1, 1912.

Resolved, That Section 1 of Chapter 1 of the Ordinances of the City of Buffalo, under the Department of Public Instruction, be amended by striking therefrom the following:

12 Truant Officers, at least one of whom shall be able to speak the Polish language and at least one of whom shall be able to speak the Italian language, each \$850.00.

That so much of Section 83 of Chapter 14 of the Ordinances of the City of Buffalo as reads as follows:

Truant Officers, minimum \$800; annual increase, \$100; maximum, \$1,200; provided, however, that out of said maximum salary of \$1,200 said truant officers shall pay their own transportation expenses.

—be amended so as to read as follows:

14 Truant Officers, at least one of whom shall be able to speak the Polish language, and at least one of whom shall be able to speak the Italian language, minimum, \$800; annual increase, \$100; maximum, \$1,200; provided, however, that out of said maximum salary of \$1,200 said truant officers shall pay their own transportation expenses.

The above amendments to take effect July 1, 1912.

Resolved, That Chapter 12 of the Ordinances of the City of Buffalo be amended by adding thereto a new section to be known as Section 10a and to read as follows:

**Specifications for Fire Escapes.**

**Section 10a—**

Escapes shall not be less than four feet wide.

Brackets—Not less than  $\frac{1}{2} \times 1\frac{3}{4} \times \frac{1}{4}$ -inch angle iron and spaced not more than three feet apart with braces not less than one inch square iron and must extend two-thirds the width of balcony with one-inch bolt ends through wall with  $5 \times 5\frac{1}{2}$ -inch washers and nut on inside of wall.

Top Rail— $1\frac{1}{4} \times \frac{3}{8}$ -inch iron or  $1\frac{1}{2} \times \frac{1}{4}$ -inch angle iron rail around balcony not less than three feet high.

Bottom Rail— $1\frac{3}{4} \times 1\frac{1}{2}$ -inch iron, or  $1\frac{1}{2} \times \frac{1}{4}$ -inch angle iron. Rails must go through wall with washers on nut on inside.

Connecting or Filling-in Bars—Top and bottom rails may be connected by three-quarter-inch square bars not more than three feet apart with  $1 \times \frac{1}{4}$ -inch crossbars

well riveted on top and bottom rail with crosses. Filling-in bars may be one-half round or square iron not more than six inches apart and well riveted to top and bottom rails.

Flooring— $1\frac{1}{2} \times \frac{3}{4}$ -inch iron slats riveted to batten  $1\frac{1}{2} \times \frac{3}{4}$ -inch each and spaced  $1\frac{1}{4}$ -inch between slats or  $1 \times \frac{1}{4}$ -inch slats placed edgewise not over  $1\frac{1}{4}$ -inch apart with three rows of timbers strung on wrought-iron rods running through and well fastened at end. Flooring to be fastened to bottom rail with  $1\frac{3}{8}$ -inch wrought-iron clips not less than four feet apart.

Stairs—Stairs shall not be less than two feet six inches wide and placed at an angle of not less than forty-five degrees nor more than sixty degrees. Stringers must be not less than  $6 \times \frac{1}{4}$ -inch iron or two stringers  $2 \times \frac{3}{8}$ -inch iron, one on front and one on back of treads and well riveted or bolted to treads. Treads to be not less than six inches wide. Riser nine inches high. Treads may be constructed the same as flooring with  $1\frac{1}{2} \times \frac{1}{4}$ -inch angle-iron noses on front of tread and to be riveted to  $1\frac{1}{4} \times 3-16$  inch angle iron on ends that fasten to stringers.

Stairway Openings—Stairway openings on each balcony shall be of size sufficient to provide clear headway and in no case shall they be less than twenty-one inches wide and three feet six inches long.

Balance Drop Stairs—Must not be less than two feet six inches wide and must be balanced from a bracket above, cut through the wall with a bolt in same as bracket with bolt and washer and to have iron sheaves on front of bracket for wire cables to pass through which is attached to stairs on the end and balance weight on the other end.

Balcony on Top Floor—The balcony on top shall be provided with a gooseneck ladder leading to and above the roof and securely fastened to the building. The foregoing described what will be exacted and deemed a suitable means of escape from building but is not planned as a bar to devising as efficient or perhaps better escape.

Plans for escape must be forwarded to the office of the State Fire Marshal, Albany, N. Y., for approval.

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under the Department of Police as relates to the salary of the Superintendent, be and the same is hereby amended so as to read as follows, the same to take effect July 1, 1912, to wit:

Superintendent ..... \$4,500.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo under the Department of Police as relates to the salaries of Precinct Detectives, Patrolmen first, second and third grades, Pilots patrol boat, Engineers patrol boat and Stokers patrol boat be and the same is hereby amended so as to read as follows, the same to take effect July 1, 1912, to wit:

Precinct Detectives ..... \$1,350.00  
 Patrolmen, first grade ..... 1,100.00  
 Patrolmen, second grade ..... 1,000.00

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Patrolmen, third grade .....	900.00
Pilots, patrol boat .....	1,100.00
Engineers, patrol boat .....	1,100.00
Stokers, pilot boat .....	1,000.00

Resolved, That so much of Section 1 of Chapter 1 of the Ordinances of the City of Buffalo as relates to positions in the Department of Public Works be and the same is hereby amended by the addition of the following:

**BUREAU OF BUILDING.**

Assistant Structural Engineer .. \$1,400.00

Resolved, That in accordance with the recommendation of the Board of Health and the Health Commissioner, Chapter XXV of the Ordinances of the City of Buffalo be and the same is hereby amended by adding thereto the following, to be designated Section 161:

Sec. 161. The Ernest Wende Hospital at Spring street and Broadway and the Municipal Hospital, 770 East Ferry street, near Kehr street, known as the quarantine hospital, shall continue to be maintained by the City for the care and treatment of persons affected with any of the infectious or contagious diseases which are enumerated in Section 11 of this Chapter. The Health Commissioner shall have charge and control of each of said hospitals. The title for the office of Superintendent of the Ernest Wende Hospital shall hereafter be Superintendent of the Ernest Wende and Municipal Hospitals, and the title of the office of Physician at the Municipal Hospital shall hereafter be Resident Physician at Hospitals. The superintendent, physicians, nurses, and such other employes as the Health Commissioner shall, from time to time, designate shall be required to live at the hospital at which they are employed respectively and their lodging and maintenance shall be furnished by the city. The employes now attached to either of said hospitals shall continue to be so employed until removed according to law; provided, that the Health Commissioner may transfer any of them from one of said hospitals to the other, or, in case of need, may detail them temporarily to such other appropriate duties as in his discretion the public health shall require.

The cost of the care, treatment and maintenance, and the ambulance fees, of patients who are unable to pay therefor and who are committed to either of said hospitals by any competent officer or authority within the City of Buffalo or the County of Erie, shall be a charge against said City or County, according to law, at the prevailing and legal rates charged by other hospitals. The rates to be charged for the care, treatment and maintenance of patients who are able to pay therefor shall be fixed by regulation of the Board of Health. All sums received for such care, treatment or maintenance from any patient or other person, or from the County of Erie or other county or municipal corporation, or from any department of the City of Buffalo shall be placed by the Department of Finance to the credit of a fund for the maintenance of the hospitals mentioned in this section. The cost of such maintenance, alteration, repairs and improvements, in excess of the in-

come above mentioned, shall be provided in the annual estimate for the Department of Health. Admissions to said hospitals, or either of them, shall be subject to the control of the Health Commissioner, under regulations of the Board of Health, according to the provisions of the Charter of the City of Buffalo for the protection of the public health"

Resolved, That so much of Section 83 of Chapter 14 of the Ordinances as relates to the position of shop teachers in vocational schools be amended as follows:

Shop teachers in vocational schools, minimum \$900.00, annual increase \$100.00, maximum, \$1,500.00,

—changed to read:

Assistant teachers in vocational schools, minimum \$900.00, annual increase \$100.00, maximum \$1,500.00.

Also that so much of Sections 83 and 84 of Chapter 14 of the Ordinances in relation to salaries of grammar and primary school principals, be amended by adding the following:

Principals of independent vocational schools shall receive the same salary and on the same basis as to attendance as principals of grammar and primary schools.

That such independent vocational schools are to be established only with the concurrence of the Common Council.

Resolved, That Chapter 1 of the Ordinances be and the same is hereby amended by adding thereto a new section, to be designated Section 8 and to read as follows:

Sec. 8. The seal of the City of Buffalo heretofore used for that purpose is hereby officially adopted as the City Seal, and is described as follows: To the left center, lighthouse on pier, with ship passing it into the harbor. To the lower right, canal boat passing into the canal to the right, surrounded in circle by the legend "City of Buffalo Incorporated 1832."

The design and description of a Municipal Flag for the City of Buffalo submitted by the Mayor and Commissioner of Public Works to the Common Council on June 10, 1912, are hereby adopted as the design and description of the Municipal Flag of the City.

The Coat of Arms of the State of New York with the seal of the City of Buffalo superimposed upon the shield of the same—all in blue, upon the field of the flag in Continental buff.

The design and description submitted by the Buffalo Ad Club to the Common Council at its meeting on June 24, 1912, are hereby adopted as the design and description of the Trade Flag of the City of Buffalo, being a white bison in a field of blue, which is surrounded by a bar of white, and on the exterior a bar of red.

That Section 18 of Chapter 10 be amended to read as follows:

Sec. 18. There is hereby created in the Bureau of Engineering of the Department of Public Works the position of City Line-man, who shall be appointed by the Commissioner of Public Works, and who shall

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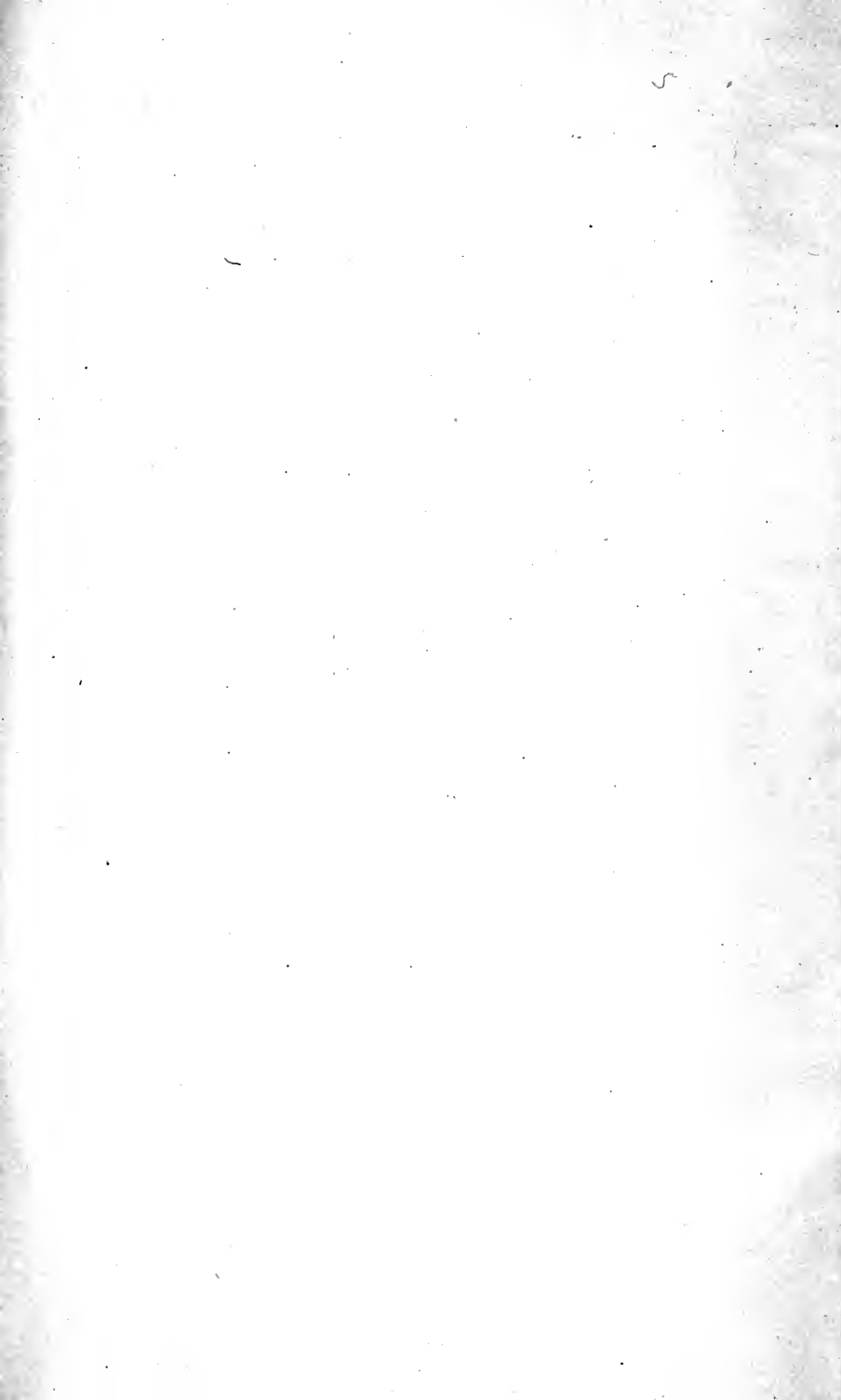
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within fifteen years previous to the time of his appointment, have not had less than five years' practical experience as a lineman, and not less than three years' practical experience on work similar to the work described in Sections 10 to 17, inclusive, of this chapter: provided, however, that said three years' practical experience on such similar work need not be in addition to the five years' practical experience as a lineman. Subject to the control of the Commissioner of Public Works,

the City Lineman shall inspect the wires and appliances on the streets and public places in the City of Buffalo, and shall be charged with such other duties relating thereto as may be imposed upon him by said Commissioner of Public Works. The salary of the City Lineman shall immediately be fixed by the Commissioner of Public Works, with the concurrence of the Common Council."

There shall be no more than two (2) Linemen appointed.





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# ORDINANCES

OF THE

# CITY OF BUFFALO

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## CHAPTER I.

### SALARIES OF OFFICERS AND EMPLOYES.

SECTION 1. All officers, deputies, clerks and employes of the City, elected or appointed, shall from and after the first Monday in January, 1892, receive for their services, respectively, the salary or compensation hereinafter set forth, and the number of officers and employes in any department or office shall not exceed the number prescribed herein:

#### MAYOR'S DEPARTMENT.

Mayor .....	\$5,000 00
1 Secretary .....	2,000 00
1 License Clerk .....	1,500 00
1 Clerk and Stenographer.....	1,000 00

and the subordinate employe hereinafter mentioned shall receive to his, or her, minimum salary an increase as follows:

One clerk and stenographer shall receive to his, or her, minimum salary an increase of \$100, for every period of five years, not exceeding two such periods, during which he, or she, has been or shall hereafter be continuously in the regular employ and service of the city, but in no

event shall this increase of salary exceed a maximum of \$200.

1 Secretary Civil Service Commission.....	\$1,500 00
1 Pay Roll and Filing Clerk, Civil Service Commission .....	1,200 00

One clerk and stenographer, minimum salary \$900, with an increase of \$100 for every period of five years, not exceeding three such periods, during which said clerk and stenographer has been or hereafter shall be continuously in the regular employ and service of the city.

#### LEGISLATIVE DEPARTMENT.

1 City Clerk .....	\$2,500 00
1 Sergeant-at-arms, each session .....	4 00
1 Messenger, each session .....	2 50

#### CITY CLERK'S DEPARTMENT.

Deputy .....	2,000 00
Chief Clerk, minimum .....	1,500 00
Warrant Clerk, minimum .....	1,300 00
First Assistant Warrant Clerk, minimum.....	1,200 00
Second Assistant Warrant and Filing Clerk, minimum .....	900 00
Index Clerk, minimum .....	1,100 00
Reporting Clerk, minimum .....	1,100 00
Clerk, minimum .....	900 00
Marriage License Clerk, minimum .....	900 00

Each of the following employes shall also receive an increase of \$100 a year for every period of five years during which he has been or shall hereafter be in the regular employ and service of the city, not exceeding the number of periods set opposite the title of the position below:

Chief Clerk, 3 period increases.

Warrant Clerk, 2 period increases.

First Assistant Warrant Clerk, 2 period increases.

Second Assistant Warrant and Filing Clerk, 3 period increases.

Index Clerk, 2 period increases.

Reporting Clerk, 3 period increases.

Clerk, 1 period increase.

Marriage License Clerk, 3 period increases.

## DEPARTMENT OF FINANCE.

### COMPTROLLER'S OFFICE.

The head of this department shall be a Comptroller at a salary of \$4,000.00, and the subordinate employes of this department and the annual minimum salaries shall be:

1 Deputy Comptroller .....	\$2,250 00
1 Chief Bookkeeper, minimum .....	1,600 00
1 Bookkeeper .....	1,200 00
3 Assistant Bookkeepers, each .....	900 00
1 Local Accounts Bookkeeper .....	900 00
1 Chief Tax Clerk .....	1,700 00
4 Assistant Tax Clerks, each.....	900 00
1 Warrant Clerk .....	1,100 00
1 Assistant Warrant Clerk .....	900 00
1 Bond and Insurance Clerk .....	1,000 00
1 Assistant Bond and Insurance Clerk.....	900 00

And such Assistant Bond and Insurance Clerk, in addition to the above named minimum salary, shall receive one increase of \$100.00 for each five years of service which he shall have rendered to the city or any of its departments, provided that the sum total of such increases shall not exceed three hundred dollars.

1 Record Clerk .....	\$ 900 00
1 Bank Deposit Clerk .....	900 00
6 Clerks, each .....	900 00
1 Clerk and Stenographer .....	900 00
1 Auditor .....	2,500 00

1	Chief Clerk to Auditor.....	1,100 00
2	Clerks to Auditor, each.....	900 00

And each of the following named employes, in addition to the above minimum salary, shall receive one increase of \$100 a year for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

Bookkeeper.

Assistant Bookkeeper.

Local Accounts Bookkeeper.

Chief Tax Clerk.

Three Assistant Tax Clerks.

Warrant Clerk.

Assistant Warrant Clerk.

Bond and Insurance Clerk.

Assistant Bond and Insurance Clerk.

Record Clerk.

Six Clerks.

Clerk and Stenographer.

Chief Clerk to Auditor.

Two Clerks to Auditor.

The Bank Deposit Clerk shall receive to his minimum salary an increase of \$100.00 after five years' continuous service. Provided, however, that the compensation now actually being received by the employes of said office shall not be reduced by reason of any of these amendments. In case any amendment would have such an effect, the employe shall nevertheless continue to receive his present compensation and the change made by any amendment shall take effect upon the change in occupancy of the office or position.

The Chief Bookkeeper shall receive to his minimum salary an increase of \$100.00 for every period of five years, not exceeding two such periods, during which he has been or shall hereafter be continuously in the regular

employ and service of the city, but in no event shall this increase of salary exceed a maximum of \$200.00.

### TREASURER'S OFFICE.

That the head of this department shall be a Treasurer at a salary of \$5,000.00, and that the subordinate employes in this department and the minimum annual salaries shall be :

1 Deputy Treasurer .....	\$2,000 00
1 Cashier .....	1,700 00
1 Assistant Cashier .....	1,500 00
2 Paying Tellers, each .....	1,700 00
1 Bookkeeper .....	1,200 00
1 Assistant Bookkeeper .....	900 00
1 Warrant Clerk .....	1,100 00
1 Receiving Clerk .....	900 00
1 Index Clerk .....	900 00
6 Clerks, each .....	900 00
1 Clerk and Stenographer .....	900 00
1 Messenger .....	900 00

And each of the following named employes, in addition to the above minimum salary, shall receive one increase of \$100 a year for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

- One Bookkeeper.
- One Assistant Bookkeeper.
- One Warrant Clerk.
- One Receiving Clerk.
- One Index Clerk.
- Six Clerks.

Provided, however, that the compensation now actually being received by the employes of said office shall not be reduced by reason of any of these amendments. In case any amendment would have such an effect, the employe

shall nevertheless continue to receive his present compensation and the change made by any amendment shall take effect upon the change in occupancy of the office or position.

The Messenger shall receive to the above minimum salary an increase of \$100 a year for every period of five years, not exceeding one such period, during which he has been or shall hereafter be in the regular employ and service of the city.

#### DEPARTMENT OF ASSESSMENT.

3 Assessors, each \$4,000 .....	\$12,000 00
1 Chief Clerk .....	1,500 00
1 Assistant Chief Clerk .....	1,200 00
1 Draughtsman .....	1,200 00
1 Stenographer .....	900 00
7 Clerks, each \$900.00 .....	6,300 00

And that each of the said subordinate employes in this department shall receive, to his minimum salary, an increase of \$100 for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city; but in no event shall this increase of salary exceed a maximum of \$300.

#### DEPARTMENT OF LAW.

1 Corporation Counsel .....	\$5,000 00
1 City Attorney .....	4,000 00
2 Assistant City Attorneys, each .....	3,000 00
1 Tax Attorney .....	3,000 00
2 Deputy Assistant City Attorneys, each.....	2,500 00
1 Managing Clerk .....	1,750 00
1 Clerk .....	1,500 00
1 Registrar .....	1,200 00
1 Confidential Clerk and Stenographer.....	1,000 00
3 Stenographers, each .....	900 00

2 Detectives, each .....	1,000 00
1 Messenger .....	800 00
1 Engineer .....	1,200 00

The Registrar, the Confidential Clerk and Stenographer, each Stenographer, each Detective, the Messenger and the Engineer, in addition to the above mentioned salaries, shall receive an increase of \$100 each for each period of five years, not exceeding two such periods, during which he or she has been or shall hereafter be continuously in the regular employ and service of the city.

Provided, however, that any Stenographer now, in the Law Department, who, on July 1, 1911, shall have been continuously in the regular employ and service of the city for at least fifteen years, shall receive an increase of \$100 each for each period of five years, not exceeding three such periods.

#### DEPARTMENT OF POLICE.

Mayor, ex-officio .....	\$ 500 00
2 Commissioners, each .....	2,500 00
1 Superintendent of Police .....	4,000 00
1 Clerk of the Board .....	1,800 00
1 Assistant Clerk .....	1,400 00
1 Stenographer .....	1,200 00

Surgeon at \$2,400.00 per annum, same to include all livery and transportation required by him in the performance of his duties.

1 Clerk to Superintendent .....	1,400 00
1 Chief Desk Sergeant .....	1,800 00
1 Assistant Chief Desk Sergeant .....	1,400 00
1 Photographer .....	1,500 00
1 Inspector and Chief of Detectives.....	2,400 00
2 Inspectors, each .....	2,200 00
14 Captains, each .....	2,000 00
44 Sergeants, each .....	1,320 00
46 Desk Sergeants, each .....	1,200 00

1 Superintendent of Horses .....	1,320 00
1 Janitress at Headquarters .....	2,000 00
1 Superintendent of Electrical Bureau .....	1,500 00
1 Sealer of Weights and Measures .....	2,000 00
2 Assistant Sealers of Weights and Measures, minimum salary, each .....	1,000 00

with one increase of \$100 a year for one period of five years during which each has been or shall hereafter be continuously in the regular employ and service of the city.

2 Assistant Sealers of Weights and Measures, each .....	1,000 00
4 Matrons, each .....	600 00
3 Janitresses, each .....	400 00
2 Janitresses, each .....	450 00
7 Janitresses, each .....	500 00
Patrolmen, first grade .....	1,000 00
Patrolmen, second grade .....	900 00
Patrolmen, third grade .....	800 00
20 Detective Sergeants, each .....	1,520 00
32 Precinct Specials, each .....	1,100 00
21 Patrol Wagon Drivers, each.....	950 00
1 Conductor Prison Van .....	950 00
1 Conductor Prison Van No. 2 (patrol wagon driver) .....	1,000 00
8 Hostlers, each .....	720 00
3 Engineers, each, per day .....	3 50
1 Watchman .....	600 00
2 Laborers, each .....	600 00
1 Lineman and Instrument Man .....	1,100 00
5 Linemen, each .....	1,000 00
3 Pilots Police Patrol Boat.....	1,000 00
3 Engineers Police Patrol Boat.....	1,000 00
3 Stokers Police Patrol Boat.....	900 00
1 Mechanic and Chauffeur .....	1,000 00



## DEPARTMENT OF HEALTH.

## BOARD OF HEALTH.

Mayor, *ex-officio*.

Commissioner of Public Works, *ex-officio*.

Health Commissioner.

## DEPARTMENT OF HEALTH.

Health Commissioner .....	\$5,000 00
Assistant Health Commissioner .....	3,000 00
Secretary .....	1,800 00
Chief Clerk, minimum salary .....	1,300 00
Registrar of Vital Statistics, minimum salary..	1,500 00
5 Clerks, minimum salary, each.....	900 00
Clerk and Stenographer, minimum salary.....	900 00
Chief Inspector of Food and Drugs, minimum salary .....	1,500 00
3 Inspectors of Food and Drugs, minimum salary, each .....	1,000 00
9 Milk Inspectors, minimum salary, each....	1,000 00
Chief Sanitary Inspector, minimum salary....	1,500 00
7 Sanitary Inspectors, minimum salary, each..	1,000 00
9 Tenement and Lodging House Inspectors, minimum salary, each .....	1,000 00
5 Medical School Examiners, Sept. 1 to June 30, each, per month .....	100 00
20 Assistant Medical School Examiners, Sept. 1 to June 30, each.....	500 00
Chief School Nurse, Sept. 1 to June 30, per month .....	90 00
2 School Nurses, Sept. 1 to June 30, per month. each .....	60 00
Inspector of Mercantile Establishments.....	1,000 00
Assistant Inspector of Mercantile Establish- ments .....	720 00
2 Tuberculosis Inspectors, each .....	1,000 00
1 Clerk .....	720 00
Labor Certificate Clerk .....	900 00

Chemist, minimum salary .....	1,400 00
Physician at Municipal Hospital .....	1,200 00
Engineer at Municipal Hospital .....	900 00
Bacteriologist, minimum salary .....	2,000 00
Assistant Bacteriologist, minimum salary.....	1,700 00
Laboratory, First Assistant, minimum salary..	1,000 00
Laboratory, Second Assistant, minimum salary	800 00
Laboratory, Third Assistant, minimum salary	720 00
Chief Inspector of Plumbing and Drainage, minimum salary .....	1,700 00
Assistant Chief Inspector of Plumbing and Drainage, minimum salary .....	1,400 00
7 Inspectors of Plumbing and Drainage, minimum salary, each .....	1,100 00
Cattle Inspector, minimum salary.....	1,500 00
Assistant Cattle Inspector, minimum salary...	1,000 00
1 Scavenger, per year .....	900 00
1 Scavenger, May 1 to Sept. 30, 5 months, per month .....	60 00
2 Fumigators, minimum salary, each .....	1,000 00
Placarders as required, each, per day.....	2 50
2 Keepers of Public Bath Houses, each.....	600 00
2 Assistant Keepers of Public Bath Houses, each .....	600 00
2 Matrons of Public Bath Houses, each.....	400 00
2 Firemen, Bath House No. 2, per month, each	60 00
Bath Keeper, foot of South Michigan Street..	300 00
8 City Physicians—	
1st District .....	500 00
2d, 3d, 5th, 6th and 7th Districts, each...	400 00
4th District .....	450 00
8th District .....	250 00
2 Homeopathic, East and West Side, each....	200 00
Examiner in Lunacy, minimum salary.....	1,000 00
6 Communicable Disease Nurses, each.....	720 00

Each of the following named employes, in addition to the above minimum salaries, shall receive one increase of

\$100 a year for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

Chief Clerk.

Registrar of Vital Statistics.

Clerks.

Clerk and Stenographer.

Chief Inspector of Food and Drugs.

Inspectors of Foods and Drugs.

Milk Inspectors.

Sanitary Inspectors.

Tenement and Lodging House Inspectors.

Tuberculosis Inspectors.

Laboratory Assistants.

Chief Inspector of Plumbing and Drainage.

Assistant Chief Inspector of Plumbing and Drainage.

Inspectors of Plumbing and Drainage.

Cattle Inspector.

Assistant Cattle Inspector.

Fumigators.

Chief Sanitary Inspector.

Examiner in Lunacy.

Chemist.

Bacteriologist.

Assistant Bacteriologist.

#### CONTAGIOUS DISEASES HOSPITAL.

1 Superintendent .....	\$2,000 00
1 Resident Physician .....	1,200 00
1 Matron .....	1,000 00
1 Supervising Nurse .....	900 00
1 Night Nurse .....	900 00
1 Interne .....	900 00
15 Nurses, each .....	720 00
1 Dietitian .....	600 00
1 Bookkeeper .....	600 00

3 Maids, each .....	420 00
3 Laundresses, each .....	420 00
1 Cook .....	480 00
1 Janitor .....	720 00
1 Assistant Janitor .....	600 00
2 Fumigators, one of whom shall be employed at the Contagious Diseases Hospital, the other to be used as needed in the Department of Health.	
1 Painter, per day .....	3 00

The fifteen nurses to be engaged or employed by the city for duty in the quarantine hospital maintained by the city shall, when not required in their professional capacities at the said hospital, report to the Health Commissioner for such other professional duties of a public nature in connection with health and charity that he deems proper to designate them for.

#### DEPARTMENT OF FIRE.

3 Commissioners, each .....	\$1,800 00
Chief of Department .....	4,000 00
After 5 years' service as Chief.....	4,500 00
Assistant Chief of Department.....	3,000 00
After 5 years' service as Assistant Chief.....	3,500 00
Secretary .....	1,800 00
Stenographer and Bookkeeper.....	1,100 00
1 Surgeon .....	1,800 00
Chief Operator .....	2,200 00
Assistant Chief Operator .....	1,600 00
3 Operators, each .....	1,400 00
3 Telephone Operators, each .....	900 00
Foreman of Construction .....	1,400 00
1 Batteryman .....	1,300 00
2 Linemen, each .....	1,200 00
1 Instrument Repairer .....	1,200 00
1 Superintendent of Horses .....	2,200 00
1 Foreman of Supply Stables .....	1,300 00

1 Storekeeper .....	1,500 00
7 Battalion Chiefs, each .....	2,200 00
1 Master Mechanic, minimum .....	1,700 00
6 Pilots, each .....	1,400 00
3 Marine Engineers, each .....	1,400 00
4 Assistant Marine Engineers, each.....	1,300 00
7 Stokers, each .....	1,100 00
51 Captains, each .....	1,500 00
51 Lieutenants, each .....	1,300 00
31 Engineers, each .....	1,300 00
30 Assistant Engineers, each .....	1,200 00
101 Drivers, first grade, each.....	1,200 00
291 Firemen, first grade, each.....	1,200 00
15 Firemen, second grade, each.....	1,080 00
2 Firemen, third grade, each.....	960 00
25 Substitute Firemen, each.....	864 00
2 Harnessmakers:	
One .....	858 00
One .....	780 00
1 Blacksmith, per day .....	3 75
1 Blacksmith, per day .....	2 75
2 Machinists, each, per day .....	3 50
1 Painter, per day.....	3 25
1 Woodworker and Wheelwright, per day....	3 25
2 Chauffeurs, each .....	1,000 00
1 Janitress .....	400 00

Each of the following named employes in addition to the above minimum salary shall also receive an increase of \$100 a year for every period of 5 years, not exceeding 3 such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

One Master Mechanic.

## DEPARTMENT OF PUBLIC WORKS.

## General Office.

## MONTHLY ROLL.

That the salary of the Commissioner of Public Works be, and is hereby fixed and established by Ordinance on and after the first day of January, 1912, at the sum of ten thousand dollars per annum, payable five thousand dollars from the General Fund, and five thousand dollars from the Water Fund, and the City Clerk is hereby directed to duly publish the same.

Salary of Secretary .....	\$2,000 00
Salary of Assistant Secretary .....	1,500 00
Salary of Cashier .....	1,700 00
Salary of Assistant Cashier .....	1,200 00
Salary of Accountant, minimum .....	1,000 00
Salary of Franchise Clerk .....	1,200 00
Salary of Record Clerk, minimum .....	1,000 00
Salary of Stenographer, minimum .....	900 00
Salary of Auditor .....	1,200 00
Salary of Messenger, per day .....	3 00
Salary of Clerk, per day .....	3 00

The Accountant and Record Clerk shall each, in addition to the amounts above fixed, receive an increase of \$100 per year for each period of five years, not exceeding two such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

The Stenographer shall receive one such increase.

## BUREAU OF ENGINEERING.

## MONTHLY ROLL.

Salary of Deputy Engineer Commissioner . . . \$3,000 00

The Deputy Engineer Commissioner shall also receive an increase of \$500 per year for each period of five

years, not exceeding two such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city.

Salary of First Assistant Engineer.....	2,500 00
Salary of 10 Assistant Engineers, on appointment .....	1,600 00
Salary of Assistant Engineers after 5 years' continuous service .....	1,800 00
Salary of Assistant Engineers after 10 years' continuous service .....	2,000 00
Salary of Assistant Engineers after 15 years' continuous service .....	2,400 00
Salary of 2 Draughtsmen, at appointment, per year .....	1,200 00
Salary of 2 Draughtsmen, per year, after 5 years' continuous service .....	1,300 00
Salary of 2 Draughtsmen, per year, after 10 years' service .....	1,400 00
Salary of 8 Transitmen, on appointment.....	1,200 00
Salary of Transitmen after 5 years' continuous service .....	1,300 00
Salary of Transitmen after 10 years' continuous service .....	1,400 00
Salary of 12 Rodmen, on appointment.....	900 00
Salary of Rodmen after 5 years' continuous service .....	1,000 00
Blue Print Man .....	1,000 00
Salary of Secretary .....	1,800 00
Salary of Chief Clerk .....	1,200 00
Salary of 2 Clerks, on appointment.....	900 00
Salary of 2 Clerks after 5 years' continuous service .....	1,000 00
Salary of 2 Stenographers, on appointment...	900 00
Salary of 2 Stenographers after 5 years' continuous service .....	1,000 00
Salary of Messenger, per day.....	3 00
Salary of Keeper of Sewer Outlets.....	900 00

Salary of Superintendent of Sewers and Sanitary Plant .....	1,200 00
Superintendent Street Repair Yard.....	1,200 00
Salary of 3 Engineers, each, per day.....	3 50
Salary of 3 Firemen, each, per day.....	2 50
Salary of 3 Laborers, each, per hour.....	25
Salary of Chief Inspector Complaints .....	1,200 00
Salary of Permit Clerk, minimum.....	900 00
After 5 years' continuous service.....	1,000 00
Salary of 2 Plumbing Inspectors, each.....	1,200 00
Salary of Sidewalk Clerk, minimum.....	900 00
After 5 years' continuous service.....	1,000 00
Salary of 3 Assessment Roll Clerks, each on appointment .....	900 00
Salary of 3 Assessment Roll Clerks, after 5 years' continuous service .....	1,000 00
Salary of 5 Inspectors, General Fund Service, each .....	1,000 00
Salary of Asphalt Inspector .....	1,200 00
Salary of Asphalt Inspector after 5 years' continuous service .....	1,400 00
Salary of Foreman Painter, per day.....	3 50

## BUREAU OF ENGINEERING.

## WEEKLY ROLL.

(Season's employment, as required.)

Pay, Grade Crossing Commission Inspectors, per day .....	\$ 5 00
Pay, Contract Inspectors, per day.....	3 00
Pay, Contractor Inspectors, as per contract per day, \$3.00 to .....	3 80
Pay, Corporation Franchise Inspectors, per day, \$3.00 to.....	3 80
Pay, Foreman, all services, per day.....	3 00
Pay, Assistant Foreman, all services, per day..	2 50
Pay, Sidewalk Carpenters, per day.....	2 60
Pay, Painters, First Class, per hour.....	.37½



Pay, Painters, Bridge, etc., per day.....	2 80
Pay, Laborers, per hour .....	25
Pay, teams, double, per hour.....	60
Pay, teams, single, per hour.....	40
Pay, first-class Pavers, per hour.....	50
Pay, Pounders, per hour.....	30
Pay, Water Boy, per day .....	1 00
Pay, Charwoman, per day.....	1 50
Pay, Chainman, per month.....	60 00
Pay, Special Officer, per day.....	3 00

## BUREAU OF WATER.

## MONTHLY ROLL.

Salary of Deputy Water Commissioner.....	\$3,000 00
Salary of Secretary and Registrar.....	1,800 00
Salary of Cashier .....	1,400 00
Salary of Assistant Cashier.....	1,100 00
Salary of 2 Accountants, each.....	1,000 00
Salary of Chief Clerk.....	1,200 00
Bookkeeper .....	1,200 00
After 5 years' continuous service.....	1,300 00
After 10 years' continuous service.....	1,400 00
Assistant Bookkeeper .....	900 00
After 5 years' continuous service.....	1,000 00
After 10 years' continuous service.....	1,100 00
Salary of Permit Clerk .....	1,100 00
Salary of Meter Clerk .....	1,000 00
Salary of 8 Clerks, each.....	900 00
Salary of 2 Stenographers, per year, each....	900 00
Salary of District Chief Inspector.....	1,500 00
Salary of 25 District Inspectors, each at ap- pointment .....	900 00
Salary of District Inspectors after 5 years' con- tinuous service .....	1,000 00
Salary of 6 Bill and Check Clerks, each.....	900 00
Salary of General Foreman of Extensions, on appointment .....	1,800 00

Salary of General Foreman of Extensions, after 5 years' continuous service.....	1,900 00
Salary of General Foreman of Extensions, after 10 years' continuous service.....	2,000 00
Salary of Pipe Inspector.....	1,200 00
Salary of Civil Engineer.....	1,600 00
Salary of Civil Engineer after 5 years' con- tinuous service .....	1,800 00
Salary of Meter Inspectors, each.....	900 00
Salary of Superintendent of Distribution.....	1,200 00
Salary of Assistant Superintendent of Distri- bution .....	1,100 00
Salary of 3 Meter Repairers, each, per day...	3 00

In lieu of all increases for length of service recom-  
mended under this heading, the following are authorized:

Each of the following named employees, in addition to  
his salary as fixed, from July 1, 1910, shall receive an  
increase of \$100 per year for every period of five years,  
not exceeding two such periods, during which he has  
been or shall hereafter be continuously in the regular  
employ and service of the city.

One Cashier.

One Assistant Cashier.

One Chief Clerk.

One Permit Clerk.

One Meter Clerk.

Eight Clerks.

The Accountants and Bill and Check Clerk shall  
similarly receive one such increase.

#### STORE-HOUSE.

Salary of General Foreman of Repairs, on ap- pointment .....	\$1,800 00
Salary of General Foreman of Repairs, after 5 years' continuous service .....	1,900 00
Salary of General Foreman of Repairs, after 10 years' continuous service.....	2,000 00

Clerk, per day .....	3 00
Salary of Foreman of Leaks.....	1,200 00
Salary of Foreman of Valves.....	1,000 00
Salary of Foreman of Hydrants.....	1,000 00
Salary of 30 Repairmen, on appointment, per month .....	60 00
Salary of Repairmen after 2 years' continuous service, per month .....	65 00
Salary of Repairmen after 5 years' continuous service, per month .....	70 00
Salary of Principal Storekeeper.....	1,200 00
After 5 years' continuous service.....	1,300 00
Salary of 3 Yard Foremen, per month.....	70 00
Salary of Carpenter, per hour.....	45
Salary of Carpenter Helper, per day.....	2 00
Salary of Plumber .....	1,200 00
Salary of 2 Plumbers, per day, each.....	3 50
Salary of Laborer, per hour.....	25
Salary of Blacksmith, per day.....	3 00
Salary of Blacksmith Helper, per hour.....	25
Salary of Foreman of Stables.....	900 00
Salary of 3 Stablemen, per hour.....	25
Salary of 3 Cleaners, wagon and harness, per hour .....	25
Salary of 3 Callers, per hour.....	25
Salary of 3 Teamsters, each, per month.....	75 00
Salary of 2 Tappers, each, per month.....	90 00
Salary of 2 Tappers' Helpers, each, per month	60 00
Salary of 2 Repairers, Hydrants, per month...	60 00
Salary of 2 Oilers, Hydrants, per hour.....	25
Salary of 2 Repairers, valves, per month....	60 00
Salary of Mason, per hour.....	55
Salary of Mason Helper, per month.....	60 00
Salary of Foreman, service boxes, per day....	3 00
Salary of 2 Repairers, service boxes, per hour	25
Salary of 3 Laborers, Genesee Street Storehouse, per hour .....	25
Salary of 3 Watchmen at Reservoir, per hour	25

Salary of 3 Watchmen at Kensington Water Tower, per hour .....	25
Salary of 2 Laborers at Reservoir, per hour..	25
Salary of 1 Laborer at Kensington Water Tower, per hour .....	25

## PUMPING STATION.

Salary of Chief Engineer of Steam Power, per annum .....	\$2,700 00
Salary of First Assistant Engineer, per annum	1,700 00
Salary of 10 Assistant Engineers, each, per day	3 50
Salary of 3 Electrical Engineers, each, per day	3 50
Salary of 3 Oilers on Electrical Engines, each, per day .....	2 25
Salary of 3 Oilers on Coal Conveyors, each, per day .....	2 25
Salary of 3 Foremen of Firemen, each, per day	3 00
Salary of 18 Firemen, each, per day.....	2 50
Salary of 18 Coal Passers, each per day.....	2 00
Salary of Clerk to Chief Engineer, per month	75 00
Salary of 3 Clerks, per day.....	2 50
Salary of 3 Machinists, each, per day.....	3 50
Salary of 1 Chief Boilermaker, per day.....	3 50
Salary of 1 Boilermaker's Helper, per hour...	25
Salary of 3 Engine Repairmen, each, per day..	3 00
Salary of 3 Helpers, each, per day.....	2 00
Salary of Carpenters, per hour.....	45
Salary of Carpenters' Helper, per day.....	2 00
Salary of 2 Boiler Cleaners, each per hour....	25
Salary of Blacksmith, per day.....	3 50
Salary of Blacksmith Helper, per hour.....	25
Salary of Electrician, electric light service, per day .....	3 00
Salary of Helper, electric light service, per day	2 50
Salary of 4 Cleaners, each, per hour.....	25
Salary of 15 Oilers, each, per day.....	2 25
Salary of 12 Wipers, each, per day.....	2 00

Salary of Mason, fire box repairs, per day....	3 50
Salary of Mason's Helper, box repairs, per hour	25
Salary of Pipe Fitter, per hour.....	45½
Salary of Pipe Fitter's Helper, per day.....	2 50
Salary of Janitor, per hour.....	25
Salary of Storekeeper, per day.....	3 00
Salary of Messenger, per hour.....	25
Salary of 2 Painters, per hour.....	37½
Salary of Foreman of Coal Gang, per day....	3 00
Salary of Foreman of Laborers, per day.....	3 00
Salary of 4 Laborers, each, per hour.....	25
Salary of Keeper of Inlet Pier, per day.....	3 00
Salary of 3 Watchmen, Inlet Pier, each, per day	2 50
Salary of 3 Engineers, Inlet Pier, winter months, each, per day.....	3 50
Salary of 3 Watchmen, Pumping Station, each per hour .....	25
Salary of 3 Gatemen, per day.....	2 50

## WEEKLY ROLL.

## Season's Employment as Required.

Pay of Foreman, pipe laying gangs, December to April, per day .....	\$ 3 50
Pay of Foreman, pipe laying gangs, April to December, per day .....	3 50
Pay of Caulker, pipe laying gangs, per day....	2 75
Pay of Watchmen, pipe laying gangs, per hour	25
Pay of Chief Carpenter, pipe laying gangs, per hour .....	42
Pay of Carpenters, pipe laying gangs, per day	2 60
Pay of Laborers, pipe laying gangs, per hour..	25
Pay of Machinists, per day.....	3 50
Pay of Painters, per hour.....	37½
Pay of Mason and Bricklayers, per hour.....	50
Pay of Laborers, coal gang and repairs, per hour .....	25
Pay of Examiner of Waste and Leaks, per day	3 00
Pay of Foremen, general service, per day....	3 00

Pay of Assistant Foremen, general service, per day .....	2 50
Pay of Special Officers, per day.....	3 00
Bricklayers, each, per hour.....	60
Pay of Hydrantmen, winter service and care, per day .....	3 00
Pay of Blacksmith, per day.....	3 00
Pay of Boiler Cleaner and Repairers, per hour	25
Pay of Teams, Double, per hour.....	60

## BUREAU OF BUILDING.

## MONTHLY ROLL.

Salary of Deputy Building Commissioner.....	\$3,000 00
Salary of Structural Engineer (1st Assistant Engineer) .....	2,500 00
Salary of Secretary .....	1,500 00
Salary of Second Assistant to Commissioner..	1,600 00
Salary of Sanitary Engineer.....	1,600 00
Salary of Chief Clerk.....	1,600 00
Salary of Architect .....	2,500 00
Salary of 3 Architectural Draughtsmen, each..	1,200 00
Permit Clerk, on appointment.....	1,100 00
After 5 years' continuous service.....	1,200 00
After 10 years' continuous service.....	1,300 00
Salary of Stenographer, on appointment.....	900 00
Salary of Stenographer, after 5 years' continuous service .....	1,000 00
Salary of 2 Clerks, on appointment.....	900 00
Salary of Clerks after 5 years' continuous service .....	1,000 00
Salary of Chief Inspector Buildings.....	1,500 00
Salary of 10 Building Inspectors, each, on appointment .....	1,100 00
Salary of Building Inspectors after 5 years' continuous service .....	1,200 00
Salary of Building Inspectors after 10 years' continuous service .....	1,300 00

After 15 years' continuous service.....	1,400 00
Salary of Inspector, fuel and supplies.....	1,200 00
Salary of Custodian Municipal Building.....	1,100 00
Salary of Engineer, Municipal Building, per day .....	3 50
Salary of 2 Firemen, per day.....	2 50
Salary of 2 Special Officers (as watchmen), each, per day .....	3 00
Salary of 2 Porters, per day.....	2 00
Salary of Elevator Conductor (City Court)...	600 00
Salary of 11 Charwomen, per day.....	1 75
Salary of Custodian Convention Hall.....	1,000 00
Salary of Custodian of Arsenal.....	1,000 00
Architectural services on plans— $3\frac{1}{2}\%$ on cost when approved by the Common Council.	

## CITY COURT BUILDING.

Custodian, at appointment.....	\$1,100 00
After 10 years' service.....	1,200 00
Engineer, 313 days at \$3.50 per day.....	1,095 50
Firemen (2) 365 days at \$2.50 per day.....	1,825 00
2 Special Officers (as watchmen) per day....	3 00
Porters (2), 338 days at \$2.00 per day.....	1,352 00
Charwomen (11), per day.....	1 75

## BUREAU OF BUILDINGS.

## WEEKLY ROLL.

(Season's Employment as required.)

Inspector and Overseer of Repairs, per day...\$	3 50
Pay of Inspectors, per day.....	3 00
Pay of Overseer of Repairs.....	3 00
Pay of Foremen, per day.....	3 00
Pay of Janitor, per day.....	3 00
Pay of Machinists, per day.....	3 50
Pay of Carpenters, per hour.....	45
Pay of Painters, per hour.....	37 $\frac{1}{2}$
Pay of Engineers, per day.....	3 50

Pay of Charwoman, per day.....	I 50
Pay of Laborers, per hour.....	25
Pay of Teams, double, per hour.....	60

## BUREAU OF STREETS.

## MONTHLY ROLL.

Salary of Deputy Street Commissioner.....	\$3,000 00
Salary of First Assistant Commissioner.....	1,800 00
Salary of Second Assistant Commissioner....	1,200 00
Salary of Secretary.....	1,500 00
Salary of Chief Clerk.....	1,200 00
Salary of four (4) Clerks, on appointment....	900 00
Salary of Clerks after 5 years' continuous service .....	1,000 00
Salary of Lamp Inspector.....	1,200 00
Salary of Assistant Lamp Inspector.....	900 00
Salary of Stenographer, on appointment.....	900 00
Salary of Stenographer after 5 years' continu- ous service .....	1,000 00
Salary of Chief Inspector of Streets.....	1,500 00
Salary of twelve (12) Street Inspectors, on appointment .....	900 00
Salary of Street Inspectors, after 5 years' con- tinuous service .....	1,000 00
Salary of 2 Assessment Roll Clerks, on ap- pointment .....	900 00
Salary of Assessment Roll Clerks, after 5 years' continuous service .....	1,000 00
Salary of Superintendent of Sewers.....	1,500 00
Salary of 10 Foremen, ash and garbage dis- trict, each, per day .....	3 00
Salary of 10 Foremen, markets, viaducts and streets, each, per day .....	3 00
Salary of Special Officer.....	1,000 00
Salary of 2 Investigators of Complaints, each, per day .....	3 00
Salary of 1 Smoke Nuisance Inspector.....	1,000 00



Salary of Foreman, Street Signs and Repairs, per day .....	3 00
Salary 3 Watchmen, storehouse, per day.....	3 00
Salary of Pound-keeper, per year.....	400 00

## BUREAU OF STREETS.

(Season's Employment as required.)

Pay of Chief Engineer Sanitary Plant, per day.\$	3 50
Pay of 3 Assistant Engineers Sanitary Plant, per day .....	3 00
Pay of Inspector, per day.....	3 00
Pay of Foreman, per day.....	3 00
Pay of Assistant Foreman, per day.....	2 50
Pay of Watchman, per day.....	2 00
Pay of Blacksmith, per day.....	3 00
Pay of Special Officer, per day.....	3 00
Pay of Laborers, per hour.....	25
Pay of Teams, double, per hour.....	60

## DEPARTMENT OF PUBLIC INSTRUCTION.

1 Superintendent of Education .....	\$5,000 00
1 Secretary and Superintendent of German...	2,750 00
1 Clerk .....	1,300 00
2 Clerks, each .....	1,000 00
12 Truant Officers, at least one of whom shall be able to speak the Polish language and at least one of whom shall be able to speak the Italian language, each.....	850 00
1 Secretary to the Board of School Examiners	1,500 00

## HIGH SCHOOL PRINCIPALS.

§ 83. The principals of the Central, Masten Park, Lafayette and Technical high schools shall each receive for the first three years of service \$2,500.00 per annum; for each of the four years immediately thereafter, each principal shall receive an annual increase of \$125.00 until his salary shall amount to the maximum of \$3,000.00.

## GRAMMAR AND PRIMARY SCHOOL PRINCIPALS.

Salaries of principals of grammar and primary schools shall be based upon the average annual net registration of pupils during the school year immediately preceding that for which said salaries are paid, and shall be determined and are hereby fixed as follows:

In schools the average annual net registration of which shall be 700 or under, the minimum salary shall be \$1,500; yearly increase \$100; maximum salary \$2,000.

In schools where the average annual net registration is over 700 and not over 1,100, the minimum salary shall be \$1,500; annual increase \$100; maximum salary \$2,200.

In schools where the average annual net registration is over 1,100, the minimum salary shall be \$1,500; annual increase \$100; maximum \$2,500.

The principals of the training school for teachers shall receive a minimum salary of \$2,200; an annual increase of \$100, and a maximum of \$2,500.

The principal of the school of practice at the State Normal School shall receive a minimum salary of \$1,200; an annual increase of \$100, and a maximum of \$1,500.

The changes in salary hereby determined and enacted shall take effect at the beginning of the school year, September, 1911-1912.

## GENERAL SUPERVISORS.

Two general supervisors shall receive, for the first three years of service, \$2,000 per year; for the fourth and subsequent years, \$2,500.

## HIGH SCHOOL TEACHERS.

The teachers of the respective high schools shall be divided into four classes, namely: Heads of departments, special assistants, study room teachers and class room teachers.

Six heads of departments in each of the above named

high schools shall receive, respectively, a minimum salary of \$1,500.00, an annual increase of \$100.00 and a maximum of \$2,000.00.

In addition to the foregoing heads of departments there may be employed at the Central High School a teacher to be known as the head of the business department, who shall receive the same salary, the same annual increase, and subject to the same maximum limit as the other heads of departments herein provided.

Five special assistants in each of the above named high schools shall receive, respectively, a minimum salary of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,700.00 and at the discretion of the Superintendent of Education for special reasons a maximum of \$1,800, provided that said Superintendent shall in each such case communicate to the Common Council the fact that he has allowed said increase in excess of \$1,700.00 and his reasons therefor.

The Superintendent of Education shall have power to leave any one or more of these positions vacant.

Study room teachers in each of the above named high schools shall receive, respectively: Three at Central, two at Masten Park and two at Lafayette, each a minimum of \$1,300.00, an annual increase of \$100.00 and a maximum of \$1,600.00; two at Masten Park and two at Lafayette, each a minimum of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,400.00; one at Central, seven at Masten Park, eight at Lafayette and one at Technical, each a minimum of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,300.00.

Class room teachers in each of the above named high schools shall receive, each a minimum of \$600.00, an annual increase of \$100.00 and a maximum of \$1,200.00.

It is understood and enacted that in any case where the annual increase herein allowed to principals or teachers in the high schools would raise a salary to an amount in excess of the maximum hereby fixed, only

such part of the said increase shall be allowed as will be sufficient to reach such maximum.

The increases provided by this amendment shall take effect at the beginning of the school year in September, 1911-12.

#### TEACHERS' TRAINING SCHOOL.

The assistant teachers in the Teachers' Training School and in the Normal School of Practice shall each receive, during the first year of such service, \$100 in addition to the amount each would receive as an assistant teacher; with an annual increase of \$100, thereafter continuing to the same maximum salary that shall be in force for class room teachers in the high schools. The three teachers of theory and practice of teaching at the Teachers' Training School shall receive a minimum of \$1,300, an annual increase of \$100 and a maximum of \$1,500.

#### ASSISTANT PRINCIPALS AND DEPARTMENT PRINCIPALS.

Assistant principals and department principals in primary and grammar schools, and one truant school teacher, shall each receive fifty dollars (\$50) in addition to the yearly salary which each would be entitled to receive as a teacher in grades one to seven, inclusive. Each department principal, however, having charge of a separate building, shall receive annually one hundred dollars (\$100) in addition to the annual salary which he or she would be entitled to receive as a teacher in grades one to seven, inclusive.

#### ASSISTANTS.

Assistants in grades one to seven, inclusive, and teachers of German, shall receive a minimum of five hundred dollars (\$500) an annual increase of fifty dollars (\$50) and a maximum of nine hundred dollars (\$900).

#### EIGHTH AND NINTH GRADE TEACHERS.

Eighth and ninth grade teachers in primary and gram-

mar schools shall each receive fifty dollars (\$50) in addition to the yearly salary which each would be entitled to receive as a teacher in grades one to seven, inclusive.

#### DIRECTORS.

Directors of special departments; four directors of the departments, respectively, of music, drawing, penmanship and manual training, shall receive a minimum salary of \$1,200, an annual increase of \$100, and a maximum of \$1,800. Four directors of the departments, respectively, of kindergartens, sewing, physical training and domestic science shall receive a minimum of \$800, an annual increase of \$100, and a maximum of \$1,200.

Assistants in the normal school of practice and in the teachers' training school shall be paid at the same rate and upon the same basis as assistants in grammar schools, except that they shall receive \$50 per annum in addition to the salaries to which they are in any given year otherwise entitled.

#### HEADS OF VOCATIONAL DEPARTMENTS OF THE GRAMMAR SCHOOLS.

Heads of Vocational Departments of the Grammar Schools shall receive a minimum salary of \$1,200, with an annual increase of \$100 until the maximum of \$1,500 is reached.

#### DIRECTORS OF SPECIAL DEPARTMENTS.

Four directors of the departments, respectively, of Music, Drawing, Penmanship and Manual Training shall receive a minimum salary of \$1,600, an annual increase of \$100 and a maximum of \$2,200. Four directors of the departments, respectively, of Kindergartens, Sewing, Physical Training and Domestic Science, shall receive a minimum of \$1,200, an annual increase of \$100 and a maximum of \$1,600.

#### ASSISTANTS IN SPECIAL DEPARTMENTS.

Manual Training teachers, ninth grade, a minimum of

\$900, an annual increase of \$100 and a maximum of \$1,500.

Shop teachers in Vocational Schools, minimum \$900, an annual increase of \$100, and a maximum of \$1,500.

Teachers of physically and mentally defective children and truant school teachers, minimum salary \$950, annual increase \$100, maximum salary \$1,150.

#### KINDERGARTEN TEACHERS.

Directors in kindergartens, teaching two sessions daily, shall each be paid at the same rate and upon the same basis as assistants in grammar grades one to seven, inclusive. Directors in kindergartens, teaching but one session daily, shall receive each two-thirds of the salary paid under the same conditions to directors teaching two daily sessions. Assistant teachers in kindergartens, having two sessions daily, shall each receive a minimum of four hundred dollars (\$400), an annual increase of fifty dollars (\$50) and a maximum of six hundred dollars (\$600). Assistant teachers in kindergartens, teaching but one session daily, shall receive two-thirds of the salary paid under the same conditions to assistant teachers in kindergartens teaching two sessions daily.

#### ASSISTANTS IN SPECIAL DEPARTMENTS.

Assistant teachers of music, drawing, sewing, penmanship, physical training, domestic science and manual training, below the ninth grade, shall each receive a minimum of six hundred dollars (\$600), an annual increase of fifty dollars (\$50) and a maximum of one thousand dollars (\$1,000).

Truant officers, minimum, \$800; annual increase, \$100; maximum, \$1,200; provided, however, that out of said maximum salary of \$1,200 said truant officers shall pay their own transportation expenses.

## CLERKS IN OFFICE.

1 Superintendent of German and Secretary to the Superintendent of Education, per year .....	\$2,750 00
1 Chief Clerk, per year.....	1,600 00
1 Assistant Chief Clerk, per year.....	1,200 00
1 Clerk, per year .....	900 00
1 Stenographer, per year .....	900 00

The Chief Clerk, Assistant Chief Clerk and Clerk in addition to the sums above named, shall each receive an increase of \$100 for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city; but in no event shall this increase of salary exceed the maximum of \$300.

SEC. 84. All increases of salary provided for by the foregoing amendment of Section 83 shall be made only at the beginning of school years in September of each year, except salaries of truant officers and clerks in the Superintendent's office, increases in which shall begin on the first day of July of each year.

The salaries of all other teachers not hereinbefore specified, and of janitors, shall be according to a scale adopted from time to time by the Common Council.

No principal, teacher, clerk or other employe of the Department of Public Instruction shall receive a smaller salary by reason of the adoption of this amendment than was received by him or her under the previous scale of salaries.

The Superintendent of Education, in fixing the salaries of newly appointed teachers, may, in his discretion, allow for successful experience of such teachers in the same or equivalent positions in regularly graded schools of good standing, whether such experience was gained in the public schools of Buffalo or elsewhere.

Teachers newly appointed, who, during the first year, for no fault of their own, shall serve only three-fourths of the year, shall be eligible to receive the increase allowed the following year as if they had served the first year complete.

It is also hereby enacted that in any case where the annual increase herein allowed would raise a salary to an amount in excess of the maximum hereby fixed, only such part of said annual increase shall be allowed for the last year of such increase as shall be sufficient to reach such maximum.

The foregoing amendments of Sections 83 and 84 shall take effect at the beginning of the school year in September, 1911-12, and every teacher for that year and all subsequent years shall receive the salary which such teacher would be entitled to receive if these amendments of Sections 83 and 84 had been in force at the date of the appointment of such teacher.

JANITORS—ENGINEERS.

School	Cleaning Expense	Engineer	Total
No. 1 .....	\$810	\$850	\$1660
No. 2 .....	840	1000	1840
No. 3 .....	330	750	1080
No. 4 .....	660	1000	1660
No. 5 .....	540	1000	1540
No. 6 .....	510	1000	1510
No. 7 N. B .....	300+50	1000	1350
No. 7 O. B .....	390	850	1240
No. 7 Annex ...	300	1000	1300
No. 8 .....	810+50	850	1710
No. 9 .....	1110	1000	2110
No. 10 .....	660	900	1560
No. 12 .....	510	1000	1510
No. 13 .....	480	1000+100	1580
No. 14 .....	390	850	1240
No. 15 .....	570	1000	1570



School	Cleaning Expense	Engineer	Total
No. 16 .....	600+50	850	1500
No. 17 .....	780	850	1630
No. 18 .....	960+50	850+250	2110
No. 19 .....	810+50	850	1710
No. 20 .....	450	850	1300
No. 20 Annex....			400
No. 21 .....	240	850	1000
No. 22 .....	540	850	1390
No. 23 .....	470	850	1320
No. 24 O. B .....	570	1000	1570
No. 24 N. B.....	540	1000	1540
No. 25 .....	420	850	1270
No. 26 .....	780+50	850+150	1830
No. 27 .....	540	850	1390
No. 28 .....	660	850	1510
No. 29 .....	540+50	850	1440
No. 30 .....	210	1000	1210
No. 31 .....	1560+50	850	2460
No. 32 O. B .....	390	1000	1390
No. 32 N. B .....	390	1000	1390
No. 33 .....	510	850	1360
No. 34 .....	420	850	1270
No. 35 .....	570	850	1420
No. 36 .....	450	850	1300
No. 37 .....	990+50+100	850	1990
No. 38 .....	690	1000	1690
No. 39 .....	960+100	850+150	2060
No. 40 .....	540	850	1390
No. 41 .....	810+50	850	1710
No. 42 .....	300+50	660	1010
No. 43 .....	1050+50+100	850	2050
No. 44 O. B .....	850+50	850	1750
No. 44 N. B .....	840	1000	1840
No. 45 .....	720	1000	1720
No. 46 .....	270+50	1000	1320
No. 47 .....	540	850	1390

School	Cleaning Expense	Engineer	Total
No. 48 .....	510	1000	1510
No. 49 .....	450	1000	1450
No. 50 .....	390	1000	1390
No. 51 .....	600	850	1450
No. 52 O. B .....	510	850	1360
No. 52 .....	1020	850+150	2020
No. 53 .....	900+50	850+150	1950
No. 54 .....	600	850	1450
No. 55 .....	750	1000	1750
No. 56 .....	510	850	1360

School	Cleaning Expense	Engineer	Swimming Pool, Shower Bath and Lockers	Large School	Total
No. 56 N. B .....	1050	1000	400	100	2550
No. 57 .....	570		850		1420
No. 58 .....	1260+50		850+150		2310
No. 59 .....	570		850		1420
No. 60 .....	600+50		850		1500
No. 61 .....	240		850		1090
No. 62 .....	600		850		1450

Technical High School .....	\$2,000 00
Masten Park High School .....	3,600 00
Central High School .....	2,550 00
Lafayette High School .....	5,000 00
Truant School Janitor .....	850 00
Truant School Night Watchman.....	850 00
School No. 27 Annex, Janitress.....	200 00
School No. 60 Annex, Janitress.....	100 00
School No. 21 Annex, Janitress.....	150 00
School No. 23 Annex, Janitor.....	150 00
Central High School Annex, Janitress.....	250 00
Trenton Avenue Kindergarten, Janitress.....	150 00
Grote Street Kindergarten, Janitress.....	200 00
Welcome Hall Kindergarten, Janitress.....	100 00

## DEPARTMENT OF POOR.

The head of this department shall be an Overseer of the Poor at a salary of \$3,500 and the subordinate employes of this department and the annual minimum salaries shall be :

1 Deputy Overseer of the Poor.....	\$1,800 00
4 Clerks, each .....	900 00
2 Special Inspectors, each .....	800 00
1 Janitress .....	250 00
1 Superintendent, vacant lot cultivation plan..	500 00

And each of these subordinate employes hereinafter mentioned shall receive to his minimum salary an increase as follows :

Four clerks, each shall receive to his minimum salary an increase of \$100 for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city, but in no event shall this increase of salary exceed the maximum of \$300.

Two special inspectors shall receive to his minimum salary an increase of \$100 for every period of five years, not exceeding two such periods during which he has been or shall hereafter be continuously in the regular employ, and service of the city, but in no event shall this increase of salary exceed the maximum of \$200.

## THE CITY COURT OF BUFFALO:

1 Chief Judge, per annum.....	\$4,000 00
5 Associate Judges, each, per annum.....	3,600 00

Provided, however, that the salary of the Police Justice who, by virtue of Chapter — of the Laws of 1909, shall continue, during the remainder of the term for which he was elected, to act as one of the Associate Judges of the said City Court, shall not be affected by this ordinance, but is hereby fixed at and shall continue

to be \$5,000 per annum for the remainder of the term for which he was elected Police Justice; and provided further, that the salary of the Judge of the Municipal Court who, by virtue of said act, is to become an associate judge of the City Court, is hereby fixed at and shall continue to be \$4,000 per annum for the remainder of the term for which he was elected as Municipal Court Judge.

1 Chief Clerk, per annum.....	\$2,000 00
1 Deputy Chief Clerk, per annum.....	1,500 00
8 Assistant Clerks, each, per annum.....	900 00
6 Confidential Clerks (Stenographers), each, per annum .....	1,300 00
1 Polish Interpreter, per annum.....	1,100 00
1 Italian Interpreter, per annum.....	1,100 00
6 Court Attendants, each, per annum.....	900 00
1 Superintendent Juvenile Detention Home, per annum .....	900 00
1 Assistant Superintendent Juvenile Detention Home, per annum .....	600 00
1 Librarian and Telephone Operator, per annum .....	600 00
1 Female Court Attendant, per annum.....	550 00
5 Probation Officers, each, per annum.....	1,200 00

Each of the Assistant Clerks, in addition to the sum above named, shall receive an increase of \$100 for each period of five years, not exceeding three such periods, during which he has been, or shall hereafter be, continuously in the regular employ and service of the city; but in no event shall this increase of salary exceed the maximum of \$300.

Every such period of five years shall be deemed continuous where such employe has not been or shall not be separated from service for more than one year in the aggregate; provided that such separation shall not have been or shall not be due to the fault or misconduct of such employe.

## PUBLIC MARKETS.

1 Superintendent of Markets .....	\$2,200 00
1 Assistant Superintendent Elk St. Market...	1,000 00
1 Assistant Superintendent Washington St. Market .....	1,000 00
1 Assistant Superintendent Broadway Market	1,000 00
1 Assistant Superintendent Clinton Market...	900 00
1 Assistant Superintendent Elk St. Market...	900 00
1 Assistant Superintendent Washington St. Market .....	900 00
1 Weighmaster at Washington Market.....	800 00
4 Women Caretakers, each.....	360 00
6 Market Sweepers, each, per day.....	2 00

Each Assistant Superintendent and one Weighmaster at Washington Market, receiving \$800, shall also receive, in addition to the above salaries, one increase of \$100 a year for one period of five years during which he has been or shall hereafter be continuously in the regular service and employ of the city.

## SCHOOL CENSUS BOARD.

1 Secretary .....	\$2,000 00
1 Stenographer .....	900 00
6 Clerks and Typewriters, each, per diem....	2 00
1 Clerk .....	720 00
1 Typewritist .....	720 00

## PLAYGROUND COMMISSION.

1 Secretary of the Playground Commission, per annum .....	\$1,500 00
1 Superintendent of Playgrounds, per annum	1,500 00
12 Directors of Playgrounds, each, per annum	1,020 00
12 Assistant Directors of Playgrounds on duty six months each, per annum.....	390 00
12 Caretakers of Playgrounds, each, per annum	720 00
1 Assistant Caretaker (watchman), on duty six months .....	300 00

## HARBOR MASTER'S OFFICE.

Harbor Master .....	\$1,500 00
18 Bridge Tenders, each, per month.....	60 00
12 Bridge Engineers, each, per day.....	3 50

## MISCELLANEOUS.

1 Examiner of Stationary Engineers.....	\$1,800 00
Deputy Examiner of Stationary Engineers....	1,500 00
1 Inspector of Steam Boilers.....	1,650 00
1 Assistant Inspector of Steam Boilers.....	1,200 00
3 Examiners Board of Plumbing, each.....	240 00
1 Clerk to Examining and Supervising Board of Plumbers and Plumbing.....	180 00
1 Inspector Grand Army Relief Fund.....	750 00
Laborers for eight hours' work, per day, each	1 50

Such salary or compensation shall be computed by the year, unless otherwise specified in this Chapter. It shall be paid semi-monthly, during the time such persons shall occupy such positions.

§ 2. The City Clerk shall, upon the receipt of a pay roll from any department of the City Government, notify the City Treasurer, in writing, from which department such pay roll has been received and the amount thereof.

§ 3. Relating to salaries of assistant teachers, no change to be made during term, rescinded June 26 and 28, 1893.

§ 4. It shall be the duty of each and every one of the officers, deputies, clerks and employees of the city to pay and discharge all debts and liabilities for necessary personal and household expenses incurred and becoming due during his or her term of service or employment with the city, and any such neglect or refusal so to do shall be and the same is hereby declared to be a sufficient cause to warrant and authorize his or her removal from

office by the head of the department in which he or she is employed.

All ordinances heretofore adopted, relating to the subject matter contained in this chapter, are hereby repealed.

§ 5. No person in the Civil Service of the City of Buffalo being an attorney shall directly or indirectly advise in relation to, or aid or promote the prosecution of any action or proceeding in any court, or the transaction of any business out of court in which the City is interested or a party, the prosecution or transaction of which is carried on, aided or promoted by a person as attorney with whom such person in the Civil Service is directly or indirectly connected as a partner; nor shall such person advise any person other than the proper city officials, in relation to, or aid or promote the prosecution of any action or proceeding in any court, or the transaction of any business in which the City is a party or interested.

A violation of this ordinance shall be sufficient cause for the removal from office of the person committing such violation and in addition thereto, any person violating any provision hereof shall forfeit and pay a penalty of not to exceed \$250 for each and every offence.

§ 6. There shall be in the Department of Public Works and the several bureaus thereof the clerks, subordinates and employes in this section prescribed, and the number thereof shall not exceed the number prescribed herein.

COMMISSIONER'S OFFICE.

Secretary.

Assistant secretary.

Cashier.

Assistant cashier.

Stenographer.

## BUREAU OF ENGINEERING.

First assistant engineer.

Nine (9) assistant engineers, first grade, second grade, third grade, fourth grade.

Eight transitmen.

Twelve rodmen.

Two draughtsmen.

Chief clerk.

Two clerks.

Two stenographers.

Keeper of inlets.

Superintendent sanitary plant, M. & H. Canal.

Three engineers.

Three firemen.

Ten playground directors.

## BUREAU OF BUILDING.

Assistant to Deputy Building Commissioner.

Chief clerk.

Registrar.

Permit clerk.

Stenographer.

Structural engineer (acting commissioner).

Architect.

Architectural draughtsman.

One chief building inspector.

Seven building inspectors.

Mason and carpenter builder.

Inspector of supplies and fuel.

Janitor of municipal building.

Engineer municipal building.

Two firemen of municipal building.

Watchman at municipal building.

Two porters at municipal building.

Elevator conductor at municipal building.

Eight charwomen at municipal building.

Custodian Convention Hall.



## BUREAU OF STREETS.

First Assistant Deputy Street Commissioner.  
Second Assistant Deputy Street Commissioner.  
Chief clerk.  
Four (4) clerks.  
Lamp inspector.  
Stenographer.  
Chief inspector, streets.  
Street inspectors, eleven.  
Poundkeeper.

## BUREAU OF WATER.

Registrar (Assistant Deputy Water Commissioner).  
Cashier.  
Assistant cashier.  
Accountant.  
Six clerks.  
Bookkeeper.  
Meter clerk.  
Stenographer.  
Chief inspector.  
Twenty-four district inspectors.  
Four bill and check clerks.  
General foreman of extensions.  
Pipe inspector.  
Meter inspector.  
Civil engineer.

*Storehouse—*

General foreman of repairs.  
Foreman of leaks.  
Foreman of valves.  
Foreman of hydrants.  
Twenty-four repair men, each.  
General storekeeper.  
Three yard foremen.  
Carpenter.

Carpenter's helper.  
Plumber.  
Two plumbers.  
Three plumbers' helpers.  
Laborer with plumber.  
Blacksmith.  
Blacksmith's helper, \$45.00 per month.  
Foreman of stables.  
Three stablemen.  
Cleaner of wagons and harness.  
Two callers.  
Three teamsters.  
Two tappers.  
Two tappers' helpers.  
Two repairers of hydrants.  
Two oilers of hydrants.  
Two repairers, valves.  
Mason.  
Mason's helper.  
Foreman service boxes.  
Two repairers of service boxes.  
Three laborers, Genesee Street storehouse.  
Three watchmen, reservoir.  
Two laborers at reservoir.

*Pumping Station—*

Chief engineer of steam power.  
First assistant engineer.  
Ten assistant engineers.  
Three electrical engineers.  
Three oilers on electric engine.  
Three oilers on coal conveyer.  
Three foremen firemen.  
Eighteen firemen.  
Eighteen coal passers.  
Clerk to chief engineer.  
Three machinists.  
One boilermaker.

One boilermaker's helper.  
Three engine repairmen.  
Three helpers.  
One carpenter.  
Carpenter's helper.  
Two boiler cleaners.  
Blacksmith.  
Blacksmith's helper.  
Trimmer electric light service.  
Four cleaners.  
Fifteen oilers.  
Twelve wipers.  
Mason, fire-box repairs.  
Mason's helper, fire-box repairs.  
Pipefitter.  
Pipefitter's helper.  
Janitor.  
Storekeeper.  
Messenger.  
Two painters.  
Foreman of laborers.  
Four laborers.  
Inlet pier.  
Foremen (three) inlet pier.  
Three engineers, inlet pier.  
Three watchmen, pumping station.

§ 7. The office of Chief Probation Officer of the Juvenile Court is hereby created, and said Chief Probation Officer shall receive an annual salary of \$1,200.00. He shall be appointed by the Police Justice and shall be subject to the control of the Police Justice, have supervision of the Volunteer Probation Force and of the work which the Volunteer Probation Officers are required to perform and of the records of the Juvenile Court. It shall be the duty of the Volunteer Officers to report to him at such times and with reference to such matters as he shall require.

There is also hereby created the office of Probation Officer of the Justices to the Police, at an annual salary of \$1,200.00, who shall be appointed by the Board of Justices to the Police or a majority of said Board. It shall be his duty, subject to the control of said Board, to keep a record of the conduct of persons convicted by any of said Justices to the Police and released upon suspended sentences; to report to the said Board, from time to time and as often as may be required, the conduct of said persons; and advise the Board or any of the members thereof whether said persons, defendants as aforesaid, are obeying the conditions of the suspended sentences, whether they are idle or at work, and whether and to what extent they are supporting those who are dependent upon them for support, and to create, develop and supervise a volunteer probation service.

Said Chief Probation Officer of the Juvenile Court and said Probation Officer of the Justices to the Police, shall be selected from an eligible list prepared by the Municipal Civil Service Commission of the City of Buffalo.

This ordinance shall take effect July 1, 1908.

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## CHAPTER II.

### OFFICIAL BONDS.

§ 1. Each of the officers and employes of the City named in this section, before entering upon the discharge of their duties, shall make, execute and file with the City Clerk a bond or undertaking to the City of Buffalo, in the penal sum set opposite their respective positions. Each such bond or undertaking shall be executed by the officer or employe as principal, and by a surety company authorized by law to act in such capacity in the State of New York, as surety. The premiums on all such bonds

so filed after August 1, 1909, shall be paid by the City of Buffalo:

COMPTROLLER'S DEPARTMENT.

Comptroller .....	\$100,000 00
Deputy Comptroller .....	50,000 00
Chief Bookkeeper .....	10,000 00
Cashier .....	10,000 00
Warrant Clerk .....	10,000 00
Assistant Warrant Clerk .....	10,000 00
Auditor .....	5,000 00
First Tax Sale Clerk .....	5,000 00
Tax Sale Clerk .....	5,000 00
Assistant Tax Sale Clerks, each .....	5,000 00
Bank Deposit Clerk .....	5,000 00

TREASURER'S DEPARTMENT.

Treasurer .....	\$200,000 00
Treasurer of Pension Fund .....	100,000 00
Deputy Treasurer .....	40,000 00
Cashier and Receiving Teller .....	20,000 00
Paying Tellers, each .....	20,000 00
Assistant Cashier .....	20,000 00
Warrant Clerk .....	2,000 00
Bookkeeper .....	2,000 00
Assistant Bookkeeper .....	2,000 00
Index Clerk .....	2,000 00
Clerks, each .....	2,000 00
Stenographer and Clerk .....	2,000 00

DEPARTMENT OF ASSESSMENT.

Assessors, each .....	\$ 5,000 00
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LAW DEPARTMENT.

Corporation Counsel .....	\$ 5,000 00
City Attorney .....	3,000 00

CITY CLERK'S DEPARTMENT.

City Clerk .....	\$ 5,000 00
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## POLICE DEPARTMENT.

Police Commissioners, each .....	\$ 5,000 00
Superintendent of Police .....	5,000 00
Clerk of Police .....	5,000 00
Sealer of Weights and Measures.....	5,000 00
Assistant Sealers of Weights and Measures, each .....	5,000 00

## HEALTH DEPARTMENT.

Health Commissioner .....	\$ 5,000 00
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## DEPARTMENT OF PUBLIC WORKS.

Commissioner of Public Works .....	\$ 10,000 00
Cashier .....	10,000 00
Deputy Engineer Commissioner .....	10,000 00
Deputy Water Commissioner .....	10,000 00
Cashier Bureau of Water .....	20,000 00
Assistant Cashier Bureau of Water .....	5,000 00
Deputy Building Commissioner .....	5,000 00
Deputy Street Commissioner .....	5,000 00

## PARK DEPARTMENT.

Secretary and Treasurer .....	\$ 10,000 00
Auditor ..	5,000 00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent of Education .....	\$ 5,000 00
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## POOR DEPARTMENT.

Overseer of the Poor .....	\$ 5,000 00
Deputy Overseer of the Poor .....	2,500 00

## MARKET DEPARTMENT.

Superintendent of Markets .....	\$ 10,000 00
Assistant Market Clerks, each .....	2,000 00
Weighmaster .....	500 00

## MISCELLANEOUS.

Inspector of Steam Boilers .....	\$ 5,000 00
Examiner of Stationary Engineers .....	5,000 00
Deputy Examiner of Stationary Engineers ..	2,000 00
Harbor Master .....	1,000 00

§ 2. In case of a vacancy in the office of Comptroller, Treasurer, Superintendent of Education, Overseer of the Poor, Corporation Counsel, Commissioner of Public Works, by reason of death, resignation, removal, permanent disability, or any other cause, the deputy or other person upon whom the duties of such office shall devolve by law shall forthwith execute and file with the City Clerk a bond or undertaking to the City, in like amounts and in all respects similar to the bond or undertaking required to be executed and filed by the officer whose duties he assumes. The premiums on such bonds shall be paid by the City.

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 CHAPTER III.

## FINANCE.

§ 1. No warrants shall be drawn upon any local fund, nor any contract made therefor, until the assessment therefor shall have been confirmed by the Common Council, or provision made for payment as provided by section 272 of the charter; nor shall any order drawn upon the treasury, payable out of any local fund, be received on account of any other fund, unless the fund upon which such order is drawn is good on the books of the Treasurer.

§ 2. No officer or employe of the City shall be authorized to contract any debt or incur any expenditure except pursuant to statute, ordinance, order or resolution of the Common Council. And every contract or agree-

ment made or entered into by or on behalf of the City exceeding \$500.00 shall be in writing and in duplicate and for a sum certain for the performance of the entire work; one copy of such contract shall be immediately filed with the Comptroller.

§ 3. It shall be the duty of every officer or employe of the City to pay over to the City Treasurer, on Monday of each week, unless otherwise provided by statute or ordinance, all moneys which he shall have in his hands at that time belonging to the City, or which he may be required by law to pay over to the City Treasurer; such person shall, at the same time, furnish to the Comptroller a statement, under oath, specifying in detail the sources from which such moneys were received, etc. The Comptroller shall furnish to all of said officers and employes the proper blanks for the preparation of such reports and statements.

§ 4. If it shall appear upon the books in his office that any officer or employe of the City, or other person has neglected to report, or pay over money, or deliver property, as required by the Charter, or any order of the Common Council, or ordinance of the City, it shall be the duty of the Comptroller to notify such officer, employe or other person, forthwith, of such default, and in case such notice is disregarded, to report the fact to the Common Council without delay.

§ 5. All moneys due to the City on taxes returned to the Comptroller's office, or for redemption of lands upon tax sales, or on bond and mortgage, or other security deposited with the Comptroller, shall be paid to the City Treasurer, upon a bill thereof made by the Comptroller, and upon which the Treasurer shall indorse a receipt for the money paid.

§ 6. It shall not be lawful for any clerk or other employe of the City Government, either directly or indi-



rectly, for himself, or as an agent in behalf of any person, or otherwise, to engage in the business of buying or selling tax script or certificates of sale for city or county taxes. Any violation of the provisions of this section shall be punished by a fine of \$25 for each and every offense, and the person so offending shall be liable to removal from office or place.

§ 7. It shall be the duty of every officer, in whose favor the Common Council shall at any time direct to be drawn any order or warrant on the Treasurer, for the purpose of paying any debt or liability of the City, or otherwise disbursing moneys for the City, immediately after making the payment or disbursement contemplated, to report to the Council a detailed statement or account of the disposition of such order or funds, and pay to the City Treasurer any balances in his hands to the credit of the proper fund.

§ 8. All claims of every nature against the City, except for principal and interest upon bonds of the City, and for salaries or wages of persons in the employ of the City, after being duly appointed or elected, must be prepared in writing and made out in detail and sworn to by the claimant as just and correct, as follows; and claims for principal and interests upon bonds of the City, and for salaries or wages of persons in the employ of the City, shall be certified and paid in the manner provided in this section:

(1) If for labor, services or work of any kind for which the cost does not exceed five hundred dollars, the written claims must state the place where, the time when, and the department for which the labor or services were furnished, and their character and by whom and whose authority ordered.

(2) If for merchandise, material or article of any kind whatsoever for which the cost does not exceed five hundred dollars, the written claim must show the time when,

the place where, the person to whom, and the department for which the merchandise, material or article was furnished and delivered, and the character and kind of merchandise, material or article, and the amount thereof, and by whom and whose authority ordered.

(3) If for any labor, service, work, merchandise, material or article for which the cost exceeds five hundred dollars, and a written contract has been entered into therefor by the City, the written claim for any payment in full or on account of any such labor, service, work, merchandise, material or article must state the date of the contract therefor, and the time when and the place where the labor, service, work, merchandise, material or article for which payment is claimed, was furnished, and the amount thereof and the person who accepted the same for the City.

(4) All claims for labor, services, work, merchandise, material or article of any kind made out as hereinbefore in this section provided, must be filed with the head of the department or other regular subdivision of the City to, or for, or through which the labor, service, work, merchandise, material or other article was furnished within the first ten days of the month succeeding that in which they were furnished. Within the first twenty days of every month the receipt by the City of the merchandise, material or other articles, and the performance of the labor, service, or work described in said claims, and the charge therefor as just and correct, must be certified to by the head person in charge of the department or other regular subdivision of the City to, for, or through which such labor, services, work, merchandise, material or article was furnished, ordered or supplied. And on or before the twenty-first day of such month all of these claims duly certified to as aforesaid must be delivered by the head of each department or other regular subdivision of the City to the Auditor.

(5) Claims for salaries or wages of persons in the em-

ploy of the City, after being duly appointed thereto, shall be set forth in written payrolls from each department or other regular subdivision of the City, containing the names of the persons thus employed in each such department or other regular subdivision and the positions occupied by them and the time which they have worked, and the salary or wages to which they are respectively entitled, and these payrolls must be made in duplicate. On the next working day, exclusive of Sundays and holidays, after the expiration of the period for which such salaries or wages are claimed as set forth in the payrolls, the head of each department, or other regular subdivision of the City, must file such rolls with the Civil Service Commission. These payrolls from each department or other regular subdivision of the City must be certified to by the head of such department or other regular subdivision as true and correct and containing only the names of persons duly in the employ of the City at the salary or wages set opposite their respective names, who have actually worked the days and hours respectively credited to them in the said payrolls, and the certificate made to these payrolls by the head of a department or other regular subdivision must also state that the persons named in said payrolls have performed the duties appropriate to the position set opposite their respective names. And the Civil Service Commission must, within twenty-four hours, Sundays and holidays excepted, after receiving said payrolls, certify them as required by law and deliver them to the City Clerk.

(6) Claims or salaries of persons holding office after due election thereto by the voters of the City or by the Common Council, or either board thereof, must be set forth in a payroll containing the names of all persons so holding office and the salary to which each is entitled semi-monthly. This payroll the City Clerk shall prepare and file with the Comptroller on the fifteenth and last days of the month unless any such day shall be a Sunday

or holiday, when the said payroll should be prepared and filed on the day previous.

(7) Claims for interest or principal to become due during any fiscal year upon bonds or certificates of indebtedness issued by the City, must be set forth in a statement prepared and certified to as correct by the Comptroller and filed with the Auditor before the fifteenth day of July, in each and every year, and this statement shall show the different issues of the City's bonds outstanding and the dates of payment of their principal and interest and also the amounts of principal and interest coming due on said bonds and on any certificates of indebtedness during the fiscal year, and the persons to whom, the time when and the place where such principal and interest are payable.

(8) Claims for damages on account of death caused by negligence of the City, or for damages on account of injuries to persons or property, shall state the time, place and cause of the receipt of the injury on account of which claim is made, and the nature and extent of the injury or injuries received, and shall be verified by affidavit to the effect that the statements therein are true to the knowledge of deponent, except as to the statements therein made upon information and belief, and that as to such statements deponent believes it to be true. A claim of the character mentioned in this subdivision must be filed with the City Clerk and a duplicate thereof filed with the Corporation Counsel and the City Clerk shall present such claim to the Common Council, and the Common Council may audit such claim and order the City Clerk to draw warrants in payment thereof. In no other way shall claims of that character be paid.

(9) Before any claim, other than for salaries or wages as aforesaid, can be paid the Auditor must certify in writing that the said claim is correct, just and an obligation of the City and due and payable, except that claims for principal and interest of bonds and certificates of in-

debtedness shall be certified to by the Auditor in advance of their becoming due and payable, by his certification to the Comptroller of the statement filed with him in each year. But if for any reason the Auditor cannot so certify to any claim, he shall forward the claim to the Common Council with a report of his reasons for not certifying it and any such claim not certified to by the Auditor the Common Council may audit and order drawn a warrant therefor by a majority vote of the members elected to each of its boards, provided that such uncertified claim is a legal liability of the City.

(10) No claim against the City shall be paid until the Comptroller shall have certified in writing on the voucher that its payment will not overdraw the amount of money in the annual estimate as appropriated for the purpose of paying a claim of such a character as the one presented to the Comptroller for certification or as appropriated for such purpose by the issuance of a certificate of indebtedness or deficiency bond under special resolution of the Common Council, or raised by the sale of other bonds.

(11) All persons in the employ of the City, either by being elected or appointed, shall be paid their claims for salaries or wages upon regular days of each month, to be named for each department by the Comptroller, but such days, whether weekly, semi-monthly or monthly, shall never be more than five days, Sundays and holidays excepted, after the expiration of the period for which the salaries or wages have been earned and are to be paid. All other claims against the City shall be paid on days appointed by the Comptroller for the delivery of warrants therefor.

(12) All claims required by this section to be reported upon by the Auditor shall be certified or reported by him within thirty days after the filing with him, duly certified in accordance with the preceding subdivision of this section, by the head of a department or other regular subdivision of the City.

(13) Claims when duly certified by the head of a department or other regular subdivision of the City and by the Auditor and by the Comptroller, in accordance with this and the preceding subdivisions of this section, shall be paid by warrants upon the City, drawn and signed by the City Clerk and delivered by him to the Comptroller. The Comptroller must countersign every warrant and deliver the warrants to the claimants entitled thereto upon days designated by him. Every claimant at the time of receiving his warrant must receipt in full his claim against the City, as set forth in the written statement thereof. All vouchers for labor, services or work, or for merchandise, material or articles of the kinds mentioned in subdivisions 1 and 2 of this section, and which prior to July 1, 1909, were reported to the Common Council and printed in the minutes of its proceedings, shall hereafter, instead of being so reported and printed in said minutes, be transmitted by the City Clerk to the official paper and published therein in the same issues in which are published the proceedings of the Board of Aldermen.

(14) No claim arising against the City and no indebtedness incurred by the City in any fiscal year, except by the issuance of bonds or certificates of indebtedness, shall be paid by the money appropriated in the annual estimates for another fiscal year, or out of balance or fixed items or out of available general balances, unless so ordered paid by the Common Council. And any officer who certifies such a claim for payment, or pays it, except out of the moneys specifically appropriated therefor by the Common Council, in accordance with this section, shall be and become personally liable for the amount thereof; provided that balances remaining on June 30th of any year shall continue to the credit of the department for which originally appropriated until used or ordered transferred by the Common Council.

(15) Except as in this section specifically provided, no

claim against the City shall be paid until it has been duly certified by the head of a department or other regular subdivision of the City and by the Auditor and Comptroller, as in this and the preceding subdivisions of this section provided, and a warrant drawn therefor, and the receipt in full settlement of the claim delivered, as in this section provided.

(16) The Mayor, by written notice, or the Common Council, by resolution, may direct the City Clerk not to draw, or the Comptroller not to countersign and deliver, or the Treasurer not to cash, any warrants to pay a particular claim or claims. After receiving any such written notice from the Mayor, or after the adoption of any such resolution by the Common Council, the City Clerk, Comptroller and Treasurer shall report his or their action in the matter to the Board of Aldermen, and claims for which such warrants were drawn or were to have been drawn shall thereafter be governed and determined by the provisions of subdivision 9 of this section in reference to claims not certified by the Auditor, but reported by him to the Common Council.

(17) The City Clerk shall, under the direction of each Board composing the Common Council, make up the journal of the proceedings of each Board, respectively, and shall publish the same in the official paper as provided in Section 10 of the Charter. Immediately upon the delivery to him by the Comptroller of claims against the City, duly certified as provided by ordinance, the City Clerk shall prepare and sign warrants for the payment of such claims and deliver them forthwith to the Comptroller. The City Clerk shall keep an account of all warrants drawn by him in books kept for that sole purpose. He shall countersign all licenses issued by the Mayor, and keep in proper books full minutes thereof. And no such license shall be valid until countersigned by him. By virtue of the power conferred upon the Common Council by Chapter 120 of the Laws of 1909 this subdivision shall

be of force notwithstanding the provisions of Section 35 of the Charter.

(18) The Comptroller, by and with the advice and consent of the Common Council, shall appoint an Auditor whose duty it shall be to examine all claims of every kind against the City and to certify in writing, as provided in the ordinances. The Auditor shall have power and authority to issue subpoenas to compel the attendance of witnesses and the production of books and papers upon the examination before him of any account or claim against the City, and is authorized and empowered to administer oaths and affirmations to any person summoned and appearing on any such examination. Any wilful false swearing by any witness or person to any material fact on such examination shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; in case any person shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to produce such books and papers, or shall refuse to answer any proper question, the Auditor may apply to a judge or justice of any court of record within said City for a subpoena to compel the attendance of such person, or the production of such books and papers before a judge or justice of said court, to be examined respecting such account or claim. Thereupon the judge or justice shall direct the issue of a subpoena. The person so subpoenaed shall be examined before such judge or justice. Any person refusing or failing to appear or testify, or to produce such books and papers upon such examination when duly subpoenaed shall be deemed guilty of a contempt of court and punished accordingly. Persons so subpoenaed shall be entitled to the fees now allowed by law to witnesses in actions, but no claimant shall be entitled to any fees. The Auditor shall keep books in which shall be entered all accounts and claims against the City presented to him for audit, together with a note of the action taken by him on each; he shall have authority to employ one clerk,



and as many more as shall be from time to time authorized by the Common Council. By virtue of the power conferred upon the Common Council by Chapter 120 of the Laws of 1909, this subdivision shall be of force notwithstanding Section 58 of the Charter.

(19) Money shall be drawn from the treasury only upon warrants signed by the City Clerk and countersigned by the Comptroller; each warrant shall specify the purpose for which it is drawn and the fund out of which it is payable. By virtue of the power conferred upon the Common Council by Chapter 120 of the Laws of 1909, this subdivision shall be of force notwithstanding Section 60 of the Charter.

(20) Upon the written requisition of the head of a department or other regular subdivision of the City for money to pay postage, or court expenses, or the necessary expenses of any person in the department, or the regular subdivision, obliged to travel on the City's business, the City Clerk may draw, and the Comptroller countersign, a warrant for any such requisition up to the amount of one hundred dollars, provided that the Comptroller has certified in writing upon the requisition that its payment will not overdraw the money appropriated for postage, court expenses or traveling expenses of the department or other regular subdivision from which such requisition was issued, and provided also that to each requisition from a department or other regular subdivision is attached a detailed statement showing the expenditure of the money advanced upon the previous requisition from that department or regular subdivision; and such statement must be signed by the head of the department or regular subdivision submitting it, and certified as just and correct by the Auditor.

That on the written requisition of the Superintendent of the Juvenile Detention Home the City Clerk may draw, and the Comptroller countersign a warrant for any such requisition up to the amount of \$100 provided that

the Comptroller has certified in writing upon the requisition that its payment will not overdraw the amount appropriated for the expenses of said home. The superintendent of the said home is hereby authorized with the funds thus obtained to employ one cook at a rate of pay not exceeding \$480 per year, one seamstress at a rate of pay not exceeding \$450 per year, one domestic at a rate of pay not exceeding \$180 per year, and such laundresses and other help as may be required at the said home at the rate of \$1.35 per day. Provided that to each requisition from the said superintendent is attached a detailed statement showing the expenditures of money advanced upon the previous requisition, with any balance remaining unexpended, and also provided that the aggregate of money in the hands of the superintendent and unexpended shall never exceed \$100. Such statement must be signed and sworn to by the said superintendent and certified as just and correct by the Chief Judge of the City Court.

(21) The Board of Police Commissioners, with the concurrence of the Common Council, shall fix the salaries of all its officers and employes. All salaries in this department shall be paid semi-monthly as follows: The board shall cause to be made out and presented to the Civil Service Commission, semi-monthly, a full and true statement of the amount of salary due each of the members of the Board of Police, the police force, the clerks and employes of said department. No person shall hereafter be appointed a captain who has not been a member of the police force for at least two years. In the absence of the surgeon of police, and when no city physician can be obtained, any physician called by a member of the police force to render medical or surgical aid to a person unable to pay for such services, when the case is one which the surgeon of police would be required to attend, shall be entitled to a reasonable compensation for such services, to be audited and allowed by said board, and paid in the same manner as the members of the police force are paid. By virtue of the power conferred upon

the Common Council by Chapter 120 of the Laws of 1909, this subdivision shall be of force notwithstanding the provisions of Section 190 of the Charter.

That subdivision 22 of Section 8 of Chapter III of the Ordinances of the City of Buffalo be and the same is hereby amended so as to read as follows:

\*(23) No warrant shall be drawn against the proceeds of the sale of bonds (other than temporary loan bonds) unless a certificate on the corresponding voucher in substantially the following form shall be signed by the head of the department or other regular subdivision of the City:

"I hereby certify that the material, work, labor or services, set forth in this voucher have been duly furnished in connection with" (here specify the nature and location of the improvement, as new pump wells at Massachusetts avenue, or carpenter contract, school 59, etc.) "and are a proper charge against the proceeds of bonds."

(24) The interest on and principal of all bonds issued by virtue of Chapter 76 of the laws of 1911, shall be paid from the income of the Bureau of Water. The water rates of the City of Buffalo shall be so fixed at all times as to produce a revenue sufficient after paying expenses of maintenance and operation, interest on bonds heretofore issued and the principal of bonds falling due and not refundable in any year, to pay the interest on said bonds as the same shall become due, and the principal of said bonds when due as issued in accordance with Section 8 of the General Municipal Law.

The provisions of this section of the Ordinances are enacted in exercise of the power conferred upon the Common Council by Chapter 120 of the Laws of 1909 and by virtue thereof shall be of force notwithstanding any provisions of the Charter in conflict therewith.

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\*So in original.

§ 9. All moneys collected from penalties for or on account of violation of any ordinances of said City shall be paid to the City Treasurer, and credited by the said Treasurer to the General Fund, unless by law or said ordinances the said moneys are directed to be otherwise disposed of. All moneys received by any officer or employe of the City for performing any marriage ceremony shall likewise be paid to the City Treasurer weekly and by him credited to the Public School Teachers' Retirement Fund.

§ 10. When any work or improvement, local or general, is proposed to be done, or any materials are to be supplied, bids or proposals for which are required by statute, the department or officer charged with the duty of publishing the advertisement inviting the proposals therefor, may specify therein that no proposal will be considered unless it be accompanied with a certified check for an amount to be specified in said notice, which check shall not be for less than \$50 nor for more than ten per cent. of the bid; or in lieu of such check that the person submitting a bid or proposal may therewith submit a bond with at least two sureties, who shall each justify in a sum equal to the amount of the penalty of such bond, which need not exceed fifty per cent. of the proposed bid; such bond shall also contain a condition that if the bid accompanying the same shall be accepted, the principal named in said bond will, whenever required, enter into a written contract for the performance of the work or furnishing of the goods mentioned in said bid according to the terms and conditions therein specified, and that upon the execution of such contract he will furnish such security as required in this section, not exceeding fifty per cent. of such bid.

The officer or department so advertising shall, within ten days, determine which bid or proposal is the most favorable to the City and shall thereupon indorse upon

said proposal the word "accepted" and immediately return to the other bidders the checks submitted by them.

The person whose bid is so accepted shall thereupon execute a bond or undertaking to the City of Buffalo, to be approved by the Mayor in a penalty of one-third the price named in the accepted bid, conditioned, in case of local work, that the successful bidder will, when the assessment for such work or improvement is confirmed, execute a written contract to do the work or make the improvement specified in accordance with said advertisement, proposal, and the plans and specifications therefor, such bond to contain the further clause that the said bidder will execute and perform said contract in strict conformance with its terms; and in case the work or improvement is to be a charge upon the General Fund, said officer or department shall immediately, on acceptance of any bid, cause the successful bidder to enter into such written contract and to furnish a bond to the City of Buffalo to be approved by the Mayor in a penalty not less than one-third of the price named in said bid or proposal, for the faithful execution of said contract. Upon the filing of said bond and the execution of said contract, the certified check given by the bidder shall be returned.

§ 11. Every bond given for the performance of any contract made by the City shall contain a clause that the person, co-partnership, association or corporation entering into such contract with the City will pay for all materials used and services rendered in the execution of such contract, and any person, co-partnership, association or corporation furnishing materials or rendering services in or about the execution of such contract may maintain an action to recover for the same against the obligors in such bond as though said person, co-partnership, association or corporation were named therein, provided that such action be brought within one year after the cause of action accrues. The obligors in any such

bond shall be liable and may be sued accordingly. Notice of the commencement of such action and of all proceedings therein shall be given to the Corporation Counsel, and in default of such notice no recovery shall be had in such action.

§ 12. It is hereby made the duty of the Auditor, after the General Fund estimates for any year have been made and confirmed, before auditing any account or claim against the City payable out of the General Fund, to see that the payment of such amount or claim has been provided for in the estimates, and refuse to certify any claim against the City, the payment of which has not been so provided for.

§ 13. It shall be the duty of the Treasurer on Monday of each week to render a statement in detail, under oath, to the Comptroller, of all moneys received by him during the preceding week, specifying the source from which said money was received, and the amount of warrants paid by him during the same period; also the amount of money deposited in the several banks and the amounts remaining in his hands on the preceding Saturday. Such statement shall show the aggregate to the credit of the General Fund and the amount to the credit of the Local Fund, a copy of such statement shall also be presented to the Board of Aldermen.

§ 14. It shall also be the duty of the Treasurer to render to the Comptroller, at the end of each quarter, a full and complete statement, under oath, of the condition of his office, the amount of money on hand, and the amounts received and disbursed during said quarter; and within fifteen days thereafter he shall return to the Comptroller all warrants which he shall have paid during said period, in such form as the Comptroller may prescribe.

§ 15. The Comptroller shall furnish to all of said of-

ficers the proper blanks for the preparation of such reports and statements.

If it shall appear upon the books in his office that any officer or employe of the City or other person has neglected to report, or pay over money, or deliver property as required by the Charter or any order of the Common Council, or ordinance of the City, it shall be the duty of the Comptroller to notify such officer, employe or other person forthwith, of such default and in case such notice is disregarded to report the fact to the Common Council without delay.

§ 16. It shall be the duty of the heads of the several departments, as often as once in three months, and at the end of each quarter, to cause to be presented to the Common Council, for audit, all amounts contracted for on account of said departments, which accounts shall be verified and certified in the manner prescribed by the Charter and ordinances of the City.

§ 17. It shall be the duty of the Comptroller, before delivering any warrants drawn upon the Treasurer for any account or claim which has been duly audited, to examine the accounts or other vouchers upon which said warrant is drawn and see that they conform to the requirements of law; to cause all errors to be corrected, or, if necessary, to report the same to the Common Council; and upon the delivery of every order upon the Treasurer to any person the Comptroller shall take a receipt therefor. When any provision of law or ordinance requires the Comptroller to countersign any check drawn by the Treasurer, or any warrant, the Comptroller may delegate such duty to his deputy or chief bookkeeper, subject to his control or order.

§ 18. The head of each of the several departments of the City Government shall file with the City Clerk a certificate of the appointment of every subordinate or salaried employe appointed in said department, and shall

also furnish a statement with each payroll, showing all changes affecting the employes of the department since the last previous payroll such as removals, resignations, deaths, transfers and promotions, together with the date or dates of such changes; and of the compensation to which each employe is legally entitled on the next ensuing payday; and the City Clerk shall keep a record of such appointments and salaries, and shall not draw any warrant in payment for the salary of any subordinate, employe or appointee until such certificate and statement have been filed. On or before the first day of October, in the year nineteen hundred and eleven, the head of each department of the City Government shall file with the comptroller a certificate of the names of all the employes in said department, the respective dates of their appointment, the titles of their respective positions, and the annual salary to which each of said employes is lawfully entitled. Such certificate shall also state as to each employe whether or not he has been previously employed by the City in any other department, and in what department, and the length of time such employe has continuously served the City as a regular employe thereof. After said first day of October, nineteen hundred and eleven, it shall be the duty of the head of each of the several departments of the City Government, to file with the Comptroller and at the same time a duplicate of the statement hereby required to be filed with the City Clerk of the changes, if any, made since the certification of the last previous payroll, affecting any of the employes of said department; provided, however, that no such duplicate statement need be filed except when some change or changes have been made as aforesaid.

§ 19. All moneys received or collected by the examining and supervising Board of Plumbers and Plumbing, shall be deposited with the treasurer to the credit of a special fund, to be called the "Board of Plumbing Fund," and all warrants for salaries and expenses of said board shall be drawn upon that fund. At the end



of each fiscal year the surplus, if any, of such fund shall be credited to the general fund, and any deficiency therein shall be paid from the general fund.

§ 20. All offices in all departments and bureaus of the City Government shall be open for the transaction of public business on every day, excepting Sundays and holidays, from 8:30 o'clock A. M., until 4:30 o'clock P. M., and excepting on Saturday, when the same shall be open from 8:30 o'clock A. M., until 12:00 o'clock M.

The Treasurer's office may be open for the collection of taxes on Saturday evening of each week, for two weeks prior to the time interest is added to general City taxes.

§ 21. The head of any office, department or bureau of the City Government may allow each employe thereof an annual vacation of two weeks without deduction from salary, but no annual vacation of more than two weeks per annum shall be allowed any such employe.

§ 22. In case any contractor having a contract to perform any public work for the City shall fail to pay any of his employes, or laborers engaged or employed on such work, when their salaries or wages become due and payable and written notice shall be given by them to the Board of Public Works, there shall be retained from the next estimate, whether final or any preceding estimate, made on the work in favor of the contractor, a sum sufficient to pay such employes or laborers, as shown by such notices, a certified list of which the Board of Public Works shall forthwith file with the Comptroller, and if the contractor fails to pay such employes or laborers forthwith after the filing of such notices and to notify the Board of Public Works thereof, the Common Council may direct a warrant or warrants drawn to the order of the Treasurer on the fund out of which the work is payable and charge the same to the contractor; and it is expressly stipulated by the contractor that the Treas-

urer, upon the certificate of the Board of Public Works, may with the proceeds of such warrant pay such employes or laborers on a verified statement of the amounts due each, as shown by the books of the contractor, or upon the statement being verified by the timekeeper, or any foreman of the contractor or in case any such verified statement cannot be obtained on the affidavits of the employes or laborers themselves; a receipt must be taken for each payment by the Treasurer and forthwith filed with the Comptroller, who shall charge the same to the contractor; and it is further expressly stipulated that in no event shall any such sum so retained by the City ever become due or payable to the contractor under his contract, or become subject to any order or assignment previously or subsequently made by him, excepting upon his paying and satisfying the claims of such employes or laborers before the Board of Public Works shall have paid the same, as herein provided.

§ 23. The Mayor may appoint, and for cause remove, an inspector of the Grand Army Relief Fund, whose duty it shall be to supervise the distribution of funds and relief to the poor or indigent soldiers, sailors or marines who have served in the military or naval service of the United States during the Civil War, or to their families, according to and in the manner provided by Article 5 of the Poor Law of the State.

Such inspector shall make an annual report in the first week of the month of October, and file the same with the City Clerk, showing in detail the names of all persons to whom relief shall have been given, the amount and character thereof. He shall also furnish such other and further information to the Mayor of the City relative to such fund, or its distribution, as may be from time to time required.

§ 24. The Comptroller shall deliver all warrants for the salaries of employes in the public schools of said City, of the employes in the different police stations and

fire houses of said City, and the Bureau of Water, Department of Public Works, to the principal or assistant principal of the public schools, to the captain or lieutenant of the fire house, to the cashier or duly authorized person of the Bureau of Water in which the persons in whose favor said warrants are drawn are employed, and it shall be the duty of every such principal or assistant principal of a public school, such police captain or sergeant of a police station and every such captain or lieutenant of a fire house, and the cashier of the Department of Public Works, or duly authorized person, to call at the office of the Comptroller as often as said warrants for salary shall be drawn, and receive from the Comptroller such warrants for distribution to the persons entitled thereto, and it also shall be the duty of every such principal or assistant principal of a school and every such captain or sergeant of a police station and every such captain or lieutenant of a fire house and such cashier, or duly authorized person, of the Department of Public Works, to return to the Comptroller forty-eight hours after receipt of such salary warrants receipt for each warrant so delivered, signed by the person in whose favor said warrants are drawn. In all other cases the Comptroller shall deliver all warrants drawn for salary of officers or employes to the person in whose name said warrant is drawn, same to be called for at the Comptroller's Department, except that when an order for a salary warrant duly signed and acknowledged by the person in whose favor said warrant is drawn, is presented to the Comptroller by a member of the family of the person in whose favor said warrant is drawn, or by a person whom the Comptroller knows to represent the family of the officer or employe in whose favor the warrant is drawn for salary, the Comptroller may deliver the warrant to the person so presenting said order.

§ 25. The City Treasurer shall keep separate bank accounts in such banks, and of such sinking funds, as the

Comptroller shall direct, and a bond shall be filed with the Comptroller to cover said deposits of sinking funds, from the banks in which these various deposits are made, the interest on said deposits to be credited to the sinking fund, and that the cashier of the several banks notify the Comptroller weekly of the balances on hand.

§ 26. Whenever any clerk employed in any City department shall be called upon or required to render any work, labor or services during the night time, or on legal holidays and Sundays, and such work, labor or services is outside of the regular line of his employment and cannot be done or accomplished during regular office hours, it shall be lawful for the City of Buffalo to grant remuneration adequate for such work, labor or services so performed. In all cases provision shall be made for paying such compensation for such extra work, labor and services in the annual estimates. No department or officer of the City of Buffalo shall grant or pay compensation to any employe for any extra work, labor or services unless the amount for the same is included in the annual estimates, and in no case shall the estimates for such purpose be exceeded.

§ 27. It shall be the duty of the Comptroller to place in the estimate for his department every year the sum of \$15,000, which shall not be reduced or stricken out but shall be left in each year for the following purposes: The sum of \$10,000 per annum shall be taken by the Comptroller from the moneys so appropriated and placed to the credit of a fund hereby created in the Department of Finance to be known as the Fire Insurance Sinking Fund, and to be invested and reinvested from time to time in such manner as shall be lawful, safe and in his judgment best for the interests of said fund, under the direction of the Common Council. The remaining \$5,000 of such annual appropriation shall be used so far as necessary by said Comptroller for the payment of premiums becoming due on fire insurance policies upon the

properties owned by the City of largest value and extra hazard. On the first day of July, 1915, and every five years thereafter, the Comptroller shall pay into the said Fire Insurance Sinking Fund any unexpended balance of said current premium fund until the accumulations of said Fire Insurance Sinking Fund shall amount to \$200,000, after which all interest earnings on this fund shall be paid into the General Fund; provided, however, that if at any time by reason of losses by fire the payments from this fund should reduce said fund below the sum of \$200,000, then and thereafter the interest earned on said fund shall be paid into the same until it shall reach the sum of \$200,000. Whenever and so long as the amount to the credit of said Fire Insurance Sinking Fund equals \$200,000, its earnings shall be paid into said Sinking Fund except as provided in this section. The Fire Insurance Sinking Fund hereby created shall be maintained and used by the Comptroller solely for the purpose of making good to the City the losses sustained by the injury or destruction by fire, or other natural causes, of buildings owned by the City. It shall be the duty of the Comptroller from time to time, as the fund reaches such proportions as will justify such action, to cancel policies now or hereafter procured from fire insurance companies or associations, or cease to renew such policies. The Comptroller shall from time to time report to the Common Council the condition of the fund and shall promptly report to the Common Council his action in canceling or declining to renew policies of companies or associations now or hereafter covering property owned by the City. This section shall not be deemed to apply to the property under the control of the Park Commissioners.

## CHAPTER IV.

## STREETS, SIDEWALKS, ETC.

§ 1. The public streets, avenues and alleys within the City shall be used solely for the passage over of persons on foot and for vehicles of all kinds, drawn by hand, animal or other motive power, except as otherwise provided by ordinance.

§ 2. The public streets, avenues and alleys shall be divided into a carriage way with sidewalks on either side. Whenever any street or alley is not paved, the space on either side thereof for ten feet in width shall be considered sidewalk. The Board of Public Works may, in case the street or alley is unpaved, designate the width of the sidewalk, and place at the crossings on said street or alley stakes indicating the location of the curb line; and it shall be unlawful for any person to drive, ride, or leave any cow, sheep, goat, pig, horse or other draught animal upon any portion of the sidewalks on paved streets or alleys or upon any portion of the said streets or alleys designated, or considered as sidewalks on unpaved streets or alleys, or to draw or propel any vehicle other than baby carriages thereon, except in crossing the same for the purpose of entering or leaving any premises fronting thereon; nor shall any person leave upon any such sidewalk any such vehicle. Any person violating any of the provisions of this section shall be subject to a penalty of not less than \$1 nor more than \$25 for each and every offense.

§ 3. No person shall dig any street, lane, alley or sidewalk, or carry away dirt, soil, plank, paving or flagging stone, or other material of which any street, lane, alley or sidewalk may be constructed, or take up any such plank, paving or flagging stone, except as permitted by ordinance or by resolution of the Common Council, or to repair or build sidewalks under a penalty of not less than \$5 or more than \$25.

§ 4. No person shall deposit in or upon any public street or grounds any substance or material whatever, except as hereinafter provided.

§ 5. No person shall use any part of a public street or alley or any public grounds for the deposit of any building, paving or sewer materials, or any other materials, except for immediate transfer of the same to the premises fronting on the portion of said street so occupied, nor shall such substance be allowed to remain on said street, alley or ground longer than sundown of the same day, under a penalty of not less than \$10 or more than \$50. Provided, however, that the Superintendent of Streets may permit any owner or contractor, in case there is no space on said lot to deposit said substances, to use not more than one-third of the carriageway in front of said premises and not more than one-third of the sidewalk for such deposit for a period to be designated by him, and in all such cases the person holding such permit shall keep such material so piled that they shall not encumber any other portion of carriageway or sidewalk, and shall, if required by the Superintendent of Streets, guard against accidents at night by reason of such material being in the street, by displaying lanterns at such piles of materials during the night. In case any person, firm or corporation violates the directions of the Superintendent of Streets with reference to such material, it shall work a forfeiture of all rights and privileges of such permit, and the Superintendent of Streets shall cause such material to be removed either to the premises upon which such materials are intended to be used, in which case the Board of Public Works shall report the expense of such removal to the Common Council and the Common Council shall direct such expense to be assessed upon the lot or premises to which such materials are removed, or, at his option, the Superintendent of Streets may cause such materials to be removed to some suitable place of storage from whence the materials may be redeemed only

upon payment to the cashier of the Board of Public Works of the cost of such removal and storage.

§ 6. It shall be the duty of any policeman on patrol duty to report to the captain of the precinct any defective or dangerous place in any sidewalk or carriageway and notice shall be given at once to the Board of Public Works of such defect.

§ 7. A report shall be made by such policeman of all gas and electric lights not lighted, which report shall be transmitted to the Board of Public Works.

§ 8. It is the privilege, and on notice from the Board of Public Works, it shall be the duty of any owner or occupant of any premises to grade and level the sidewalk in front of said premises between the street line and the curb line; such grade shall in all cases be at a fall of not more than one-half inch to the foot, except at driveways, when the grade may be increased by the consent of the Chief Engineer.

§ 9. If any occupant or owner, after notice to grade and level the sidewalk in front of premises owned or occupied by him, shall neglect so to do for ten days after such notice, the Board of Public Works may cause said work to be done, and the expense thereof shall be reported to the Common Council, and shall be assessed upon the premises in front of which the work is done, and such owner shall pay a fine equal to the amount of the expense to the City for doing the work.

§ 10. No person shall construct or reconstruct a sidewalk on any paved street or avenue, until he has obtained written permission to do so from the Department of Public Works. Such permit shall specify the slope, grade, width and location of sidewalk, and the materials of which it shall be constructed. All sidewalks laid in cement must bear the date of construction stamped in the



surface of the walk with block letters or figures, at least one-half inch in length, and properly spaced.

§ 11. It shall be lawful for any owner or occupant of premises fronting upon any public street or alley, and upon notice from the Board of Public Works it shall be his duty, to plant shade trees in the sidewalks in front of such premises; such trees, however, shall not be placed nearer than one foot from the curb line, nor shall they be placed within a space of six feet along the center of the sidewalk, except by permission of the Common Council.

§ 12. No person shall, without the written permit of the Board of Park Commissioners, cut, remove, plant, break, or injure any tree, plant or shrub in any of the streets or public places of the City of Buffalo. Nor shall any person injure, misuse, or remove any device placed and intended to protect any tree, plant, or shrub in any part of the streets or public places in the City of Buffalo. Nor shall any person fasten a horse to any tree, plant, or shrub, or to any device intended to protect the same, or place a post for the hitching of horses within five feet of any tree, plant, or shrub in any of the streets or public places in the City of Buffalo. Any person violating any of the provisions of this ordinance, shall, upon conviction before the Police Justice of the City of Buffalo, or before any court of competent jurisdiction, be punished by a fine of not to exceed \$50, or by imprisonment in the Erie County Penitentiary for a term not to exceed thirty days, or by both such fine and imprisonment at the discretion of the court in which such conviction may be had; or by a penalty of not to exceed \$50, to be recovered in a civil action.

§ 13. It shall be the duty of every owner or occupant of any premises fronting on any public street or ground to keep the sidewalk in front of the same in good order

and repair, and he shall allow no accumulation or refuse to remain thereon under a penalty of not more than \$10.

§ 14. It shall be the duty of every owner or occupant of any premises fronting on any public street or alley to remove before 9 o'clock in the morning all snow and ice which may have fallen upon the sidewalk in front of said premises. In case said sidewalk is not planked, flagged or paved its full width, it shall be necessary to remove such snow or ice only from a space three feet in width.

In case the snow and ice on the sidewalks shall be frozen so hard that it cannot be removed without material difficulty or injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of any building or lot of ground as aforesaid, shall within the time specified in the preceding paragraph, cause the sidewalk abutting on the said premises to be strewed with ashes, sand, sawdust or some suitable material, and shall, as soon thereafter as the weather permits, thoroughly clean said sidewalk.

§ 15. In case of neglect or refusal of any owner or occupant to comply with the provisions of the foregoing section, he shall pay a fine of not less than \$5. It shall be the duty of the Bureau of Streets to see that the provisions of this section are enforced, and in all cases of its violation, it shall be the duty of the Superintendent of Streets to employ men to do the said work at a price not exceeding 25 cents per hour. Said bureau shall keep an account of all such work and on or before the first day of April in each year, the Board of Public Works shall report to the Common Council all parcels of land in front of which such work shall have been performed, the owner or occupant of which shall not have paid to the cashier of the Board of Public Works, the amount of said expense in front of his premises, and the Common Council shall thereupon order assessments upon said lands for the several sums so reported.

§ 16. The Deputy Street Commissioner shall designate days for the removal of refuse, garbage and ashes from the several streets and alleys, and on those days it shall be lawful for any person to place at the curb line in front of the premises occupied by him, all dirt and ashes collected from the lot owned or occupied by him, in barrels or the regular galvanized iron can, also all garbage or decayed vegetables or animal matter, such garbage to be kept in tight, galvanized iron cans or receptacles to prevent leakage, and in no case is it to be mixed with any other substance. In case such swill, garbage, ashes, etc., be not placed, it shall be the duty of the contractor or Department of Public Works to bring the same from the premises occupied, provided it shall not be found in an inconvenient or inaccessible place in the judgment of the inspector. And no owner or tenant of any hotel, restaurant or other public institution, or tenant of any private house, boarding or tenement house, or any householder or other person, who has or offers garbage to be removed, shall be permitted to mix with such garbage any ashes, tin cans, glass, crockery, straw, grass, boxes, baskets or metal or anything but animal or vegetable matter, and it shall be the duty of the Department of Public Works, or the contractor who may have a contract for the removal of the same, to instruct their inspectors and collectors to report any violation of this section to the Department of Public Works or contractor, and any person or corporation violating the provisions of this section shall forfeit a penalty of not less than \$5.00 and not more than \$15.00 for each offense.

For the purpose of the proper collection of all civic waste, three separations are to be made and held for collection, viz: First, ashes; second, garbage, and third, all refuse and rubbish not to be mixed with the two former. Nothing but garbage, kitchen, table and food product waste shall be placed in garbage cans. Nothing but ashes and dust, shall be placed in the ash receptacle.

In Districts No. 1 and "A," all paper and other waste classified under the head of refuse and rubbish must be tied in bundles or otherwise prevented from becoming scattered in handling. All bundles and all refuse, such as boxes, barrels, worn-out furniture, cast-off clothing, etc., everything except garbage, dust and ashes, shall be kept *inside of the house* or at least out of sight of the street and protected from the rain. They must not be put in receptacles which are to be emptied and set back.

A card will be furnished by the Department of Public Works, Bureau of Streets, which, when exposed in window or other suitable place, will serve as a signal for the *paper and rubbish* man to call.

§ 17. Any person, firm or corporation who shall deposit or leave or cause or allow any of his or their or its subordinates or employes to deposit or leave in any public street, lane or alley, any dirt, ashes, rubbish, swill, garbage or any other material, unless same are in proper receptacles, and these only to be placed on streets two hours prior to the time of the regular collection as provided, shall forfeit a penalty of not less than \$5.00 and not more than \$25.00 for any violation of either provision.

§ 18. 1. No person, firm or corporation shall sweep or permit any person in his, their or its employ to sweep from any building or lot owned or occupied by him or it, or from the sidewalk in front of such building or lot, any dirt, paper or rubbish of any kind, nor shall any person throw, scatter or place within the limits of any public street, alley or ground any paper, rags, dirt, garbage, ashes or any refuse whatever, except as provided in the last two sections, under penalty of not less than \$5 nor more than \$10.

2. No person shall place or cause to be placed in or upon the surface of any street, alley, highway or road in

the City of Buffalo any glass, metal, stone, earthenware, or other substance of a nature likely to cause injury to pedestrians, animals, carriages, bicycles or other vehicles. Every person violating the provisions of this sub-division shall upon conviction be fined not less than \$15 nor more than \$50.

3. It shall be the duty of any member of the Police Department when cognizant of the presence of any such injurious substance on any street, highway or road to thereupon cause the same to be removed or else report the same to the Bureau of Streets without delay—and the said bureau shall cause the same to be removed immediately.

4. The Police Department shall promptly ascertain and cause the arrest of the person or persons placing or responsible for the placing of such material upon the public streets.

§ 19. No person shall, except as hereinafter provided, leave or deposit any goods, wares and merchandise upon any sidewalk, except such articles may be so deposited for not more than two hours while receiving the same in original packages, or when in packages for delivery after actual sale thereof. Provided, that such goods shall be placed inside and within four (4) feet of the curb and shall not be piled to a greater height than four (4) feet.

Any person violating the provisions of this section shall forfeit a penalty of \$10 for each offense.

§ 20. It shall not be lawful for any person to drive, or cause to be driven, or permit his or her servants to drive upon any street paved with wood, stone, brick or asphalt, any wagon or other vehicle having upon it a weight, which, together with the weight of the wagon or vehicle, shall exceed 4,000 pounds, unless the tires upon such wagon or vehicle shall be at least three inches in width; nor shall any such wagon or vehicle having upon

it a weight which, together with the weight of the wagon or vehicle, shall exceed 5,000 pounds, be so driven in or upon any such paved street unless such tire shall be at least four inches in width, under a penalty of not less than \$5 nor more than \$25 for each and every offense. The provisions of this section shall not be of force until May 1, 1893.

§ 21. Canvas awnings supported by an iron framework, securely attached to the building in front of which said awning shall be constructed or suspended, every part of which framework shall be at least nine feet above and the inner portion of which shall be at least ten feet above the sidewalk, may be constructed, to project over the sidewalk not to exceed ten feet and no other projection, sign or device whatever shall extend beyond the street line within that part of the city bounded by North, Jefferson, Genesee, Spring, Alabama, Elk and Michigan streets, Buffalo River, Lake Erie and Georgia, Chippewa, Delaware and North streets, but this section shall not be construed to require the removal of any awning or other obstruction heretofore erected pursuant to the provisions of the ordinances as they existed at the time of such erection, or pursuant to a resolution of the Common Council, unless the removal thereof shall be hereafter ordered by resolution of the Common Council.

§ 22. Posts for the purpose of hitching or fastening horses may be placed in the sidewalk in front of any building, immediately within the curbstone or outer line of the sidewalk; but no such posts shall be placed nearer than 15 feet apart in front of any building, and such posts, when of wood, shall be round, and not exceeding four feet in height and six inches in diameter.

The Board of Public Works is hereby authorized and empowered to issue permits to any person or persons applying therefor, to place movable bicycle rests or stands in front of the place of business of such applicant and for the convenience of the customers of such applicant;

such stands or rests to be constructed and placed so as not to interfere in any way with public travel. Such permits to be issued and revoked at the discretion of the Board of Public Works.

§ 23. 1. No person shall ride any bicycle, tricycle or any other vehicle, or drive or ride any horse or any vehicle drawn by a horse or horses or otherwise propelled in any street, lane or alley of the City outside the district mentioned in sub-division four of this section at a faster rate than is prescribed for automobiles by Section 53 of this Chapter, nor shall any person ride any bicycle, tricycle or any other vehicle, or drive or ride any horse or any vehicle drawn by a horse or horses or otherwise propelled around any corner or intersection of any street, lane or alley of the City at a faster rate than five miles an hour. The foregoing provisions of this subdivision, however, shall be suspended with reference to Indian Church Avenue, between the first day of December in every year and the following first day of April. A violation of any provision of this section shall be deemed disorderly conduct. Any person violating any provision of this section shall be liable to a penalty of not more than fifty dollars for each offense, to be recovered in a civil action, or upon being convicted thereof in a court of criminal jurisdiction, such person shall be subject to a fine of not more than fifty dollars, and in case the person so convicted does not immediately pay such fine, he or she may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of such fine not paid. A judgment for any penalty prescribed in this section may be recovered by execution against the person, as provided in section 25 of the Charter of the City.

(I-A.) Every vehicle in every public highway, street, avenue, lane, alley, or public place under the jurisdiction of the Common Council, including motor cycles, motor bicycles, and motor tricycles, except as otherwise pro-

vided in any Ordinance of the Common Council heretofore or hereafter enacted shall, during the period from one hour after sunset to one hour before sunrise display at least one light of sufficient illuminating power to be visible for a distance of at least two hundred feet in the direction in which such vehicle is proceeding, or in the direction from which such vehicle is proceeding. The penalty for a violation of this sub-division shall be as prescribed in Section 28 of this Chapter.

This sub-division shall not apply to vehicles drawn or propelled by muscular power.

2. No person shall ride any bicycle, tricycle or similar vehicle in any street, lane or alley of the City unless the same be provided with a bell, which may be heard one hundred feet distant, by which to give an alarm when about to meet or pass pedestrians, and when about to meet or pass other vehicles.

3. No person riding any bicycle, tricycle or similar vehicle in any street, lane or alley of the City shall coast or proceed thereon by inertia or momentum with the feet off the pedals. No person shall perform any trick or fancy riding upon any street, lane or alley within the City.

4. No person shall ride any bicycle, tricycle or any other vehicle, or drive or ride any horse, or any vehicle drawn by a horse or by horses, or otherwise propelled, upon Main Street, south of Allen Street, or upon Delaware Avenue, south of North Street, at a faster rate than ten miles an hour. A violation of any provision of this section shall be deemed disorderly conduct. Any person violating any provision of this section shall be liable to a penalty of not more than fifty dollars for each offense, to be recovered in a civil action, or upon being convicted thereof in a court of criminal jurisdiction, such persons shall be subject to a fine of not more than fifty dollars, and in case the person so convicted does not immediately pay such fine, he or she may be committed to the Erie



County Penitentiary for the term of one day for each and every dollar of such fine not paid. A judgment for any penalty prescribed in this section may be recovered by execution against the person as provided in section 25 of the charter of the City.

5. No person shall leave any wagon, carriage or other vehicle, or horse or animal hitched or standing, or allow any wagon, carriage, horse, animal or vehicle to remain standing, except as specified in subdivision six for the unloading thereof, and in section fifteen of chapter six of the ordinances of the City, upon Main Street, between Court and Seneca streets. And no wagon, carriage or other vehicle, or horse or animal shall be left hitched or standing upon Main Street between Seneca and Exchange streets, for a longer period than fifteen minutes.

6. No person riding, driving or having charge of any horse or vehicle shall stop such horse or vehicle on any roadway, sidewalk or crosswalk of the City or intersection thereof in such manner as to hinder or obstruct traffic thereon, except when necessary to load or unload therefrom, and then in such case only for such time as shall be actually necessary, and in no case to exceed ten minutes; and no person shall allow any such vehicle to be placed or remain unnecessarily crosswise of any roadway of the City; nor upon any sidewalk or crosswalk, at any time for any purpose, without leaving sufficient passageway for pedestrians thereon. The provisions of this section shall not apply to such persons and places as are specified in section fifteen of chapter six hereof.

7. No person shall ride any bicycle, tricycle or other vehicle upon the sidewalks within the limits of the City. Velocipedes and other similar machines ridden by children under the age of ten years are exempted from the provisions of this subdivision, except on such streets or portions of streets as may be from time to time specified and designated by the Superintendent of Police as busy streets.

8. All persons riding or driving any horse or any vehicle of any kind upon the roadways of the City shall keep to the right and as near to the curb as practicable and shall pass vehicles on the left of the vehicle passed. In turning corners to the left they shall pass the center of the street intersection upon their own left, and in turning corners to the right shall turn as near to the curb as practicable.

9. The Police Department shall have supervision and control of traffic in all roadways of the City and at entertainments and gatherings, and all persons riding or driving any vehicle or animal shall obey the reasonable orders of the officers of such department; and the Superintendent of Police in his discretion may upon any special occasion grant permits to any person or persons to ride or drive during a specified time upon specified portions of the streets of the City at any rate of speed, and annex such other reasonable conditions to such permits as he shall deem proper.

10. Nothing in this section contained shall be construed as to interfere with or affect any of the vehicles of the United States postal service, or fire department, police department, public hospitals or any of the vehicles of the street railway companies of the City.

§ 24. No person shall hitch or fasten any horse or other animal to any lamp-post, ornamental or shade tree in the sidewalks within the City, or to any case or box around any such trees.

§ 25. No person shall hitch or fasten any horse or any other animal in any of the streets of the City in such a way that such a horse or animal, or appliance used in fastening such horse or animal, or the vehicle to which such horse or other animal is attached shall obstruct any portion of any side or crosswalk.

§ 26. No person shall leave any horse or mule in any street, lane, alley or highway within the City, except for the period of ten minutes, unless said horse or mule shall be securely tied or fastened.

§ 27. Except as in the following subdivisions of this section provided, no person shall leave or permit to remain in or upon any street, lane or alley any vehicle of any kind belonging to him, or over which he shall have control, for a longer time than ten minutes, unless there shall be attached to such vehicle some draught animal, nor shall any person unnecessarily obstruct the passage of any street, lane or alley by means of any vehicle or animal.

a. No person, association, firm or corporation shall use or occupy or be permitted to use or occupy any of the public streets, avenues, alleys, squares, highways or other public grounds of the City of Buffalo with house-cleaning machines or any other machinery or appliances used for the purpose of cleaning houses, buildings or other structures, without first having procured a license therefor. Such license may be issued by the Mayor, in his discretion, upon payment by the person or persons applying therefor of the fee fixed in the next subdivision.

b. No license under the foregoing section shall be issued to any person under the age of twenty-one years, nor to any person who has been convicted of a felony, nor to any person who, having been previously licensed under this chapter, shall have had said license revoked during the year immediately preceding the time of making the application herein mentioned. All licenses shall expire on the thirtieth day of May succeeding the issuing thereof, and the license fee therefor shall be the sum of fifty (\$50) dollars per year for each machine or appliance so used. No license fee shall be pro-rated for a period of less than six months.

c. No person, association, firm or corporation licensed

to use the public streets, avenues, alleys, squares, highways and other public grounds of the City of Buffalo, as aforesaid, shall use the same in such manner as to unnecessarily obstruct or interfere with the legal use of the same by other persons; and such use of the public streets, avenues, alleys, squares, highways and other public grounds of the City of Buffalo shall be subject to the supervision and directions of the Superintendent of Police.

d. No machine or appliance, for which a license is required by this chapter, shall be operated upon any of the public streets, avenues, alleys, squares, highways or other public grounds of the City, unless such machine or appliance shall be in charge of a person thoroughly competent to operate the same, and who shall not leave said machine or appliance while it is in operation.

e. Every applicant for a license under this chapter shall present to the Mayor at the time of making application for such license, a bond in the penalty of five thousand (\$5,000) dollars, executed by himself and two sureties, or a corporation surety, and conditioned that such applicant shall obey all ordinances of the City of Buffalo now in force or that may be hereafter enacted, and will comply with any and all orders and directions of the Superintendent of Police, and that he will pay all fines and penalties which may be imposed upon him for any violation of said ordinances or of said orders and directions of the Superintendent of Police, and that he will hold the City harmless from any and all loss and damage and all costs and charges which it shall or may sustain or become liable for by reason of the granting of such license, or by reason of any act or acts of said licensee, his agents and employes or any of them. Such bond shall be approved as to form by the Corporation Counsel and as to sufficiency by the Mayor.

f. Any person, association, firm or corporation, or the agent or agents, employe or employes of any person, as-

sociation, firm or corporation violating any of the provisions of this chapter shall forfeit and pay a penalty of one hundred (100) dollars for each and every offense.

§ 28. Every person who shall do any of the acts prohibited by, or shall violate any of the provisions of the sections of this chapter numbered from 21 to 27, both inclusive, shall be punished by a fine not exceeding the sum of five dollars for each and every offense, except as herein otherwise specifically provided by this chapter; and in case of the non-payment of any fine imposed for any of the violations of said section relating to bicycles, tricycles and similar vehicles by imprisonment in the County jail, not exceeding one day for each dollar of such fine, in the discretion of the court or magistrate.

§ 29. No person or persons shall drive or cause to be driven, in the day time, any cattle, sheep, swine or any other animals, through any of the streets of the city, east and south of Ferry Street, and west of Jefferson Street, unless such animals be fastened together, and led by the person or persons having them in charge, or unless it be upon a written permit of the Mayor, or unless such animals are being taken from slaughter-houses within those limits; and when they are so permitted to pass within said limits there shall not more than ten of such animals pass over or onto any bridge within the City at one time; provided, however, that nothing in this section contained shall restrain such person or persons from driving any cattle, sheep, swine or other animals to and from the several depots and cattle-yards in this city between the hours of ten o'clock at night and six o'clock in the morning; and, provided further, that animals taken from the stockyards on William Street, east of Fillmore Avenue, and destined for points south of William Street and east of Jefferson Street, shall be driven only along William Street to Fillmore Avenue, and along Fillmore Avenue to Howard Street. Every person who shall violate any of the provisions of this section shall forfeit and pay a pen-

alty or be subject to a fine of not to exceed \$25 for each offense.

§ 30. The Board of Public Works may grant permission to the owner or occupant of any lot to open a street or alley in front of said lot for the purpose of laying gas, sewer, or water pipe from the main pipe or sewer in said street or alley to the line of said lot, or for the purpose of repairing such pipe or sewer. The person receiving such permit shall cause such work to be completed within such time as the chief engineer shall direct, and shall cause any opening made in the street to be restored in as good condition as it was before such opening was made.

In all cases where such openings are to be made in pavements upon which the guarantees for repairs have not expired, the Board of Public Works shall require that such opening be made by the person, firm, or corporation liable as principal upon such guaranty, or that the consent of such person, firm, or corporation, or the sureties upon said guaranty, in writing, shall be filed with the board. In any case, the Board of Public Works may require that the openings in asphalt paved streets shall be repaired or repaved by the person, firm, or corporation designated by the board, or may, in its discretion, cause such work to be done under its direction, and at the expense of the owner or occupant. Any person who shall open any street or alley for the purposes mentioned in this section, without the permission of the Board of Public Works, or who shall fail to comply with any of the provisions of this section, shall forfeit and pay a penalty of \$10 for each and every offense.

In case the Commissioner of Public Works orders such work to be done under the direction of the Bureau of Engineering, he shall report the expense thereof to the Common Council and the Common Council shall cause such expense to be assessed upon the premises in front of which the work shall have been done.

## Sub.-Div. 2.

Before any permit for the opening of a pavement shall be granted by the Bureau of Engineering of the Department of Public Works, the applicant shall pay to the City Treasurer a fee of \$5 for each and every such opening between intersecting street lines in any block. The amount of such fees to be credited to the fund—Repairs of Streets—Bureau of Engineering Department of Public Works, by the Comptroller, June 30th, each year.

§ 31. If at any time after a street or alley opened for any of the purposes mentioned in the preceding section shall have been replaced, it shall appear that the work of replacing or repaving the same was imperfectly performed, the chief engineer shall notify the owner or occupant of the lot in front of which said street or alley was opened to put same in as good condition as it was before being opened; and if the person receiving such notice shall neglect or refuse to repair said street or alley within forty-eight hours thereafter, he shall forfeit and pay a penalty of \$10 (ten); and the Board of Public Works shall cause the necessary repairs to be made, and report the expense thereof to the common Council, and the Common Council shall direct such expense to be assessed upon the lot or premises in front of which said street or alley was opened.

§ 32. 1. No person, firm or corporation shall attach or shall cause or allow any of his or their or its subordinates or employes to attach to any lamp post, telegraph or telephone pole, hydrant or box covering the same, or any erection of building, wherever situated, in or upon any of the public streets, avenues, lanes, alleys or public places of the City, or upon any erection or building upon any of the public streets, avenues, lanes, alleys or public places, any bills, notices, letters, pictures or characters of any kind whatever for the purpose of advertising any show, performance, business or entertainment. Pro-

vided, however, that nothing in this section shall be construed as affecting the right to post bills, notices, letters, pictures or characters by licensed bill posters upon private property in such secure manner as not to be detached and scattered upon the street.

2. No person, firm or corporation shall erect or maintain over any sidewalk or over the exterior line of any street, avenue, lane, alley or public place in the City of Buffalo any sign for displaying the name or trademark of any person, firm or corporation for advertising purposes, or otherwise giving notice of any business or occupation, without first having obtained a license therefor from the Commissioner of Public Works, for which shall be paid the fees fixed by this section. Provided, however, that signs projecting not more than eight inches over such exterior line may be erected and maintained without license, subject to the control of the Commissioner of Public Works. No sign in the City of Buffalo shall extend over the exterior street line beyond the curb, and in no event shall any sign extend more than ten feet beyond the exterior street line. Before any license for any sign shall be granted, the person, firm or corporation desiring to erect or maintain the sign or signs shall file with the Commissioner of Public Works a written application therefor, signed by the applicant and stating in detail the kind and character of the sign proposed to be erected or maintained, the actual area in square feet of the exterior surface of such sign, and such application shall also state, in such detail as the Commissioner of Public Works shall require, the place where and the manner in which it is proposed to erect such sign or signs. Upon the approval by the Commissioner of Public Works of such application and of the place and manner of erecting the sign therein mentioned, and upon his writing or stamping thereon the amount of fee required for the sign applied for, the applicant shall pay to the Treasurer the fee prescribed by this section and obtain



said Treasurer's receipt therefor. The fees received by the Treasurer pursuant to this section shall be paid into the General Fund. Upon presentation of the Treasurer's receipt for any fee, the Commissioner of Public Works shall issue to the applicant a license for the sign applied for. All licenses issued hereunder shall be numbered consecutively, and each such license shall describe briefly the kind and character of sign authorized to be erected or maintained, the place where to be on, the name of the applicant, the amount of fee which has been paid and the dates of issue and expiration of the license.

Duplicates of all licenses issued pursuant to this section shall be kept on file in the office of the Commissioner of Public Works.

3. All licenses issued pursuant to this section shall expire on the 30th day of June next after their issuance.

The license fees for the erection or maintenance of signs shall be as follows :

For illuminated signs having an area of less than thirty square feet, \$2 per annum.

For illuminated signs having an area of not less than thirty nor more than forty square feet, \$2.50 per annum.

For illuminated signs having an area of more than forty and not more than fifty square feet, \$3 per annum.

For illuminated signs having an area of more than seventy-five square feet the annual fee shall be \$4, and, in addition thereto, ten cents for every square foot in excess of seventy-five feet.

And no illuminated sign having an area of more than seventy-five square feet shall be erected or maintained without special permission granted by resolution of the Common Council.

No illuminated sign projecting more than eight inches beyond the exterior street line shall hereafter be erected or maintained in the City of Buffalo, the area of which

shall exceed one hundred square feet, according to the computation herein provided for.

For all signs which shall project more than eight inches over the exterior street line, other than illuminated signs, the license fees shall be as follows :

For all signs having an area of less than twenty square feet, \$1 per annum.

For all signs having an area of not less than twenty nor more than thirty square feet, \$1.50 per annum.

For all signs having an area of more than thirty and not more than forty square feet, \$2 per annum.

No sign other than an illuminated or cloth or canvas sign shall be hereafter erected or maintained within the City of Buffalo projecting more than eight inches over the exterior street line and having an area of more than forty square feet, except for temporary purposes and then only on resolution of the Common Council.

4. For the purposes of this section an illuminated sign shall be any sign in connection with which artificial light is used.

The area of a sign for the purposes of this section shall be construed as being one-half of the total exterior surface of the sign, computed in square feet.

The amount of fees to be paid under this section shall be computed and fixed by the Commissioner of Public Works and shall be written or stamped upon the applications for licenses, which applications shall be presented to the Treasurer at the time of the payment of said fees to him, and shall be returned to the Commissioner of Public Works, together with the Treasurer's receipt for the fee or fees.

Licenses for less than one year may be issued upon payment in each case of a fee bearing the same proportion to the amount of the annual fee for such license as the period of time intervening between the date of such

license and the 30th day of June next thereafter bears to one year; provided that no fee shall be accepted for less than three months, and that a fraction of a three months' period shall be counted as a full quarter of a year.

5. For each and every violation of any provision of this section the offender shall be subject to a penalty of \$10, and for each day during which any sign shall be maintained without a license, or in any other manner in violation of any provision of this section, the offender shall be subject to a separate penalty of \$10 as for a separate offense.

Any license issued hereunder may be revoked by the Commissioner of Public Works for cause, after reasonable notice to the licensee and a hearing before said Commissioner at his office at a time specified in such notice. The said Commissioner of Public Works shall file a copy of his determination of such hearing with the City Clerk within twenty-four hours after it is made.

§ 33. No person, company or corporation shall plow, shovel or brush, sweep or heap up any snow, ice or other material, into piles or ridges, in or upon any street, crosswalk or other public place; and in all instances where snow or ice is plowed, shoveled, brushed, swept or moved about, it shall be uniformly leveled off in front of residences and places of business by the person, company or corporation so plowing, shoveling, brushing, sweeping or moving it about, in such manner as not to interfere with the public travel, or prevent the safe approach to any residence or place of business.

§ 34. No person, company or corporation shall use salt, lime, or any other deleterious substance, to remove ice or snow from the sidewalks, or from the track or tracks of any railroad corporations, except on curves, switches, turnouts and at street crossings.

§ 35. Every person, company or corporation who

shall be convicted of the doing or commission of any of the acts prohibited by sections thirty-three and thirty-four of this chapter, shall forfeit and pay a penalty of not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each and every offense.

§ 36. The Board of Public Works may, when directed by the Common Council, grant permission to the owner or occupant of any lot to construct vaults under the sidewalk in front of said lot. All such vaults shall be constructed of brick or stone, and no such vault shall extend beyond the outer limit of the sidewalk. Openings through the sidewalk into the said vaults may be constructed for the purpose of passing in or out goods, wares and merchandise or other material, not to exceed four feet in diameter, the outer edge of which shall be not more than one foot from the outer line of the sidewalk. Such openings shall be securely covered at all times with a strong iron or glass cover when not opened for actual use, and when in use shall be securely guarded to prevent accident. No other opening in, or erections upon any sidewalk shall be permitted.

Nothing in this section contained shall be construed so as to require the removal of stairways now erected upon the sidewalks to afford ingress and egress to buildings, or the upper stories thereof, when there are no other means of ingress to such buildings or floors; nor to require the closing of openings in the sidewalks to permit of steps or stairways to the basement of buildings when there are no other means of public access thereto. The Board of Public Works shall examine all such stairways and basements, and in all cases where more than one stairway or opening into the basement shall be found in or upon the same building, they shall require all but one such stairway to be removed and all but one such opening to be closed. The said Board of Public Works shall require such stairways and openings into basements to be properly guarded so as to protect against acci-

dents or injuries to persons using the public streets, and shall require the owner or occupant of every building having such stairway or opening into basement to file in the office of said board a bond, with two sureties, justifying in five thousand dollars each conditioned to save the city harmless from any loss or damages, by reason of injuries received at any such stairway or opening. Every owner of any building having such stairway or opening into basement, who shall neglect or refuse to obey the directions of the Board of Public Works, given pursuant to the provisions of this section, shall forfeit and pay the sum of \$10 for each and every day of such neglect or refusal. No such stairways or openings into basement shall be permitted in buildings hereafter erected, except by special permission of the Common Council.

§ 37. Any person who shall construct or maintain any such vault without the permission provided for in section 36, or shall construct it of any other material than as therein prescribed, shall be liable to a penalty of not less than \$25, nor more than \$100, and it shall be the duty of the Board of Public Works to fill such vault or make such openings to conform to the provisions of section 36, and collect the expense of the same from the owner or occupant of such premises.

§ 38. The Board of Public Works may grant permission to the owner or occupant of any premises to make an excavation in the sidewalk not exceeding four feet in width from the street line for the purpose of admitting light into the basement of such building. Any such opening now made or hereafter constructed in any sidewalk shall be secured by an iron grating laid even with the sidewalk with spaces not greater than one inch. It may be secured with suitable glass cover as the Board of Public Works may determine. All such guards or covering shall be at all times securely fastened to prevent removal.

§ 39. Any owner or occupant who shall neglect or refuse to make the openings in front of the premises owned or occupied by him to conform to the provisions of sections 36 and 38 for more than ten days after notice from Superintendent of Streets, shall forfeit a penalty of \$5 per day after such ten days. Said vaults shall be constructed in other respects as the Board of Public Works shall direct, and under their supervision.

§ 40. Every owner or occupant of any lot, who shall receive a permit, and shall construct any sewer or vault in front of his or her premises, and shall fail to refill, relay and replace the street and sidewalk dug, taken up, or disturbed by him, in as good condition as the same was before the work of building said vault or sewer was commenced, shall forfeit and pay a penalty of \$25, and the Board of Public Works may cause said street or sidewalk to be refilled, relaid, or repaved, and shall report the expense thereof to the Common Council, and same shall be assessed upon the lot in front of which such work shall be done.

Every person who shall receive a permit to construct a vault or sewer, or to open any street or alley in front of his premises, shall at all times after such vault or opening shall have commenced, and until the same shall be completed, carefully guard the same, so that persons passing along the street or sidewalk shall not be liable to fall into any excavation made for such vault or sewer, and shall, during the whole of every night that such excavation shall remain, cause the same to be kept securely fenced, and a light to be placed and kept upon such fence, so secured and protected that the same shall not be extinguished; and for a failure to comply with any of the provisions of this section such person shall forfeit and pay the sum of \$50.

§ 41. Goods, wares and merchandise, the keeping, manufacturing of or dealing in which is not prohibited

by law or ordinance, may be placed upon the sidewalk for exhibition within four feet and in height not to exceed three feet, of the building in which they are kept for sale.

The Mayor may issue licenses at such fee as he may determine, to persons to sell confectionery, pop-corn, nuts and fruits, upon the public streets, and in front of any building, upon the filing with him of the written consent of the owner or occupant of such building that such license be issued. The persons to whom such licenses may be granted shall not in any case occupy more than three feet of the sidewalk nearest the building.

§ 42. Any licensed bill poster may paste, or securely fasten or attach to any building, with the consent of the owner thereof, or upon fences or billboards maintained for that purpose, bills, notices, pictures, etc., for the purpose of advertising shows, performances, entertainments or business, provided such pictures, notices or bills are not obscene or indecent.

§ 43. No building shall be moved upon, over or across any of the public streets or alleys within the City unless permission therefor shall be granted by the Common Council. Every application for such permission shall state the value of the building proposed to be moved, and before it is granted shall be referred to the Superintendent of Streets, and he shall report whether the building is of sufficient value to warrant moving, and whether it can be moved as proposed without injury to adjoining property, or to the electric or trolley wires, or the trees or property in or upon the streets along, through or across which it is proposed to pass. No permit shall be granted to move any building into the district bounded as follows: Beginning at the foot of Michigan Street and running thence north along Michigan Street to Goodell Street; thence west along Goodell Street to Ellicott Street; thence north along Ellicott Street to

Dodge Street; thence west along Dodge Street to Main Street; thence north along Main Street to Ferry Street; thence west along Ferry Street to Richmond Avenue, and thence along Richmond Avenue and Rhode Island Street to Niagara River. After a permit shall have been granted to move a building it shall be moved through such streets as the Superintendent of Streets may designate and the work of moving shall be done in all respects under his direction.

§ 44. No driver or other person having the charge and control of any street railroad car within the City of Buffalo, shall permit or allow such car to pass any other car standing at any crossing for the discharge or reception of passengers until such standing car shall have started on its course, and cleared at least twenty (20) feet, nor shall any driver or other person in charge of such standing car put the same in motion while a car on the parallel track is approaching within fifty feet. The penalty for a violation of any provision of this section is hereby fixed at the sum of \$25.

§ 45. Nothing in this chapter contained shall in any way or manner interfere with the prosecution or defense of any action or proceeding brought to recover any fine or penalty for the violation of any ordinance, or to enforce any of the provisions of the ordinances as they now exist, or to punish any person for the violation of any such ordinance.

§ 46. That whenever a majority petition for paving a street is granted, or the paving is ordered under a notice of intention, the Common Council shall direct the engineer to cause all necessary sewer, water and gas connections to be made by the contractor for paving said street after the order for contracting for paving said street has been adopted by the Common Council. The bills for said connections to be rendered by lineal foot of sewer and by lineal foot of water pipes, plus water box



and expenses for tapping, said prices not to exceed a certain sum to be included in the specifications for paving said street. That after the order for the assessment for paving said street has been approved by the Mayor, the engineer be authorized to refuse to grant any permits to put in private sewer and water connections, until the pavement is finished, or the proceedings for said pavement are rescinded.

§ 47. Every street surface railroad company, or corporation now operating and running or that may hereafter operate and run a line or lines of street railroad within the City of Buffalo, shall file with the City Clerk of said City a true and correct copy of the consent of property owners of property bounded on the street, avenue or place upon and along which any such line or lines of street railroad is proposed to be built, constructed or operated, the same to be certified by the president and secretary of such company or corporation, and to be filed at least ten days prior to the commencement of the work of constructing such railroad in any such street, avenue or public place and no such street, avenue or public place shall hereafter be used for street railroad purposes unless all the provisions of this ordinance shall first be complied with.

§ 48. No person shall hereafter erect any fence or billboard more than seven feet in height within the City of Buffalo without first procuring a permit therefor from the Board of Fire Commissioners and the Deputy Building Commissioner and thereafter the permission of the Common Council. Every resolution of the Common Council granting such permission shall contain a clause to the effect that the permission may at any time be revoked by the Common Council and that thereafter such fence and billboard shall be an unlawful structure. No resolution of the Common Council granting such permission shall be valid unless it contains the clauses last above mentioned. Any fence or billboard hereafter erected or

maintained contrary to the provisions of the ordinance hereby amended, shall be abated as a common nuisance by any member of the Fire Department after two days' notice to the owner thereof, or of the land on which it stands, to remove the same. Any person, firm or corporation violating any provision of this section shall be punishable by a fine or penalty of not less than twenty-five dollars nor more than one hundred and fifty dollars.

§ 49. 1. The Board of Public Works is hereby authorized, directed and empowered to provide for the erection and maintenance as hereinafter provided at convenient and suitable locations in, upon and along the streets, alleys and sidewalks of the City of Buffalo at the corners or intersections of streets, boxes or receptacles for the collection, casting and temporary deposit therein of such waste paper or other litter as now are, or likely to be, cast upon the streets or public places of said City.

2. The Board of Public Works is hereby authorized, directed and empowered to enter into a contract on behalf of the City of Buffalo with any responsible person, firm or corporation, his, their or its successors or assigns, to the effect that such person, firm or corporation, or its successors, shall erect, keep and maintain such boxes to the extent of at least three hundred (300) in number, or as many more as the Board of Public Works may deem necessary, in a neat, clean and sanitary condition without expense to the City of Buffalo in any way; in consideration of which said person, firm or corporation, his, their or its successors or assigns, shall have the exclusive right and privilege for a period of ten years from and after the date of such contract to erect and maintain such boxes; and shall have during said period the exclusive right and privilege to place advertisements on said boxes or receptacles for the benefit of himself or assigns, provided, however, that no advertisement which is of an immoral or disreputable character shall be placed thereon.

3. The said contract so to be made shall provide that

the said boxes or receptacles shall be constructed of sheet steel, or of other equally desirable metal, in a workman-like manner, and shall be of the following dimensions, to-wit:

They shall set upon legs more than eight inches high. They shall be not more than forty-two inches high by twenty-four inches in their greatest width, and eighteen inches in their narrowest width. The receptacles shall have a top seven and one-half inches high, with a sign on the top thereof six inches in height. These shall be designed and shall be contrived in a suitable manner for the temporary deposit and accumulation of waste paper and other trash and litter liable to be thrown upon the streets, but shall not be used for the deposit of ashes, water, garbage, or animal and vegetable offal.

4. The Street Department shall at such times, and as frequently as shall be necessary, provide for the removal and remove all waste paper and other litter that shall be cast and deposited in such boxes or receptacles.

5. No person, firm or corporation which shall place advertisements upon such boxes or receptacles pursuant to any contract made pursuant to this section shall become liable by reason thereof for any fine or penalty for violation of any other ordinance forbidding billposting or advertising.

6. The license and privilege above given and the contract to be made thereunder may be terminated by the City of Buffalo at any time after January 1, 1902, by the City giving to the party or parties, with whom such contract or contracts shall be made sixty (60) days' notice by mail, of the election of the City to so terminate the same.

7. All advertisements and advertising matter to be placed on said boxes or receptacles shall, at all times, be subject to the approval of the Board of Public Works.

§ 50. It shall not be lawful for any person, firm or corporation supplying natural gas for fuel or heating purposes within the City of Buffalo, whose mains or pipes are laid in any public street or place in said City, to ask for, demand or receive of any person, firm or corporation to whom such gas is supplied, delivered or furnished a greater sum than twenty-five cents per thousand cubic feet for gas so supplied, delivered or furnished, and such gas shall have a calorific power of one thousand British thermal units per cubic foot, determined with a calorimeter of manufacture approved by the Commissioner of Health. Any person, firm or corporation who shall violate any of the provisions of this section shall be subject to a penalty of two hundred and fifty dollars for each and every offense.

§ 50. 1. Wherever the Common Council grants any permit for any work whatsoever in the streets, alleys, public places or on the structures of the City of Buffalo, said permit shall be issued by the Bureau of Engineering and be subject to the inspection of the Department of Public Works, through its Bureau of Engineering, and the cost of such inspection shall be provided for by a suitable deposit with the City Treasurer, before said permit shall be issued.

2. No work of any nature shall be undertaken by the different departments of the City for any person or corporation without a sufficient deposit having been made to cover the cost of the same, with the City Treasurer—unless said work or expenditure be authorized by the Common Council and assessed upon the property benefited.

3. Before any tests of paving materials, cement, paints or any other substance employed in constructive work, or maps, copies of maps or other matters pertaining to Public Works, shall be made by the Bureau of Engineering for any person, firm, manufacturer or corporation, a request-permit shall be issued by said bureau upon

the payment of \$5 to the City Treasurer, provided that the work in the judgment of the Commissioner of Public Works warrants such charge. In case the work exceeds \$5.00, such excess amount shall be paid upon the presentation of a bill for the same. All moneys so received by the City Treasurer shall be credited by the Comptroller at the end of the fiscal year to the Testing Laboratory Fund, Map Fund (or other appropriate account as may be designated) of the Bureau of Engineering, Department of Public Works.

§ 51. It shall be the duty of every owner or occupant or any agent of any such owner, of any lot, block or parcel of ground fronting on any public street, to remove and keep cut, close to the ground, all weeds which may have grown on or along the sidewalk and sidewalk border in front of said lot, block or parcel of ground.

In case of neglect or refusal of any owner or occupant, or any agent of any such owner to comply with the provisions of the foregoing section, he shall pay a fine of not less than \$5, nor more than \$25. It shall be the duty of the Deputy Street Commissioner to see that the provisions of this section are enforced, and in all cases of its violation, it shall be the duty of the Deputy Street Commissioner to employ men to do the said work, at a price not exceeding twenty-five cents per hour. The Deputy Street Commissioner shall keep an account of all such work done, and on or before the first day of April, in each year, the Commissioner of Public Works, shall report to the Common Council, all parcels of land in front of which, such work shall have been performed, the owner or the occupant or agent of the owner of which shall not have paid the amount of said expense incurred, as above directed for cutting weeds, in front of his premises, and the Common Council shall thereupon order assessments upon said lands for the several sums so reported.

§ 52. No person, firm or corporation shall spill, place or deposit upon the pavement of any street in the City of Buffalo, which is paved with asphalt or other hard material, any oil, grease, or other substance which tends to disintegrate the pavement or make it slippery or otherwise dangerous for horses or vehicles; and all vehicles which contain or shall carry any such oil, grease or other substance in, on or over the paved streets of the City shall be equipped with dripping pans or other suitable devices to prevent the dripping of such oil, grease or other substance upon said streets. Any person who shall violate any provision of this section, and any owner, operator or driver of any vehicle mentioned herein who shall operate or propel, or permit to be operated or propelled, any such vehicle in or on any paved street in the City without the equipment or device hereby required, shall be punishable by a fine of not to exceed \$50 for each offense, and in default of the payment thereof shall be committed to the Erie County Penitentiary for a term of one day for each and every dollar of said fine not paid, or such person, owner, operator or driver shall be liable to a penalty of not to exceed \$50 for each offense, to be recovered in a civil action, a judgment for which may be enforced by a body execution as provided in section 25 of the Charter.

§ 53. Sub-division (1). The term "street," as used in this section, shall include any public highway, street, avenue, lane, alley or public place under the jurisdiction of the Common Council, within the City.

(2) The term "motor vehicle," as used in this section, shall include vehicles propelled by any power other than muscular power, except motor vehicles driven or operated under the direction of the Board of Fire Commissioners, or the Board of Police Commissioners, or the management of any hospital located in the City of Buffalo, or the Postoffice Department of the United States, and except such vehicles as run only upon rails or tracks.

(3) No person shall use upon any motor vehicle on any street any horn or other noise-making device which will produce startling sounds or noises louder than is reasonably necessary to warn people of their approach.

(4) Every person, firm, association or corporation owning, controlling, hiring, operating or driving any motor vehicle shall cause the same to be properly equipped with a good and sufficient muffler or silencing device which will control and diminish the sound of any explosion of the motor on any such motor vehicle as much as practicable, and shall use such muffler or silencing device, or cause the same to be used, at all times when such motor vehicle is driven or being operated on any street.

(5) Every motor vehicle, upon any street, except motor cycles, motor bicycles and motor tricycles, shall, during the period from one-half hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such vehicle, which shall also display a red light visible from the rear. The rays of such rear lamp shall shine upon the number plate carried on the rear of such motor vehicle in such manner as to render the numerals thereon visible for at least fifty feet in the direction from which the motor vehicle is proceeding. The light of the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding.

(6) No person, firm, association, or corporation, owning, hiring, renting, operating or driving any motor vehicle, on any street shall permit the escape from the motor vehicle of any smoke, resulting from the combustion of oil or gasoline, or both combined.

(7) Every person operating a motor vehicle on any street shall drive the same in a careful and prudent manner and at a rate of speed so as not to endanger the property of another, or the life or limb of any person; pro-

vided, that a rate of speed on any street within any district described in (a), (b) or (c) of this sub-division, in excess of the rate of speed therein specified, shall be presumptive evidence of driving such motor vehicle at a rate of speed which is not careful and prudent :

(a) Ten miles an hour on Main Street, south of Allen Street and on Delaware Avenue, south of North Street.

(b) Fifteen miles an hour on any street, except as specified in (a) within the district bounded by (and included within the exterior lines of) Porter Avenue, The Circle, North Street, East North Street, and Best Street, Best Street between Jefferson Street and Fillmore Avenue, Fillmore Avenue south of Best Street, Smith Street, the northerly bank of Buffalo River (by its various courses), from the line of Smith Street extended to the easterly shore line of Buffalo harbor, and the said easterly shore line of said Harbor to its intersection with Porter Avenue.

(c) Eighteen miles an hour on any street not included within (a) and (b).

(8) A violation of any provision of this section shall be deemed disorderly conduct. Any person violating any provision of this section shall be liable to a penalty of not more than fifty dollars for each offense, to be recovered in a civil action, or upon being convicted thereof in a court of criminal jurisdiction, such person shall be subject to a fine of not more than fifty dollars and in case the person so convicted does not immediately pay such fine, he or she may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of such fine not paid. A judgment for any penalty prescribed in this section may be recovered by execution against the person, as provided in Section 25 of the Charter of the City.

(9) This section shall become effective August 1, 1910.



## CHAPTER V.

## RAILROADS.

§ 1. It shall not be lawful for any steam railroad to propel any engine or cars across any public street at grade in the City of Buffalo at a greater rate of speed than six miles per hour under a penalty of \$50 for each offense.

The provisions of this section shall not apply to any passenger trains running on the belt line of the New York Central & Hudson River Railroad.

§ 2. It shall not be lawful for any railroad company to leave any engine or cars standing unattended upon any crossing within the limits of any public street within the City under a penalty of \$50 for each offense.

§ 3. All railroad companies operating within the City shall, in addition to the flagmen and gates now stationed and maintained, cause a flagman to be stationed or gates maintained at the crossing of each and every street crossed by their respective tracks within five days after notice from the Common Council to do so, and cause such flagman to remain at and on said crossing or to lower such gates to give notice of the approach of trains. In case any railroad company shall neglect to station such flagman or maintain said gates at said crossings within five days after being notified so to do by the Council, such railroad company shall, upon conviction, forfeit and pay a penalty of \$25 for each and every offense and \$5 in addition for each and every day said crossing shall remain without such flagman or gates; and it shall be the duty of the Board of Police, after such notice, to station at any such crossing a member of the Police Department and to keep such policeman at such crossing until said company shall comply with said directions.

§ 4. It shall not be lawful for any person in the employ of any railroad company operating within the limits of the City to permit the whistle of the locomotive under his control to be blown, except for necessary signal purposes. Any person violating the provisions of this section shall pay a penalty of \$25 for such offense.

§ 5. No railroad company or corporation operating a railroad, any portion of which is within the limits of the City of Buffalo, and no engineer, conductor, yardmaster or other person having in charge any freight or passenger locomotive or car owned by such railroad company, shall allow such locomotive or car to remain standing upon any street crossing within the limits of the City for a greater period of time than three minutes, and no car shall be allowed to stand upon any street crossing unless attached to a locomotive, nor shall any street be occupied or obstructed by any car or locomotive for switching purposes for a longer period of time than three minutes at any one time; nor shall any running switch be made so that a detached car shall pass over any street at grade after it is detached from the train. Any corporation or company which violates any provision of this section shall forfeit a penalty of \$50, and the employe of said corporation or company in charge of such locomotive or car shall forfeit a like penalty. One-half of such penalty shall, when collected, be paid to the person upon whose complaint such conviction was obtained.

§ 6. It shall not be lawful for any person in the employ of any railroad company operating within the limits of the City to cause or permit the cylinder cocks of the locomotive under his control to be discharged or opened upon any street crossing in the City. Any person violating the provisions of this section and the company owning the locomotive, the cylinder cocks of which shall be so discharged, shall each pay a penalty of \$50 for such

offense, one-half of which shall be paid to the complainant upon conviction.

§ 7. That all ordinances or parts of ordinances inconsistent with this chapter are hereby repealed.

§ 8. It shall not be lawful for any street railway company to have, maintain, or use in the operation of any street railway in any public street within the City of Buffalo, any "T" or center-bearing rails; and it shall be the duty of every street railway company so having, maintaining, or using any such rails in any public street of said City to remove the same and replace the same with Richard's patent girder rails or flat or grooved or other rails of such shape, and to be so laid as to permit the free and safe passage of horses and vehicles along and across the same.

§ 9. It shall not be lawful for any street railway company to propel cars by electricity as the motive power and by the trolley system on any street railway track in or along any public street of the City of Buffalo having "T" rails or center bearing rails; and it shall be unlawful for any such street railway company to have, maintain, or use in any public street of said City any "T" or center-bearing rails in the operation of its road in connection with any such electric trolley system.

§ 10. It shall be the duty of every street railway company owning or operating a street railway in any public street in the City of Buffalo, to so place and lay the rails of its track or of the track used and operated by it, that the surface of such rails shall be upon a level with the surface of the pavement, between the rails and outside of the rails, and to so maintain the same at all times; and it shall be unlawful for any such street railway company to have, maintain, or use any street railway track, or operate its cars over any such track laid in or along any public street of said City, the surface of the rails of which

shall not be upon a level with the pavement between and outside of such rails.

§ 11. Any street railway company or corporation, violating or failing to comply with any of the provisions or requirements of the foregoing sections 8, 9 and 10 of Chapter V of the City Ordinances, shall forfeit and pay a fine and penalty of not less than \$100 nor more than \$250 for each and every offense, and shall also forfeit and pay a fine and penalty of not less than \$25 nor more than \$100 for each and every day that it shall continue to violate or fail to comply with any of the provisions or requirements of any of said ordinances.

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## CHAPTER VI.

### LICENSES OF VEHICLES, RUNNERS AND PORTERS.

§ 1. No person shall keep or drive any hackney coach, omnibus, carriage or other vehicle drawn by animals which shall be used for the transportation of persons, or any truck, cart, wagon, or other vehicle for the carrying or transportation of merchandise or other property for hire, within the City, without having first procured a license for such coach, carriage, omnibus, truck, cart, wagon or other vehicle, pursuant to the provisions of this chapter, and no person other than the driver shall act as runner or solicitor of passengers or baggage therefor.

§ 2. Every person who shall keep, use, or drive, or cause to be kept, used or driven, any vehicle for the transportation of passengers, merchandise or other property for hire, or engage in the business of a porter, or act as a runner or solicitor of guests or passengers without having procured a license therefor shall forfeit and

pay a penalty of \$25 for every time he shall drive or use or cause said vehicle to be used or driven, or shall act as such runner, solicitor or porter.

§ 3. The Mayor may issue licenses to persons to keep or drive any of the vehicles mentioned in the first section of this chapter and to persons to act as runners or solicitors of passengers or guests for the places or modes of conveyance of transportation mentioned in the second section of this chapter; but no such license shall be issued to any person who is not a citizen of the United States and a resident of Erie County, and of the age of 18 years; any license issued to any person for any vehicle who is not the owner or lessee of such vehicle shall have endorsed thereon the name of such owner or lessee.

§ 4. Every person who shall make application for any license pursuant to the provisions of this chapter, shall present to the Mayor at the time of making such application a bond in the penalty of \$200, executed by himself and one or more sureties to be approved by the Mayor, and conditioned that such applicant will pay all fines or penalties which may be imposed upon him for violation of any city ordinances while engaged in such business or for a refusal to comply with any regulation or direction which the Mayor may make by virtue of any authority conferred upon him by any ordinance, and relating to the subject for which such license shall be granted.

Any two or more persons applying for a license under this section may present to the Mayor one bond containing the conditions just stated with reference to every one of the persons named therein; and such bond, given by a duly incorporated surety company in the sum of two hundred (\$200) dollars for every person and vehicle, shall be deemed a compliance with requirements of this section and a separate bond for every person or vehicle shall not be required.

§ 5. The following amounts shall be paid for licenses issued pursuant to the provisions of this chapter:

For every vehicle licensed to carry or transport passengers, \$5.

For every vehicle licensed to carry or transport merchandise or other property, drawn by two horses or other animals, \$5.

For every such vehicle drawn by one horse or other animal, \$1.

For every license to a person to engage in the business of a porter, \$2.

For every license to a person to act as a runner or solicitor of guests or passengers, \$20; but a license may be granted to any person who is the proprietor or keeper of an emigrant boarding-house to solicit guests for his own house upon his paying the sum of \$10.

§ 6. Every license prescribed by this chapter shall contain the date on which it is issued, the name of the person to whom it is granted, and be numbered according to its class, and designate the house, railroad, steamboat, kind of vehicle, ticket office or transportation line, and the name of the owner, lessee, manager or agent thereof, for which such person is to act, and he shall work for no other party than the one named in the license, and shall not keep, drive or use any such vehicle other than that described in and being the number of his license; but the party or the place or vehicle may be changed by the written consent of the Mayor, indorsed on said license, without a new fee, or filing a new bond, and the entry of such change in the license records of the Mayor.

§ 7. Every license granted pursuant to this chapter to any person to act as runner or solicitor of guests within the City for any hotel, tavern, public house or house of entertainment, may be assigned or transferred

to such other person as may be approved by the Mayor by his written consent indorsed thereon, upon the application of the person to whom such license was granted or assigned, or the party by whom he shall be employed and who shall have paid the license fee, and without a new fee, upon filing a new bond and entry of such change as aforesaid.

§ 8. Every person to whom a license for any vehicle shall be issued shall cause the number of such vehicle, as stated in said license, to be painted in plain black letters upon a white ground, or white letters upon a dark ground, in a conspicuous place on each side of said vehicle; and upon every vehicle which shall be used for the conveyance of passengers in the night time, shall be fixed on some conspicuous part of said vehicle two lighted lamps, one on each side of said vehicle. Said lamps shall have plain glass sides and fronts and shall have the number of said vehicles painted in black paint upon the outer side and front of each of said lamps in plain, legible figures, at least two inches in length, and so that the same can be distinctly seen and no other figures or device shall be upon the other side or front of said lamp.

§ 9. Every person to whom a license for a vehicle to carry passengers shall be issued, shall cause a card to be placed and kept upon the inside of such vehicle, in a conspicuous place, upon which shall be legibly printed the number of said vehicle and the rate of fare prescribed by ordinance for carrying passengers, unless any passenger using such vehicle shall request the temporary removal of such card.

§ 10. No person to whom any license shall be issued for a vehicle to convey passengers, or the driver of such vehicle, shall refuse to carry any well-behaved person who shall apply to any point within the City, unless at the time when such application is made such carriage

shall be engaged in and for the transportation of other persons.

§ 11. No owner or driver of any vehicle licensed pursuant to the provisions of this chapter, shall act as runner or solicitor of passengers or guests for any hotel, tavern or boarding house, or any other public house or place of entertainment, or for any railroad, steamboat, vessel or other vehicle of transportation or mode of conveyance.

§ 12. No person who shall have obtained a license, pursuant to the provisions of this chapter, for any vehicle, or the driver of such vehicle, shall, while waiting for employment, snap or flourish his whip or leave such vehicle, except for the purpose of procuring the baggage of any person who may have employed him, or of loading or unloading the merchandise or property which he may have been employed to carry. Nor shall any person who shall have procured any license pursuant to the provisions of this chapter, or the driver of any licensed vehicle, while waiting for or engaged in any employment under such license, use any indecent or profane language, or engage in scuffling or loud and boisterous talk, or make or assist in making any disturbance or loud noise, or obstruct any street, or side or crosswalk.

§ 13. No license granted pursuant to the provisions of this chapter shall be assigned or transferred, except as herein otherwise provided.

§ 14. The Mayor may, by an indorsement in writing upon any license granted pursuant to the provisions of this chapter for any vehicle, permit a person other than the person named in said license, to drive said vehicle, but the name of the person to whom such permit shall be given shall be inserted in such indorsement.

§ 15. The following are hereby designated as the stands or places where vehicles licensed pursuant to the



provisions of this chapter may stand while waiting for employment, viz.:

For vehicles for the transportation of passengers on the streets surrounding Lafayette Square, so called; on the Terrace; on the streets in front of buildings used and occupied for public entertainment and for a space of not exceeding 50 feet in either direction from such buildings so used and occupied for public entertainments and only during the continuance of such entertainment and for one hour thereafter.

On Exchange Street, south side, in front of the depot and grounds of the N. Y. C. & H. R. R. R. Company, east from a point 100 feet east of Ellicott Street. On Michigan Street, in front of Erie Depot, east side, and on the south side of Exchange, from Michigan to a point 150 feet east therefrom.

For vehicles used for the transportation of merchandise or property, The Terrace; south side of Exchange Street, from the east line of Ellicott Street to a point 100 feet easterly therefrom; and on the west side of Bennett Street between the northerly line of Clinton Street and southerly line of William Street, adjacent to the Clinton Street Market, so-called.

And no person who shall have procured a license for any vehicle or the driver of such vehicle, shall occupy any other place or stand than those above designated, except that the owner or lessee of any premises abutting on any street but Main Street may be and is permitted to have and keep waiting one vehicle for transportation and have no more at one time in front of his said premises awaiting employment.

§ 16. Persons to whom licenses shall have been granted for vehicles to be used in the conveyance of persons or passengers or the drivers of such vehicles, may charge the following rates of prices and no more:

1. For conveying one passenger any distance not exceeding one mile, 50 cents; and for each additional passenger, 25 cents.

2. For conveying every passenger any distance over one mile and not exceeding two miles, 50 cents; and for each additional passenger half the regular rate.

3. For conveying every passenger over two miles, \$1, and 50 cents for every additional mile and for each additional passenger half the regular rate.

4. For the use of any such vehicle by the day for one or more passengers, \$8.

5. For the use of any such vehicle by the hour, for one or more passengers, with the privilege of going from place to place, and of stopping as often as may be required, \$1.50 for the first hour, and \$1 for each additional hour.

6. Distances shall be measured by the most direct traveled route; and in all cases where the hiring of such vehicle is not at the time thereof specified to be by the day or hour, it shall be deemed to be by the mile.

7. Each passenger shall be allowed to have carried and conveyed upon such vehicle, one trunk, valise, saddle-bag, carpet-bag, portmanteau, box, bundle, basket or other article used in traveling without charge, but for every trunk or other article above enumerated more than one, carried or conveyed upon such vehicle, the owner or driver shall be entitled to demand and receive the sum of 5 cents, if conveyed within the distance of one mile, and if more than one mile the sum of 10 cents.

§ 17. No person who shall have obtained a license for any vehicle for the transportation of property, or the driver thereof, shall charge, take or receive for the conveyance of any merchandise, property or other articles, any greater rate or price than the following:

For eight barrels of flour, less than one mile, 40 cents.

For six barrels of salt, less than one mile, 40 cents.

For one hogshead of sugar, less than one mile, 40 cents.

For one hogshead of molasses, less than one mile, 40 cents.

For five barrels of whiskey, less than one mile, 40 cents.

For each load of furniture and housing the same, less than one mile, \$1.

For each load, consisting of merchandise or other property, and not enumerated above, less than one mile, 60 cents.

For each load of luggage, less than one mile, 40 cents.

When the distance is one mile and does not exceed one and one-half miles, one-half of the above rate may be added thereto; when the distance exceeds one and one-half miles and does not exceed two and one-half miles, two-thirds of said rate may be added thereto, and when it exceeds two and one-half miles double the said rates may be taken. A load, except of the articles of merchandise, and furniture, particularly above specified, shall consist of one thousand six hundred pounds, unless that amount cannot be safely placed on the cart, dray or wagon, in which case a load shall consist of as much as can safely be carried thereon. Full rates may be taken for less than a load, provided a full load is not offered.

§ 18. Every person who shall have obtained a license for any vehicle pursuant to the provisions of this chapter, or the driver of any such vehicle, who shall charge, take or receive any greater rate or rates of fare than those herein prescribed, or who shall fail to do any act required to be done by him, or shall do any act forbidden to be done by him by the provisions of this chapter, or shall in any manner violate any of the provisions of this chapter shall forfeit and pay the sum of \$10 for each and every offense.

§ 19. None of the provisions of this chapter shall apply to street railroads, or to any vehicles for the conveyance of goods or passengers upon the water.

§ 20. All licenses granted for vehicles for the conveyance of merchandise or other property shall expire on the second Tuesday of April next after the same shall have been granted, and all other licenses provided for by this chapter shall expire on the first day of May next after the same shall have been granted.

§ 21, 22, 23 and 24 never existed.

§ 25. All the provisions of this chapter providing that no person shall act as a runner or solicitor of guests, passengers or baggage are hereby suspended from and after the time this resolution takes effect until November 1, 1901, and any person hereafter and prior to November 1, 1901, desiring to act as a runner or solicitor of guests, passengers or baggage may make application to the Mayor for a license so to do, and the Mayor of the City is hereby authorized to issue such license and to charge therefor the sum of one dollar, if in his opinion the applicant is a suitable and proper person to receive such license. No person shall act as a runner or solicitor for guests, passengers or baggage without obtaining such license from the Mayor under a penalty of ten dollars for each and every offense.

§ 26. The owner (or owners) of every hackney carriage, coupe, wagon, omnibus, cart, dray, baggage wagon or other vehicle drawn by one or more animals, which is used upon the public streets, avenues, highways, or other public places in the City of Buffalo shall be subject to the annual tax hereby imposed as follows, to wit:

Upon every such vehicle the tax shall be a sum equal to one dollar for each horse or other animal required to draw it. Such tax shall become due and payable on the first day of May in each year and shall be paid on or before said day in the manner provided in this section. The

Comptroller shall cause to be made a sufficient number of registered plates or metal tags, which shall be numbered consecutively, and on or before the first day of April in each year shall deliver the same to the Superintendent of Police, and charge him upon the books of the Comptroller's office with an amount equal to one dollar for each such plate or tag. The Superintendent of Police shall distribute such plates or tags among the different police stations, and shall keep a record of the number delivered to each station, together with the number inscribed on each such plate or tag, and shall charge the same to the respective captains of the several precincts of the City to the value of one dollar for each plate or tag. Upon the payment to the captain of any precinct or to the doorman in charge of any station, of the sum of one dollar, such captain or doorman shall issue to the person paying therefor one of the plates or tags, and shall keep a record showing the name of each person to whom one or more of such plates or tags are issued, the number or numbers inscribed on such plates or tags, the sum received, and the date of payment. It shall be the duty of the captain of each precinct to turn over daily to the Treasurer all sums received for such plates or tags, and the Treasurer shall give such captain a receipt therefor, and report the payments promptly to the Comptroller. The Comptroller shall thereupon credit the Superintendent of Police with the sums paid, and shall, upon the demand of the Superintendent of Police, furnish him at any time with a statement showing the condition of the account. The Superintendent of Police shall from time to time enter in his record the sums so credited to him by the Comptroller.

One such tag or plate shall be attached to or fastened upon the harness of every horse or other animal attached to any vehicle used by or for the owner thereof upon the streets of Buffalo, and shall be so displayed that it may readily be seen from the sidewalk. Such tag or plate may be transferred from any harness not in use to any harness in use or about to be used. No such tag or plate.

however, shall be loaned, given or transferred by the person, firm or corporation in whose name it is issued, to any other person, firm or corporation; nor shall the same be used by any person, firm or corporation, other than the one to whom it is issued, or other than the driver employed by him or it.

All sums paid to the City in accordance with the provisions of this section shall be used exclusively for the repair of street pavements, and shall be available for that purpose on the 15th day of June in each year in payment of such work as may be done in the same year prior to that day.

The driving of any vehicle of the kind mentioned in this section, upon any of the streets, avenues, highways or other public places of the City, upon which the tax hereby levied and imposed is due and unpaid is hereby prohibited and the owner (or owners) of any such vehicle who shall violate this ordinance by driving such vehicle or suffering or permitting the same to be driven along or upon any street, avenue, yard or other public places in said City, while the tax hereby imposed on such vehicle remains due and unpaid, shall forfeit and pay a fine or penalty of not to exceed \$50 for each and every such violation in addition to said tax. Any person, firm or corporation violating any other provision of this section shall forfeit and pay a fine or penalty of not to exceed \$50 for each such violation.

The tax hereby imposed is in addition to any license fee required by any other provisions of the Ordinances of the City of Buffalo. This section shall not apply to vehicles owned by non-residents of the City and driven or brought into or through the City from any point beyond the City Limits.

§ 27. The owner and owners of every automobile or other motor vehicle and of any vehicle propelled by any power other than muscular power (excepting such motor vehicles as run only upon rails or tracks, and excepting

motor cycles, motor bicycles, traction engines, road rollers, bicycles or tricycles), operated or propelled within the City of Buffalo, shall be required to pay into the City Treasury an annual tax of \$5 for each such automobile, motor vehicle or vehicle so propelled by other than muscular power. The tax hereby imposed shall become due on the first day of May of each year and shall be paid on or before said day to the City Treasurer, who shall receive and receipt for the same and who shall place all sums so received to the credit of a fund for the repairs of the paved streets, avenues, alleys, highways and other public places of the City.

On or before the first day of April in each year the City Treasurer shall publish in the official paper of the City of Buffalo a notice that the tax hereby imposed shall be and become due upon the first day of May ensuing; shall be payable upon that day at the office of the City Treasurer; and he shall include in such notice a copy of this section. It shall also be the duty of the Treasurer on or before the first day of May in every year to procure from the office of the Secretary of State at Albany, a list of the automobiles or other motor vehicles owned and operated within the City, and of the owners thereof and of the licensed chauffeurs in the City of Buffalo, and as soon as practicable after the first day of May in each year shall submit to the Common Council the names of such owners as have not paid the tax hereby imposed.

Every person liable to the payment of any tax imposed in pursuance of this section, who shall refuse or neglect to pay such tax within one month after the same shall become due and payable, shall be liable to a penalty of \$10 for each such tax so remaining unpaid, in addition to the amount of such tax.

This section shall not apply to vehicles owned or driven by non-residents of the City coming into or passing through the City not oftener than once a month on the average.

## CHAPTER VII.

## PUBLIC MARKETS.

§ 1. The following public markets are hereby established, to wit:

On the north side of Chippewa Street, between Washington and Ellicott streets, extending 499½ feet north-erly, to be called and known as Washington Market.

On the south side of Scott Street, between East and West Market Streets to Fulton Street, and thence south-erly between East Market and Michigan Streets to Elk Street, to be known and designated as the Elk Street Market. From and after April 15, 1909, no building ex-cept a market office shall be permitted to stand upon that part of the Elk Street Market which is south of Fulton Street, nor shall that part of Elk Street Market which is south of Fulton Street be rented or leased after April 1, 1909, for any purpose except those mentioned in Sec-tions 35 and 36 of this Chapter, and only to farmers and market gardeners selling from vehicles products grown or produced upon lands leased or owned by them; pro-vided, however, that the occupants of wagon stands upon that part of the Elk Street Market which lies south of Fulton Street who, in the month of March, 1909, occu-pied such stands under leases from the City, shall con-tinue to hold and occupy such stands under lease with such rights as they possessed in said month of March, 1909, subject to the Ordinances of the City of Buffalo from time to time adopted, and subject to such regula-tions and alterations as the City in said month of March, 1909, had authority to make and impose. The poles of all vehicles occupying spaces in the market grounds be-tween Fulton and Elk streets must be removed while such vehicles are occupying such spaces, and must be placed beneath or alongside of the vehicles to which they belong.

On the south side of Broadway, between Gibson and



Lombard streets, with a frontage of 831 feet on Gibson Street, and a frontage of 393 and 65-100 feet on Lombard Street, to be called and known as the Broadway Market.

On the north side of Clinton Street and south side of William Street, between East and West Bennett streets, to be called and known as the Clinton Market.

No hay or straw shall be sold from any wagon, sleigh or other vehicle upon any of the market grounds or upon any of the streets surrounding the same, except at the Clinton Market.

§ 2. All public markets in the City of Buffalo shall be under the supervision, charge and control of a superintendent of markets. Such superintendent of markets shall be appointed by the Mayor. It shall be the duty of the superintendent to visit each of the public markets at least once a day, and he shall devote all his time to the discharge of the duties of said office. He shall see that all persons who shall be lessees or occupants of any of the stalls or spaces at the public markets keep the same in a clean and sanitary condition, and if any lessee or occupant in charge of any stall or space shall neglect to do the same, the superintendent shall cause it to be done and shall collect the expense from said lessee or occupant.

Whenever the term "market clerk" shall appear in any of the following sections of this or in any other chapter of the City Ordinances, it shall be deemed to mean Superintendent of Markets.

§ 3. There shall be six Assistant Superintendents of Markets, and such Assistant Superintendents shall be appointed by the Mayor. Said Assistant Superintendents shall devote all their time to the discharge of the duties of their office. They shall have power and it shall be their duty, in the absence of the Superintendent of Markets, to enforce the rules, regulations and ordinances governing the markets. They shall collect all fees herein

provided for, giving a receipt therefor to be furnished them by the Superintendent. It shall be their duty to report to the Superintendent any violation of the Ordinances relative to the sale of any unwholesome or forbidden articles, and they shall, in the absence of the Superintendent, exercise all the powers of said Superintendent relative to the suppression of such sale. They shall assign each person who shall have paid the daily fee therefor a place upon the market grounds for his or her wagon, sleigh or other vehicle to stand.

They shall attend at the market to which they shall severally be assigned at least one-half hour before the opening of the same, and remain until the closing hour.

Wherever the term "Assistant Market Clerk" shall appear in any of the following sections of this or in any other chapter of the City Ordinances, it shall be deemed to mean Assistant Superintendent of Markets.

§ 4. The rent of all stalls, stands or spaces within the market limits shall be paid to the City Treasurer quarterly in advance, and if the lessee of any stall, stand or space shall neglect to pay such rent for five days after the same becomes due and payable, the Treasurer shall immediately notify the Comptroller and it shall be the duty of the Comptroller on the following day to notify the Law Department of such delinquency, and said department shall immediately institute legal proceedings to remove such tenant, and such lease shall be deemed as forfeited.

§ 5. Any lessee of any such stall, stand or space, who shall hold over in the use or occupancy thereof, shall forfeit and pay to the City of Buffalo a penalty of \$5 per day for each and every day he shall so hold over without paying such rent.

§ 6. No lessee of any stall or stand shall permit the same to be used or occupied for business or other purposes by any other person, nor shall he sub-let the same,

or any portion thereof, or receive unto himself, or for his benefit, any money or other valuable consideration or thing for the granting or permitting the use or occupation of any such stall or stand by, any other person than himself or herself.

Any lessee who shall violate any provision of this section shall forfeit to the City the sum so received, to be recovered in any action at law in the name of the City, and such sub-lease shall be void.

§ 7. The public markets of the City shall be kept open on such days and between such hours as shall be fixed by the market clerk or directed by the Common Council. No person shall place, store or allow to remain upon the public markets or grounds, any wagons, boxes, property or material of any kind at any time other than the time fixed by the market clerk for such market or grounds to be open without a written permit from the market clerk. Any person violating this section may be punished by a fine not exceeding \$5. The market clerk shall remove any wagons, boxes, property or material placed upon the public markets or grounds in violation of this section, and the expense of the removal shall be paid by the owner or, in case of his failure to pay same within 48 hours, it shall be collected by a sale of such wagons, boxes, property or material.

§ 8. The market clerk shall have power to make rules and regulations necessary and proper for the government and control of the public markets and grounds, and shall cause the same to be conspicuously displayed in plain and legible type in and about said market and grounds.

It shall be the duty of every person occupying space on any of the market grounds of the City without holding a written lease of such space, to remove from said market grounds each day, at such hour as the market clerk shall designate, all wagons, carts, vehicles, boxes, stands and property used or owned by him. In case any

person shall refuse to remove such wagons, carts, boxes and property, the market clerk may remove the same at the expense of the person so owning or using it, and any person refusing to comply with the order of the clerk shall be refused permission to occupy the market by said clerk.

§ 9. On or before the first day of April of each year the Committee on Markets of the Board of Aldermen shall consider and report the price to be charged for each and every stall, stand or privilege within the various market limits, to be paid by the lessee of such privileges as an annual fee. The said committee shall also determine, consider and report the fee to be charged for each wagon, cart or other vehicle used by any person upon said market grounds per load per day. And such report when concurred in or amended by the Common Council, shall be and remain the price and the rates for such privileges until changed by the Common Council. No price or rental for any stall, stand or privilege shall be fixed in any year until the Common Council shall have received and the Committee on Markets considered a detailed report thereon by the Superintendent of Markets. It shall be the duty of the Superintendent of Markets, upon request by either board of the Common Council or by the Committee on Markets, to furnish such reports without delay. (No change shall be made, however, during the current year.)

§ 10. The following are hereby fixed as the rents and fees to be paid for the several privileges hereinafter specified, the same to be an annual charge, unless otherwise specified, to be paid quarterly in advance, to wit :

WASHINGTON MARKET.

For stalls in main building :

Nos. 1, 2 .....	\$ 179 00
Nos. 3 to 12 .....	193 00
Nos. 24, 25 .....	172 00

Nos. 38, 40 .....	165 00
Nos. 13, 14, 17, 19, 20 .....	138 00
Nos. 15, 16 .....	125 00
No. 21 .....	117 00
No. 18 .....	110 00
Nos. 26, 27, 32 to 35, 41 to 43 .....	96 00
No. 22 .....	94 00
Nos. 28 to 31, 38, 40 .....	83 00
Nos. 46, 47, 48, 49 .....	75 00
Nos. 23, 36, 37, 39, 45 .....	70 00
No. 44 .....	62 00

For stands west of main building, inside of walk:

Nos. 1 to 8, 10, 11, 14, 17 to 22 .....	\$ 12 00
Nos. 9, 12, 13, 15, 16, 23 to 31 .....	15 00

For stand on west side of Washington Street:

"C" .....	\$ 24 00
"D" .....	45 00
"G" .....	.....
No. 1 .....	48 00
No. 2 .....	40 00
No. 3 .....	40 00
No. 4 .....	40 00
No. 5 .....	48 00

For stands fronting east on west side of main building:

Nos. 7, 8, 9, 10, 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31 .....	\$ 41 00
Nos. 5, 6, 28 .....	35 00
Nos. 13, 14, 17, 18, 21, 22, 25, 26, 30, 34 .....	38 00
Nos. 35 to 39 .....	63 00

For booths fronting Washington Street sidewalk:

Nos. 1 to 8, 11, 15 .....	\$ 75 00
No. 14 .....	73 00
Nos. 9, 10, 12, 13 .....	69 00
Nos. 16 to 19 .....	63 00

For additional space on Washington Street to north line of grounds and exceeding; for stands east of walk on east side of main building:

Nos. 40 to 55 .....\$ 38 00

For stands next east and south of main building on walk:

Nos. 58 to 61 .....\$ 11 00

Nos. 62 to 69 ..... 10 00

No. 72 ..... 13 00

No. 73 ..... 23 00

Nos. 74, 75 ..... 25 00

For booths between south line of main building and on Chippewa Street, east of main entrance:

No. 56 .....\$ 33 00

Nos. 57, 58, 59 ..... 37 00

Nos. 60, 61 ..... 25 00

For booths east side of east walk:

No. 43 .....\$ 30 00

Nos. 44, 46, 47, 48, 49 ..... 33 00

Nos. 50, 51 ..... 69 00

Nos. 52, 53 ..... 66 00

No. 54 ..... 33 00

No. 55 ..... 40 00

Booths on Chippewa Street:

"A" .....\$ 75 00

Nos. 2 and 3 ..... 123 00

No. 4 ..... 60 00

No. 5 ..... 38 00

No. 6 ..... 40 00

No. 7 ..... 48 00

Nos. 57, 58, 59 ..... 144 00

No. 60 ..... 40 00

No. 56 ..... 48 00

No. 72 ..... 20 00

Nos. 73, 74, 75 ..... 35 00

For stands in front on Chippewa Street, between main entrance and Washington Street:

"A," "D," "E," "F" .....	\$ 50 00
"J" .....	48 00
"B," "C" .....	44 00
"M," "N" .....	41 00
"G," "K" .....	38 00
"H" .....	37 00
"L" .....	32 00

For stands west side of main building, fronting west:

From 1 to and including 4 .....	\$ 40 00
No. 5 .....	48 00
From 6 to and including 27, not to exceed 6 x 10 feet, per year .....	30 00
For stand, east side of main building, No. 72 ..	8 00
For rack attached to main building and stand on east side, per foot, per year .....	1 50

For racks on east side of Washington market:

Nos. 48, 49, 50, 51 .....	\$ 60 00
Nos. 52, 53 .....	30 00
Nos. 58, 59 .....	30 00
Nos. 57, 60, 61 .....	45 00
Nos. 62, 63 .....	30 00

For posts east of main building, east post, per year .....	\$ 5 00
For space west of main building, now under lease, not exceeding 6 x 10, per year .....	21 00
For first quarter, beginning January 1st .....	3 00
For other three quarters .....	6 00

All wholesale butchers renting racks or booths on the outside of the main building should pay the usual market fees for space or spaces occupied by them, except to the extent of the space occupied by one wagon.

## ELK STREET.

For stall in main building :

Nos. 3 to 6, 9, 10, 12, 17, 18, 23 to 25, 28 to 31, 34 to 37, 40 to 43 .....	\$ 138 00
Nos. 1, 2, 7, 8, 19 to 22, 26, 27, 32, 38, 39, 44, 45 .....	103 00
Nos. 11, 13, 14, 15, 16 .....	125 00

For booths west of main building :

Nos. 1 to 11, 13, 17, 18, 22, 23, 26, 30, 31 to 35, 39, 40 .....	19 00
Nos. 12, 37 .....	15 00
Nos. 14, 27, 28 .....	25 00
Nos. 15, 16, 19 to 21, 24, 25, 29, 32, 33, 36, 38, 41 .....	32 00
Nos. 6 to 13, both sides .....	24 00

The above stands, Nos. 6 to 22, shall only be leased to resident market gardeners.

For wagon space, fronting flagging, Perry Street to Fulton Street, 10 x 15 .....	\$ 40 00
Booths Nos. 1-16, under shed, east and west side .....	50 00
All other wagon spaces under shed .....	30 00

Wall racks east side of main building, \$1 per foot per year.

And that at any time after rent is due and not paid within five days, the Market Clerk be directed to collect market fees for said space until rent is paid.

For booths north side of main building :

No. 1 .....	\$ 30 00
Nos. 2, 3, 4 .....	68 00
No. 6 .....	25 00
No. 7 .....	25 00
No. 8 .....	19 00
No. 9 .....	25 00



No. 10 .....	19 00
No. 11 .....	25 00
No. 16 .....	25 00
No. 19 .....	25 00
No. 20 .....	25 00
No. 23 .....	19 00
No. 24 .....	25 00
No. 25 .....	25 00
No. 27 .....	19 00
No. 28 .....	25 00
No. 29 .....	25 00
No. 32 .....	25 00
No. 36 .....	25 00
No. 37 .....	25 00
No. 39 .....	32 00
No. 40 .....	32 00

## SCOTT STREET FISH MARKET.

For stands in same:

Nos. 1, 2, 3 and 4 .....	\$ 175 00
Nos. 5, 6, 7 and 8 .....	150 00
Nos. 9 and 10 .....	125 00
Nos. 11 and 12 .....	115 00
Nos. 13 and 14 .....	100 00
Nos. 15 and 16 .....	75 00

## BROADWAY MARKET.

For stalls inside the main building:

Nos. 1 to 4, 15 to 18, 31 to 34 .....	\$ 100 00
Nos. 5 to 13, 19 to 30 .....	100 00
No. 14, including room "A" .....	150 00
For booths on east side .....	31 00

## CLINTON MARKET.

For stalls under main building, \$60 per year.

Booths outside of market:

Nos. 10, 11 .....	\$ 70 00
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Nos. 12, 13 .....	70 00
Nos. 14, 15, 16 .....	105 00
Nos. 17, 18 .....	66 00
Nos. 20, 21 .....	66 00
Nos. 22, 23 .....	66 00
Nos. 26, 27 .....	70 00
Nos. 28, 29 .....	68 00
Nos. 30, 31 .....	70 00
Nos. 34, 35, 36 .....	114 00
Nos. 32, 33 .....	66 00

## Wall stands:

No. 37 .....	\$ 39 00
No. 21 .....	10 00
Nos. 24, 25 .....	16 00
Nos. 26, 27 .....	18 00
Nos. 28, 29 .....	17 00
No. 11 .....	14 00
Nos. 12, 13 .....	26 00
Nos. 14, 15, 16 .....	27 00
Nos. 17, 18, 19 .....	31 00
No. 22 .....	17 00

All other space within the limits of the market grounds shall be used and occupied by persons engaged in selling from wagons, carts or other vehicles, such articles as are permitted to be sold on the market ground, who have paid the prescribed fee therefor, which fees are fixed as follows:

For each wagon or vehicle drawn by 2 horses, 25 cents per day.

For each wagon or vehicle drawn by 1 horse, 15 cents per day.

For any other vehicle (at Broadway market, 10 cents per day). At all other markets, 15 cents per day.

For any space not exceeding 6 feet, occupied by boxes or commodities of any kind, 25 cents per day in the discretion of the Market Clerk.

For all stalls, stands and spaces rented by the year, the tenant shall receive a lease, signed by the Comptroller, designating the same by letter or number, according to the schedule set forth in section 13, and the first quarter must be paid upon delivery of the lease, and no lease shall be delivered until such payment. The second, third and fourth quarters shall be paid on the first day of each quarter. The Market Clerk and chairman of the Market Committee of the Board of Aldermen may, for the first quarter of each year, issue permits, which shall entitle the tenant to occupy the stall or stand, booth or space, until delivery of the lease provided prepayment for the first quarter shall be made for the permit.

For spaces rented by the month or week, the clerk shall keep for each market a book in which he shall enter in their order by some plain designation with reference to the map each and every space which he shall rent, with the date and tenant's name. He shall on the first day of each month or week collect the month\* for the ensuing term and issue a receipt for the same retaining a stub of the transaction.

No portion of any street surrounding any of the markets of the City shall be leased, nor shall any wagon be allowed to stand on such street while there is room for them within the market grounds.

That no portion of the Washington Market east of the main building not heretofore under lease shall be leased but shall be occupied by persons paying daily fee.

§ 11. The provisions of the foregoing section with reference to daily fees shall not apply to any person selling or offering for sale from any wagon, cart or other vehicle, within the market limits garden or farm produce raised by himself within the limits of the City. And no fee shall be charged from such person for the daily mar-

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\* So in original. Read "rent" for "month."

ket privilege. Each of such persons shall procure from the Market Clerk a certificate signed by the Mayor, giving the name, residence of such person; the penalty for not procuring such license shall be the payment of the regular fees; such licenses shall expire on the first day of April in each year.

§ 12. All leases for stalls, stands and spaces shall be made by the Comptroller and shall be in writing and signed by the tenant, and shall be kept on file in the office of the Comptroller and an exact duplicate of the same shall be held by the Treasurer. At the annual leasing the market clerk and the Chairman of the Committee on Markets of the Board of Aldermen, may give permits to the tenants to whom privileges may be awarded, on payment of the first quarter's rental, and such tenants may occupy such places under said permits until the delivery of the lease.

§ 13. The Chief Engineer shall prepare a map or plan of each of the market grounds and buildings and place thereon the numbers and designations specified in section 10, and the Comptroller shall keep the same on file in his office, and all leases shall be made from a reference to said map.

In case of the annual renting any tenant then in possession of any privilege in or around the market buildings or grounds under the lease the preference for renewal shall be given him or her. In case at the annual renting or at any time thereafter any tenant shall give up or abandon the privilege theretofore rented to him or her, the said privilege shall be sold by the Comptroller (on five days' public notice by causing to be posted and kept in a conspicuous place in such market, a notice of the time and place of such sale), to the person who shall offer the largest sum therefor.

The space, stands, stalls or other privileges not now

under lease shall be sold in the same manner for the highest obtainable price.

The provision contained in this section concerning the sale of privileges, shall only apply to new booths and new market buildings, hereafter erected or leased, but shall not apply to new market buildings or parts of market buildings rebuilt or constructed upon any of the present market sites. Any tenant may, by consent of the Common Council assign any lease held by him or her, but no lease of any stand, stall or other privilege shall be directly or indirectly sold, assigned, transferred, or set over, by the tenant to any other person, co-partnership or corporation until after the Common Council shall have received and considered a detailed report thereon submitted to it by the Superintendent of Markets, said Superintendent shall submit such report within four weeks after notice has been served upon or given to him of an application for permission to make such assignment or transfer.

§ 14. No person shall be allowed to sell or offer for sale, on the public markets or on the streets contiguous thereto, and within 600 feet therefrom any merchandise or clothing or any description whatever, or any glass, china, earthen or tinware, books or stationery, or Yankee notions, without special permission from the Common Council.

No person shall sell at auction any goods, wares or merchandise of any kind within the limits of any public market.

No person shall sell any of the articles which are permitted to be sold on the market grounds, within 600 feet of any market ground, except in or upon premises owned or leased by him, without paying the fee prescribed for selling on such market ground.

§ 15. The Comptroller shall cause to be prepared suitable ticket receipts for the daily fees prescribed in section 10, and shall deliver to the clerk such quantities thereof

as may be deemed necessary for use during each week. Such tickets when so delivered shall be charged to the Market Clerk by the Comptroller, and the said clerk shall daily issue of such tickets to his assistants a sufficient number for use during the day. Said ticket receipts shall bear the name of the market at which issued, the amount paid therefor, and a fac-simile signature of the Comptroller.

It shall be the duty of every person occupying space on any of the markets of the City without holding a written lease of such space to pay to the Market Clerk or one of his assistants, before leaving said space, the fee fixed by this ordinance, and to obtain the proper ticket receipt as required by this ordinance. It shall also be his duty to retain said ticket receipt in his possession during the day of issuance and to exhibit the same on demand to any market clerk or assistant market clerk, or to any member of the police force of the City, and any person who shall fail to obtain or to exhibit such ticket receipt when called upon to do so as aforesaid, or who shall fail to pay his fees on demand of the Market Clerk or assistant, shall, upon conviction, be fined the sum of \$10. Each of said assistants shall make a daily return to the clerk at the close of the markets, the moneys collected by him and of all tickets unsold. The said assistants shall, before delivery of said tickets to persons using market privileges, punch the same with a bell-punch to be furnished by the Comptroller.

§ 16. At or before the hour of 3 o'clock in the afternoon of each Monday, the said clerk of the markets shall turn over to the Treasurer all moneys received by him for rates and fees during the preceding week.

§ 17. No butcher, trader or grocer or other person shall sell, expose or offer for sale in any public market, or at any place within the city limits of the City of Buffalo, any unsound, diseased, stale, rotten, fermented,

nauseous or unwholesome meat, poultry, fish, vegetables, fruits or other articles of food or provisions, or the flesh of any animals being killed otherwise than by slaughter, or any impure or adulterous wines or spurious liquor or any unwholesome bread or pastry manufactured in whole or in part from unwholesome flour or meal.

§ 18. No person within any of the public markets in the City shall be guilty of any lewd or lascivious or boisterous conduct or make any loud or boisterous noise or use any profane or boisterous language, or stand about without business, obstruct the passageway of any market buildings or places, or do any act which is calculated to lead to a breach of the peace, or which tends to disturb the good order and decorum thereof.

§ 19. No person shall resist or obstruct the clerk of the markets, or any assistant or other officers in charge of the markets, in the execution of his duties.

§ 20. No person shall sell or offer for sale in the public markets, or anywhere in the City of Buffalo, any fruit, vegetables, or berries in baskets, crates, or other measures, at or for a greater weight or measure than the true weight or measure thereof; and all meats, poultries, and provisions, excepting vegetables sold by the head or bunch, being offered for sale in the public markets, or elsewhere in said City, shall be weighed or measured by the scale, weights, or patent balances, or by any measure duly tested and stamped by the Sealer of Weights and Measures, provided that poultry may be offered for sale and sold in any other manner than by weight; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore provided.

§ 21. No person shall kill or slaughter, within the limits of any such public markets, or lay, or throw, or deposit any dirt, filth, dung, garbage, or offal therein.

§ 22. No person shall, within the City of Buffalo, slaughter, sell, offer or expose for sale, or barter or trade the meat of any calf, which, in the judgment of the market clerk, was less than four weeks old when killed, and it shall be the duty of the market clerk to remove and destroy the carcass and meat of all such calves slaughtered, sold, offered or exposed for sale, or barter or trade in violation of this ordinance.

§ 23. No person shall burn, sear, or cut the inner part out, or confine the mouth of any calf by rope, twine, or any kind of muzzle, and no person shall in any manner tie or confine by rope, twine, or otherwise, the foot of any calf, sheep, lamb, or swine, or poultry, which may be brought to or exposed in the City for sale.

§ 24. It shall be the duty of the market clerk and assistants to see that market wagons and other vehicles occupy the positions and places so as not to interfere with public travel, closely observe that the rules and regulations of the markets are properly complied with and respected, and make complaint to the Corporation Counsel for infractions of such rules and regulations, or any ordinance of the City.

§ 25. The clerk of the markets shall execute and file with the City Clerk, before entering upon the discharge of his official duties, a bond to the City of Buffalo in the sum of \$10,000, and with two sureties conditioned for the faithful performance of his duties as market clerk, and for the accounting for and payment to the Treasurer weekly of all the money collected or received by him. Each of the assistants shall, before entering upon the discharge of his official duties, execute and file with the City Clerk, a bond to the City of Buffalo in the sum of \$2,000, with two sureties conditioned for the faithful performance by him of his duties as assistant of the markets, and for the accounting for payment to the market clerk daily all money received or collected by him for market



rates or fees. The market clerk and assistants shall, whenever required by the Common Council, execute and file a new bond. The bond herein provided for shall, before being filed with the City Clerk, be approved by the Mayor.

§ 26. The said market clerk and assistants shall examine all articles offered and provisions exposed for sale in the markets, and see that the same are of good and wholesome quality.

§ 27. No person shall sell or offer or expose for sale in the City of Buffalo any fresh, salt or smoked meat, or sausage outside of the public markets, who shall not have obtained a license so to do, as herein provided for; and no person shall sell or offer or expose for sale any fresh, salt or smoked meat, or sausage of any kind at retail upon the public markets of the City outside of the main market buildings of each public market; and no person shall sell or expose or offer for sale in said City, any fresh fish at any other place than in the regularly established fish market, or markets, belonging to the City, who shall not have obtained a license so to do, as herein provided for. No license shall be issued under this section for any stand or store not occupied at the time under a previous license as a meat or fish stand, except by the direction of the Common Council by a vote of two-thirds of all its members, nor after September 1st in any year except by unanimous consent of the Common Council.

§ 28. Any person desiring to sell fresh, salt or smoked meat, sausage, or fish within the City of Buffalo and outside the public markets and market ground, may at any time apply to the Common Council for permission so to do. Such application shall designate the place for which the license is desired. The Mayor shall issue to all persons who shall have obtained a permit from the Common Council to sell fresh, salt or smoked meat, sausage, or fish outside the public markets and market grounds, a

license permitting them so to do upon payment to him of the license fees provided for by Section 29 of this Chapter. Such license shall specify the stand or place at which the person obtaining the same may sell or offer for sale fresh, salt or smoked meat, sausage, or fish, and it shall not be lawful for such a person to sell or offer for sale, or cause to be sold or offered for sale any fresh, salt or smoked meat, sausage, or fish at any other place without permission of two-thirds of the members of the Common Council and the approval of the Mayor, such approval to be endorsed upon the license.

Every license granted under this section shall expire on the first day of April next after the granting of the same, unless sooner revoked or annulled by the Common Council.

§ 29. For every license granted under the provisions of Sections 27 and 28 of this Chapter to sell fresh, salt or smoked meat, or sausage, a fee of \$15 shall be charged, to be paid to the Mayor on the granting of such license. And for every license granted under such sections to sell fresh fish, a fee of \$10 shall be charged, to be paid to the Mayor on the granting of such license. No person shall within the market limits sell any fresh fish unless he or she shall be a lessee under written lease of a stall, stand or other appurtenance to the market; nor shall any person within five hundred feet of any market peddle fresh fish. The provisions of Sections 27, 28 and 29 shall not apply to the sale of canned meats.

Note:—Sections 27, 28 and 29 held constitutional, *City of Buffalo vs. Hill, A. D.*

§ 30. No beef shall be cut at the slaughter house of any butcher in pieces less than quarters, provided that it shall be lawful to cut not less than nine ribs from the forequarter; and all other carcasses shall remain whole after the same shall be delivered at the stall, or stand, or place of the butcher or other person selling or offering to sell the same.

§ 31. Any person may sell or expose for sale within the City the carcass, entire, or in quarters, of any animal reared or bred by him, notwithstanding the provisions of this chapter, excepting it be the carcass of a calf which shall have been less than four weeks old at the time it was killed.

§ 32. No person shall attach to any market building, stand, fence-post, shed or any other erection upon any of the public market places of this City, any bill, notice, letters, pictures, or characters of any kind whatsoever, for the purpose of advertising any show.

§ 33. No officer or employe of the market department shall be interested, directly or indirectly, in the sale or transfer of any lease or privilege of any nature in connection with any market buildings, or in or about the public market grounds. Any person above described who shall violate the provisions of this section shall forfeit the office or position held by him.

§ 34. Any violation of any of the provisions of this ordinance shall be punished by a fine not to exceed \$50 and costs of prosecution, except wherein different penalties are herein provided.

§ 35. No person or persons, firm or corporation, except market gardeners, selling at retail from vehicles, and hucksters, shall sell or expose for sale upon any of the public markets of the City of Buffalo, any farm or garden product, or any eggs, fruit, poultry, butter, cheese or game, except the same is grown or produced by such persons, firm or corporation, upon lands leased or owned by them.\*

No person or persons, firm or corporation, shall upon any of the public markets of the City of Buffalo, and no person or persons, firm or corporation, except lessees or

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\* Ordinance construed. City of Buffalo vs. Reavey, 37 A. D., 229.

owners of lands and tenements within the City of Buffalo, shall elsewhere in the City of Buffalo, except in or upon premises owned or leased by them, sell or expose for sale any garden or farm product or fruit, game, poultry, butter, eggs or cheese as the agent for the owner thereof or as a commission merchant so-called.

No person or persons, firm or corporation shall sell or expose for sale in the City of Buffalo, except in or upon premises leased or owned by them, any farm or garden product, fruit, poultry, game, butter, eggs or cheese, except they shall first pay to the Mayor of the City of Buffalo the sum of one hundred dollars and receive from him a permit or license to sell such goods and merchandise elsewhere than in or upon premises leased or owned by them, which permit shall be valid for one year.

The foregoing last provision shall not apply to merchants and hucksters, citizens of this state, provided they are lessees or owners of lands and tenements within the City of Buffalo, nor shall it apply to market gardeners and farmers when selling their own productions, provided said productions shall have by them been conveyed from the farm or places of production to the City of Buffalo by teaming.

Any violation of any of the provisions of this ordinance shall be punishable by a fine of not less than twenty dollars and not more than one hundred dollars.

§ 36. The Market Clerk is hereby authorized and empowered to rent wagon spaces at any and all markets to market gardeners, farmers, and hucksters by the week, at the rent of not less than 50 cents and not more than \$2 per week, payable in advance, such spaces to be reserved for the lessee until 7 o'clock a. m. of each day, and if the same are not occupied at that time by such lessee the Market Clerk is authorized to permit such spaces to be occupied by other parties for such day. The Market Clerk is hereby directed to use the tally books

now in use at the markets when receiving the rentals herein provided for.

§ 37. There shall be a weighmaster at the Washington Market, to be appointed by the Mayor, who shall have charge of the public scales erected at said market. Such weighmaster shall be under the supervision of the Clerk of the Markets, shall report to him once in each week the moneys received by him by such weighmaster and pay over all moneys so received by him once a week to the Market Clerk.

The Comptroller shall furnish to the said weighmaster the proper books and stubs with which to keep a complete record of all business done at said public scales. The weighmaster shall issue to each person weighing articles on said public scales a receipt of his fees. The fees for the use of said public scales shall be as follows:

	CENTS
For 50 pounds or under .....	1
Over 50 to 150 pounds .....	2
Over 150 to 600 pounds .....	3
All over 600 pounds .....	5

§ 38. No vehicles shall be kept standing in front of and adjacent to any private property adjoining any market in the City of Buffalo, for the purpose of displaying the produce or commodities therein, or for the purpose of selling such produce or commodities therefrom. All persons in charge and control of vehicles upon any street in or adjoining any market in the City shall observe the rule of the road; that is to say, shall, while such vehicle is in motion, keep the same upon the right-hand side of the street and as near to the curb as is practicable; shall turn or keep to the right upon meeting other vehicles, and upon passing other vehicles going in the same direction shall keep to the left thereof. It shall be the duty of the Superintendent of Police to keep a sufficient number of patrolmen stationed at the corners of West Market and

Scott, Perry and Fulton streets, and at the corner of East Market and Scott, Fulton and Perry streets, to control the direction of traffic and to keep the streets clear of unnecessary obstruction by vehicles in violation of this service. Any person violating any provision of this section shall be subject to a fine or penalty of not less than \$5 nor more than \$50.

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## CHAPTER VIII.

### WHARVES, HARBORS AND BRIDGES.

§ 1. It shall be the duty of the Harbor Master to keep an office in such place as the Council shall designate, where at all times during the season of navigation he can be found, or where orders can be left and receive prompt attention.

§ 2. The bridge tenders shall be under the direction of the Harbor Master, and shall perform such duties as may be prescribed by the Harbor Master and the ordinances of the City.

§ 3. The Harbor Master shall at all times, while on duty, carry a speaking trumpet, which shall be his badge of office, and through which his orders can be heard at a distance. He shall keep an accurate account and record of each case of damages to bridges, docks, and all other City property pertaining to the harbor, accruing by any and every breach of the provisions of any ordinance by any person, vessel, craft, or float; the name of such vessel, craft or float; the owner, master, or consignee thereof, and shall gather all evidence and information in his power concerning any such breach or breaches forthwith after the occurrence of any such breach; keep an accurate record of the amount of such damage, when, to whom, and how paid, and an account of all claims against the City made by vessel owners or persons navigating the

harbor, for damages sustained in said harbor to vessels or other crafts, and make a detailed report thereof semi-annually to the Council or oftener when required by said Council.

§ 4. The Harbor Master shall give such orders and directions relative to the location, change of place or station, manner of moving or use of the harbor, of every vessel, craft, or float lying, moving or laid up in the harbor, not in use, as may be necessary to promote good order therein and the safety and equal convenience of such vessels, crafts or floats; and any owner, master or other person having charge of the same who shall refuse or neglect to obey any such order or direction shall be subject to the penalty of \$25 for every such neglect or refusal.

§ 5. Whenever there shall be in the harbor any vessel, craft or float insecurely fastened, adrift, sunken or laid up, not in use, which may require to be fastened, raised, removed or its location changed, the Harbor Master shall notify the owner, master or other person who may be in charge thereof to secure, raise or remove such vessel, craft or float without delay. But if the Harbor Master should be unable to find the master, owner or person in charge of such vessel, craft or float as aforesaid, or if no person answering such description can be found by him, such notice shall not be required, and any person who shall refuse or neglect to comply with such order or direction, shall be subject to a penalty of \$25, and the further penalty of \$10 for every day he or they shall refuse to pay or neglect to observe the same.

§ 6. If any vessel, craft or float shall not be secured, raised, removed, or its location changed in compliance with the direction of the Harbor Master after notice, or if the Harbor Master shall be unable to serve such notice as aforesaid, in either case he shall cause such vessel, craft or float to be secured, raised, removed or its loca-

tion changed as aforesaid, employing such assistance as may be necessary for the purpose. All expenses which may be incurred in any case shall be recoverable of the owner, consignee, master or other person having charge of such vessel, craft or float. If any person shall resist the Harbor Master or any person acting under him in the execution of any duties imposed upon him by this section such person so resisting shall be subject to a fine of not less than \$10 and not exceeding \$100, and may be imprisoned not exceeding thirty days.

§ 7. No master, owner or any person in charge of any vessel, craft or float, shall cause or suffer the same to remain at or within 100 feet of the south pier for a longer period than is actually necessary to furl sail on coming in, or make sail on departing, under a penalty of \$10. Provided that rafts or vessels, necessarily used in the construction or repair of the piers, shall not be deemed to be within this provision.

§ 8. No vessel, craft or float shall be moored or anchored within the harbor or in any slip or dock, as to prevent the passage of any other vessel, craft or float; nor shall any vessel, craft or float be so moved as to run against or injure any bridge across the river or any branch thereof, under the penalty of not less than \$10, nor exceeding \$100, to the master, owner or person in charge thereof, for each offense.

§ 9. All vessels, crafts or floats navigating the harbor, when passing any bridge or ferry shall be moved past the same as expeditiously as is consistent with a proper movement in the harbor, but in no case shall any craft or float while passing any bridge or ferry, and obstructing the passage across such bridge or ferry, move at a rate of speed less than two miles an hour; and no vessel, craft or float shall be so anchored or fastened as to prevent any bridge from a free and speedy opening, or any ferry boat from a free and direct passage; nor



shall any line or fastening be so thrown, laid or made fast as to cross the track of any bridge or ferry, under the penalty of \$25 for each offense, specified in this section to the master or other person having charge of such vessel, craft or float.

§ 10. All vessels, crafts or floats not propelled by steam, navigating the harbor, for which the opening of any bridge may be necessary, shall while approaching and passing such bridge be towed by a steam tug, under a penalty upon the master, owner or person in charge thereof, of not less than \$25 nor exceeding \$100.

§ 11. Whenever any person having charge of any vessel, craft or float shall wish to move the same past any bridge, reasonable time shall be allowed for the opening of the same; and any person who shall move any vessel, craft or float against any bridge, or the draw of any bridge, before the same shall be opened, to the injury thereof, shall be subject to a fine of not exceeding \$200, and be likewise answerable to the City for damages equal to the cost of repairing such injury.

§ 12. No person discharging the cargo of any vessel, craft or float shall suffer any part of such cargo to remain projecting over the front of any wharf after such vessel, craft or float shall remove from the wharf, under a penalty to the master, owner or other person having charge of such vessel, craft or float occupying such wharf, of \$10 for every hour such projection shall continue.

§ 13. All vessels, crafts or floats lying in, or navigating the harbor, shall be respectively governed by the following further provisions:

1. All vessels using steam shall have their smoke-pipes so constructed and managed as to prevent sparks or coals of fire escaping therefrom, and shall be moved slowly at a speed not exceeding three miles per hour and

under a low head of steam. All tug boats or steam vessels used chiefly for towing shall have a joint in their smokepipes, and shall be construed in all respects in such a manner as to be able to pass under any bridge which is not less than thirteen (13) feet above the surface of the water.

2. All sail vessels shall likewise be moved slowly and under short sail, so as not in any case to endanger or injure other vessels.

3. No master or other person owning or having charge of any vessel, craft or float shall leave the same in the harbor without having on board or in charge thereof some competent person to control, manage and secure the same, without first obtaining the permission of the Harbor Master.

4. No vessel laden in whole or in part with gunpowder or guncotton shall land at or make fast to any dock or wharf upon the Buffalo river or any waters connected therewith, or discharge such gunpowder or guncotton within said limits except by written permission from the Harbor Master, stating place and time for delivery or transfer. The Harbor Master shall prevent any vessel with gunpowder or guncotton on board from making fast to any wharf or dock, or unloading within the limits aforesaid.

5. All vessels, crafts or floats, whether using steam or otherwise, while in the harbor shall have and keep their anchors on board or suspended from the hawse pipe by the ring or shackle, and said ring and shackle shall be below the surface of the water, and their lower yards cock-billed and their upper yards braced up sharp.

6. They shall likewise have and keep out on board during the night-time a conspicuous light and shall have extinguished or safely secured at dark all fires which may be kept on board.

7. No vessel, craft or float shall be suffered to lie in the harbor adrift or insecurely fastened.

8. Any master, owner or other person having charge of any such vessel, craft or float shall be subject to a fine of not less than \$20 nor exceeding \$100, for every violation of any provision of this section, and to a like fine for every refusal to conform thereto when directed by the Harbor Master.

§ 14. No person shall cast or deposit, or suffer to be cast or deposited, in the harbor or slips within the limits of the City, any earth, ashes or heavy substance or substances, filth, logs or floating matter, or any obstructions, under a fine of not more than \$100 for each and every offense, and not more than \$25 for every day the same shall be suffered to remain there.

§ 15. The Harbor Master shall be appointed a special policeman for the purpose of carrying more readily into effect the police regulations of the City concerning the harbor under his charge, and to preserve the public peace and quiet in and about said harbor.

§ 16. The words "vessels," "crafts," and "floats" shall be deemed to include every species of steam and other vessels or boats lying or floating in or navigating the harbor, and also all rafts of logs, timber, wood, lumber or other floating matter; and the harbor shall be deemed to include the Buffalo River to its junction with Cazenovia Creek and the waters connected with said Buffalo River, the piers and so much of Lake Erie and Niagara River as lies within the limits of the City.

§ 17. If any owner or master, or other person in charge or command of or sailing any tug boat or towing boat in or upon the Buffalo River, or any of the waters connected therewith, or upon Lake Erie within said City limits, shall run, sail, or cause to be run or sailed such tug boat or towing boat, or anything that they may have

in tow, upon, against or over any rope, chain or other fastening, mooring, any dredge or other machine used by said City for deepening, widening and improving said lake and said river and the waters connected therewith, so that the said dredge or other machine shall be displaced, hindered or delayed in the working thereof, such persons so offending shall forfeit and pay to said City any sum not less than \$10 nor more than \$100 for each offense.

§ 18. Any person or persons who shall drive or attempt to drive any team, wagon, dray or other carriage on or across the draw of any bridge within the limits of the City of Buffalo while the same is opening or shutting, or after the signal is given by the bridge tender for the opening thereof and before the opening is begun, or who shall disobey or resist the tender thereof in his efforts to keep and promote order and equal convenience among those crossing the same, shall, for every offense, be fined in a sum not less than \$5 nor exceeding \$25.

§ 19. No person shall ride, lead or drive any wagon, carriage, dray, cart or other vehicle or conveyance, nor any horse, mare, ox, or other animal across any of the bridges within the territory prescribed in this chapter at a faster gait or pace than a common walk; and any person or persons who shall be guilty of a violation of this section shall, for each and every offense, forfeit and pay to said City the sum of \$5.

§ 20. No person or persons shall drive or assist in driving on or across any one of the bridges within the City of Buffalo to exceed eight head of cattle or horses at any one time in a drove; and any person violating the provision of this chapter shall forfeit and pay for each offense a penalty of not less than \$2 nor exceeding \$25, in the discretion of the magistrate convicting.

§ 21. If any person or persons shall unnecessarily or wilfully remain or stop with any team or teams, horses,

oxen, wagon, sleigh, sled or any other vehicle whatever, upon any of the bridges across Buffalo River and its connections, or in or upon the approaches to any such bridge, such person or persons shall, on conviction thereof, be fined in the sum of \$5 for each offense.

§ 22. It shall be the duty of all drivers or persons in charge of any wagon, dray, carriage, or other vehicle of any kind to keep to the right when crossing the bridges within the City of Buffalo.

§ 23. When a bridge has been opened and closed, the teams and vehicles shall cross in the following order, to wit: those occupying the street upon which the bridge is situated shall cross first; those occupying the cross streets and upon the right hand side of the bridge shall cross next, and those occupying the cross streets and upon the left-hand side of the bridge shall cross next.

§ 24. No person shall cross or attempt to cross or break into the line of teams or vehicles while crossing or attempting to cross any bridge across the Buffalo River, nor shall any person disobey or resist any officer in charge of any such bridge crossing Buffalo River; and whoever shall be guilty of violating any of the provisions of this or the two foregoing sections shall be liable to a penalty of not less than \$5 nor more than \$25, and also for all damages that may result to the bridge, or any individual or property of any person, by reason of such violation, to be recovered before any court having competent jurisdiction.

§ 25. No person or persons shall gather in assemblies or crowds on any of the bridges of this City, or the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages or persons across the same, or be and remain upon any of the sidewalks or main passages of any of the bridges

crossing Buffalo River and its connections, nor upon the railings of the said bridges, longer than will be necessary to pass over the same, under a penalty of \$5 for every such offense.

§ 26. No band of musicians shall play or beat time or keep step with each other while they, or any procession or body of persons marching with them, or any portion thereof, are upon or crossing any bridge crossing Buffalo River and its connections, under a penalty upon the leader or director of such band of not less than \$5 nor more than \$25.

§ 27. Whenever at any alarm of fire, any fire engine, hose cart or other fire apparatus shall approach any bridge crossing Buffalo River and its connections, for the purpose of crossing the same toward such fire, the bridge-tender shall, if such bridge is open, close the same as soon as practicable, or if closed, and after the same is closed, keep it closed until such engine, hose cart or other fire apparatus shall have had an opportunity to pass over said bridge, notwithstanding vessels may thereby be delayed, under a penalty for a failure to comply with this section of not less than \$10 or more than \$100.

§ 28. The Harbor Master is hereby required to provide and maintain, at the several bridges over the Buffalo River and its branches, in the best and most practical manner, vessel signals, as required by section 29 of this chapter.

§ 29. Said signals shall be of material of a red color for use in the day time, and shall be of such size and so placed, when elevated, that they may be readily seen up or down the river. The signal for the night time shall be a red lantern of such size and so placed and arranged, when elevated, as to be seen easily up or down the river.

§ 30. It shall be unlawful for the owner or owners, officer or officers, or other person or persons in charge of any vessel or vessels navigating the Buffalo river or its branches, or any part thereof, to attempt to pass any of the bridges over the said river, or its branches while said signal or signals are up or elevated, or to approach so near to any of said bridges at such time as that the same may be injured or damaged, or while the said bridge, or any of them, may be opening or closing.

§ 31. Bridge-tenders or persons in charge of the bridges, shall not close the same against vessels seeking to pass through till passengers, teams or vehicles have been delayed fully ten minutes by the bridges being open.

§ 32. Whenever between the hours of six o'clock in the morning and seven o'clock in the evening persons, teams or vehicles have been delayed at said bridge fully ten minutes, by reason of said bridges being open for vessels to pass, it shall be the duty of the bridge-tenders, or other persons in charge of the bridge or bridges, to display said signal and immediately close the same, and keep the same closed fully ten minutes for such persons, teams or vehicles to pass over, if so much time shall be required, when the same shall be opened again and kept open (if necessary for vessels to pass) for the like period, and so on alternately (if necessary) during the hours aforesaid.

§ 33. Any person or persons who shall violate any provisions of sections 28, 29, 30, 31 and 32 of this chapter in addition to being chargeable with whatever damage may result to the City, by reason of any such violation shall also be subject to a penalty, for each and every such violation, of \$100; and in case the same person or persons violate such provisions, or any of them, a second or more times, in addition to the penalty or fine authorized as aforesaid, the court before which the trial is had

may also imprison such offender, not exceeding three months in the Erie County Penitentiary.

§ 34. It shall be the duty of the Harbor Master, so far as in his power, to see that the provisions of this chapter are fully and faithfully observed, and when necessary he shall call upon the Superintendent of Police for aid to enable him to do so.

§ 35. There shall be maintained guard chains at each end of the Ohio Street and Michigan Street bridges, to prevent teams, wagons, drays or other carriages from coming into the bridges when being opened or closed.

§ 36. Any person or persons who shall unhook or break down, or attempt to break down, the guard chains, or resist the bridge-tender when hooking or unhooking guard chains, shall, for every such offense, be fined in a sum not less than \$5 nor exceeding \$25.

§ 37. The Mayor may appoint an Assistant Harbor Master who shall serve without compensation. It shall be his duty to enforce the sections and provisions of this chapter so far as the Evans Ship Canal is concerned and his jurisdiction as such Assistant Harbor Master shall only extend and apply to said Evans Ship Canal.

§ 38. The Mayor shall appoint an Assistant Harbor Master to serve during the season of navigation only, who shall perform such services as shall be required by the Harbor Master. He shall receive compensation at the rate of \$100 per month during time he shall perform services.

§ 39. The Harbor Master may at any time order the owner or captain of any tug in the Buffalo harbor to move, by means of such tug, to any place in said harbor any boat, vessel or other craft or float; and the boat, vessel or craft or float receiving such assistance shall pay



the person or persons, owners or captains rendering assistance.

Any owner or captain of such tug who shall refuse to obey such an order of the Harbor Master shall be punished by fine not to exceed \$25.

§ 40. No captain or person in charge of a tug in the Buffalo harbor shall permit any whistle upon such tug to be blown except for the purpose of giving and answering necessary signals; and no "four whistles" shall be answered while lying at the dock.

Any violation of this section shall be punished by fine not to exceed \$25.

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## CHAPTER IX.

### DISORDERLY CONDUCT.

§ 1. Disorderly conduct is defined to be the doing or commission of any of the acts prohibited in this chapter, and any person who shall do or commit any of said acts shall be guilty of disorderly conduct.

§ 2. No person shall keep a house of ill-fame, house of prostitution, or assignation house within the City, or shall in any manner contribute to the support of such houses, or shall voluntarily reside therein.

§ 3. No person shall knowingly let or lease any building to be used as a house of ill-fame, house of prostitution or assignation house within the City, or knowing his or her building to be so used, shall willingly permit its further use for any such purposes.

§ 4. No person shall permit his, her or their house, shop or store or other building within the City to be used, frequented or resorted to by notorious persons, gamblers,

vagrants, prostitutes or other persons of bad character, between the hours of five o'clock in the evening and seven o'clock in the morning.

No person having charge and control of any moving picture show or any theater or place of amusement where moving pictures are exhibited, shall permit the room in which the auditors or spectators are congregated to be or remain in total darkness, or in such a degree of darkness that the persons there assembled cannot see one another. Nor shall the owner or owners, or lessee or lessees of any building in the City permit the use of it in violation of this section. Any person violating any provision of this section shall be subject to a penalty of not less than \$5 nor more than \$250 for each offense, to be recovered in a civil action; or to a fine of not less than \$5 nor more than \$250 for each offense to be imposed by a court of criminal jurisdiction, and in case a person so convicted does not immediately pay such fine, he or she may be committed to the Erie County Penitentiary according to law.

§ 5. No person shall make or assist in making any riot, noise or disturbance at any house, shop, store or blowing any horn or ringing any bell, except on bicycles or tricycles, upon any public street, lane, park, square, alley, wharf, pier, or other public places within the City; nor shall any person be or appear upon any public street or place in an intoxicated condition; nor shall any person make or assist in making any bonfire upon any public street or place within the City; provided, however, that any captain of a precinct may permit one or more such bonfires within his precinct at a place and time to be designated by him.

§ 6. No person shall carry fire in or through any street or lot within the City, except the same be placed or carried in some close or secure pan or other vessel.

§ 7. Every person firing a cannon within the City, unless by permission of the Superintendent of Police, shall forfeit the penalty of \$25; and there shall be no hunting or shooting with guns or firearms within the City unless by permission in writing of the Mayor of said City.

§ 8. No person shall use any profane or obscene language in or upon any public street, lane, square, alley, wharf, pier or other public place, or in any building within the City, in so loud a tone that it shall be heard by persons not within said building.

§ 9. No person shall ring any bell, blow any horn, make any public outcry, at or for any public sale, auction or vendue, or any private sale, or to attract attention to or procure passengers for any cab, hack, hackney, coach or omnibus, in or upon any street, sidewalk or any other public place in the City.

No person shall accost any other person who shall be passing along any street or sidewalk within the City and solicit him or her to purchase any goods, wares or merchandise kept for sale at any store, house or place of business, or to solicit him or her to enter any such store, house or place of business to examine or purchase any goods, wares or merchandise kept therein for sale.

No person shall, in or upon any street, sidewalk or public place in the City, sell or offer to sell, purchase or offer to purchase, or in any wise deal in or offer to deal in any railroad, railway, steamboat or steamship passenger ticket or tickets, or other evidence of a right of passenger transportation; provided, however, that nothing herein contained shall be so construed as to prohibit religious, benevolent, social, fraternal or labor organizations, through their authorized representatives, from selling or offering for sale such tickets for any of the purposes of any such organization.

§ 10. No person shall within the City of Buffalo, orally or by any device, solicit alms of any kind from another person.

§ 11. No person shall wilfully obstruct any cross or sidewalk or any passage into any church, theater, hotel, public hall or railroad depot, or on board of any boat, ship or vessel.

§ 12. 1. All manner of public selling or offering for sale of any property upon Sunday is prohibited, except that articles of food may be sold and supplied at any time before 10 o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared tobacco, milk, ice and soda water in places other than where spirituous or malt liquor or wines are kept or offered for sale, and fruit, flowers, confectionery, newspapers, drugs, medicines and surgical appliances may be sold in a quiet and orderly manner at any time of the day. The provisions of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods, or meats, fresh or salt, at any hour or time of the day.

2. All persons, firms, corporations or associations offending against the provisions of this section shall be punishable by a fine or penalty of not less than \$5, and not more than \$10, but for a second offense, where a previous conviction shall have been had, it shall be punishable by a fine of not less than \$10 and not more than \$20.

§ 13. No person shall engage in shooting, fishing, sporting, horse racing, playing of cards, dice, billiards, bowling, or any game whatever, with or without betting, or shall frequent tippling houses on Sunday within the limits of the City.

§ 14. No person shall publicly exhibit or expose his or her person in an indecent manner, within the City; nor shall any person use, or permit to be used, in any place within the City, not protected from public view, any bull, stallion or other animal, for covering or propagating purposes.

§ 15. No person or persons shall, without permission of the Mayor, play upon any hand-organ, barrel-organ, barrel-accordion, barrel-piano, hurdy-gurdy, or other musical or wind instrument, upon any street, sidewalk, crosswalk, dock, wharf or any public ground within the City; nor take any part in or accompany any procession or company wherein such instruments, or any of them shall be played, or such singing, shouting or other such noise shall take place. This section shall not apply to military companies belonging to the National Guard, nor to regularly chartered civic or religious societies or orders, nor to funeral processions.

§ 16. No person or persons shall stand, be or remain in or upon any of the streets, sidewalks or bridges in the City of Buffalo, in such a manner as to obstruct the free and uninterrupted passing and repassing of any person or persons; and no person shall idly sit, stand or lounge upon or in any street, lane, alley or bridge or park (except parks open for the public), or sit, lounge, stand or be upon any stoop, area-way or platform (except with the consent of the owner or occupant of the premises to which such stoop, area-way or platform is attached) within the limits of the City; nor shall it be lawful for any person or persons, except the occupant, to idly sit, stand or lounge upon any stoop, area-way, sidewalk or platform attached to or before any store, dwelling-house or other building after the owner or occupant of said store or building shall have closed said store, or retired for the night in said dwelling; nor shall it be lawful for any person or persons to idly sit, stand or lounge at the

entrance to or in any hallway, passageway or vestibule of any church, hall, theater or public place.

Any person or persons violating any of the provisions of this section shall remove whenever requested by an officer or member of the police force; and any person who shall stand, or be or remain violating any of the provisions of this section, shall incur a penalty of not less than \$1 and not more than \$5 for each offense.

§ 17. No female child under the age of 14 years, or male child under the age of 12 years, shall be allowed to loiter, peddle or be engaged in any avocation upon any of the streets of the City after the hour of nine o'clock in the evening from May 1st to October 1st, or after eight o'clock in the evening during the other months of the year, unless accompanied by or under the charge of some person of full age; and any child who shall violate the provisions of this section shall be arrested by the police of the City and at once taken to the parents, guardian or persons having the custody or control of such child, who shall then and there be notified by said police to thereafter keep such child from said streets after the hours aforesaid.

Every child who shall violate the provisions of this section shall be subject to a penalty of not less than \$1 nor more than \$5 for the second offense, and for each and every offense thereafter, and the father of such child, if he reside within said City, or the mother or guardian of such child shall be liable to an action for such penalty.

§ 18. No person shall seize, hold or hang on to or get upon any railroad car, street car, locomotive or other vehicles for the transportation of passengers while the same shall be in motion, within the limits of the City of Buffalo; nor shall any person within the limits of said City get upon any such car or locomotive at any time, without the permission of the person in charge of said

car or locomotive, under the penalty of \$5 for each and every offense.

§ 19. No person, firm or corporation owning or controlling any engine or boiler, attached to which is a steam whistle, shall permit such whistle to be blown within the limits of the City, except upon vessels, crafts or floats in Buffalo harbor and river and the waters connected therewith; nor shall any such vessel, craft or float use such whistle except for the purpose of giving the necessary marine signals. Any person, firm or corporation violating the provisions of this section shall be subject to a penalty of \$10 for each and every offense.

§ 20. No person shall ring any church bell or other bell, when, on account of illness in the neighborhood, such ringing is forbidden by the Board of Health, under a penalty of \$5 for each and every offense.

§ 21. No person shall in any street or upon any public grounds throw stones, snowballs or other missiles, or shoot with, or use a bow and arrow, or sling, or play at ball, under a penalty of not less than \$1 nor more than \$5 for each and every offense.

§ 22. No person shall carry or display any show card or placard in any street or public ground without permission of the Superintendent of Police, under a penalty of not less than \$5 nor more than \$100 for each offense; nor shall any person or firm display or cause or permit to be displayed upon any street or public place, or in any window fronting upon such street or public place, any device, sign, or pictorial representation of any prize fight, execution, murder or obscene exhibition of the human form, under a penalty of \$50 for each and every offense; and it shall be the duty of any member of the Police Department immediately to arrest, without warrant, any person violating the provisions of this section.

§ 23. No person shall interfere with any member of the Fire Department in the discharge of his duty, nor shall any person drive upon any hose or other apparatus belonging to the Fire Department, or against any ropes or other guards placed across any street or passageway during any fire, or injure or remove the same, under a penalty of not less than \$5 nor more than \$25 for each and every offense.

§ 24. Any person who shall refuse to obey, or shall resist any officer or employe of the City in the discharge of his regular duty shall be subject to a fine or penalty of not less than \$5 nor more than \$50 for each and every offense.

§ 25. No person shall walk, stand or be upon any street, sidewalk or other public place within the City for the purpose of asking, soliciting or inducing any person to accompany him or her to any assignation house, house of prostitution, bawdy house, or any other place for the purpose of prostitution; nor shall any person in or upon any street, sidewalk, or other public place, ask, solicit, or endeavor to persuade any person to go with or accompany him or her for such purpose by any word, act, sign, or gesture whatsoever. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit and pay a penalty not exceeding \$25.

§ 26. No person shall sell, expose or offer for sale, within the City of Buffalo, any book, newspaper or other printed sheet or paper, which shall contain any indecent, obscene or immoral picture, article or printed matter of any kind, or which shall contain any advertisement of any immoral, indecent or obscene book, print, picture or circular, or any advertisement, notice, or offer to sell, give away, or dispose of in any manner, any article which is intended for any immoral, obscene or indecent use.



§ 27. Any person who shall offend against any of the provisions of the preceding section shall, upon conviction, pay a fine of not less than \$25 nor more than \$250.

§ 28. The Mayor of the City of Buffalo is hereby authorized to direct the proprietors, keepers or persons in charge of any saloon, bar or place where intoxicating liquors, wine, ale or beer are sold, offered for sale, or given away, to close and keep closed, for so long a time as he shall deem necessary, such saloon, bar or place, whenever he shall deem that the preservation of peace and good order within the City will be secured or promoted by closing and keeping closed said bar, saloon or place.

§ 29. In case any person whom the Mayor shall direct to close and keep closed any such bar, saloon or place where intoxicating liquors, wine, ale or beer are sold, offered for sale, or given away, shall neglect or refuse to comply with the direction of the Mayor and to close and keep closed such saloon, bar, or place, any member of the police force of the City is hereby empowered to close said bar, saloon or place and keep the same closed.

§ 30. Except where a different fine or penalty is specifically prescribed, every person who shall violate any of the provisions of this chapter shall be liable to a penalty of not less than \$2 nor more than \$50, to be recovered in a civil action, or, upon being convicted thereof in a court of criminal jurisdiction, such person shall be subject to a fine of not less than \$2 nor more than \$50, and in case the person so convicted does not immediately pay such fine, he or she may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of such fine not paid. A judgment for any penalty prescribed by any of the sections of this chapter may be enforced by a body execution as provided in section 25 of the Charter.

§ 31. No person shall swim or bathe in any of the waters within the limits of the City unless such person be clothed in a pair of pants or trunks. Any person violating the provision of this section shall, upon conviction, pay a fine of not less than \$1 nor more than \$5.

§ 32. Every owner, driver or other person leading, riding or driving any horse or horses or other animal or animals, along or across any of the public streets, alleys, squares, or grounds, or side or crosswalks in the City of Buffalo, and whether such horse or horses, or other animal or animals shall be attached to any vehicle or not, shall, when requested or notified by any police officer so to do, stop such horse, horses or other animal or animals, and any vehicle that may be drawn thereby, for the purpose of allowing any person or persons on foot, to cross or pass over any side or crosswalk, in any street, alley, square or public ground, or regular crossing place for persons on foot, in safety; and every driver, or motorman in charge of a street car or cars, shall, when requested or notified by any police officer so to do, stop such car or cars for the purpose of allowing any person or persons on foot to cross or pass over any side or crosswalk, or any regular crossing place for persons on foot in any alley, street, square or public ground in said City, in safety. Every person violating the provisions of this section, shall, upon conviction, forfeit and pay a penalty of not less than \$5 nor more than \$100 for each and every such violation.

§ 33. No person shall wilfully ring or aid or assist in ringing any bell, or make any shout or cry for the purpose of creating or which shall be designed or have the effect to create, a false alarm of fire, or in any manner aid or assist in creating such false alarm, and any person violating the provisions of this section shall forfeit and pay a penalty of \$10 for each and every offense.

§ 34. No person shall give or cause to be given a false alarm of fire through or by means of the fire alarm telegraph, or any other apparatus connected therewith, with intention to deceive; or pull the slide of any station or a signal box if in connection with the said fire alarm telegraph, except in case of fire; or tamper, meddle, or in any manner interfere with said boxes; or cut, break, injure, deface or remove any of said boxes or any of the wires or supports connected with any part, of said telegraph; or make any connection or communicate therewith, so as to interrupt or interfere with the proper working of said telegraph, or wrongfully injure, break or destroy any apparatus, machinery or fixture connected with said telegraph. Any person violating any provision of this section shall be subject to a fine or penalty of not less than \$50 nor more than \$250, or may be committed to the Erie County Penitentiary for such time as the court or officer before whom such person was convicted, shall fix, not exceeding six months. In case the person convicted of such violation is fined and does not immediately pay such fine, he may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of said fine not paid, said term, however, not to exceed six months. In case of the recovery of a penalty against any person violating any provision of this section and the failure of said person to pay such penalty, execution upon the judgment may issue immediately, commanding the officer to whom it shall be directed and delivered, if the judgment and his fees shall not be immediately paid, to take the body of the defendant and deliver him or her, with a copy of the execution to the keeper of the Erie County Penitentiary, and said keeper shall confine said defendant in said penitentiary for the term of one day for each and every dollar not paid upon said judgment, not exceeding six months. The arrest, by any person, without process, of any one violating or attempting to violate any provision of this section in the presence of such person is hereby authorized. The

Mayor is hereby authorized to offer a reward of \$50 for the apprehension of any person violating or attempting to violate any provision of this section to be paid upon the conviction of such person. The Board of Fire Commissioners may, in their discretion, join the Mayor in such offer.

§ 35. No person shall make, cause to be used, or have in his possession, an impression or duplicate of any such signal box key, without the express permission of the chief operator and any person violating the provisions of this section shall forfeit and pay a penalty of fifty dollars.

§ 36. All steam and chemical fire engines, hose-carts, hose-wagons, hook and ladder trucks, water towers and all and any other vehicles belonging to and in the employ of the fire department of the City of Buffalo, whether the same are propelled by horse-power, steam, electricity or other source of energy, while on the way to fires, and all ambulances engaged in the discharge of the duties of the different hospitals located in the City of Buffalo, while in the discharge of the duties in connection with such hospitals, shall have the right of way in, upon and through all of the streets, avenues, highways, thoroughfares and public places of the City of Buffalo in preference to, and to the exclusion of, every other vehicle or street railway car.

The driver or motorman of a street railway car, or the driver or manager of any vehicle, who shall in any manner, by the running or operating of any car or vehicle, interfere with the free running or operation of any vehicle of the fire department while engaged in going to a fire, or any ambulance engaged in attending a call as above specified, shall incur a penalty of twenty-five dollars, to be collected in the same manner as is provided in the Charter of the City of Buffalo for the collection of any penalty imposed by ordinance.

§ 36. No scissors grinder, rag picker, or purchaser of rags or second-hand clothing, or junk dealer or other purchaser of abandoned or second-hand articles shall enter any yard or any other part of any premises in the City of Buffalo, used for dwelling or residence purposes, with a view to soliciting for the purchase of any said articles, or examining the same, without the express invitation or consent of the owner or occupant of said premises or property. A violation of this section shall subject the offender to the fine or penalty prescribed by Section 30 of this Chapter.

## CHAPTER X.

### OF ELECTRIC WIRES AND APPLIANCES.

§ 1. It shall be the duty of every corporation, company or individual owning or controlling any telegraph, telephone, or electric light wires or cables, or the poles or appliances used in connection therewith, now located in or over any of the streets, alleys or public grounds in the City of Buffalo, hereinafter described, to remove or cause to be removed from, in and above the surface of said streets, alleys and public grounds all such wires, cables or poles and appliances within six months from the enactment of this ordinance, and any corporation, company or person who shall refuse, neglect or omit to comply herewith shall forfeit and pay a penalty of not less than \$100 nor more than \$250 for each and every week he or it shall so refuse, neglect or omit after the expiration of said six months, and shall be compelled by mandamus to comply therewith.

§ 2. The streets and parts of streets, alleys and public ground to which this ordinance relates, are as follows, to wit: Main Street, Pearl Street and Washington Street, between the southerly side of Exchange Street and the

northerly side of Chippewa Street; Seneca Street between the westerly side of Pearl Street and the easterly side of Michigan Street; Exchange Street between the westerly side of Main Street and the easterly side of Michigan Street.

§ 2a. The Commissioner of Public Works is hereby authorized and directed to extend the districts defined in section 2 of this chapter, not to exceed, in the aggregate, nine thousand two hundred and forty feet, street measurement, in the year nineteen hundred and seven; not to exceed, in the aggregate, eighteen thousand four hundred and eighty feet, street measurement, in the year nineteen hundred and eight; not to exceed, in the aggregate, fifteen thousand eight hundred and forty feet, street measurement, in the year nineteen hundred and nine; and not to exceed, in the aggregate, ten thousand five hundred and sixty feet, street measurement, each year thereafter. On or before the first day of March in each year (except in the year nineteen hundred and seven) the said Commissioner shall define the limits of such enlarged district for such year and report the same to the Common Council for its action thereon, and immediately upon the approval or amendment, by the Common Council, of the enlarged district so reported said Commissioner of Public Works shall notify each corporation, company or individual maintaining telegraph, telephone or electric light or other wires or cables overhead in any of the streets, alleys, public ways or public grounds in such district, to remove such wires, cables and the poles and appliances connected therewith before the first day of January following such notice, or such later time as shall be not less than six months from the service thereof. Said notice shall specify a date when the work of such removal must be done, which shall be not less than six months from the date of service of the notice. For the year nineteen hundred and seven such enlarged district shall be reported by said Commissioner to the Common Council, as nearly

as practicable, on the first day of June and after approval or amendment thereof by the Common Council the notice hereby required to be given by said Commissioner shall be given, as nearly as practicable, upon the fifteenth day of June, nineteen hundred and seven. No person, company or corporation shall be excused from the obligation of removing the wires from overhead in such enlarged district, in any year, by reason of the failure of said Commissioner to serve the notice hereby required to be given.

In defining the enlarged district from year to year the said Commissioner shall give preference first to the territory bounded as follows:

Beginning at the intersection of Chippewa Street and Delaware Avenue; running thence east along Chippewa Street to Washington Street; thence north along Washington Street to the north bounds of Washington Market; thence east along the north bounds of Washington Market to Ellicott Street; thence south along Ellicott Street to Exchange Street; thence west along Exchange Street to the Terrace; thence continuing northwesterly along the Terrace to Delaware Avenue; thence northerly along Delaware Avenue to Chippewa Street at the place of beginning.

The streets mentioned in the foregoing paragraph, or in any notice given pursuant thereto, shall be deemed included in said territory or in the district defined.

Upon the completion of the work in the territory last above described, the said Commissioner, in defining the enlarged district from year to year, shall give preference to the following described territory: Main Street, from Chippewa Street to Ferry Street; Main Street, from Exchange Street to Buffalo River; Genesee Street, from Ellicott Street to Fillmore Avenue; Broadway, from Ellicott Street to Fillmore Avenue; William Street, from Michigan Street to Fillmore Avenue; Seneca Street,

from Ellicott Street to Fillmore Avenue; Perry Street, from Main Street to Chicago Street; Delaware Avenue, from Chippewa Street to Gates Circle; Edward Street, from Main Street to Virginia Street; Elmwood Avenue, from Virginia Street to Forest Avenue; Linwood Avenue, from North Street to Ferry Street; Niagara Street, from Niagara Square to Albany Street; Triangle Street, from Abbott Road to South Park Avenue; South Park Avenue, from Triangle Street to City Line; Michigan Street, from Scott Street to Fulton Street; East Market Street, from Scott Street to Fulton Street; West Market Street, from Scott Street to Fulton Street; West Bennett Street, from William Street to Clinton Street; East Bennett Street, from William Street to Clinton Street; Gibson Street, from Broadway to south bounds of the Broadway Market; Lombard Street, from Broadway to south bounds of the Broadway Market.

Where the Commissioner of Public Works is satisfied that permission for the maintenance of distributing poles on private property cannot be obtained at reasonable expense, or cannot be placed in public alleys, such necessary distributing poles may be erected and maintained in the streets, alleys and public places in locations to be designated by the Commissioner of Public Works. Such permits of the Commissioner shall be subject to revocation by the Common Council.

The refusal or neglect on the part of any corporation, company or individual to comply with the notice of the Commissioner of Public Works herein provided for, or with this section of the ordinances, shall subject the offender to the penalty prescribed in section one of this chapter; and compliance with any such notice shall be enforced, so far as practicable, by the City by mandamus proceedings.

All ordinances or parts of ordinances of the City of Buffalo, enacted prior to January 1, 1907, which are inconsistent with this section, are hereby repealed.



§ 3. Any corporation, company or individual owning or controlling any wires or cables, or the poles or other appliances therefor, which are or may be in and above the surface of any street, alley or public ground, or any part thereof from which the Common Council shall, by ordinance, require that the wires, or cables, or poles, or other appliances therefor be removed, may place such wires, cables or other appliances in conduits under the surface of any street, or alley or public ground upon compliance with and subject to the following regulations and restrictions, namely:

1. Not more than one conduit other than an electric light conduit shall be laid in any street, alley or public ground without special permission of the Common Council; and after any corporation, company or individual shall have manifested its intention, as hereinafter provided, of laying a conduit other than electric light wire conduits, in any street, alley or public ground no other corporation, company or individual shall place its wires or cables under the surface of such parts of such streets, alleys or public grounds, except upon making some arrangement with the corporation, company or individual first manifesting such intention to enter or use the conduits of such first corporation, company or individual.

2. The corporation, company or individual desiring to place a conduit under the surface of any street, alley or public ground or part thereof, shall first apply to the Common Council by written petition, signed by the real applicant, which petition shall specify all streets, alleys or public grounds, or the parts thereof, and the sides and portions thereof proposed to be used, and the size of the conduits proposed to be used, and the depth of the same as proposed to be placed and shall be accompanied by a map or profile and specification, which shall accurately show the proposed location of the conduit with reference to the street and the dimensions and material of the con-

duit, which map, profile and specification shall, after being finally corrected, be filed and kept in the office of the Bureau of Engineering; such application shall at once be referred to the Board of Public Works and the Water Board or Bureau, for approval, and the proposed location shall be changed, as shall be directed by the Board of Public Works in their report upon such reference, and such map or profile and specification shall be altered accordingly by and at the expense of the applicant.

3. At the time of making application under the second sub-division of this section the applicant shall file with the Comptroller a bond to the City of Buffalo in the penalty and with sufficient sureties to be approved by the Mayor in a sum of not less than \$100,000, conditioned that no excavation or obstruction will unnecessarily be made, placed or continued and that any excavation or obstruction made or placed in any street, alley or public ground at any time for any purpose whatever by the applicant, his or its agents or servants, contractors or assignees, shall be properly guarded by the applicant and that any pavement at any time or for any purpose whatever torn up or displaced by said applicant shall be properly and speedily replaced and shall at all times, for the period of five years thereafter, be kept in proper repair by the applicant; and that the applicant will assume and pay all damages for injuries to persons or to the property of any person or corporation, as well as to the City of Buffalo, resulting from or occasioned by or growing out of the laying or constructing of its conduits or the maintenance of the same; and shall fully indemnify and save harmless the City of Buffalo from and against all claims, actions or suits at law or in equity of any name or nature for damages to person or property resulting from, occasioned by or growing out of the omission of such applicant or its or his servants, agents, contractors or assignees to properly guard any excavation or obstruction

at any time, or for any purpose whatever made, placed or caused in any street, alley or public ground, or the omission to properly or speedily replace and repave any opening or to keep the said repavement in proper repair, and that the applicant will pay all expenses of the City in supervising the construction of its conduits, or in the doing of any work made necessary by the neglect or refusal of the applicant to construct such conduits in the manner approved by and as directed by the Board of Public Works. The said bond shall contain a further condition that the liability thereunder shall not be deemed to have expired until the filing in the office of the Comptroller of a certificate from the Board of Public Works that the terms thereof have been fully complied with.

Such bond shall be renewed from time to time as the Common Council may direct.

4. All work proposed to be done by said applicant shall be done under the direction of the Department of Public Works; said Department of Public Works shall, at the expense of the applicant, employ an inspector or inspectors to have charge of the work of construction. And in case said applicant shall neglect or refuse to do and perform such work of construction in a manner satisfactory to and approved by the Department of Public Works, then said department may require that said work shall be stopped, or it may complete said work in a proper and satisfactory manner, and charge the expense thereof to and collect the same from said applicant.

5. Any company, corporation or individual so placing its wires under ground in any street, alley or public ground of said City, shall, upon notice from the City, or any of its departments, that a local improvement or sewer or water main, or branch thereof, is to be constructed or repaired in such manner as will necessitate the moving or altering of the conduit or conduits of said company,

corporation or individual, move or alter the same at his or its own expense, so as to permit the construction or repairing of the improvement where ordered; and should any such person, company, or corporation omit to comply with such notice, the conduit or conduits may be altered or moved by the City of Buffalo, and the cost and expense thereof recovered from said person, company or corporation.

6. No person, company or corporation shall hereafter erect or construct any underground conduits, wires, cables or electrical appliances of any kind in any of the streets, alleys, or public grounds of the City of Buffalo, without permission of the Common Council so to do, obtained in the manner by this chapter prescribed, under a penalty of \$100 for each and every offense; and the Common Council shall have general powers to designate the street and the location within the streets where any conduits may be laid.

7. None of the provisions of this ordinance shall affect the right of any individual, company or corporation to erect or maintain wires used for call boxes or burglar alarms, where the same are not attached to or connected with poles in any street, alley or public ground, provided the same shall be run over the tops of buildings or private grounds, except the street crossings. Nothing herein contained shall in any manner affect the grants heretofore made by the Common Council to the Bell Telephone Company of Buffalo by resolution of the Common Council April 26, 1880, and adopted April 18, 1887. Nor shall any of the provisions of this chapter apply to any of the poles, wires and conduits used and controlled by any street railroad company having a grant from the City of Buffalo.

§ 4. Any person, company or corporation, not included in the provisions of section 1 of this chapter,

desiring to place wires or electrical conductors of any kind in conduits under the surface of any street, alley, or public ground, shall first apply to the Common Council by petition and in all respects as provided in subdivision second of section 3 of this chapter; and the same proceedings shall be taken and had with such application as are required by said subdivision, and shall file a bond in the sum and condition in all respects as provided and required by subdivision three of section 1 of this chapter, and all of said subdivision shall be applicable thereto. The provisions of subdivisions four, five, six and seven of section 3 of this chapter shall also be applicable to such petition, and permission shall be granted to any such person, company, or corporation upon the following additional conditions, namely:

1. That said applicant shall construct within eight months after the date of such permission not less than two miles of the conduit proposed to be laid by such applicant, or so much in extent thereof as the Common Council shall by resolution determine and direct, and in case of non-compliance with this condition the said applicant shall thereupon forfeit all rights acquired under such grant or permission.

2. All underground conduits shall be of sufficient capacity to accommodate the wires of such applicant and all other electrical wires of other companies, except electric light wires in the streets, alleys and public grounds in which permission is asked to lay such conduits. Such conduits shall be of a capacity which shall allow an increase of such electrical wires therein to the extent of at least 50 per cent. over the number then in use in said streets, alleys and public grounds.

3. That all wires belonging to or maintained by the City of Buffalo shall be carried in such conduits free of charge.

4. That the owners of such other wires as are specified in the preceding condition numbered second may occupy such conduits upon such terms as may be agreed upon with the petitioner, and in case of a disagreement upon the terms, such terms shall be determined by arbitration as follows:

That the said applicant shall designate one arbitrator and the said owner or owners of any conduit so applied to shall designate another and those two shall designate the third; and in case the parties in interest cannot or do not agree upon such third arbitrator, or do not designate said two arbitrators, or either of them, within thirty days after the application for such use, the Mayor of the City of Buffalo shall appoint some disinterested citizen and taxpayer of said City as such third arbitrator, or shall so appoint all of such arbitrators not designated or agreed upon, and the decision of the majority of said arbitrators as to the terms and conditions of using the conduit or conduits to be obligatory on both parties and to constitute the terms and conditions upon which such applying party other than electric light companies shall enter, use and occupy said conduit, or conduits.

5. That if permission is asked of said Common Council to lay any conduit in said street, alley, or public ground in which the wires owned by the City may be safely carried and where a conduit is already laid down in which space is provided for the wires owned or maintained by the City, or where a conduit providing such space for such wires of the City is already laid down in the next adjacent parallel street, then said applicant shall pay to the City of Buffalo annually the sum of \$120 per mile of street in which such conduit is laid for the right and franchise to lay, construct and maintain such conduits in the streets of said City.

§ 5. Any person, company or corporation desiring to place a conduit for electric light wires under the surface

of any street, alley or public ground or part thereof within the limits of the City of Buffalo may have such permission upon complying with all the requirements contained in so much of section 4 of this chapter as precedes the second subdivision of said section, and upon and subject to the following conditions, namely:

*First.*—The person, company or corporation shall construct and lay in the street, alley or public ground conduits of sufficient capacity to accommodate the wires of such applicant and all other electric light wires of other persons, companies or corporations then in use overhead in the street, alley or public ground in which permission is asked to lay such conduit, and shall be of a capacity which will allow an increase of such electrical wires therein to the extent of at least 50 per cent. over the number then in use in such street, alley or public ground at said time.

*Second.*—The owner of such other electric light wires as are overhead in the street, alley or public ground or part thereof, mentioned in the petition, may occupy such conduits upon such terms as may be agreed upon with the petitioner, and in case of a disagreement upon the terms, such terms shall be determined by arbitration as follows:

The party desiring to use such conduit shall designate one arbitrator and the owner of the conduit shall designate another, and the two so designated shall designate a third, and in case the parties thus empowered cannot or do not agree upon such third arbitrator, or the parties in interest do not designate said two arbitrators or either of them within thirty days after application shall be made to the owner of the conduit for such use thereof, the Mayor of the City of Buffalo shall appoint some disinterested citizen and taxpayer of said City, as such third arbitrator or shall so appoint all of such arbitrators not designated or agreed upon, and the decision of the

majority of said arbitrators as to the terms and conditions of using the conduit shall be reduced to writing and signed by the arbitrators or a majority of them and filed with the Comptroller of said City, and shall be obligatory upon both parties and shall constitute the terms and conditions upon which the party so desiring to use the conduits of the other may enter, use and occupy such conduit, provided that the owner of any such wires heretofore erected in the street, alley or public ground referred to shall not by submitting to arbitration as herein provided incur any liability or obligation thereby unless it shall desire to avail itself of the privilege of entering the conduit.

It shall not be necessary for any company or corporation to comply with any of the conditions of the ordinances of this chapter anew that it has already complied with.

Any grant obtained hereunder shall be subject to such further ordinances as the Common Council may enact.

§ 6. No telegraph, or telephone, or electric light wires, or poles, shall be strung or erected in, upon or over any public street, alley or grounds without permission from the Common Council. All such poles hereafter erected or new lines, or to replace other poles, shall be placed at such places as shall be designated by the Board of Public Works, and any pole erected without such designation shall be forthwith removed, and the company owning or erecting such pole shall forfeit and pay a penalty of \$25.

§ 7. Whenever any person or corporation shall have received permission to construct and maintain conduits for electric light, or other wires, in, under and through any public streets, alleys or grounds in the City of Buffalo, and in the work of constructing or maintaining such conduits it shall be necessary to displace or in any way



interfere with any street pavement, for the maintenance or repair of which any person or corporation shall have given security or bonds, no work shall be done in said street or streets, until the person or corporation owning such conduit shall have filed with the Comptroller and Board of Public Works, duplicate consents duly executed by the person or corporation guaranteeing such pavement or repairs, together with the bondsmen who signed such guaranty of bonds, consenting that such pavement may be displaced without in any way releasing said guarantor or bondsmen from their liability to the City for the maintenance and repair of said pavements.

§ 8. The provisions of this chapter shall apply to all grants heretofore made to any person or corporation to construct and maintain conduits in, through or under any of the public streets, alleys or grounds in the City of Buffalo, where same are not inconsistent with the express terms of said grants.

§ 9. Any person or corporation violating any of the provisions of this chapter for which no penalty is herein provided, shall, upon conviction, be fined not less than \$25 or more than \$250.

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## CHAPTER XI.

OF FIREWORKS, GUNPOWDER, NITRO-GLYCERINE, KEROSENE, ETC.

§ 1. It shall not be lawful for any person or corporation, or the agent of any person or corporation, to have, keep or store any quantity of gunpowder exceeding six pounds in weight (except as provided for in section 2 of this chapter); in any building or place within the limit of the City of Buffalo, which said quantity of six pounds hereinbefore mentioned shall be separated in stone jars

or canisters, each of which shall contain not to exceed one pound of powder. Any person or corporation, or the agent of any person or corporation, violating any of the provisions of this section shall forfeit and pay a penalty of \$200 for each and every offense, and under a further penalty of \$50 for every twenty-four hours such powder shall remain after written notice from the chief engineer of fire or law department to remove the same.

§ 2. It shall be lawful for any merchant or person having a store or fixed place of business, upon written permission being granted him for that purpose by the chief engineer of fire, to keep for sale at his said store or place of business, any quantity not exceeding one hundred pounds of gunpowder, upon condition that the same be kept in kegs or cans or other safe vessels, containing not more than twenty-five pounds each, and that such kegs, cans or vessels, except during business hours, shall be deposited in an iron box, or wooden box lined or covered with iron or other metal, and marked "powder" in plain letters, the form and construction of said box to be approved by the chief engineer of fire. Said box, with all of said powder securely enclosed therein, except during business hours as aforesaid, shall be placed on the sidewalk, near the curbstone, in front of the store or building of the person holding such permit, and where it may be conveniently removed in case of fire; and no gunpowder shall be sold or exhibited for sale except by daylight. Any person holding such permit of the chief engineer of fire, who shall keep at his store or building at one time a greater quantity of gunpowder than one hundred pounds, or who shall violate either of the conditions mentioned in this section, shall forfeit and pay a penalty of \$25 for each and every offense, and his said permit may be revoked by the chief engineer of fire.

§ 3. No person shall convey or carry through any street, lane or alley of the City any gunpowder exceeding

six pounds in quantity, unless the same is secured in kegs or canisters, containing not to exceed twenty-five pounds each, sufficiently close to prevent any particle of powder escaping therefrom. Said kegs or canisters shall be placed in quantities not to exceed 300 pounds, in wood or iron boxes lined and so constructed that no particle of powder can escape therefrom. And said box shall be securely covered with canvas or iron so as to prevent the possibility of fire communicating with the powder.

Any person or corporation violating any of the provisions of this section, shall forfeit and pay a penalty of \$100 for each and every offense.

§ 4. No vessel laden, in whole or in part, with gunpowder shall enter the Buffalo River or the Erie Basin, without the written permission of the Harbor Master; and no canal-boat laden in whole or in part with gunpowder shall enter the canal south of the locks at or near Amherst Street, without such written permission of the Harbor Master; such permission, when granted, shall designate the place where such vessel or boat shall moor or anchor, and shall prescribe the time within which said powder shall be transferred or unloaded from said vessel or boat, and the manner of transferring or unloading it. And the master, owner or consignee of any such vessel or boat, who shall bring, or cause the same to be brought, into the harbor, basin or canal aforesaid, without such permission, or shall disobey any direction of the Harbor Master with reference to mooring or anchoring such vessel or boat, or with reference to the transfer or unloading of the cargo thereof, shall forfeit and pay a penalty of \$200 for each and every offense.

§ 5. The chief engineer of the fire department may, from time to time, designate certain places outside of the thickly settled portions of the City, where gunpowder may be transferred from one car to another, or may be unloaded from the cars for the purpose of conveying the

same to a powder magazine; and he may also prescribe and determine certain portions of the City within which cars loaded with gunpowder shall not be brought. And any person refusing or neglecting to comply with any direction of the chief engineer of fire, made pursuant to the provisions of this section, shall forfeit and pay a penalty of \$200 for each and every offense.

§ 6. No person, firm or corporation shall directly or indirectly leave, keep, store, use or bring within the limits of the City of Buffalo, any gunpowder, giant powder, nitro-glycerine, dualin, dynamite or any other compound containing nitro-glycerine (except as provided in the preceding sections of this chapter), without a written permit first had and obtained of the chief engineer of the fire department. No such permit shall be given by said chief engineer until the applicant therefor shall have executed and delivered to said chief engineer a bond to the City for one year, in the sum of five thousand dollars, with good and sufficient sureties or a surety company, conditioned for the faithful observance of all the laws of the State of New York, the Ordinances of the City of Buffalo and the regulations of the Department of Fire, relating to the keeping, storing and using of such explosives, and saving the City harmless from all damages which may accrue as a result of injuries to person or property from said keeping, storing or using said explosives. Such bond shall be approved as to form by the Corporation Counsel and as to sufficiency by the Mayor, with such approvals endorsed thereon, before it shall be accepted by said chief engineer. The chief engineer of the fire department in all permits hereby authorized shall limit the quantity of explosive articles aforesaid, so to be kept, stored or used, with reference exclusively to the accommodation of the local trade of the City and the safety of the public, and shall insert such provisions in said permit as in his discretion shall be necessary for said purposes; and he shall have power upon good cause

shown and after the person to whom such permit was issued shall have had an opportunity to be heard, to revoke such permit. All permits hereby authorized shall be non-transferable and shall be good for one year from the date of issue, unless sooner revoked by said chief engineer. It shall be the duty of every person keeping, storing or using any of said explosives within the limits of the City to remove the same beyond such limits within three days after receiving a notice in writing from the chief engineer of the fire department, requiring him so to do, or within such shorter time as said chief engineer may prescribe. Any person or persons, corporation or agent or employe of any person or corporation who shall violate any of the provisions of this section shall forfeit and pay a penalty of not to exceed two hundred dollars for each and every offense, and a further penalty of not to exceed one hundred dollars for every twelve hours that such explosive articles shall remain so kept or stored or be used as aforesaid without the permit hereby required, or after said permit shall have been revoked, or after said explosive articles shall be kept within the limits of the City of Buffalo beyond the time limited by the said chief engineer, as hereinbefore prescribed.

§ 7. If the owner or owners, agent or agents of any gunpowder, giant powder, nitro-glycerine, dualin, dynamite, or any other compound containing nitro-glycerine, or the owner of, or agent for, any building within the City of Buffalo, wherein the said explosive articles shall be kept or stored, in violation of the provisions of the preceding section 6, shall neglect or refuse to comply with the notice requiring said explosive articles to be removed beyond the limits of the City, then it shall be lawful for the Mayor of the City and the chief engineer of fire, who are hereby constituted a committee of safety in all such cases, to adopt such measures and means as they may deem expedient for public safety, to condemn,

destroy, remove, or otherwise dispose of the dangerous article aforesaid.

§ 9. No person or persons, firm, copartnership, or corporation shall keep for sale, offer for sale, distribute, give away or have in his, their or its possession any fireworks of any character whatever, for use within the City of Buffalo, which shall contain dynamite, giant powder, nitro-glycerine, dualin or other explosives more powerful than ordinary black gunpowder. No person, or persons, firm, copartnership or corporation shall keep for sale, offer for sale, distribute or give away for use within the limits of the City of Buffalo any giant firecracker, or any other firecracker that is likely to maim or injure any person by the explosion thereof, except Chinese firecrackers, not exceeding five inches in length; nor shall any person or persons, firm, corporation or copartnership keep for sale, offer for sale, distribute or give away for use within the limits of the City of Buffalo any toy revolvers, toy pistols, or toy cannons of any description whatever in which powder of any kind can be exploded, blank cartridge pistols, toy cartridge pistols, or toy revolvers, repeating or bomjack marbles, Kango clubs, car track torpedoes, Vesuvius torpedoes, torpedo canes or ammunition for torpedo canes. No person shall place any torpedo of any description whatever upon the street car tracks or upon the public streets of the City. No person or persons, firm, copartnership or corporation shall sell, offer for sale or give away any fireworks of any character whatever to children under the age of fifteen (15) years.

A violation of this ordinance shall be punishable by a fine not exceeding twenty-five (\$25) dollars for each offense.

§ 10. No person or persons, firm, copartnership or corporation shall within the limits of the City of Buffalo, sell, store, keep for sale or offer for sale, for use within

the City of Buffalo, firearms of any description whatever without first having obtained a license therefor from the Board of Fire Commissioners. Before any person or persons, firm, copartnership or corporation shall receive a license, application shall be made to the Board of Fire Commissioners in writing for the same. Licenses issued shall be at the rate of \$1 each and shall be good for one year from the date of issuance.

A violation of this ordinance shall be punishable by a fine not exceeding \$50 for each offense.

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## CHAPTER XII.

### FIRE LIMITS AND CONSTRUCTION OF BUILDINGS.

#### PROHIBITED LIMITS.

§ 1. No person, firm or corporation shall, within the limits in this section prescribed, erect, place or rebuild any structure or building, whose exterior walls are of any material other than of iron, stone, brick or concrete. The territory herein specified is bounded and described as follows:

Commencing at a point in the northerly line of Buffalo Creek at the intersection of the center line of Indiana Street; thence northerly on said line to the center of Perry Street; thence easterly along the center line of Perry Street to the center line of Burwell Place; thence northerly along the said center line to the center of Scott Street; thence easterly along said center line to a point 100 feet east of the east line of Michigan Street; thence northerly parallel with Michigan Street to a point 100 feet south of Exchange Street; thence east parallel with Exchange Street to the center line of Jefferson Street; thence north on said center line 100 feet north of Exchange Street, thence west parallel with Exchange Street

to a point 100 feet east of Michigan Street; thence north parallel with Michigan Street to a point 100 feet south of Seneca Street, thence east parallel with Seneca Street to the center of Alabama Street; thence north on the center line of Alabama Street to the center of Seneca Street; thence east on the center line of Seneca Street to a point opposite to the center of Spring Street to a point 100 feet north of Seneca Street; thence west parallel with Seneca Street to a point 100 feet east of Michigan Street; thence north parallel with Michigan Street to a point 100 feet at right angles southerly from William Street; thence easterly parallel with William Street to a point 100 feet east of Jefferson Street; thence north to a point 100 feet distant at right angles northerly from William Street; thence southwesterly parallel with William Street to a point 100 feet east of Michigan Street; thence north parallel with Michigan Street to a point 100 feet southeasterly at right angles from Broadway; thence northeasterly, parallel with Broadway to a point 100 feet east of Jefferson Street; thence north to a point 100 feet northerly at right angles with Broadway; thence southwesterly parallel with Broadway to a point 100 feet east of Michigan Street; thence north parallel with Michigan Street to a point 100 feet at right angles southerly from Genesee Street; thence easterly parallel with Genesee Street to a point 100 feet east of Jefferson Street; thence northerly parallel with Jefferson Street to a point 50 feet northerly from Genesee Street, measured at right angles; thence westerly parallel with Genesee Street to a point 100 feet easterly of the easterly line of Mortimer Street measured at right angles; thence northerly parallel to the easterly line of Mortimer Street to a point 100 feet northerly from Genesee Street measured at right angles; thence westerly parallel with Genesee Street, to a point 100 feet east of Michigan Street; thence north parallel with Michigan Street to a point in the center of Goodell Street; thence west along the center of Goodell Street to a point 100 feet west of Michigan Street; thence



southerly parallel with Michigan Street to a point 100 feet north of Genesee Street; thence southwesterly parallel with Genesee Street to a point 100 feet east of Ellicott Street; thence northerly parallel with Ellicott Street to a point 100 feet north of Goodell Street; thence westerly parallel with Goodell Street to a point 100 feet east of Washington Street; thence north parallel with Washington Street, to a point 100 feet north of High Street; thence westerly parallel with High Street to an intersection east of Main Street with a line 100 feet distant from and parallel with the east line of Main Street; thence northerly and parallel with the east line of Main Street to an intersection north of Ferry Street with a line 100 feet distant from and parallel to the north line of Ferry Street; thence westerly parallel to Ferry Street to an intersection west of Main Street with a line parallel with and 100 feet distant from the west line of Main Street; thence southerly parallel with Main Street to an intersection north of North Street with a line 100 feet distant from and parallel with the north line of North Street; thence westerly parallel with North Street to a point distant 100 feet at right angles from Circle; thence westerly and parallel with the Circle and 100 feet distant therefrom to a point where a line drawn parallel with Porter Avenue and 150 feet distant northerly therefrom would intersect it; thence westerly parallel with Porter Avenue to the center line of Normal Avenue; thence southeasterly along said center line of Normal Avenue to a point 100 feet northerly from the northerly line of Porter Avenue, measured at right angles; thence westerly parallel with Porter Avenue to the center line of Plymouth Avenue; thence northwesterly along said center line of Plymouth Avenue to a point 100 feet northerly from the northerly line of Porter Avenue, measured at right angles; thence westerly and parallel to the northerly line of Porter Avenue to the westerly line of Niagara Street; thence southerly along the westerly line of Niagara Street to the center of Hudson Street; thence west-

erly 100 feet; thence southerly parallel with Niagara Street to a point 150 feet northerly at right angles from Georgia Street; thence southwesterly parallel with Georgia Street to Lake Erie; thence along the shore of Lake Erie to the north bank of Buffalo Creek at its mouth; thence along the north bank of said creek to the place of beginning, *excepting* from the above described territory, the portion of said city enclosed within a line parallel with and at a distance of 150 feet at right angles from the following-named streets: Southerly of North Street, between Delaware Avenue and the Circle, between North and Wadsworth Street to a point of intersection with a line drawn parallel with Wadsworth Street and 150 feet at right angles northeasterly therefrom; thence southeasterly parallel with Wadsworth and Allen Streets to 150 feet west of Delaware Avenue; thence northerly parallel with Delaware Avenue to North Street. Also the territory included within a line commencing 150 feet west of Delaware Avenue and 150 feet southerly of Allen Street, and running thence parallel with Allen and Wadsworth Streets to a point 150 feet distant at right angles from the Circle; thence bounding 150 feet distant around the Circle to a point 150 feet distant at right angles southerly from Porter Avenue; thence westerly parallel with Porter Avenue to the center line of Plymouth Avenue; thence northerly along the center line of Plymouth Avenue to a point 100 feet distant at right angles southerly from Porter Avenue; thence westerly parallel with Porter Avenue to the center line of West Avenue; thence southerly along said center line of West Avenue to a point 150 feet distant at right angles southerly from Porter Avenue; thence westerly and parallel to Porter Avenue to the easterly line of Niagara Street; thence southerly along the easterly line of Niagara Street to the center line of Hudson Street; thence easterly along the center line of Pennsylvania Street 100 feet; thence southerly parallel with Niagara Street to a point 150 feet distant southerly at right angles from Georgia

Street; thence easterly and parallel with Georgia Street and Chippewa Street to a point 150 feet west of Delaware Avenue; thence northerly parallel with Delaware Avenue and 150 feet distant at right angles therefrom to a point 150 feet south of the south line of Allen Street, the place of beginning.

Also, the territory included between the east line of North Pearl Street, the south line of Allen Street, a line 110 feet east of North Pearl Street and parallel thereto, and the north line of Virginia Street.

§ 2. Any person, firm or corporation violating any of the provisions of these ordinances shall forfeit and pay to the City of Buffalo a penalty of not less than \$25 nor more than \$250 for every such violation, except such fines as are otherwise herein provided for, and shall further suffer and pay a penalty of not less than \$10 nor more than \$100 for each and every day such building or part of a building shall remain within such limits after written notice from the Superintendent of Buildings that such structure is unlawful.

§ 3. Any person, firm or corporation intending to erect, place or rebuild any building or part thereof within the City limits, shall file with the Superintendent of Buildings, with the statement required by section 292 of the Charter of the City, a verified statement of the estimated cost of such building. Any person violating the provisions of this section shall forfeit and pay a penalty of \$100.

Any person, firm or corporation intending to erect, place or rebuild any building or part thereof, except frame dwellings, costing less than \$3,500, within the City of Buffalo, shall file a full and complete set of plans and specifications for the same with the Superintendent of Buildings.

Said person, firm or corporation shall also file a bond to the amount of ten (10) per cent. of the estimated cost of the building, with the Comptroller, for the faithful performance of the work and strict adherence to the plans and specifications on file, which said bond shall be subject to the approval of the Corporation Counsel as to its terms and conditions, and shall be approved by the Mayor as to the sufficiency of the sureties.

#### OUTER LIMITS.

§ 4. The following are hereby defined as the outer limits in which buildings constructed in whole or in part of wood may be constructed, placed or rebuilt under the regulations prescribed in this chapter, to wit:

All the territory in the City of Buffalo not included within the limits prescribed in section 1 of this chapter.

§ 5. No person, firm or corporation shall within the City of Buffalo, outside of the limits prescribed in section 1 of this chapter, erect, place or rebuild any building whose exterior walls are not constructed wholly of iron, stone, brick, concrete or other approved incombustible material, until he shall have first procured a license so to do. Any person desiring permission to erect, place or rebuild such building or part of building in any portion of the City outside of the limits prescribed in section 1, shall first present to the Bureau of Buildings the statements required in section 3 of this chapter, and if the Superintendent of Buildings shall approve the same, he shall attach his approval thereof, and the applicant shall thereupon file the same with the City Clerk. The Clerk shall not present any such petition to the Common Council without such certificate accompanying the same. No permission shall be of force after the expiration of six months from the date of the granting of the same, unless within that time the owner of the land on which permis-

sion is so granted to build shall have commenced the erection, placing or rebuilding of such structure. Any person, firm or corporation violating the provisions of this section shall forfeit and pay a fine of \$100 per day for each and every day such violation shall continue.

§ 6. All permits when authorized by the Council shall be issued by the Deputy Building Commissioner and signed by him. He shall keep a complete record of the same. Such permits shall contain the name of the owner of the building, the date of the granting of the permission and the time when the same will expire, together with the dimensions and location thereof on the lot.

It shall also state the side of the street on which the structure is proposed to be placed, built or rebuilt and the distance in feet, of the lot from the nearest intersecting street, measuring from the lot line nearest to said intersecting street. Within forty-eight hours after granting or issuing any permit, the Deputy Building Commissioner shall cause a copy of the same to be filed in the office of the Board of Assessors.

§ 7. Every building or part thereof erected or placed contrary to the provisions of these ordinances shall be deemed to be a common nuisance and the Superintendent of Buildings may order the same removed; and in case the owner thereof shall neglect or refuse to remove such building or part thereof, within five days after notice so to do, the Board of Public Works may remove such building or part thereof, and the expense therefor shall be assessed upon the premises upon which such building or part thereof was erected or placed.

§ 8. If any building or part of a building is to be devoted to the use specified in section 238 of the Charter of the City of Buffalo, the plans and specifications shall be referred by the Superintendent of Buildings to the Board of Health before approval by him, and the said Superin-

tendent shall not approve the same, nor issue such permit without the approval of the Health Commissioner.

§ 9. All buildings used for business purposes within the limits of the City over 56 feet in height, covering an area of 5,000 feet or more, and all buildings more than 80 feet in height, shall have attached thereto a metallic stand-pipe not less than two and one-half inches in diameter, with suitable couplings located within or near the front wall to conform to the size and pattern adopted by the Fire Department, and extending above the roof.

§ 10. All buildings of Classes 1 and 2, not fire-proof and more than three stories high and all buildings of Class 4, not fire-proof and more than two stories high, shall be provided with suitable and sufficient fire-escapes and means of egress, to be approved by the Board of Fire Commissioners, and to be erected and placed where and as directed by the Chief and Assistant Engineer of the department; and any owner who shall hereafter erect any buildings of the classes specified in this section, without complying therewith, shall forfeit and pay a penalty of not less than \$25 nor more than \$100 for each and every offense; and every owner of such building heretofore erected and used for any of the purposes herein specified, shall, on direction from the Board of Fire Commissioners, cause suitable fire-escapes and stand-pipes, to be approved by said board, to be erected and placed on such buildings as and where directed by the Chief or Assistant Engineer of the department, and in default thereof shall forfeit and pay a penalty of not less than \$25 nor more than \$100 for each and every month after such direction by said board.

§ 11. (a) Whenever, in the judgment of the Board of Fire Commissioners of the City of Buffalo, the owner, lessee, proprietor or manager of any theater or public hall or place of meeting in the City of Buffalo shall vio-

late any of the ordinances of the City, or any of the laws of the State, relating to the construction or the method of use or occupation of any such theater or public hall or place of meeting, or shall allow such ordinances or laws to be violated, the said Board of Fire Commissioners shall immediately report such violation to the Mayor, and the Mayor may, thereupon, as provided by the Charter of the City, suspend or annul any license issued by him for such theater, public hall or place of meeting, or for the use of the same.

(b) It shall be the duty of the owner or lessee of every store, dwelling or other building within the City of Buffalo to keep such store, dwelling or other building, with all its appurtenances, clean and free from all kinds of inflammable refuse or rubbish, or refuse or rubbish that is easily ignited; and it shall be the duty of the occupant of every store, dwelling or other building within the City of Buffalo to keep such store, dwelling or other building, with all its appurtenances, or the part thereof used or occupied by such occupant clean and free from all kinds of inflammable refuse or rubbish, or refuse or rubbish that is easily ignited. Every person violating this subdivision shall be punishable by a fine of not less than \$3 nor more than \$50.

§ 12. All unsafe chimneys must be made safe within five days after notice from the Superintendent of Buildings, under a penalty of \$5.

§ 13. The owner or lessee of any building which shall contain any staging, cornice or projection which has become unsafe and liable to endanger life shall, upon notice from the Superintendent of Buildings, immediately cause the same to be repaired, and in default shall pay a penalty of \$25. If such owner or lessee shall neglect or refuse to make such repairs within five days after such notice, the Board of Public Works may cause the same

to be made, and the expense therefor shall be assessed upon the premises upon which said building stands.

§ 14. It shall be the duty of the Superintendent of Buildings to attach to any building within the City which shall be reported to him after inspection by one of the inspectors, to be unsafe, a notice that the same is dangerous and any person who shall deface or remove such notices shall be liable to a fine of \$10, and if any such building shall be used for any purpose requiring a license therefor, the Mayor may upon neglect on the part of the owner or lessee after five days' notice from the Superintendent of Buildings to repair such building, revoke said license and the said Superintendent may cause such building to be repaired and put in safe condition, and the expense therefor shall be assessed upon the premises upon which the building stands.

§ 15. No part of any building in which any theater, concert hall, or any other place of amusement is maintained under a license from the Mayor, shall be occupied for living purposes by any person other than the janitor of such building. Any violation of the provisions of this section shall work a forfeiture of such license, and the Mayor shall revoke the same.

§ 16. Any building having more than two stories used as a tenement or boarding house, theater, hotel or house of entertainment, shall have pipes connected with the City water works with hose connections on every floor, or in lieu thereof the owner or occupants of such building shall keep constantly on hand in barrels, buckets or pails, a sufficient amount of water for use in emergency. Any person who shall violate the provisions of this section shall forfeit the penalty of \$25 and in addition thereto shall be liable to a fine of \$10 for each day such provision shall not be complied with after notice from the Superintendent of Buildings, and in case a license shall



have been granted to occupy any such building or any part thereof, for any purpose, the officer or board granting such license may revoke the same. Any person not remedying such defect or continuing such construction after notice from the Superintendent shall be liable to a fine of \$10 for each day same shall not be remedied after notice.

§ 17. The owner or owners of any building in the City of Buffalo, upon which any fire-escapes may now be, or may hereafter be erected, shall keep the same in good repair, and no person shall at any time place incumbrance of any kind whatever before or upon any fire-escape from any building in said City.

§ 18. It shall be the duty of all firemen, policemen, and of every officer of this department, who shall discover any fire-escape, balcony or ladder of any fire-escape incumbered in any way, to forthwith verbally notify the occupant of the premises or apartment to which said fire-escape, balcony or ladder is attached, or for whose use the same is provided, to remove such incumbrance and keep the same clear. If said notice shall not be complied with by the removal of such incumbrance, and keeping said fire-escape, balcony or ladder free from incumbrance, then it shall be the duty of said policeman, fireman or other officer of this department, to apply to the nearest magistrate for a warrant for the arrest of the occupant or occupants of said premises or apartment of which the fire-escapes form a part, and the said parties shall be brought before the said magistrate, and upon conviction, the occupant or occupants of said premises or apartments shall be fined not more than \$10 for each offense.

§ 19. Every building hereafter erected or altered to be occupied as a hotel, and every dwelling house exceeding four stories in height, hereafter erected or altered to

be occupied by two or more families on any floor above the first, and every dwelling house over 60 feet in height hereafter erected or altered to be occupied by more than one family, shall have at least one flight of stairs in each of said buildings which shall extend to the roof, and be enclosed in a bulk-head. Every dwelling house arranged for or occupied by two or more families above the first story, hereafter erected, shall be provided with an entrance to the cellar from the outside of such building.

§ 20. All gas brackets shall be placed at least three feet below any ceiling or woodwork, unless the same is properly protected by a shield, in which case the distance shall not be less than 18 inches. No swinging or folding gas brackets shall be placed against any woodwork. Gas lights placed near window curtains or any other combustible material shall be protected by a proper shield.

§ 21. The owners or other party having an interest in any building, staging or other structure, or anything attached to or connected with any building or other structure which shall be unsafe so as to endanger life, shall immediately, upon notice from the inspector of buildings, cause the same to be made safe and secure or taken down; and where the public safety requires immediate action the inspector may enter upon the premises with such assistance as may be necessary, and cause the said structure to be made secure or taken down without delay, and the passers-by to be protected at the expense of such owner or party interested.

§ 22. Every building which shall appear to the Superintendent to be specially dangerous in case of fire, by reason of bad condition of walls, overloaded floors, defective construction, or other causes, shall be held to be unsafe; and the inspector besides proceeding as provided in the preceding section, shall also affix a notice of the dangerous character of the structure to a conspicuous

place on the exterior wall of such building, and any person removing such notice so affixed shall be liable to a fine of not less than \$10 nor more than \$50 for each and every offense, to be paid into the treasury of said City. The owner or party having an interest in the unsafe building or structure mentioned in this section, being notified thereof in writing by the Superintendent, shall forfeit and pay a fine to the use of said City, for every day's continuance thereof after such notice, a sum not less than \$10 nor more than \$50.

§ 23. No continuous vertical recess, chase or flue shall be made to a greater depth than four inches in a 12-inch wall, and such recess, chase or flue may increase four inches in depth with each increase of four inches in thickness of the wall, and no recess of any kind shall be made in any eight-inch wall, except by a special permit from the Superintendent. No continuous vertical recess other than flues in stacks shall be nearer than seven feet to any other recess.

§ 24. All stone and brick work over openings exceeding over four feet in width, shall be supported with stone or iron lintels of sufficient strength to carry the superimposed weights excepting where such stone or brick work shall be supported with properly tied and substantial stone or brick arches. All lintels supporting stone or brick work must bear on stone, brick or iron of sufficient strength.

#### CLASSIFICATION OF BUILDINGS.

§ 25. As a means of reference in this ordinance, all buildings erected within the City of Buffalo shall be divided into classes as follows:

##### CLASS I.

In this class shall be included all buildings used for the sale, storage or manufacture of merchandise, and all public livery, boarding or sale stables.

## CLASS II.

This class shall embrace all buildings used for residence of three or more families, all hotels, all boarding or lodging houses occupied by twenty-five (25) or more persons, all hospitals and asylums, and all office buildings.

## CLASS III.

This class shall embrace all buildings used as residences of one (1) or two (2) families, or for less than twenty-five (25) persons, and all private stables.

## CLASS IV.

This class shall include all buildings used as assembly halls for large gatherings of people, whether for purposes of worship, instruction or entertainment.

§ 26. If buildings, the uses of which bring them within any of the before-mentioned classes, are to be applied to the uses of any other class for which a better system of construction is called for by this ordinance, the construction and equipment of such buildings must first be made to conform with the requirements of this ordinance as specified for their intended use; and it shall be unlawful to apply such building to a new or different use than that to which its structure and equipment adapts it under this ordinance, unless the requirement of this ordinance for such new or different use shall first have been complied with, and a permit for such alteration or use shall have first been obtained from the Superintendent of Buildings.

## I. DEFINITIONS.

§ 27. The following terms in this ordinance shall have the meanings respectively assigned to them:

## 2. ALTERATIONS.

Any change or addition in, to or upon any building, affecting an external party or partition-wall, chimney,

floor or stairway; and "to alter" means to make such change or addition.

### 3. REPAIRS.

The reconstruction or renewal of any existing part of a building, or of its fixtures or apparatus, by which its fire risk, strength or sanitation is not affected nor modified, and not made, in the opinion of the Superintendent, for the purpose of converting the building, in part or in whole, into a new one.

### 4. AREAS, OUTSIDE OF BUILDING LINE.

Sub-surface excavations adjacent to building line for lighting or ventilation of cellars or basements.

### 5. CELLAR.

The lower story of any building of which one-half or more of the height from the floor to the ceiling is below the highest level of the street adjoining.

### 6. BASEMENT STORY.

One whose floor is more than twelve inches (12) but not more than half the height of the story below the highest level of the adjoining street.

### 7. GROUND FLOOR.

The story, the floor of which is first above the basement story.

### 8. FIRST STORY.

The story, the floor of which is first above the ground story. Other stories to be numbered in regular succession, counting upward.

### 9. FOOTING COURSE.

Projecting course or courses under base of foundation-wall.

## 10. FOUNDATION, BASEMENT OR CELLAR WALLS.

That part of the walls of a building that are below the floor or joist, which are on or next above the grade line.

## 11. DEPTH OF FOUNDATION WALLS.

The depth of foundation walls for any building shall be measured in each case, from the level of top of curb in front of said building, at a point directly opposite the wall, the depth of which is required.

## 12. HEIGHT OF STORY.

The perpendicular distance from the top of beams or joist in one story, to the corresponding point in next story above. The height of a story is to be considered in using the table of thickness of walls, as being 18 feet for basement or ground story; 15 feet for the first story; and 13 feet for all stories above the first story.

## 13. HEIGHT OF BUILDING.

The perpendicular distance of the highest point of the roof above the highest point of the sidewalk level of the principal adjoining or neighboring street.

## 14. BUILDING LINE.

The line of demarkation between public and private space.

## 15. BEARING WALLS.

Those on which joists, beams, trusses or girders rest.

## 16. PARTY WALL.

Every wall used, or built in order to be used, as a separation of two (2) or more buildings. A wall built upon dividing line between adjoining premises for their common use.

## 17. EXTERNAL WALLS.

Every outer wall or vertical enclosure of a building other than a party wall.

## 18. THICKNESS OF WALL.

The minimum thickness of such wall.

## 19. BRICK (PRESSED).

Brick manufactured by high pressure in separate molds, and burned to the highest point of consolidation without vitrification.

## 20. BRICK (COMMON, HARD BURNED).

Brick manufactured by the "continuous stiff mud" or other process, not pressed, and burned almost to the point of vitrefaction, and giving out a clear ringing sound when struck with metal.

## 21. BRICK (COMMON SOFT).

Sometimes called "Salmon" brick; light colored, soft, crumbling brick; will not ring when struck, and of low crushing resistance.

## 22. BRICK (PUSH-PLACED).

Brick which are laid in a bed of mortar, pushed or shoved into place in such a manner that all open space between the brick and the adjoining bricks at side, end and bottom are completely filled with mortar.

## 23. OWNER.

Any person, firm, corporation or agent for the same, controlling property in the City of Buffalo.

## 24. PUBLIC HALL.

Every theater, opera house, hall, church, school or other building intended to be used for public assemblage.

## 25. VENEERED BUILDING.

A frame structure, the walls covered above the foundation wall with brick or stone four (4) inches in thickness.

## 26. APARTMENT HOUSES.

An apartment house is a building of Class II, containing four apartments or accommodations for four families.

## MATERIALS REQUIRED FOR BUILDING.

§ 28. No building or part of a building within the City of Buffalo (except frame or veneered frame buildings, sheds, or temporary structures as hereinafter noted) shall be erected, placed or rebuilt unless the outside walls are constructed of stone, brick, terra cotta or other hard and incombustible material, and the several component parts of such buildings shall be as hereinafter provided.

## FRAME CONSTRUCTION.

§ 29. A frame or wooden building, of which the external and division walls are constructed in whole or in part of wood, and having more wood on the exterior than that required for the door and window frames, doors, sash, shutters, verandas and steps; and all frame buildings and sheds, although the sides and ends are proposed to be covered with corrugated iron or other metal, shall be deemed a wooden building under this ordinance.

## FRAME BUILDINGS ALLOWED WITHIN FIRE LIMITS.

§ 30. Where docks are built over the water.

Frame buildings for receiving and storing freight may be built thereon, within the fire limits of the City of Buffalo, provided the walls of said building do not exceed eighteen (18) feet in height and the exterior of said building shall be covered with corrugated iron or other incombustible material, and it shall have an incombustible roof.



§ 31. No grain elevator, ice house, or building for the storing or manufacture of high combustibles—or explosives, or for chemical or rendering works shall be erected, and no engine, dynamo, boiler or furnace, except exclusively to raise elevators in, or heat the building in which it is, shall be placed in any building, without a permit issued under the provisions of the following sections.

§ 32. Every application for a permit required by section 30 shall be filed with the Superintendent in writing, and shall set forth the location and character of the building, the size, power and purpose of the apparatus, with such further information as the Superintendent may require.

§ 33. Outside of the fire limits of the City of Buffalo it shall be lawful to erect frame buildings not exceeding fifty (50) feet in height from the sidewalk to the highest point of roof.

§ 34. Every wooden or frame building with a brick or other front which may hereafter be damaged by fire or otherwise to an amount not greater than one-half of its value, may be repaired or rebuilt; but if such damage shall amount to more than one-half of such value thereof, exclusive of the foundation, then such building shall not be repaired or rebuilt, but must be taken down. The amount and extent of such damage by fire or otherwise, shall be determined by one (1) surveyor appointed by the Superintendent of Buildings, and one (1) surveyor appointed by the owner or owners of said premises, and in case these two do not agree, they shall appoint a third party and a decision of a majority of them, reduced to writing and sworn to shall be conclusive. Such building shall in no manner be repaired or rebuilt until after such decision shall have been rendered, and in case of refusal of the owner to submit to such appraisal no permit shall be granted.

§ 35. It shall not be lawful to erect any frame building, except buildings of Class III, and one story factory buildings, occupied by not more than one family, wider than forty (40) feet nor deeper than seventy (70) feet or its equivalent in square feet. Excepting further, only one story churches to be used exclusively for religious purposes, and one story factory buildings, the floor area or space of which, hereby allowed, shall not exceed six thousand (6,000) square feet. If more than one (1) frame building is built in the direction of depth of any one lot, such buildings shall not be built with a less distance than ten (10) feet between them.

§ 36. Where two (2) or more frame buildings are erected on the same lot, and fronting on any street, there shall be not less than three (3) feet clear space between each of said buildings and the building next adjoining on either side, and there shall be no projections from any story of any building into this space.

§ 37. A frame building may be raised for the purpose of erecting a basement story under the same, but the principal floor of such frame building shall not be raised to a higher level than six (6) feet above the sidewalk for two story buildings or twelve (12) feet high above the sidewalk grade for one-story frame buildings. The walls enclosing such basement shall be of masonry, and shall not be less than twelve (12) inches thick if built of brick, and eighteen (18) inches thick if built of stone, twelve (12) inches thick if built of hollow concrete blocks, and eight (8) inches thick if built of reinforced concrete steel. The foundation of such walls is to be constructed of stone not less than eighteen (18) inches thick. It is provided, however, that no frame building shall be raised for the purpose of constructing a basement under the same, to a greater height to the top of its roof than that elsewhere herein given, as the maximum height above grade for frame buildings. It is also provided

that after there has been a basement story constructed under any frame building, such frame building shall not be raised again for any purpose whatsoever.

§ 38. No single frame dwelling shall be erected which shall contain accommodations for more than two (2) families. Double dwellings or blocks of dwellings may be built to contain accommodations for more than two (2) families, and each part of such building containing accommodations for two (2) families shall be separated from the next part on either side, by a wall built as follows:

This partition wall must be built of two by six-inch (2x6) studding, with the spaces between studding filled full of mineral wool, or any other approved fire-proofing material, from the brick wall in basement up to and close under the roof boards, the fire-proofing to be secured in place between joists by wood blocking properly secured, and these partitions must be plastered on each side on metallic lath with an approved patent plaster. If brick is used by fire-proofing between studding, then partitions may be plastered on wood lath with lime mortar. All such partitions must be supported on a twelve-inch (12) brick wall or eighteen-inch (18) stone wall, twelve (12) inch hollow concrete block, or eight (8) inch reinforced concrete steel, in the basement which must be built from the cellar floor to the top of ground floor joists. Any opening in brick wall shall be closed by a fire-proof door.

This partition may be constructed if of solid brick two stories in height, eight (8) inches in thickness, and if three stories in height the first story shall be twelve (12) inches, and the two upper stories eight (8) inches in thickness. Provided, however, that the total height of any eight (8) inch wall shall not exceed twenty-four (24) feet. The foundation or basement wall under this partition shall be twelve (12) inches if of brick, or eighteen (18) inches if of stone.

§ 39. No frame dwelling shall be erected to contain more than two (2) stories, a basement and attic, and no living or sleeping rooms shall be located in the attic story without special permission from the Superintendent of Buildings, and in no case shall the first or principal floor of a frame dwelling be more than six (6) feet above sidewalk grade.

Frame buildings veneered on the outside, not to exceed two (2) stories in height, with four (4) inches of brick, stone, hollow concrete blocks or reinforced concrete steel, may be erected in the outer limits, but such brick, stone, hollow concrete blocks or reinforced concrete steel work must be erected on a continuous foundation of masonry and must be properly anchored to frame structure, and in all other respects they shall be treated as frame buildings.

#### ORDINARY CONSTRUCTION.

§ 40. By the term "ordinary construction," as used in this ordinance, is meant the ordinary system of construction in which timber and iron structural parts are not protected with fire-resisting coverings.

§ 41. The term "mill construction" shall apply to all buildings in which all the wooden girders and joists supporting floors and roof have a sectional area of not less than sixty (60) square inches, and above the joists of which there is laid a solid timber floor not less than  $3\frac{3}{4}$  inches thick, or a  $2\frac{3}{4}$ -inch floor, covered with  $\frac{7}{8}$ -inch flooring.

Wooden posts used in buildings of this class shall not be of smaller sectional area than one hundred (100) square inches, except the posts in top story, which shall not be of smaller sectional area than sixty-four (64) square inches. Partitions and elevator enclosures in buildings of this class shall be made entirely of incombustible material. If iron pillars, girders or beams are used in buildings of this class, they shall be protected as provided

for fire-proof buildings; but the wooden posts, girders and joists need not be protected by fire-proof covering. The use of wood furring or wood laths shall not be permitted in buildings of this class. Three-inch (3) splined wood partitions, or partitions of incombustible materials may be used in buildings of this class. Buildings of all classes may be built sixty-four (64) feet high, using mill construction.

§ 42. If cast-iron pillars are used in "mill construction" they shall be erected in the same manner as specified in section 46. At each line of floor or roof beams, where cast-iron columns are used, lateral connections between the ends of the beams and girders shall be made by passing wrought-iron or steel straps across or through the cast-iron columns, in such manner as to rigidly connect the beams and girders with each other in the direction of their length. These straps shall be bolted through the wooden beams or girders.

If wooden posts are used in "mill construction" they shall have cast-iron caps of approved pattern, so constructed as to form a base for the next post above. The girders must be properly bolted to cap and must have wrought-iron straps on the outside in addition, from one girder to the other, and bolted through each girder.

#### SLOW-BURNING CONSTRUCTION.

§ 43. The term "slow-burning construction" shall apply exclusively to buildings in which "mill construction" is used, and in which the structural members which carry the loads and strains which come upon the floors and roof thereof, are entirely enveloped in incombustible material. This class of buildings shall also have double floors and roof, with a layer of lime mortar one and one-half inches thick between the upper and lower thickness of floors and roof. The underside of all floors shall be protected against fire in the same manner as the wooden structural members. All iron and steel structural mem-

bers shall be protected against fire as specified under the head of "fire-proof construction," but a single thickness of any standard patent plaster applied on metallic or wire lath, shall be considered sufficient protection for all wooden posts, girders, beams, joists and the underside of the heavy floors and roof forming the ceilings.

This coating of metallic lath and plaster shall, in all cases follow the contour of the girders, beams and joists, and shall be applied directly to the ceiling without furring, so that there shall be no air spaces between any woodwork and the plastering. Solid false beams may be inserted where required to form panels for ornamental purposes.

Furring strips of proper thickness, two (2) inches wide, may be laid on the heavy floors and roof to secure the upper floors and roof boarding.

§ 44. All partitions and all elevator enclosures in buildings of this type shall be made entirely of incombustible material. The use of wood furring or of stud partitions shall not be allowed in buildings of this class.

#### SKELTON CONSTRUCTION.

§ 45. The term "skelton construction" shall apply to all buildings wherein all external and internal loads and strains are transmitted from the top of the building to the foundation by a skeleton or framework of rolled metal. In such metal framework the beams and girders shall be riveted or bolted to each other at their respective junction points. All pillars shall be made of rolled iron or steel, and their different parts shall be riveted to each other, and the beams and girders resting upon them shall have riveted or bolted connections to unite them with the pillars. No cast-iron lintels shall be used in the construction of skelton buildings.

§ 46. In all buildings of skelton construction, when the walls are carried by the metal frame, the thickness of

outside masonry must be not less than twelve (12) inches, including not more than four (4) inches of hollow brick or tile lining.

In buildings of less than ten (10) stories in height, cast-iron columns may be used, in which case the column connections will be bolted. In buildings of less than ten (10) stories, where the skeleton construction of the external walls is replaced by walls of masonry of proper and sufficient strength to sustain the weight of the floors and roof imposed on side walls, the interior pillars may be of cast-iron.

§ 47. If cast-iron pillars are used, each successive pillar shall be bolted to the one below it by at least four (4) bolts, not less than three-quarter inch in diameter, and the beams and girders shall be bolted to the pillars.

The strength of all columns and posts shall be computed according to formulæ in section 146 and 153.

§ 48. If buildings are made fire-proof entirely, and have skeleton construction so designed that their enclosing walls do not carry the weight of the floors or roof, but are themselves supported by the foundation and properly anchored to metal framework, the walls may be reduced to the thickness called for in the following table:

Stories	Basem't		Ground Story	Stories												
	Stone	Brick		1	2	3	4	5	6	7	8	9	10	11		
1	18	12	12													
2	18	16	12	12												
3	20	16	12	12	12											
4	20	20	12	12	12	12										
5	24	20	16	12	12	12	12									
6	24	24	16	16	12	12	12	12								
7	24	24	16	16	16	12	12	12	12							
8	28	28	20	16	16	16	12	12	12	12	12					
9	28	28	20	20	16	16	16	12	12	12	12	12				
10	28	28	20	20	20	16	16	16	12	12	12	12	12			
11	32	32	24	20	20	20	16	16	16	12	12	12	12	12		
12	32	32	24	24	20	20	20	16	16	16	12	12	12	12	12	12

§ 49. The term "Fire-Proof Construction" shall apply to all buildings in which all parts that carry weights or resist strains are constructed wholly of stone, burnt clay, iron, steel or concrete, and in which all stairs, partitions, and elevator enclosures and their contents, are made entirely of incombustible material, and in which all metallic structural members are protected against the effect of fire by coverings of a material which must be entirely incombustible and a slow heat conductor. The materials which shall be considered as fulfilling the conditions of fire-proof covering are: First, brick; second, hollow tiles or burnt clay, applied to the metal in a bed of mortar and constructed in such a manner that there shall be an air space of at least three quarters of an inch each by the width of the metal surface to be covered, within the said clay covering; third, porous terra-cotta, which shall be at least two (2) inches thick, if hollow, and not less than one and one quarter ( $1\frac{1}{4}$ ) thick if solid, and this shall also be applied direct to the metal in a bed of mortar. In buildings of this type all door or window mullions, whether vertical or horizontal, shall be faced with cast-iron, terra-cotta or other incombustible material of equal fire resisting values.

§ 50. All iron or steel used as a supporting member of the external construction of any building, and specified to be fire-proofed, shall be protected as against the effects or external changes of temperature and of fire, by a covering of brick, terra cotta, concrete or fire clay tile, completely enveloping said structural members of iron and steel. If of brick, it shall be not less than eight (8) inches thick; if of hollow tile, it shall not be less than six (6) inches thick, and if of hollow concrete blocks or reinforced concrete steel it shall not be less than six (6) inches thick, and there shall be at least two (2) sets of air spaces between the iron and steel members, and the outside of the hollow tile covering. In all cases the brick concrete or hollow tile shall be bedded in mortar close up



to the iron or steel members, and all joints shall be made full and solid.

Where a skeleton construction is used for the whole or a part of the building these enveloping materials shall be independently supported on the skeleton frame for each individual story.

§ 51. If iron or steel plates are used in each story for the support of this covering within the said story, such plates must be of sufficient strength to carry within the limits of fiber strain for iron and steel elsewhere specified in this ordinance, the enveloping material for the said story, and such plates may extend to within two (2) inches of the exterior of said covering.

§ 52. If terra cotta is used as part of such fire-proof enclosure it shall be backed up with brick, concrete or hollow tile; whichever is used being, however, of such dimensions and laid up in such manner that the backing will be built into the cavities of the terra cotta in such manner as to secure perfect bond between the terra cotta facing and its backing.

§ 53. If hollow tile or concrete alone is used for such enclosures, the thickness of the same shall be made in at least two (2) courses, breaking joints with and bonded into each other.

§ 54. The upper surfaces of all breaks or off-sets in external coverings and fillings and walls, as well as the tops of walls, shall be covered with stone, terra cotta or fire clay copings set in cement mortar and having lapped joints pointed with cement.

§ 55. The internal structural parts of buildings of the skeleton construction shall be fire-proofed by coverings of brick, hollow tile or porous terra cotta.

§ 56. In the case of buildings of Class I, the coverings for columns shall be, if of brick or concrete, not less

than eight (8) inches thick; if of hollow tile, these coverings shall be in two (2) consecutive layers, each not less than two (2) inches thick.

If the fire-proof covering is made of porous terra cotta, it shall consist of at least two (2) layers not less than two (2) inches thick each, if hollow, and not less than one and one-quarter ( $1\frac{1}{4}$ ) inches thick each if solid. Whether hollow tile or porous terra cotta is used, the two (2) consecutive layers shall be so applied that neither the vertical nor horizontal joints in the same shall be opposite each other, and each course shall be so anchored and bonded within itself as to form an independent and stable structure. In all cases there shall be on the outside of the tiles a covering of plastering with any cement "which is established as a standard cement," or of other mortar of equal hardness and efficiency when set.

§ 57. In places where there is trucking or wheeling or other handling of packages of any kind, the lower five feet (5) of the fire-proofing of such pillars shall be encased in a protective covering, either of sheet iron or oak plank, which covering shall be kept continually in good repair.

§ 58. In buildings belonging to Class II, the fire-proof covering for internal columns is to be made the same as specified for the buildings of Classes I and IV, excepting that only one (1) covering of hollow tile or porous terra cotta may be used.

§ 59. The fire-proof covering of iron or steel beams and girders in buildings of Classes I, II, and IV, shall be effected with either of the materials before specified. If hollow tiles or hollow concrete blocks are used, they shall be set close to the metal to be protected; and there shall be an air space within the tile or concrete of at least three-quarters ( $\frac{3}{4}$ ) of an inch. If porous terra cotta is used, it shall be at least two (2) inches thick, if hollow,

and at least one and one-quarter ( $1\frac{1}{4}$ ) inches thick, if solid.

§ 60. If buildings in Class II are partly used for the purposes of Classes I and IV, the method of fire-proofing the structural iron or steel in the whole or any story, any part of which, is so used, and in the whole of the story above and below the same, shall be as called for in buildings of Classes I and IV.

§ 61. In all cases the covering of beams shall be so applied as to be supported entirely by the beams or girders protected and shall be held in place entirely by the support of the flanges of such beams or girders and by the mortar used in setting. Wire building and anchors shall not be used as fastenings of such fire-proof covering.

§ 62. The filling between the individual iron or steel beams supporting the floors of fire-proof buildings shall be made of brick arches or hollow tile arches. Brick arches shall not be less than four (4) inches thick and shall have a rise of at least one and one-quarter inches to each foot of span between the beams. If the span of such arches is more than five (5) feet the thickness of the same shall not be less than eight (8) inches. If hollow tile arches having a straight soffit are used, the thickness of such arches shall not be less than at the rate of one and one-half ( $1\frac{1}{2}$ ) inches per each foot span.

In all cases, no matter what the material or form of the arches used, the protection of the bottom flanges of the beams and so much of the web of the same as is not covered by the arches shall be made as before specified for the covering and girders.

§ 63. Concrete may be used in buildings of all classes when such construction is approved by the Superintendent of Buildings.

§ 64. Plastering on wire or metallic lath shall not be considered as fire-proofing for steel or iron structural members.

BUILDINGS WHICH SHALL BE WHOLLY FIRE-PROOF.

§ 65. All buildings over seventy-two (72) feet in height, except churches, grain elevators and buildings of slow-burning construction.

All buildings in Class IV (a) containing seating capacity for 1,500 or more people.

All buildings in Class IV (b) containing a seating capacity for 500 or more people.

All buildings used for the storage of inflammable oils or explosives.

§ 66. If buildings of Classes IV (a) or IV (b) are built in conjunction with or as part of buildings devoted to the uses of Class I, II or III, then such buildings of Class I, II or III, shall be built of fire-proof construction, if the connected buildings of Class IV (a) contain more than 1,500 seats, or if the connected buildings of Class IV (b) contain more than 1,000 seats.

§ 67. Any building higher than fifty-two (52) feet and connected with or made part of any building of Classes IV (a) or IV (b) shall be entirely of fire-proof construction.

§ 68. In all cases where fire-proof construction is not used for the whole of such connected buildings, there shall be at each connecting opening double fire-proof doors between such buildings of Class IV (a) and IV (b) and the building connected therewith.

PARTS OF BUILDINGS WHICH SHALL BE OF FIRE-PROOF CONSTRUCTION.

§ 69. The exterior construction of all buildings of Class II over fifty-two feet in height.

Boiler rooms, engine rooms and dynamo rooms in all buildings in Classes I, II and IV.

**BUILDINGS WHICH SHALL BE OF SLOW-BURNING CONSTRUCTION.**

§ 70. All buildings in Class I, not more than eighty (80) feet in height, which are not fire-proof, shall be of slow-burning interior construction.

All buildings in Class II over fifty-two (52) feet in height, and less than seventy-two (72) feet, which are not fire-proof, shall be of slow-burning interior construction.

**BUILDINGS WHICH MAY BE OF ORDINARY CONSTRUCTION.**

§ 71. All buildings in Classes I, II and III, under fifty-two (52) feet in height, may be of ordinary construction, but if any building in Class III exceeds fifty-two (52) feet in height, it shall be considered as being in Class II.

**EXCAVATION.**

§ 72. Whenever an excavation is to be made for any building or other purpose, and there shall be any wall or structure wholly or partly on adjoining land or near the intended excavation, then the party causing such excavation to be made, shall notify the owner of said adjoining premises, of such intended excavation, and also of the depth to which it is proposed to be made.

The owner of the adjoining premises shall have the right to enter upon the property of the party causing such excavation to be made, for the purpose of securing his building, at such time as he is notified that such excavations are about to be made, and within three (3) days after receiving such notice he shall proceed to make such building secure, at his own expense.

Such walls shall be extended by the party owning the building adjoining the intended building, to a depth of

ten (10) feet; but in all cases where the walls have been extended to this depth, then, in those cases, the party building upon the adjoining lot and excavating the cellar to a greater depth, shall at his own expense, underpin, sustain and protect the adjacent walls.

In the event of the owner or owners of the adjoining premises refusing to extend his walls to the depth of ten (10) feet after having had a notice of twenty-four (24) hours from the Superintendent of Buildings, then the Superintendent of Buildings may enter upon the premises and employ such labor and furnish such materials to extend such walls to the depth of ten (10) feet, at the expense of the person or persons herein referred to, and all such expenses shall be a lien against the property, the same as any assessment on any property.

§ 73. In excavating to adjoining premises, where there is not existing a retaining wall at the time of such excavation and in excavating to line of street curbs for any building or other purpose, to a greater depth than four (4) feet from grade—the party causing such excavation shall sheet pile with plank two inches thick, extending full width and from grade to bottom of excavation. The party causing such excavation and placing such sheet piling, shall replace all damaged work and material, in as good condition as it was before excavation was commenced.

#### FOUNDATIONS.

§ 74. Foundations shall be proportioned to the actual average loads they will have to carry in the completed and occupied building, and not to theoretical or occasional loads.

Foundations shall be constructed of either of the following: Cement concrete, dimension or rubble stones, iron or steel beams or rails, timber piles, or a grillage of oak timber, it being provided, however, that no timber

shall be used in connection with any foundation at a higher level than that of a permanent saturation.

§ 75. Where pile foundations are used, borings of the soil shall first be made to determine the position of the underlying stratum of hard clay or rock, and the piles shall be made long enough to reach hard clay or rock, and they shall be driven down to reach the same, and such piles shall not be loaded more than twenty-five (25) tons to each pile.

Piles must not be less than six inches (6) in diameter at the small end, nor less than twelve inches (12) at the large end; they shall be of sound oak timber, or timber of equal strength and shall not be driven more than three feet (3) apart from center to center, nor closer together than two feet (2) from center to center.

The tops of all piles shall be cut off below the lowest water line. When required concrete shall be rammed down in the interspaces between the heads of the piles to a depth and thickness of not less than twelve (12) inches and for one (1) foot in width outside of the piles. Where ranging and capping timbers are laid on piles for foundations, they shall be of hard wood not less than six (6) inches thick and properly joined together, and their tops laid below the water line. In all cases the timber cappings shall be so proportioned that in the transmission of strains from pile to pile the extreme fibre strain in the timbers composing the grillage shall not be more than twelve hundred (1,200) pounds to the square inch.

§ 76. All buildings over seventy-two (72) feet in height, shall have at least three (3) rows of piles under the foundation where piles are required.

§ 77. Foundations except for buildings of Class III, shall not be laid on filled or made ground, and no foun-

dation shall be laid on any soil containing admixture of organic matter.

§ 78. If steel or iron rails or beams are used as part of foundations, they must be thoroughly imbedded in a concrete, the ingredients of which must be such that after proper ramming, the interior of the mass will be free from cavities. The beams or rails must be entirely enveloped in cement mortar not less than one (1) inch thick. Any cement may be used equal to standard called for in section 83.

§ 79. If concrete foundations are used by themselves and without the insertion of iron or steel beams or rails, the offsets on top of same shall not be more than one-half the height of the respective courses, and the narrowest course of such concrete foundation must not be loaded more than eight thousand (8,000) pounds per square foot. The first or bottom course must not be less than twelve (12) inches thick. If reinforced by iron or steel rails or beams, the load and offsets in the same must be so adjusted, that the fibre strain upon the metal, if iron, shall not exceed twelve thousand (12,000) pounds per square inch; or, if steel, that the fibre strain shall not exceed sixteen thousand (16,000) pounds per square inch.

§ 80. Dimension stones must have uniform beds and the offsets in the same, where two (2) or more layers are used, must not be more than three-quarters of the height of the individual stones. They must be set with full beds of cement mortar under their entire areas, and in such manner that they will not rock after being set. Dimension stone in foundations shall not be subject to a load of more than twelve thousand (12,000) pounds per square foot. If the beds of the stones are dressed and levelled off to uniform surface and the stones are set in Portland cement mortar, this strain may be increased to fourteen thousand (14,000) pounds per square foot.



§ 81. Rubble foundations and rubble walls must be built of approximately square and flat bedded stones, well and thoroughly bonded in both directions of the walls, each stone thoroughly bedded in mortar under its entire area in such manner that it will not rock, and all interspaces between individual stones must be thoroughly filled with mortar, and if the spaces should be large, pieces of broken stones must be driven into the mortar. Whenever walls of any kind are used as curb walls, their exterior surfaces must be rendered approximately water tight.

§ 82. Foundations must in all cases extend at least four (4) feet below the surface of the ground upon which they are built, provided that sound, hard soil is found at that depth; if not, they must be carried to sound, hard soil. In all cases a connection with the street sewer shall be established before beginning the work of laying foundations, and where foundations are built in wet soil it shall be unlawful to build the same unless the trenches in which the work is being executed are kept free from water by draining, bailing, pumping or otherwise, if such is possible, until after the completion of work upon the foundations.

§ 83. The cement to be used in concrete footings for all buildings over 52 feet in height shall be a standard cement, which must be approved by the Superintendent of buildings.

Cement must be kept dry, and must be used fresh from the package; cement which has been permitted to become wet, hard or lumpy before it is mixed into the mortar or concrete shall not be used. Cement mortar for concrete shall be made in the proportions of one (1) of cement (quality equal to that before described) to three (3) parts sand mixed dry and then tempered with water. Enough of this mortar shall be used to com-

pletely fill the interstices between the stones. The use of concrete or mortar of all kinds, the ingredients of which are not thoroughly and completely mixed and which are not free from lumps or other unmixed portions of the ingredients, is prohibited; and also the use of cement mortar which has become partly or wholly set before use. Concrete foundations wherever used must have boxes of plank all around them and the concrete must be well rammed in individual layers not more than six (6) inches each in thickness. The ramming must be continued until the water stands on the top of the mass of concrete.

Stone used for making concrete for foundations must be clean and free from dirt and dust, and must be broken to pass through a two (2) inch ring. All sand must be free from admixture of loam and must be otherwise clean and sharp.

§ 84. In no case shall the soil under any building be loaded with a greater weight than three and one-half tons per square foot. If the foundations of any building rest upon bed rock the rock must be levelled and stepped to receive the walls. If the soil under any building to be erected is composed of other materials than hard clay or gravel then the area of the foundation shall be extended as directed by the Superintendent of buildings until the pressure on the soil is reduced to a safe limit.

§ 85. All foundation walls shall be built of stone concrete or brick laid in cement mortar except foundations for all buildings of Class III, and for all buildings not more than two (2) stories high which may be built of stone or brick with lime mortar. Foundation walls shall be at least four (4) inches thicker than the walls next above to a depth of twelve (12) feet below said wall, and they shall be increased four (4) inches in thickness

for every ten (10) feet or fraction thereof below said twelve (12) feet of brick or stone walls.

#### HEIGHTS OF BUILDINGS.

§ 86. The limits of heights of buildings hereinbefore given for non-fire-proof buildings shall be from the sidewalk level to the highest point of roof thereof. The limits of height of fire-proof buildings shall be measured from the sidewalk level to the highest point of roof, in case said building has a flat roof, but if said building has a gable or hipped roof then only half the height of said roof above the plates on which the feet of the rafters rest shall be taken into consideration in measuring the height of the building.

No building shall be erected in the City of Buffalo which shall be more than four times the average of its least horizontal dimensions.

#### WIND PRESSURE.

§ 87. In the case of all buildings the height of which is more than one and one-half times their least horizontal dimensions, allowances shall be made for wind pressure which shall not be figured at less than thirty (30) pounds for each square foot of exposed surface. Where the dead weight of the structure is not sufficient to insure stability against wind pressure, the following precautions must be taken to give the required stability. First—wrought or steel pillars must be constructed in such manner as to pass through two (2) stories with joints breaking in alternate stories.

Second—Rigid connections must be made between vertical and horizontal members.

Third—A sufficient quantity of diagonal bracing must be included in the construction to insure absolute stability.

Fourth—Portal web bracing must be inserted where necessary. In buildings deficient in initial stability, the use of cast-iron columns will not be allowed.

## WALLS.

Thickness of walls in Class I.

§ 88. In buildings of Class I, all surrounding walls and all dividing walls in the same, carrying the loads of floors and roof shall be made as indicated in the following table, to wit:

Stories	Basem't		Ground Story	Stories													
	Stone	Brick		1	2	3	4	5	6	7	8	9	10	11			
1	18	12	12														
2	18	16	12	12													
3	20	16	16	12	12												
4	24	20	20	16	12	12											
5	24	20	20	16	16	16	12										
6	28	24	20	20	16	16	16	12									
7	28	24	24	20	20	16	16	16	12								
8	32	28	24	24	20	20	16	16	16	12							
9	32	28	24	24	24	20	20	16	16	16	12						
10	36	32	28	24	24	24	20	20	16	16	16	12					
11	36	32	28	28	24	24	24	20	20	16	16	16	12				
12	36	32	28	28	28	24	24	24	20	20	16	16	16	12	16	16	12

The thickness of walls specified herein and set forth in the tables for the various classes of buildings shall be for each class of buildings, intended to apply to all external enclosing walls and also to such internal walls as may be required for the support of floors and roofs.

## WALLS.

Thickness of walls in Classes II, III and IV.

§ 89. In Class II surrounding walls and all dividing walls in the same carrying the loads of floors and roofs shall be made as indicated by the following table, to wit:

Stories	Basem't		Ground Story	Stories												
	Stone	Brick		1	2	3	4	5	6	7	8	9	10	11		
1	18	12	8													
2	18	16	12	12												
3	20	16	12	12	12											
4	22	16	16	16	12	12										
5	24	20	20	16	16	12	12									
6	24	20	20	20	16	16	12	12								
7	24	20	20	20	20	16	16	12	12							
8	28	24	24	20	20	20	16	16	12	12						
9	28	24	24	24	20	20	20	16	16	16	12					
10	28	24	24	24	24	20	20	20	16	16	16	12				
11	32	28	28	24	24	24	20	20	20	16	16	16	12			
12	32	28	28	28	24	24	24	20	20	20	16	16	16	12		12

For special conditions governing the thickness of walls in Class IV, see "Buildings of Class IV," Sec. 188.

#### MINIMUM THICKNESS OF WALLS.

§ 90. Walls surrounding stairways, elevator shafts, shaving pits and light shafts, shall not be less than eight (8) inches thick, but no eight (8) inch wall shall be built more than twelve (12) feet in height without lateral supports or anchorage, and the total height of any eight (8) inch wall shall not exceed twenty-four (24) feet. Eight-inch walls may be used in buildings in Class III, not to exceed twelve (12) feet in height. All apartment houses must have at least one (1) interior stairway, and all stairways, elevator shafts and light shafts in apartment houses must be enclosed in brick walls, and for the second story of two-story buildings of Class II not to exceed twelve (12) feet in height.

§ 91. Walls surrounding ventilating ducts, and rubbish and ash chutes shall be constructed in accordance with the regulations governing the construction of smoke flues elsewhere herein contained. Twelve-inch walls used for enclosing stairways, shafts, etc., shall not be built

higher than twenty (20) feet without lateral supports or anchorage.

§ 92. If buildings of Class I are erected of less depth than one hundred (100) feet from front to rear or between cross walls, and if the walls supporting their floors and roof are less than twenty-five (25) feet apart, the thickness of walls given in the aforesaid table may be reduced by four (4) inches, excepting only that no wall in such buildings shall be less than twelve (12) inches thick.

Eight (8) inch non-bearing walls may be constructed in one-story buildings of Class I, providing that the columns or pilasters carrying the roof loads are spaced not more than twenty (20) feet center to center.

§ 93. In the erection of buildings of masonry construction, no wall shall be carried up at any time more than one (1) story above another wall of the same building. The walls and skeleton framework of all buildings must be kept securely braced and otherwise protected against the effects of the weather during all building operations. All foundations must be protected against the effects of frost, and frozen cement mortar shall not be used in connection with building operations.

§ 94. Dividing walls will be required in buildings of Class I as follows: For buildings of ordinary construction, if their floor area exceeds 9,000 square feet; for buildings of slow-burning or mill construction, if their area exceeds 12,000 square feet; for fireproof buildings, if their area exceeds 30,000 square feet. In each of the before-mentioned cases, such buildings shall be subdivided by brick walls, built of the thickness given in the table for the thickness of enclosing walls, and all doors and other openings in such walls shall have fireproof doors or shutters on each side of same, and the building so sub-divided shall be treated as regards stairs and fire-

escapes the same as two (2) or more separate buildings. The provisions of this section shall not apply to any building or buildings which are or may hereafter be erected not exceeding two stories in height.

§ 95. If openings are to be inserted in dividing walls as before described, or in dividing walls between fire-proof and non-fireproof buildings, or parts of buildings, they shall have underwriters' automatic self-closing fire-proof doors on each side of opening. The sills between the doors must be of brick, iron, stone or concrete and must rise at least one (1) inch above the floor on each side of each opening. The lintel over the door must be made of brick, iron or stone, and the wall between the two door frames must be covered with a coat of plaster at least one-half ( $\frac{1}{2}$ ) inch thick, or other incombustible material.

§ 96. If, in buildings of Class II, the distance between enclosing walls is more than twenty-four (24) feet in the clear, there shall be intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns or beams. If brick walls are used for this purpose, they may in all cases where the thickness of walls is given in the table as 16 inches or more, be made four inches less in thickness than the dimensions stated in the table.

§ 97. In all apartment houses, the dividing walls or partitions between the apartments provided for each family shall be made entirely of incombustible material, or of solid three-inch plank partitions, plastered on metal lath. In the absence of definite subdivisions between the apartments of different families, eight (8) rooms shall be counted as the equivalent of one apartment. In all buildings of Class II not of fire-proof construction, there shall be for every eight rooms in any one story, dividing walls or partitions of incombustible material separating these rooms from the contiguous spaces.

## LIGHT SHAFTS.

§ 98. The enclosing walls of light shafts shall in all cases be built entirely of incombustible material.

In all cases where the weight of floors abutting upon light shafts is carried on a framing independent of the enclosing walls of such light shafts, the thickness of such enclosing walls may be reduced, but in no case shall the thickness of such walls be less than eight (8) inches, nor shall any part thereof be so reduced in area that the load upon the same will be more than the maximum load hereinafter prescribed for the materials of which such walls are built.

The use of hollow tile for the walls enclosing light shafts is permitted, but such enclosing walls shall be firmly anchored to the framing of each successive floor.

If the walls of light shafts begin at any point above the foundations of the building their means of support shall consist entirely of incombustible material.

No space of less area than forty (40) square feet for each three-story building, or less area than fifty (50) square feet for a four-story building, and so on, increasing ten (10) square feet for each additional story in height, shall be considered as affording means of communication with the outer air, and such open spaces or light shafts, if covered with a sky-light or roof of any kind, shall not be considered as fulfilling the terms of this ordinance.

## PARAPET AND FIRE WALLS.

§ 99. Fire walls of brick, not less than twelve (12) inches thick shall be built extending above the roofs of all buildings, if such roofs are flat, and also above the roofs of all buildings where the same abut against another building, or where the same stand upon any line of any lot, excepting street and alley lines. Such fire walls, where they stand upon lot lines or where they are over



the dividing walls between buildings or over the dividing walls in the interior of buildings where such are called for by this ordinance by reason of the great area of such building, shall extend at least two (2) feet above the roofs of such building. Fire walls upon street and alley lines shall extend not less than eighteen inches above the roofs of such buildings. Fire walls at street and alley lines may be dispensed with in all cases where the entire framing and material of the roof shall be made strictly fire-proof. The erection of parapet walls or of balustrades constructed entirely of incombustible material is permitted above the roof level of buildings of all classes, and in addition to the heights herein fixed for the same.

§ 100. No soft brick shall be used in any part of a building exposed to weather, or in internal or external piers, nor in any part of a wall, when there is a greater height than forty (40) feet of wall above said brick.

The bond of brick work shall be formed by laying one (1) course of headers for at least every seven (7) courses of stretchers.

§ 101. Whenever walls sixteen (16) inches or less in thickness shall be used for the support of ordinary joists in buildings of Class I, ledges four (4) inches wide shall be corbelled out in not less than four (4) courses for the support of such joists. In buildings of all classes where furring strips, whether combustible or incombustible, are used on brick walls there shall be ledges equal to the thickness of such furring strips upon such walls and in all cases where such ledges are built they are to be commenced at the bottom of the joist, and are to be carried up to and levelled off at a line one (1) inch below the top of the joists.

§ 102. If pressed brick facings are used, they must be bonded into their backing every seventh course. Bond shall be established by solid headers, or by blind headers,

or by means of metallic anchors. In the case of piers faced with pressed brick, only solid headers shall be used, but bond stones or iron bond plates may be substituted for such headers. Pressed brick in all cases must be so laid as to have full bearing of mortar under its entire surface. The laying of pressed brick merely with a joint all around the outer edge of the brick shall be unlawful.

§ 103. In building brick piers, there shall be provided at every offset in each pier, or at every point where such brick pier received the load, a bond stone at least six (6) inches thick, and at the top of each pier a cap stone at least eight (8) inches thick, or in all such cases a bond plate of cast iron, which stones or plates if at the top of such piers shall cover the entire surface of such pier and shall in all cases be adapted to receiving the load to be imposed, and shall be made of a strength which will keep the fibre strain upon the material used within the limits elsewhere herein stated. If the height of piers is four times that of their smallest dimensions, there shall be a bond of stone or bond plate as above described inserted in the middle of such pier. For all piers higher than the above, there shall be a bond stone or bond plate for each distance in height equal to double that of the smallest dimension of such pier.

The thickness of bond stones for piers more than two (2) feet thick in their smallest dimension, shall be one-fourth of said smallest dimension, and the thickness of cap stones shall be one-third such dimension.

§ 104. Isolated brick piers shall not exceed in height ten times their least dimensions, and in frame buildings of Class III piers may be built not less than twelve (12) inches square to a height of eight (8) feet without bond stones, but all such piers must have stone caps not less than four (4) inches in thickness.

## HOLLOW WALLS AND HOLLOW TILE.

§ 105. Where hollow brick walls are used their solid parts shall be bonded together, either with solid brick headers, or with metallic bond plates or anchors, once in every foot of length of such wall in every seventh course. If one or both of the solid parts of the wall are less than eight (8) inches thick, such walls shall not be used as supports for any part of the structure of such buildings; but if both the solid parts of a hollow wall are equal, and are eight (8) inches or more in thickness, such walls may be used as bearing walls, and shall be treated as solid walls of four (4) inches less thickness than the aggregate thickness of the hollow wall exclusive of air space, and in all cases where the load is imposed upon such hollow walls or any part thereof, there shall be bond stones or iron bond plates covering the whole of the solid parts of such wall, and so proportioned as not to strain either the materials of the wall or of such bond stones or bond plates more than to the extent of the limits elsewhere herein given for the ultimate strains of such materials.

Where hollow bricks or tiles are used as lining or furring for bearing walls, they shall not be included in measuring the thickness of such walls, except that hollow brick may be used in all walls not less than twelve (12) inches thick, in all buildings of Class II, not more than three stories high, in all buildings of Class III and in all except bearing walls of Classes I and IV. A four-inch lining of brick or hollow tile with an air space between it and the wall, shall not be considered as forming a part of said wall for any purpose.

§ 105-A. Hollow terra cotta blocks or tiles may be used as an independent structural material for buildings of Class III, with the following provisions and restrictions, to wit:

- (a) For one (1) story buildings of Class III, walls

shall be at least eight (8) inches thick and shall not exceed twelve (12) feet in height.

(b) For two (2) story buildings of Class III, wall of the first story shall be not less than twelve (12) inches thick and the walls of the second (2) story not less than eight (8) inches thick.

(c) For three (3) story buildings of Class III, the walls of the first (1) and second (2) stories shall be not less than twelve (12) inches thick, and the walls of the third (3) story shall be not less than eight (8) inches thick.

(d) The foundation walls shall be not less than four (4) inches thicker than the first (1) story walls.

(e) All tile used for bearing wall shall be of shale clay and of a quality capable of sustaining a load of 2,000 pounds per square inch of available or effective vertical web section, and of hardness sufficient to insure a product which will not exceed 12 per cent. in absorption.

(f) All tile eight inches thick or over shall have at least two voids to the thickness of the tile; the vertical webs shall be spaced not more than four inches center to center; the thickness of the outside shell of the tile shall be not less than three-quarters of an inch; and the thickness of the webs shall be not less than one-half inch.

(g) Lintel over all openings over two feet shall have proper steel, iron, or reinforced concrete lintel or lintels of tile and reinforced concrete in combination, as elsewhere provided by the building ordinances.

(h) All tile shall be laid in Portland cement mortar, set with all voids vertical, each tile to be well buttered with mortar, set plumb and even and bounded with break joint bond in each alternate course.

(i) At all horizontal offsets of walls, there must be introduced solid bond tiles, stones or plates, so propor-

tioned as not to strain either the walls or the bond tiles, stones or plates, more than to the limit of strain in these ordinances elsewhere provided for the safe strain of such materials.

(j) The terra cotta hollow tile or blocks shall not be strained at any point more than eighty (80) pounds to the square inch.

§ 106. The limits of stress to which the various kinds of stone used in buildings may be subjected shall be one-thirtieth of the ultimate strength developed by tests. If, however, the beds of stone used are not dressed to uniform bearing over their entire surface, then the ultimate load to which they may be subjected shall not exceed one-fiftieth of the ultimate strength of the stone as indicated by said tests. Stones with undressed beds shall be fully bedded in Portland cement mortar, over their entire surface for all stress exceeding one-seventieth of the ultimate strength of the stone up to the limit allowed, and if the beds are dressed they shall be bedded over their entire surface in the same manner for all stress exceeding one-fortieth of the ultimate strength of the stone. It shall be permitted to leave a space of one (1) inch all around the outer edge of stones without mortar bedding.

§ 106B. Hollow terra cotta blocks or tile may be used as an independent structural material for buildings of Classes I and II one story in height. Thickness of walls to be such as called for under the ordinances for solid brick walls, with provisions and restrictions shown in Section 105 of this chapter.

§ 107. Stone may be used as facing for brick walls under the following conditions: If the facing is ashlar without bond courses and the individual courses thereof measure in height between bond stones more than six times the thickness of the ashlar, then each piece of ashlar facing shall be united to the brick work with iron

anchors at least two (2) to each piece and reaching at least eight (8) inches over the brick wall, and hooked into the stone facing as well as the brick backing. Wherever ashlar, as before described, is used, it shall not be counted as forming part of the bearing surface of the wall and the brick backing shall be of the thickness of wall herein specified for the different kinds of building.

If stone facing is used with bond courses at a distance apart not more than six times the thickness of the ashlar, and where the width of bearing of the bond courses upon the backing of such ashlar is at least twice the thickness of the ashlar, and in no case less than eight (8) inches then such ashlar facing shall be counted as forming part of the wall, and the total thickness of the wall and facing shall not be required to be more than herein specified for the walls of the different classes of buildings. When stone-faced walls are used as bearing walls, they shall be four (4) inches thicker than required for solid brick walls under the same conditions.

The backing of stone ashlar in fire-proof construction shall not be less than twelve (12) inches thick, where the backing of stone ashlar is less than eight (8) inches thick the work shall be considered a stone wall, and must be built and bonded accordingly.

§ 108. Sills and lintels for doors, windows and other openings in masonry shall be made of incombustible material, except in buildings of Class II, three stories or less in height and all buildings of Class III. Oak timber used for door sills and not less than eight (8) inches thick by the full width of the wall in which such sills occur, shall for the purpose of this ordinance be considered incombustible, but no other form or use of wood construction shall be considered incombustible. Wooden pillars and lintels shall not be used to support masonry in store front.

## ALTERATIONS OF EXISTING BUILDINGS AND WALLS.

§ 109. Alterations of existing buildings, to comply with this ordinance. Conditions on which buildings may be enlarged or modified. Excepting in cases where the immediate safety of the occupants of buildings is concerned, nothing in this ordinance shall be considered as requiring alterations in the construction or equipment of buildings existing at the time of the passage of this ordinance, and at that time complying with the ordinances at that time in force. If, however, it is desired to enlarge, or in any manner materially modify the construction of any existing building, or to make any change in its use or occupation which will transfer it from one class as recognized by this ordinance to another, then before such enlargement or structural change or modification of building is made, or before such change in its use or occupation may be made, the entire building shall be reconstructed or modified in such manner as to bring the same when enlarged or altered, or when occupied for its new and different purposes, in accordance with the provisions of this ordinance.

§ 110. Thickness of walls in buildings enlarged or modified. If the walls of such building are not of sufficient thickness to comply with the requirements of this ordinance for the enlarged or modified building, then a sufficient amount of skeleton construction shall be used in the alterations in such a manner that the enlarged or modified building shall comply with all the provisions of this ordinance.

§ 111. The foregoing shall also apply to all classes where existing party walls are to be joined to for the erection of new buildings; but in case of party walls which, at the time of their erection were built in accordance with the terms of the building ordinances then in force, such walls, if sound and in good condition, may

be used without increase of thickness for any building not higher than, and of the same class as the building for which the original wall was built.

§ 112. In all cases where there is an increase of weight in making such alterations, new foundations shall be built in such a manner as to properly distribute such extra weight, underpinning old walls if necessary, and the soil under such foundations shall not be loaded beyond the limits elsewhere herein specified.

#### FLOORS.

§ 113. It shall be the duty of the owner of every building of Class I, already constructed or hereafter to be constructed, or of his agent or of the occupant of the same, to affix and display conspicuously on each floor of such building a placard stating the load per square foot of floor surface which may be with safety applied to that particular floor, or, if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor.

It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated upon such placards. It shall be the duty of occupants of buildings to maintain such placards during their occupation of the premises, and the owners of buildings or their agents, to cause the same to be properly affixed with each change of occupation. These placards shall be verified and approved by the Superintendent of Buildings before they are affixed upon the respective floors of the different buildings, and they shall be refigured, verified and approved as above, every five (5) years.

§ 114. For buildings of Classes I, II, III and IV the floors shall be designed and constructed in such manner as to be capable of bearing in all their parts, in ad-



dition to the weight of partitions, and permanent fixtures and mechanism that may be set upon the same, five loads for every square foot of surface of such floors, as follows:

For buildings of Class I, used for stores and light manufacturing, 120 pounds per square foot; used for warehouses, 150 pounds per square foot; for buildings of Class II, 70 pounds per square foot; for buildings of Class III, 40 pounds per square foot; for buildings of Class IV, 100 pounds per square foot.

§ 115. In all buildings of Class II, there shall be an approved fire stop between the ceiling and floor in each floor or joist for each 25 feet or fractional part thereof measured in the direction of the length of the joist.

§ 116. Hollow tile and porous terra cotta may be used in the form of flat arches for the support of floors and roofs; such floor arches having a height of at least one and one-half inches for each foot of span. The arches must be so constructed that the joints of the same point to a common center; the butts of the arches shall be carefully fitted to the beams supporting them, and there shall be a cross rib for every six inches or fractional part thereof in height; and in addition to these there shall also be diagonal ribs in the butts. Floor arches made in the form of segment of a circle or ellipsis must be constructed upon the same principles, but in such cases the individual voussoirs forming the arch shall not be less in height than one-fifteenth of the span of the arch. Such arches whether flat or curved shall have their beds well filled with mortar and the centers shall not be stuck until the mortar has been set.

#### WOODEN FLOOR CONSTRUCTION.

§ 117. All wooden beams and other timbers in the party wall of every building built of stone, brick or iron

shall be separated from the beam or timber entering the opposite side of the wall by at least four inches of mason work. All wooden trimmer or header beams shall not be less than one inch thicker than the floor or roof beams on the same tier, where the header is four feet or less in length; and where the header is more than four feet and not more than twelve feet in length, the trimmer and header beams shall be at least double the thickness of the floor or roof beams, or shall each be made of two (2) beams forming such thickness properly spiked or bolted together, and when the header is more than twelve feet in length wrought-iron flitch plates of proper thickness and depth shall be placed between two (2) wooden beams suitably bolted together to and through the iron plates, in constructing the header beams; or wrought-iron or rolled-steel beams of sufficient strength may be used.

§ 118. All wooden trimmer beams more than twelve (12) feet in length where the header beams are inserted more than four (4) feet from the end of the trimmer, shall be constructed in the same manner as header beams over twelve feet in length. Every wooden header or trimmer more than four (4) feet long, used in any building except in Class III, shall be hung in stirrup irons of suitable thickness for the size of the timbers. The ends of all wooden floor and roof beams, where they rest in brick walls, shall be cut to a bevel of three inches on their depth. All wooden beams shall be trimmed away from all flues, whether the same be a smoke, air or any other flue, the header and trimmer beams to be kept one and one-half inches from the outside of any chimney breast.

§ 119. Each tier of beams shall be anchored to the side, front, rear or party walls at intervals of not more than six feet apart, with approved iron anchors. Where the beams are supported by girders, the girders shall be

anchored to the walls and fastened to each other by suitable iron-straps. The ends of beams resting upon girders shall be butted together end to end and fastened by approved methods.

§ 120. Every pier and wall, front or rear shall be well anchored to the beams of each story, with approved anchors. Each tier of beams front and rear, opposite each pier, shall be properly anchored. All timbers and wooden beams used in any building shall be of good, sound material free from rot, large and loose knots, shakes or any imperfections whereby the strength may be impaired, and be of such size and dimensions as the purposes for which the building is intended require.

§ 121. No piping or conduits of any kind whatever shall be cut down into floor beams at a greater distance than three feet from the end of said beams, and no floor beams shall be cut to a greater depth than two inches to receive such pipes or conduits.

§ 122. There shall be no combustible roofs within the fire limits. An incombustible roof, or one covered with incombustible material, within the meaning of this ordinance, shall be:

First—A roof covered with not less than four-ply or tarred or asphalted felt, each single ply weighing not less than 15 pounds per 100 square feet, the whole to be well nailed and swabbed with pitch or asphalt composition and covered with gravel. No pitch or asphalt roofs shall be allowed without a covering of gravel.

Second—A covering of slate, iron, tin or burnt clay shall be considered incombustible. All pitch or asphalt roofs shall have one thickness of fire and water-proof asbestos paper, weighing not less than 15 pounds per 100 square feet between the tar or asphalted paper and roof boards, and all slate, iron, tin and tile roofs shall have at

least two thicknesses of the same kind and quality of asbestos paper next to the roof boards. A covering of mortar one and one-half inches thick may be substituted for the asbestos paper.

§ 123. It shall be permitted to erect on the roofs of all buildings, skylights and enclosures for elevator machinery, the construction of all of which enclosures shall be, if 52 feet or more above the sidewalk level, entirely of incombustible material.

§ 124. The roofs of all buildings of every kind and class, shall be designed and constructed in such manner that they will bear a load in addition to their structure and coverings of at least 40 pounds for each square foot of horizontal surface, without straining the materials of construction beyond a point 20 per cent. less than the limits elsewhere fixed in this ordinance.

#### SKYLIGHTS AND SCUTTLES.

§ 125. Skylights made at the foot of light wells or light courts shall be made either of prismatic lights set in cast-iron frames, or of glass of sufficient thickness set in metallic frames; and if the latter are used, they shall be protected against injury from falling bodies by wire nettings placed at least six inches above the glass of such skylights and firmly and rigidly supported on iron stanchions and frame work; such netting to be made of wire not lighter than No. 8, and mesh not coarser than  $1\frac{1}{2} \times 1\frac{1}{2}$  inches. All other skylights shall have metallic frames, sash and curbs, glazed with glass of sufficient thickness. Skylights in buildings of Classes I and II, which are directly over floors to which the public have free access shall have a wire netting of the same sized mesh and gauge of wire as specified above, securely fastened in a horizontal position under such skylight, or such skylights may be glazed with patent wire-bound glass.

All buildings over two stories in height shall have scuttles or bulkheads on the roof covered with incombustible material and with ladders or stairs leading thereto from the floor below. No scuttle shall be less in size than two by three feet. The lid to any scuttle or the door to any bulkhead shall not be locked in any way except with an ordinary bolt, which can be withdrawn without the use of a key.

In buildings over four stories in height the ladder or stairs leading to the bulkhead or scuttle shall be constructed of iron with an iron railing and secured permanently in place.

#### CHIMNEYS.

§ 126. No chimney shall be built with walls less than four inches thick, nor shall the top of any chimney be lower than five feet above the top of the roof of the building of which it is a part. If the roof be a pitched roof, the chimney top shall extend at least two feet above the highest point of the same.

§ 127. Joists or timbers of any kind are not to rest upon the walls surrounding any chimney, and are in all cases to be kept at least  $1\frac{1}{2}$  inches distant from the outer face of the same.

§ 128. All chimneys having four-inch walls shall be lined throughout the entire length with tile flue lining. If the walls of chimneys are built of brick eight inches thick and the brick push-placed, the tile flue lining may be omitted. The inside joints of chimneys not lined with tile shall be struck, and no chimney shall be plastered on the inside. Stone chimneys shall have walls not less than eight inches thick, and shall have tile flue lining. No chimneys shall be corbelled from the wall more than the thickness of the wall, nor be hung from a wall less than twelve inches thick; nor shall any chimney rest upon wood construction. No wood furring shall be used

against any chimney or around any chimney in buildings of Classes I, II or IV, but the plastering shall be directly on the masonry or on metal lathing.

§ 129. Vent flues may be built without flue lining.

§ 130. Smoke flues of greater area than 150 square inches and smaller than 500 square inches shall be surrounded with walls not less than eight inches thick and shall otherwise be treated the same as specified for flues having walls four inches thick, and the tops of such chimneys shall extend at least five feet above the highest part of any roof within fifty feet of such chimney.

§ 131. Smoke flues of greater area than 500 and less than 1,600 square inches shall have hollow walls, in which there shall be at least sixteen inches thickness of brick work and four inches of hollow space all around such flues. From a distance of two feet below the smoke inlet and for a height of twenty feet above the same, such chimney shall be lined with fire bricks laid in fire clay. At a height of fifty feet above the smoke inlet, the thickness of surrounding brick walls of such flues may be reduced to twelve inches, but in all cases the surrounding walls of chimneys of this or any other size, shall be so proportioned that the brick work in the same will not be subjected to stress greater than the maximum stress for brick work elsewhere fixed in this ordinance. The tops of such chimneys shall extend to a height of not less than twelve feet above any roof within the radius of sixty feet thereof.

§ 132. For chimneys of greater area than 1,600 square inches, the thickness of walls shall be increased, above the thickness specified in the preceding paragraph, four inches for each increase in area of 1,000 square inches or fractional part thereof, and the internal fire brick lining shall be made at least thirty feet high above the smoke inlet. If an internal smoke pipe of cast-iron

or steel is used, so much of the brick work as is inside of the insulating cavity of the stack may be omitted; wrought-iron or steel smoke stacks shall, however, be lined, with fire bricks for the first thirty feet of their height. The foregoing applies only to chimneys which are enclosed by or form a part of the interior of any building.

§ 133. Chimneys may be built outside of the walls of existing buildings, provided they do not encroach upon any street or alley, and they shall be built as follows:

Such external chimneys may be built wholly of cast-iron or rolled steel or iron not less than one-fourth of an inch thick, and lined with fire bricks, laid in fire clay for at least thirty feet above street or alley grade.

In all cases the height of such chimneys shall follow the regulations hereinbefore given as to relations between top of chimneys and roofs of buildings.

§ 134. Isolated chimneys shall be built with hollow walls and shall be so designed and constructed that the stress upon any part thereof, due from the weight of the stack itself and from wind pressure, shall never exceed the limits elsewhere in this ordinance fixed as the maximum stress for brick masonry.

§ 135. The foundations of smoke stacks, whether inside or outside of buildings or whether connected with the same or isolated, shall be designed and built in conformity with the provisions relating to foundations of buildings hereinbefore given.

§ 136. Metallic chimneys or smoke pipes shall not be used inside of any building in such manner as to pass through the floors or roofs of the same, unless such metallic smoke pipes or chimneys are enclosed in brick or tile walls with an air space between the enclosing walls and the smoke pipe from bottom to top.

§ 137. Where metallic smoke pipes of a diameter of twelve inches or less pass through a wood or plastered stud partition, they shall be surrounded either by a body of brick, hollow tile, or porous terra cotta or other incombustible substance, measuring at least four inches all around such smoke pipe. Or they shall be surrounded by a sheet metal thimble made of two concentric rings of sheet metal, at least four inches apart, and the entire thimble so constructed that there will be a free circulation between the two rings forming the same.

§ 138. Metallic smoke flues of less diameter than twelve inches shall be kept at least twelve inches distant from any wood work, and immediately over and for a distance of one foot on each side of such smoke pipe, the wood work must be covered with sheet metal, porous terra cotta, hollow tile or plaster.

§ 139. Metallic smoke pipes of greater diameter than twelve inches, and less area than six square feet, must be kept at least 16 inches away from any wood work, and such wood work must be protected as before specified for the smaller smoke pipes, to a distance of three feet on each side of such smoke pipe.

§ 140. Whenever metallic smoke pipes of larger area than six square feet are used, they shall be kept at least two feet distant from any wood work, and such wood work for a distance of at least four feet on each side of said smoke pipe shall be protected as before specified for smaller pipes.

§ 141. No fire place shall be built with less than eight inches of solid brick work at the back. Brick trimmer arches shall be turned for all hearths and for hearths over 21 inches wide, the trimmer arch shall abut against a piece of 3 x 3 angle iron securely anchored to back of chimney with wrought iron rods not less than  $\frac{5}{8}$  inches in diameter.



§ 142. Foundations for chimneys in frame buildings must be solidly constructed of stone, brick or iron, and must be carried to solid ground and three (3) feet and six (6) inches below the grade level. The wood framing of frame buildings shall be trimmed around chimneys and hearths in such manner as not to come in contact with the same.

§ 143. Soil, masonry or other material shall not be loaded more per square foot surface than is shown in the following table, to wit:

Solid natural earth of dry clay, not to exceed three and one-half tons per square foot.

Concrete in foundations not to exceed four tons per square foot.

Dimension stone in foundations not to exceed six tons per square foot.

Dimension stone with the beds dressed to uniform surface not exceeding a one-inch joint and laid in cement mortar not to exceed seven tons per square foot.

Rubble stone work laid in cement mortar not to exceed five tons per square foot.

Common brick laid in lime mortar not to exceed three tons per square foot.

Common brick laid in cement mortar not to exceed five tons per square foot.

Hard burned brick laid in lime mortar not to exceed six tons per square foot.

Hard burned brick laid in cement mortar not to exceed nine tons per square foot.

Pressed brick laid in cement mortar not to exceed nine tons per square foot.

Pressed brick laid in Portland cement mortar not to exceed twelve tons per square foot.

Maximum loads for other forms of construction not

covered by the above are to be determined according to the best engineering practice.

§ 144. If brick work laid in cement mortar is "push-placed" walls may be loaded twenty per cent. in excess of the loads given above.

§ 145. The loads permitted for isolated brick piers whose heights are greater than six times their least dimensions shall, be twenty per cent. less than those given above.

#### CAST IRON.

§ 146. Cast-iron subjected to crushing strain only, as in bearing plates, may be loaded to the extent of 15,000 pounds per square inch.

Compression strain on cast iron shall not exceed 13,000 pounds per square inch.

Tensile strain on cast-iron shall not exceed 3,000 pounds per square inch.

Cast-iron used for pillars shall be proportioned in accordance with the following formulæ:

For round cast-iron columns:

$$S=14,000 A \div \left( 1 + \frac{L^2}{600D^2} \right)$$

S equals safe load in pounds.

L equals length of column in inches.

D equals diameter of column in inches.

A equals sectional area of column in square inches.

For rectangular cast-iron columns:

$$S=14,000 A \div \left( 1 + \frac{L^2}{850D^2} \right)$$

S equals safe load in pounds.

L equals same as above.

A equals same as above.

D equals the size of square column or the least horizontal dimensions of other columns.

§ 147. The minimum thickness of metal in cast-iron columns shall not be less than three-fourths of an inch, and no cast-iron column shall exceed in height thirty times its least horizontal dimensions, without having lateral support.

§ 148. All cast-iron columns shall have their ends turned true and at right angles to their axis, and the ends shall be parallel with each other.

§ 149. Cast-iron columns shall be thoroughly tested and inspected before being placed in position, and they shall be drilled with one-quarter test holes, not less than two (2) in the length, one on the upper and one on the lower surface of the columns, as cast.

#### WROUGHT IRON AND STEEL.

§ 150. All girders, beams, corbels, brackets and trusses, if made of steel, shall be so proportioned that the maximum fibre stress will not exceed 16,000 pounds per square inch, or that if made of iron, the maximum fibre stress will not exceed 12,000 pounds per square inch.

§ 151. Plate girder shall be designed and constructed of strength at least equal to those developed by the following formulæ:

For plate girders:

Flange area equals maximum bending moment in foot pounds divided by C. D.

D equals distance between centers of gravity of flanges in feet.

C equals 13,500 for steel, 10,000 for iron.

Web area equals maximum shear divided by C.

C equals 10,000 for steel, 8,000 for iron.

§ 152. Maximum strain per square inch of rivet area (single shear) shall not exceed:

	STEEL.	IRON.
For shop-driven rivets . . . . .	9,000 lbs.	7,500 lbs.
For field-driven rivets . . . . .	8,000 lbs.	6,000 lbs.
Maximum shearing strain, in webs . . . . .	7,000 lbs.	6,000 lbs.
Direct bearing . . . . .	15,000 lbs.	15,000 lbs.

§ 153. The maximum loads allowed upon riveted columns shall not exceed those determined by the following formulæ:

For riveted or other forms of wrought-iron columns more than 90 R in length:

$$S = 10,600 - 30 \frac{L}{R}$$

S equals safe load pounds per square inch.

L equals length of columns in inches.

R equals least radius of gyration of column in inches.

For riveting or other forms of wrought-iron columns less than 90 R in length:

S equals 8,000.

S equals safe load in pounds per square inch.

For riveted or other steel columns more than 90 R in length:

$$S = 17,100 - 57 \frac{L}{R}$$

S equals safe load in pounds per square inch.

L equals length of column in inches.

R equals least radius of gyration of column in inches.

For riveted and other steel columns less than 90 R in length:

S equals 12,000.

S equals safe load in pounds per square inch.

§ 154. No wrought-iron or rolled-steel columns shall have an unsupported length of more than 40 times its least lateral dimension or diameter, nor shall its metal be less than one-fourth of an inch in thickness.

§ 155. With regard to connections of all structural iron work upon buildings erected in the City of Buffalo, such work shall hereafter be in conformity with the practice of the Carnegie, Trenton, Phoenix, Pencoyd or other first-class rolling mills, as published in their standard books and sheets, and approved by the Superintendent of Buildings.

WOODEN POSTS, GIRDERS AND JOISTS.

§ 156. Where wooden pillars are used, the maximum loads to which they are to be subject shall not exceed those determined by the following formulæ, S representing the maximum loads as intended to be fixed by this ordinance.

§ 157. For wooden pillars, where the length is not more than 12 times the least thickness:

$$S = \frac{AC}{4}$$

S equals safe load.

A equals sectional area of the post in square inches.

C equals 4,000 for long leaf yellow pine; 3,200 for oak or Norway pine; 2,800 for white pine or hemlock.

§ 158. For wooden pillars where the length is more than 12 times the least thickness:

$$S = X - Y \frac{L}{B}$$

S equals safe load in pounds per square inch.

L equals length of post in inches.

B equals breadth of least side of rectangular post, or diameter for round post.

X equals 1,000 and Y equals 10, for yellow pine.



For oak or Norway pine posts, 75 per cent. of the loads in the above table may be used.

For white pine or hemlock posts, 62½ per cent. of the loads in the above table may be used.

§ 159. The ultimate load to which timber used for girders may be subjected shall not exceed those determined by the following formulæ, to wit:

$$S = \frac{2CBD^2}{L}$$

S equals safe load in pounds.

B equals breadth of beam in inches.

D equals depth of beam in inches.

L equals length of beam in feet.

C equals 200 for long leaf yellow pine, 150 for oak, 120 for white or Norway pine and hemlock.

§ 160. The contents given in all the foregoing formulæ are based upon the use of material and workmanship of the best of their respective kinds.

§ 161. All formulæ herein given for determining the load permitted upon girders of any kind are for girders supported at both ends and uniformly loaded over their entire length. The formulæ for column loads are for columns concentrically loaded.

§ 162. The calculations for the allowances which must be made for other methods of loading shall be based upon the above formulæ and constants, and the rules of the best engineering practice.

#### PROJECTIONS OVER BUILDING LINE AND OVER AND UNDER SIDEWALKS.

§ 163. No cornice, belt course, balcony, or bay window shall project more than three feet over the street line of any building, and any projection of any building

over the street line, within the fire limits shall be built entirely of incombustible material; it shall, however, be permitted to build verandas, cornices, balconies, and bay windows upon buildings less than fifty-two feet in height, of combustible material outside the fire limits.

No projection of any building over the street line shall be less than ten feet above sidewalk grade, except as provided in section 164.

§ 164. The use of any part of the sidewalks for steps or for open areas is prohibited, but porticos, columns, pilasters or other entrance features may be made to project upon the sidewalk by special permission of the Superintendent of Buildings.

The foregoing prohibition for the use of sidewalk space for steps or areas shall not apply to existing buildings, but if material alterations in or additions to existing buildings are to be made, then such steps and open areas shall be made to conform to the provisions of this ordinance.

§ 165. In all cases where the space under sidewalks is connected with the basement of any building, the covering of the same and all supports of such covering shall be made entirely of incombustible material, and the occupant of such space under any sidewalk shall be considered and treated as the tenant at will of the City of Buffalo.

§ 166. Sidewalk lights or basement hoists shall not extend more than five feet from the building line onto the sidewalk, and no sidewalk light or hoist shall be raised above the level of the walk. No permanent gratings will be allowed in any sidewalk.

§ 167. Circular openings not to exceed 24 inches in diameter may be placed in the outer edge of sidewalks to receive coal. They shall be placed eighteen inches from



the inside edge of curb to the outer edge of opening, and must have proper incombustible covering.

The design and construction of all sidewalk lights and coal chutes shall be subject to the approval of the Superintendent of Buildings.

§ 168. Where sheet metal cornices, or external sheet metal gutters are used in the fire limits their entire frame work and covering shall be of metal, and the walls shall extend the entire length and height of such gutter or cornice.

Wood shall not be used as a support for any gutter or cornice of buildings of Classes I, II and IV, nor on buildings of Class III over fifty-two feet in height, within the fire limits.

#### ELEVATORS AND HOISTS.

§ 169. Wherever elevators in non-fire-proof buildings or in fire-proof buildings of Class I are built without enclosing walls, there shall be at every floor through which they pass automatic hatch closers or doors made in such manner that the well hole on each floor will be closed except when the elevator is passing through. Before any doors shall be considered as fulfilling the purposes of this ordinance they shall be examined and approved by the Superintendent of Buildings and the Fire Commissioners. If such well holes are not supplied with automatic hatch closers or doors, as before described, the elevator well shall be enclosed in all non-fire-proof buildings with an entirely self-supporting wall of brick, concrete or tile, extending from the foundation to a height of six feet above the roof of the building in which such elevator occurs, and in buildings of fire-proof construction the walls or partitions enclosing such elevator shafts may be of light construction, but which must be incombustible, and may be carried from story to story upon the construction of the same.

§ 170. All elevator shafts and all elevator enclosures of every kind shall have iron doors which shall be made to open from the inside only, excepting only the door upon the ground floor of the building, which shall have a lock to permit opening the same from the outside.

§ 171. All elevator openings which are not surrounded by walls shall have on all sides of every floor, an enclosure made of incombustible material not less than three feet high.

#### STAIRWAYS.

§ 172. In buildings of Class I, which are used as workshops, or in which, if they are used as salesrooms, there is an occupation of the same at any time by 100 or more persons employed or engaged therein, there shall be at least two staircases, each not less than three feet wide. If the number of persons so occupying such buildings exceeds 300, then the width of the stairs in the same shall be increased to five feet. If the number of persons so occupying such premises exceeds 800, three stairways five feet in width each shall be constructed. If the number of persons so occupying such premises exceeds 1,200 they shall be governed as regards the number and size and construction of stairways, by the regulations laid down for buildings of Class IV.

In all cases the stairs shall be located at as great a distance as practicable from each other, and in cases where the persons so occupying such buildings are not all on one floor, the widths and numbers of stairways in the several stories shall be governed as above by the total number of persons who will at any time be on any floor. All persons above any given story shall be counted in addition to the persons on that story.

The foregoing specifications as to stairs apply to non-fire-proof buildings only. For fire-proof buildings one less flight of stairs than above called for shall be required in each case.

§ 173. It shall be unlawful, under any circumstances, to close up or obstruct the stairs or fire escapes or the approaches leading thereto in any building, and no change in the position or construction of either shall be made, unless the permission so to do of the building department shall first have been obtained.

§ 174. The aggregate width of doors opening at the street level in buildings of Class I shall be equal to the aggregate width of stairways hereinbefore specified, and such doors shall not be locked during business hours or while such buildings are occupied.

§ 175. The roof of each elevator shaft shall be formed by a skylight, except when used as support for water tank, when shaft must be raised above roof sufficiently to allow proper lighting in sides, and roof of shaft must be of incombustible material.

§ 176. Overhead elevator machinery shall have underneath it an iron grille of proper construction and strength to protect the car from falling material. Every elevator shall be provided with an efficient apparatus to prevent the falling of the car in case of accident. No elevator shall be used in any building until after it has been inspected, and a certificate issued by the Superintendent of Buildings. A certificate from an inspector for any responsible insurance company will be accepted by the Superintendent of Buildings.

The foregoing requirements as to brick or fire-proof shafts shall include all dumb waiters, except such as do not extend through more than three stories in buildings of Class III.

STEAM PIPES, FURNACES, HOT-AIR PIPES, REGISTERS AND  
ELECTRIC WIRES.

§ 177. No steam pipe shall be placed within two inches of any timber or wood work unless the timber or wood work is protected by a metal shield; then the dis-

tance shall not be less than one inch. All steam pipes passing through floors and ceilings or lath and plastered partitions shall be protected by a metal tube one-half inch larger in diameter than the pipe, with a suitable face plate each side of tube. In no case will lateral branches from rising lines to radiators or coils be allowed between floor and ceiling, except in buildings of Class II and III without special permit from the Superintendent of Buildings. All wooden boxes or casings enclosing steam pipes and all covers to recesses shall be lined with iron or tin plate, except wooden boxes enclosing indirect radiators, which shall be lined with iron or tin plate down to a point two inches below radiator. All pipes other than those in walls or partitions that are to be boxed must be covered with non-conducting material, or box must be lined with iron or tin-plate. All brick hot-air furnaces shall have two covers, with an air space of at least four inches between them; the inner cover of the hot-air chamber shall be either a brick arch or two courses of brick laid on galvanized iron or tin, supported by iron bars; the outside cover, which is the top of the furnace, shall be made of bricks or metal supported by iron bars, and so constructed as to be perfectly tight, and shall not be less than four inches below the ceiling or floor beams. The walls of the furnace shall be built hollow in the following manner: One inner and one outer wall, each four inches in thickness, properly bonded together with an air space of not less than three inches between them. Furnace must be built at least four inches from all woodwork. All cold-air boxes shall be made of metal, brick, or other incombustible material for a distance of two feet from furnace.

§ 178. All portable hot-air furnaces shall be kept at least two feet from any wooden or combustible partition or ceiling unless the partitions and ceilings are properly protected by a metal shield, when the distance shall not be less than one foot.

§ 179. Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot-air chamber; said shaft shall have a metal pipe inside of it.

§ 180. When a register box is placed in the floor over a portable furnace, the open space on all sides of the register box shall not be less than three inches. When only one register is connected with a furnace said register shall have no valve. Where a kitchen range is placed within twelve (12) inches of a wooden stud partition, the studs shall be cut away and framed two feet higher and one foot wider than the range, and filled into a line with said stud partition with brick or fireproof blocks and plastered thereon.

§ 181. Pipes used for the distribution of hot air in buildings from a hot-air furnace shall be made of bright tin, and the joints shall be double seamed, but not soldered. Said pipes, if not otherwise protected, shall be painted. Such pipes are to be securely fastened to the partitions through which they pass, and all woodwork in partitions through which pipes pass must be covered with tin.

§ 182. The openings in the floors for hot-air registers shall be surrounded with borders of incombustible material not less than two inches wide firmly and securely set in place. The register boxes shall be constructed of bright tin.

§ 183. Where the air is heated by contact with hot water or steam pipes, any other sheet metal may be used for the hot-air pipes.

§ 184. Whenever steam boilers, furnaces, ovens, coffee roasters or other structures in which fires are maintained, are set inside of a building, or in a room with wooden floor or ceiling construction, the floor of the same

shall be protected by covering of brick or concrete not less than five inches thick set in mortar with a continuous sheet metal plate not less than No. 26 iron, between the brick or in center of concrete. This foundation of sheet metal and brick and concrete shall extend under the whole of the fire box and ash pit of such steam boiler, or furnace or other structure, and to a distance equal to the length of the fire box in front, and at least four inches on the other three sides of the same. When the space between the top of such steam boilers, or furnaces and any wood ceiling construction is less than one foot, the under side of such wood ceiling construction shall in all cases be protected either by two consecutive coatings of plastering or metallic lath, which shall be kept at least two inches distant from each other, and which metallic lath shall be applied by means of metal furring strips, or this protection of the woodwork shall be made by a covering of at least two inches of porous terra cotta, plastered on the underside, or by a covering of hollow tile with two air spaces at least one-half inch between the wood and the under surface thereof, which under surface shall also be covered with a heavy coat of plastering.

§ 185. The floors under all stoves and ranges shall be protected by a covering of incombustible material, which covering shall extend at least two feet in front, and one foot on each side of such stove or range. Stoves shall be kept twelve inches distant from any woodwork, and such woodwork shall be covered either with tile, plastering, or sheet metal.

§ 186. The installation of electrical apparatus, wires, conduits and all other fittings or furnishings for electric lighting, heating, or power in buildings shall be executed in accordance with the rules and requirements of the Buffalo Association of Fire Underwriters, which may be in force at the time work is done.

§ 187. No wood fence shall be constructed of greater height than seven feet above the sidewalk grade, or seven feet above the surface of the ground, where no grade is established.

BUILDINGS OF CLASS IV.

§ 188. Buildings of Class IV shall be divided into two special classes:

Class IVa embraces all buildings of Class IV in which no movable scenery is used upon the stage thereof.

Class IVb embraces all buildings of Class IV in which movable scenery is used.

The outside walls of all buildings of Class IV, in which the roofs or ceilings are carried on trusses or girders of a span of fifty feet or more, shall be as follows:

If the walls are of brick masonry, 25 feet high, they are to be not less than 16 inches thick.

If more than 25 feet high and not more than fifty feet, they are to be 20 inches thick for the first twenty-five feet and 16 inches thick for the remainder of the height.

If more than fifty feet high and not more than seventy-five feet high, they shall be 24 inches thick for the first 25 feet in height, 20 inches thick for the second, 25 and 16 inches for the remainder of the height.

For any increase in height over 75 feet the thickness of walls shall be increased in the above ratio.

The heights of the walls shall be measured from the ground floor of the main auditorium at its lowest point.

An increase of four inches in the thickness of walls shall be made in all cases where walls are over 100 feet long without cross walls of equal height.

For rooms less than 50 feet wide, the thickness of walls before given may be reduced by four inches.

§ 189. In case there shall be one or more stories built above the room devoted to the uses in Class IV such stories being carried on trusses or girders, the thickness of walls shall be increased by four inches for each two stories or part thereof, above every such room.

If solid masonry buttresses are employed, and placed 16 feet or less apart, and extended to the foot of the trusses or girders carrying the ceiling and roof, or if iron or steel pillars are inserted in such walls for the support of the superstructure, and at distances not more than 18 feet between centers, such pillars extending to and carrying the superimposed trusses or girders, the thickness of such walls may be reduced in proportion to the increase of strength afforded by such buttresses or pillars, but in no case shall any such wall be less than 12 inches thick in the top story, four inches being added, going downward, for each 25 feet in height of wall.

If iron or steel pillars are introduced in said walls, the brick work around the same shall be bonded into that of the connecting walls, and each of such pillars shall have no less than eight inches of solid brick work around it, the brick being measured from the extreme outer dimensions of such iron or steel pillars.

§ 190. If a Class IV building is of skeleton construction, and the steel framework carries the entire superimposed load of floors, roofs and walls, then the enclosing walls shall consist of 12 inches of solid masonry, with two inches of hollow tile or four inches of hollow brick, on the inside, properly bonded together; and the other fire-proofing shall be as required for buildings of Class I.

§ 191. Buildings of Class IVa shall have a frontage on at least one highway or street.



§ 192. Every building of Class IVb shall have at least one front on the public highway or street, and in such front or fronts there shall be means of entrance or exit.

In addition to the aforesaid entrances and exits on the public highway, there shall be reserved for service, in case of an emergency, an open court or space, open to the sky, on the side not bordering on the street, where such building is located on a corner lot, and on both sides of said building, where there is but one frontage on the street. The width of such open court or courts shall be not less than eight feet, and said open court or courts shall begin on a line with, or near, the proscenium wall, and shall extend the length of the auditorium proper, to or near the wall separating the same from the lobby, foyer or vestibule. A separate and distinct corridor shall be built to the street from each open court, with continuous walls, floors and ceilings, of brick, or other fireproof material the entire length of said corridor or corridors.

Said corridor or corridors shall not be reduced in width more than three feet less than the width of the open court or courts, and there shall be no projection into the same; the outer openings to be provided with doors or gates opening toward the street.

During the performance, the doors or gates in the corridor shall be kept open by proper fastenings; at other times they may be closed and fastened by movable bolts or locks.

The said open courts and corridors shall not be used for storage purposes, or for any purpose whatsoever, except for exit and entrance from and to the auditorium and stage, and must be kept free and clear during performances. The level of said corridors at the front entrance to the building shall not be greater than one step of eight inches above the level of the sidewalk, where they begin at the street entrance, and there shall not be more than

one step of eight inches from the floor of court to the ground floor or auditorium.

To overcome any difference of level existing between exits from the ground floor auditorium into courts, and the level of said street, gradients may be employed in the corridors and courts of not over one foot in 10 feet with no perpendicular rises. From the auditorium opening into the said open courts, or on the side street, where building is placed on corner lot, there shall not be less than two exits on each side from the ground floor auditorium balcony, and each and every gallery.

Each exit shall be at least five feet in width in the clear and provided with doors of iron or wood; if of wood, the doors shall be constructed according to existing rules of fire underwriters. All of said doors shall open outwardly and must be fastened with movable bolts, the bolts to be kept drawn during performances.

There shall be outside balconies at the level of each gallery or balcony floor of sufficient length to embrace the two exits. The balconies shall be four (4) feet wide, except for the upper gallery, which may be three (3) feet. Staircases of the same width as the staircase balcony shall extend to the ground. Balcony floors shall have, in all cases, an independent outside balcony staircase. The two upper gallery staircase balconies may be connected with the ground by means of the same staircase. When there are three galleries above the balcony the first shall have an independent balcony staircase. Balconies may be dispensed with when each exit is provided with an independent staircase. All such staircases shall have a rise of not more than eight and one-half inches to a step and not less than nine inches tread, exclusive of nosing.

All the beforementioned balconies and staircases shall be constructed of iron throughout, including the floors,

and of ample strength to sustain the load to be carried by them.

Where one side of the building borders on a street, there shall be fire-escape, balconies and staircases erected as required by the Superintendent of Building and the Fire Commissioners.

§ 193. The following limitations of floor levels in buildings of Class IV shall be observed in all cases of new construction or re-construction or alteration or improvement of existing buildings:

The ground floor of auditorium in buildings of Class IVb where it connects with the lobby or foyer, shall not be at a greater height above or depth below the street than a gradient from the street vestibule of one foot in ten; said street vestibule to be not more than one foot (1' 0") above the grade of sidewalk, at its central entrance point.

The only exception to the foregoing shall be the case of rooms of Class IVb containing less than 500 seats, which, in fireproof buildings, may be located in any story thereof, but in such case there shall be at least two flights of stairs from the floor in which such auditorium of Class IVb is located, to the ground, and the width of such stairs shall not be less than four feet in the clear for each.

§ 194. In buildings of Class IVa no auditorium containing more than 1,000 seats shall have the highest part of its main floor at a greater distance than eight feet above the adjacent sidewalk grade. No room of Class IVa containing more than 500 seats shall be at a greater distance from the sidewalk grade than 30 feet. No room of Class IVa containing more than 200 seats shall be at a higher level above the grade than 45 feet. Exceptions to the foregoing are to be made in the case of rooms of

Class IVa containing less than 500 seats, which may be located in any part of any fireproof building; provided, however, that there be at least two flights of stairs from the level of the same to the ground, each flight not less than four feet in width.

§ 195. Stairs in Class IVa and Class IVb shall be in width equivalent to eighteen inches for every 100 seats in such building, occupants of which use such stairs, fractional parts of 100 being in each case counted as a full 100 seats, but no stairway in such building shall be less than four feet wide in the clear. All stairways shall have railings on each side thereof. No stairway shall ascend to a greater height than eleven feet without a level landing, which if its width is in the direction of the run of the stairs, shall not be less than three feet wide, or which, if at a turn of the stairs, shall not be less width than that of the stairs.

Distinct and separate places of exit and entrance shall be provided for each gallery above the first. A common place of exit or entrance may serve for the main floor of the auditorium and the first balcony, provided its capacity be equal to the aggregate capacity of the outlets from the main floor and the said gallery as required by Sec. 198.

§ 196. Aisles in buildings of Class IVa and IVb shall be in width equal to eighteen inches for every 100 seats or fractional part thereof, the occupants of which will be required to use such aisles, but no aisle is to be less than two feet three inches wide in its narrowest part.

Steps shall be permitted in aisles only as extending from bank to bank of seats, and wherever the rise from bank to bank of seats is less than six inches the floor of the aisle shall be made as an inclined plane, and where steps occur in outside aisles or corridors, they shall not be isolated, but shall be grouped together, and there shall

be a lamp at or near every place where there are steps in enclosing aisles or corridors.

§ 197. All aisles and passageways in said buildings shall be kept free from camp stools, chairs, sofas and other obstructions, and no person shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball, or any public assemblage, nor shall there be any chairs, settees or camp stools in such aisles or corridors at such times or occasions. The Superintendent of Buildings or his deputy shall have the right to enter any building of Class IV at any time during any performance, service, exhibition, lecture, concert, ball or any public assemblage to enforce this ordinance.

§ 198. The width of corridors, passages, hallways and doors shall be computed in the same manner as that herein provided for stairways and aisles, excepting, however, that no corridor shall be anywhere less than five feet in width, and no door less than three feet wide.

§ 199. All doors in buildings of Class IV shall open outward.

§ 200. In buildings of Class IVb there shall be a solid brick wall not less than twenty (20) inches thick, between the auditorium and the stage; and in non-fireproof buildings this wall shall extend to a height of six feet above the roof. The main curtain opening shall have an iron or asbestos curtain and all other openings in this wall shall have fireproof doors.

§ 201. The framing of the floor of every stage in buildings of Class IVb containing more than 500 seats, shall be of iron or steel. The stage floor may be of wood, but shall not be less than  $3\frac{3}{4}$  inches thick. The entire floor construction and floors of fly galleries and rigging lofts, and all railings and supports and the stanchions

thereon, as also all sheaves and pulleys and their supports, shall be made of iron or steel. All woodwork, including the underside of all floor boards, and also all scenery used on or about the stage shall be coated with a fireproof paint, the fire resisting qualities of which shall be tested and approved by the Superintendent of Buildings.

§ 202. Structures of any kind, and for any purpose whatsoever, erected above the ceiling of any auditorium containing 500 or more seats, shall be entirely of fire-proof construction.

§ 203. There shall be over the stage of every building of Class IVb flues or ducts extending 15 feet above the top of the highest roof which forms part of such building, which flues or ducts shall have an area of at least 1.30 of the total area of such stage. The dampers for opening and closing such ducts shall be controllable from a point near the proscenium opening. These dampers shall be made of sheet metal, and the ducts themselves of incombustible material and shall be properly insulated as regards transmission of heat to adjacent combustible substances.

§ 204. If any part of any building of Class IVb shall be used for purposes of storing scenery or properties, or furniture or books or papers or costumes, or as the workshop for the maintenance and repair of scenery and properties, such places shall be provided with automatic sprinklers of a make approved by the Superintendent of Buildings and the Fire Commissioners of the City of Buffalo, and their floors shall be of brick or concrete, and all structural iron or steel below, around and above the same, shall be fire-proofed.

If said rooms or shops are located in the rear or at the side of the stage, they shall be separated from the stage by a brick or concrete wall, and the openings leading into

said portions shall have fireproof doors on each side of the openings hung to iron eyes built into the wall.

Regulations regarding the use of concrete in hollow blocks and in reinforced steel construction.

1. Buildings whose exterior walls are of hollow concrete blocks may be erected not to exceed three stories in height, and the thickness of such walls shall be as given in the tables for brick walls; provided, however, that the materials of construction are not strained beyond the safe limits elsewhere fixed in these ordinances, and that complete and satisfactory tests of the blocks have been submitted to the Deputy Building Commissioner and approved by him.

1a. Buildings whose exterior walls are of reinforced concrete steel may be erected three stories in height, and the thickness of such walls shall be as given in the following table; provided, that the materials of construction are not strained beyond the safe limits elsewhere fixed in these ordinances:

STORIES.	BASEMENT.	STORIES.			
		1	2	3	.
1	8	6	.	.	.
2	10	6	6	.	.
3	12	8	6	6	.

2. Concrete must be mixed in the proportions of one of Portland cement, two of sand and five of stone or gravel; or the proportions may be such that the resistance of the concrete to crushing shall not be less than 2,000 pounds per square inch after hardening for twenty-eight days. The test to determine this value must be made under the direction of the Deputy Building Commissioner. The concrete used in reinforced concrete steel construction must be what is usually known as a "wet mixture."

3. The term "reinforced concrete steel" shall be understood to mean an approved concrete mixture reinforced by steel of any shape, so combined that the steel will take up the tensional stresses and assist in the resistance to shear.

4. Concrete construction will be approved only for buildings which are not required to be fireproof by the building ordinances, unless fire and water tests shall have been made under the supervision of and to the satisfaction of the Deputy Building Commissioner. Each company offering a system of concrete construction for fireproof buildings must submit such construction to a fire and water test.

5. The execution of concrete work shall be confided to workmen who shall be under the control of a competent foreman or superintendent, and persons erecting buildings of concrete shall provide for expert inspection of the cement and inerts and a daily record shall be kept of the tests, the temperature in which the concrete was worked, and all other conditions which may be of importance in the construction, and a certified copy of such record shall be filed with the Deputy Building Commissioner twice each week, or more often if required by him.

6. Only high grade Portland cement shall be permitted in concrete construction. Such cement when tested, after one day in air and six days in water shall develop a tensile strength of at least 500 pounds per square inch; and after one day in air and twenty-seven days in water shall develop a tensile strength of at least 600 pounds per square inch. Other tests as to fineness, constancy, volume, etc., made in accordance with the standard method prescribed by the American Society of Civil Engineers' Committee, as may, from time to time, be directed by the Deputy Building Commissioner.



7. The sand to be used must be clean, sharp grit sand, free from loam or dirt.

8. The stone used in the concrete must be clean, broken stone or gravel, of a size that will pass through a  $\frac{3}{4}$ -inch ring. In case it is desired to use other materials or other kinds of stone, samples of same must be submitted to and approved by the Deputy Building Commissioner.

9. Reinforced concrete steel must be so designed that the stresses shall not exceed the following limits:

Extreme fibre stress on concrete in compression, 500 pounds per square inch.

Shearing stress in concrete, 50 pounds per square inch.

Concrete in direct compression, 350 pounds per square inch.

Tensile stress in steel, 16,000 pounds per square inch.

Shearing stress in steel, 10,000 pounds per square inch.

10. The adhesion of concrete to steel shall be assumed to be not greater than the shearing strength of the concrete.

11. The ratio of moduli of elasticity of concrete and steel shall be taken as 1 to 12.

12. The following assumption shall guide in the determination of the bending moments due to the external forces. Beams and girders shall be considered as simply supported at the ends, no allowance being made for continuous construction over the supports. Floor plates when constructed continuous and when provided with reinforcements at top of plate over the supports, may be treated as continuous beams, the bending moment for uniformly distributed loads being taken at not less than  $WL-10$ ; the bending moment may be taken  $WL-20$  in the case of square floor plates which are reinforced in

both directions and supported on all sides. The floor plate may be taken as part of the beam or girder in computing its moment of resistance to the extent of not more than ten times the width of that beam or girder.

13. The moment of resistance of any reinforced concrete steel construction under transverse loads shall be determined by formulæ based on the following assumptions:

(a) The bond between concrete and steel is sufficient to make the two materials act together as a homogeneous solid.

(b) The strain in any fibre is directly proportionate to the distance of that fibre from the neutral axis.

(c) The modulus of elasticity of the concrete remains constant within the limits of the working stresses fixed in these ordinances.

(d) The tensile strength of the concrete shall not be considered.

14. When the shearing stresses developed in any part of the construction exceed the safe working strength of the concrete, as fixed in these ordinances, a sufficient amount of steel shall be introduced in such a position that the deficiency in the resistance to shear is overcome.

15. When the safe limit of adhesion between the concrete and steel is exceeded, some provision must be made for transmitting the strength of the steel to the concrete.

16. Reinforced concrete steel may be used for columns in which the ratio of length to least side or diameter does not exceed sixteen. The reinforcing rods must be tied together at intervals of not more than the least side or diameter of the column.

17. The contractor must be prepared to make tests on any portion of a building of concrete within a reasonable time after erection, as often as may be required by the Deputy Building Commissioner. The tests must show that the construction will sustain a load of three times that for which it is designed without any sign of failure.

18. Before permission to erect any structure of concrete is issued, complete drawings and specifications must be filed with the Bureau of Building, showing all details of the construction, static computation, the size and position of all reinforcing rods, stirrups, etc., with a note on all beams and girders stating the loads for which they are designed, and giving the composition of the concrete.

19. Concrete hollow blocks used for outside walls and partitions shall not be loaded to more than one hundred and fifty (150) pounds per square inch of available or effective section, and the hollow spaces shall not exceed one-third ( $\frac{1}{3}$ ) the area of the blocks when using the tables for thicknesses of walls.

20. In the case of untried methods of construction the Deputy Building Commissioner may first require preliminary trial construction and load tests.

21. No concrete work shall be done in freezing weather except when the influence of frost is excluded.

§ 205. It shall be the duty of the owners, lessee or manager of every building of Class IV during the performance of which programmes are issued, to cause a diagram showing the exits of such building to be printed on such programmes.

§ 206. All exit openings in buildings of Class IV shall have the word "Exit" in letters at least six inches high applied to the auditorium side and to the stage side of every such exit.

§ 207. There shall be kept in readiness for use on the stage of every building of Class IVb at least four (4) casks full of water, and two (2) buckets to each cask. Said casks and buckets shall be painted red and marked "use for fire only." There shall also be provided hand pumps or other portable fire-extinguishing apparatus, and at least four (4) axes, and two (2) 25-foot hooks, two (2) 15-foot hooks, and two (2) 10-foot hooks on the floor of the stage and on each tier or floor under or over the stage.

There shall be in every building of Class IVb a chemical fire extinguisher and also a three and one-half-inch pipe prepared with Siamese twin connections for steam fire engines, such connections being on the street or alleys on the outside of such building, and this pipe being carried to each fly gallery and to the rigging-loft of such building; a regulation fire department valve at each, and with hose ready for use connected thereto at each of these points and at least two points upon the stage and at least two points below the stage.

§ 208. Each building of Class IV shall have a water stand-pipe and water-plug, to be placed on the stage or platform, or in its immediate vicinity, which shall be connected with the water pipes or street mains of the City, and shall be put in under the direction and to the satisfaction of the Fire Commissioners or the Superintendent of Buildings.

Hose shall be attached to such stand-pipe of such size as may be directed by said Fire Commissioners, to have nozzle and stop-cock attached thereto; such hose shall be of sufficient length to extend to the farthest limits of such building or place of amusement, and shall at all times be kept in good order and repair, filled with water under pressure, and ready for immediate use.

§ 209. All buildings of Class IVb, with accommodations for 1,000 or more persons, shall have at least one

three-inch stand-pipe and metallic ladder combined in the street or alley, with hose attachments close to a window or door at each floor or gallery.

Such buildings shall also be provided with a fire alarm telegraph apparatus connected by the necessary wires with the headquarters of the City fire alarm telegraph, or such other place or places as the Fire Commissioners shall direct.

§ 210. It shall be the duty of all owners, agents, lessees and occupants of such buildings of Class IV to provide such other fire-extinguishing apparatus at such points about the building as the Fire Commissioners shall direct.

§ 211. The license for each building of Class IV shall state the number of persons it has accommodations for, and no more than that number shall be allowed to enter such hall at any one time, which number shall be governed by the number of feet of exit, of the doors and passages, and shall be approved by the Superintendent of Buildings.

§ 212. Every portion of any building of Class IV devoted to the use or accommodation of the public, also all outlets leading to the streets, and including the open courts and corridors, shall be well and properly lighted during every performance, and the same shall remain lighted until the entire audience has left the premises.

§ 213. Buildings of Class IVb shall be at night illuminated entirely by electric light and shall have at each exit and at the head and foot of each stairway a metal bracket and a candle or sperm oil lamp kept burning during the entire duration of any performance.

Similar provisions shall apply to buildings of Class IVa seating more than 1,500 persons.

§ 214. For other buildings of Class IVa, the illumination may be either by gas or electricity. All gas or electric lights in the halls, corridors, lobby or any other part of said building used by the audience, except the auditorium, must be controlled by a separate shut-off located in the lobby, and controlled only in that particular place. Gas mains supplying the building shall have independent connections for the auditorium and the stage, and provision shall be made for shutting off the gas from the outside of the building. All suspended or bracket lights surrounded by glass in the auditorium, or in any part of the building devoted to the public, shall be provided with proper wire netting underneath. No gas or electric lights shall be inserted in the walls, woodwork, ceiling, or in any part of the building, unless protected by fire-proof materials in all buildings of Class IV. All lights in passages and corridors in said buildings, and wherever deemed necessary by the Superintendent of Buildings, shall be protected with proper wire net work. The foot-lights, in addition to the wire net work, shall be protected by a strong wire guard, not less than two feet distant from side foot-lights, and the trough containing said foot-lights shall be formed of and surrounded by fire-proof materials.

§ 215. All border lights shall be constructed according to the best known methods, and subject to the approval of the Superintendent, and shall be suspended for ten feet by wire rope. All ducts or shafts used for conducting heated air from the main chandelier, or from any other light or lights, shall be constructed of metal, and made double, with an air space between. All stage lights, if gas, shall have strong wire guards or screens, not less than ten inches in diameter, so constructed that any material contact therewith shall be out of reach of the flame of stage lights and must be soldered to the fixture in all cases.

§ 216. The stand pipes, gas pipes, hose, footlights, and all apparatus for the extinguishing of fire, or guarding against the same, as in this section specified, shall be at all times made and kept in condition satisfactory to, and under the control of, the Fire Department and the Deputy Building Commissioner of the City of Buffalo.

§ 217. Above the proscenium opening in all buildings of Class IVb, there shall be an iron girder covered with fire-proof material to protect it from the heat. There shall also be constructed a relieving arch over the same, the intervening space being filled in with hard burned brick of the full thickness of the proscenium wall. Should there be constructed an orchestra over the stage, above the proscenium opening, the said orchestra shall be placed on the auditorium side of the proscenium fire wall. The moulded frame around the proscenium opening shall be formed entirely of fire-proof material; if metal be used, the metal shall be filled in solid with non-combustible material and securely anchored to the wall with iron. The proscenium opening shall be provided with a fire-proof metal curtain, or a curtain of asbestos, or similar fire-proof material approved by the Superintendent of Buildings, sliding at each end within iron grooves, securely fastened to the brick walls, and extending into such grooves not less than six inches on each side. Said fire-proof curtain shall be raised at the commencement of each performance, and lowered at the close of said performance, and to be operated by approved machinery for that purpose. The proscenium curtains shall be placed at least three feet distant from the footlights at the nearest point.

There shall be no openings in the proscenium fire walls above the level of the auditorium ceiling.

§ 218. All seats in the auditorium excepting those contained in boxes, shall be firmly secured to the floor. All platforms in galleries formed to receive the seats shall

not be more than twenty-one inches in height of riser, nor less than thirty inches in width of platform.

§ 219. The aggregate capacity of the foyers, lobbies, corridors, passages, and rooms for the use of the audience, not including aisle space between seats, shall, on each floor or gallery, be sufficient to contain the entire number to be accommodated on said floor or gallery, in the ratio of one hundred and fifty superficial feet of floor room for every one hundred persons.

§ 220. Every steam boiler in buildings of Class IV, excepting low pressure cast iron boilers used for heating only, shall be located outside of the building and the space allotted to the same shall be enclosed by walls of masonry on all sides, and the ceiling of such space shall be constructed of fireproof materials. The doorways in such walls shall have fireproof doors. No floor register for heating shall be permitted. No coil or register shall be placed in any aisle or passageway used for an exit, but all such coils and registers shall be placed in recesses formed in the wall or partition to receive the same.

§ 221. In buildings of Class IVb a separate and distinct system of automatic sprinklers, with fusible plugs, approved by the Superintendent of Buildings, supplied with water from a tank located on the roof over the stage and not connected in any manner with the stand pipes, shall be placed up and around the proscenium opening and on the ceiling or roof over the stage at such intervals as will protect every square foot of stage surface when said sprinklers are in operation.

All ordinances heretofore adopted relating to the subject matter contained in this chapter are hereby repealed.

§ 222. Whenever it is proposed to erect a hotel for temporary hotel purposes or remodel an existing building for like purposes during the time a fair or exposition is



held within the City, plans and specifications for such hotel may be submitted to the Superintendent of Buildings, and shall be by him referred to the Chief of the Fire Department and to the Health Commissioner, and if such plans and specifications are approved in writing by the Chief of the Fire Department and the Health Commissioner as suitable and sufficient to secure the health and safety of the guests and occupants of the proposed hotel, and if such plans and specifications are also approved in like manner and respect by the Superintendent of Buildings, the Superintendent of Buildings may issue a written permit for the construction of such hotel according to such plans and specifications, anything in this chapter contained to the contrary notwithstanding. Any of the officers aforesaid may change such plans and specifications as deemed proper before approving the same, and they may also impose such conditions upon the manner in which the proposed hotel shall be conducted as deemed proper. A permit granted as herein provided shall specify the time during which such building may be used for hotel purposes, which shall not be longer than the time during which such fair or exposition is held and one month thereafter. It shall also specify the conditions imposed upon the manner in which the proposed hotel shall be conducted, and for a violation thereof the permit may be revoked by the Superintendent of Buildings. Any person who shall use for hotel purposes a building erected under a permit granted pursuant to this section after the time mentioned in such permit, or after the same is revoked, shall be subject to a penalty of \$250 a day for each day such building is so used after that time. Each day such building shall be used for hotel purposes after the time mentioned in such permit, or after the permit is revoked, shall be regarded as a separate and distinct violation of the provisions of this section. The Superintendent of Buildings shall have power to enter upon the premises and close any building used as a hotel under a permit granted pursuant to this section

after the expiration of the time specified in the permit, or after a revocation thereof.

§ 223. Any provision, condition or restriction contained in the foregoing ordinance, relating to the construction or placing of buildings in the City of Buffalo, may be modified, altered, changed or suspended for particular occasions, upon the written recommendation of the Commissioner of Public Works, by resolution of the Common Council adopted by a unanimous vote of the members present in each board, with the approval of the Mayor.

§ 224. No person, firm or corporation shall erect, place or rebuild any structure or building which is to be used for a butcher shop, bakery, milk depot, or as a place for the sale of any goods, wares or merchandise, or as a livery stable, within fifteen feet of any park approach of the City; and no person, firm or corporation shall use any building or structure standing within fifteen feet of any park approach of the City for any of the purposes aforesaid, except such buildings or structures as are so used at the time of the adoption of this ordinance.

Note:—Held to be unconstitutional in *City of Buffalo vs. Polassi*, Municipal Court, 1908.

§ 225. Whenever the Fire Commissioners or Chief Engineer of the Fire Department, at the request of town, village or city officials outside the City of Buffalo, or of any other person residing outside the city, lends to the inhabitants or any of them, of such town, village or city, any part of the apparatus of said department, or sends members of the department to such town, village or city, to aid in the extinguishment of fires, said Fire Commissioners may, in their discretion, charge and collect from the persons so requesting aid, or from the town, village or city receiving such aid, a reasonable sum sufficient to defray the cost of rendering such assistance, and deposit the same with the City Treasurer. It shall be the duty

of the City Treasurer to receive such money and credit it to the "Repair to Apparatus Fund" of the Fire Department.

## CHAPTER XIII.

### SEALING OF WEIGHTS AND MEASURES.

§ 1. There shall be a Sealer of Weights and measures and not more than two assistants, who shall be paid the salary or compensation fixed by ordinance.

§ 2. It shall be the duty of the Sealer and his assistants to inspect all instruments or devices and within the limits of the City to ascertain the weight or quantity of any article of merchandise on sale within said City and generally to perform the duties prescribed in this chapter or by statute. The assistants shall turn over to the Sealer, as often as he may require them so to do, all moneys collected by either or both, and the Sealer shall on Monday of each week, turn over to the Treasurer all moneys collected by him or his assistants during the preceding week.

§ 3. It shall be the duty of the Sealer of Weights and Measures to report all violations of this chapter to the Law Department.

§ 4. It shall be the duty of the Comptroller to prepare blank tickets showing the different scales and price for testing each and every article and the fee therefor, and to deliver from time to time to the Sealer of Weights and Measures a sufficient amount of the same. And the said Sealer of Weights and Measures or his assistants shall deliver to each person for whom he or they shall render services as such Sealer, one of said ticket receipts, either printed or written in ink, indicating thereon the

name, date, and amount received, and the Sealer of Weights and Measures shall return the duplicates of such tickets to the Comptroller at the same time of his deposit of the money collected. Such duplicates shall constitute the itemized account required to be made to the Comptroller by law.

§ 5. Every person in the City of Buffalo using scalebeams, steelyards, weights or measures therein, for the purpose of buying or selling any kind of property or merchandise, shall cause all weights, measures, scalebeams or steelyards, used by him or her in the buying or selling of any kind of merchandise, or other property, to conform to the standard established by law, and for that purpose shall cause the same to be tried, proved and sealed, by the Sealer of Weights and Measures, and shall submit the same to the inspection of such Sealer on his reasonable demand. And every person who shall neglect or refuse to cause all the weights, measures, scalebeams or steelyards used by him or her as aforesaid, to be tried, proved and sealed as aforesaid, or who shall refuse to submit the same to the inspection of a city sealer, on his demand, shall forfeit and pay the sum of \$5 for each and every offense.

§ 6. Every person, who, in the buying or selling of any merchandise or other property of any kind, shall use or cause to be used, any new weight, measure, scalebeam, steelyards or other instrument for weighing or measuring, which shall not have been tried, proved and sealed by the City Sealer of Weights and Measures, as provided by Section 5 of this chapter (provided that the owner does not notify the Sealer of Weights and Measures within three days to seal such weights or measures), shall forfeit the penalty of \$25 for each and every offense.

§ 7. Every person, firm or corporation who shall alter any weight, measure, scale beam, steelyard, or in-

strument for weighing or measuring, which is under his or its control, so that the same by such alteration shall be made not to conform to the standard established by law; and every person, firm, or corporation who shall use or employ any weight, measure, scale beam, steelyard or instrument for weighing or measuring, or permit the use thereof, which does not conform to the standard established by law, shall be subject to a fine or penalty of not less than \$25 nor more than \$250 for each and every offense.

§ 8. No person or persons shall sell, or offer for sale, any commodity by wine measure, which is required by the laws of the State of New York to be sold by dry measure, under the penalty of \$25 for each and every offense.

§ 9. No person or persons shall sell, or offer for sale, any coal, ashes, lime, marl, Indian corn in the ear, fruit and roots of every kind, or any commodity commonly sold by heap measure, except in cylindrical vessels, with a plain and even bottom and sides and of standard dimensions, nor in peck, half-peck, quarter-pack, quart or pint measures, unless the measures be derived from the standard half-bushel, by successively dividing that measure by two, and be of proportionate diameter from outside to outside; nor shall any person sell, or offer for sale, any such commodity, unless duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of the cone, and such cone to be as high as the outside will admit. Every person who shall violate any of the provisions or prohibitions of this section, shall forfeit and pay a penalty of \$25 for each and every offense.

§ 10. No person or persons shall offer for sale any commodity by weight or measure, until his or their weights, measures, scale-beams and steelyards shall have

been made to conform to the standard of weights and measures of the State of New York, and sealed by the Sealer of Weights and Measures, under the penalty of \$25 for each and every offense. And it shall also be the duty of said Sealer to attach to all scales tested by him, except counter scales, a certificate that he has tested the same and found it to be correct. He shall also mark or stamp all correct measures with some suitable mark for identification.

§ 11. The Sealer of Weights and Measures and his assistants shall be entitled to demand and collect for the performance of their duties at and after the following rates:

For testing railroad track scales .....	\$20 00
For testing elevator hopper scales .....	10 00

And in no case shall the charge in any one place of business exceed \$60.

For testing hay, coal and wagon scales of five tons and under .....	\$ 3 00
For testing hay, coal and wagon scales for every additional ton over five tons .....	25
For testing dormant scales .....	1 50
For testing platform scales .....	50
For testing platform counter scales and weights ..	25
For testing depot scales .....	3 00
For sealing and marking every beam .....	10
For sealing and marking every weight .....	02
For testing and marking dry and liquid measures	05

And it shall be the duty of the sealers to destroy all defective measures.

For sealing and marking measures of extension, per yard .....	\$ 0 05
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And not to exceed ten cents for any one measure, nor ten dollars for measures in any one place of business.

§ 12. No more than the charge, at the above rates shall be made in any one year, for sealing the same weight, measure, scale-beam or steelyard, unless upon the second and further inspection the same shall be found not to conform to the standard established by law.

§ 13. It shall be unlawful for any person to sell or offer for sale, fruit or berries within the City of Buffalo, except by the barrel, bushel, or some aliquot part of a bushel, according to the table of dry measures; nor shall it be lawful to sell fruits or berries in packages, except every such package contains a barrel, a bushel, or some aliquot part of a bushel, according to the table of dry measures; provided that this section shall not apply to dry or preserved fruits and berries, or to the sale of fruits retailed at a fixed price per box or basket.

§ 14. All fruits or berries, fresh or dried, sold or offered for sale in the City of Buffalo in packages, shall be of equal goodness in every part of the package.

§ 15. Any person or persons guilty of a violation of any provisions of either of the foregoing sections, shall, upon conviction, be fined not less than \$5 nor more than \$25 for every such violation; one-half of said fine shall be paid to the person upon whose complaint and information such conviction is obtained.

§ 16. The Sealer of Weights and Measures shall provide all necessary livery for the proper performance of the duties of his office and that of Assistant Sealer of Weights and Measures without extra compensation therefor. The Board of Police Commissioners shall provide a suitable place for the keeping and storing of the weights and measures used by the sealers as standards. Such Board of Commissioners may permit the Sealer of Weights and Measures to use such portion of any of the patrol wagon barns as they may designate for the keeping

of the horse and wagon used by him in the discharge of his duty.

§ 17. No person, firm or corporation, selling or dealing in merchandise of any kind, shall knowingly sell or deliver within the City of Buffalo less than the quantity of any commodity or article of merchandise asked for and purchased, or less than the quantity represented to be sold. Any person, firm or corporation violating this section shall be subject to a fine or penalty of not less than five nor more than twenty-five dollars for each offense.

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## CHAPTER XIV.

### PUBLIC INSTRUCTION.

§ 1. The City is hereby divided into fifty-six districts. They shall severally be bounded by a continuous line running through the center of the following-named streets, avenues, bodies of water, railroads or along the edge of Buffalo harbor; or Lake Erie, or through the line marking the city limits:

#### DISTRICT NO. 1.

By Niagara River, Porter Avenue, Prospect Avenue and Georgia Street.

#### DISTRICT NO. 2.

Lake Erie, Georgia Street, Court Street, Terrace, Evans Street and Buffalo Creek.

#### DISTRICT NO. 3.

Buffalo Creek, Evans Street, Terrace, Exchange Street, Michigan Street, South Michigan Street and Lake Erie.



DISTRICT NO. 4.

By Michigan Street, N. Y. C. Railway, L. S. & M. S. Railway, Elk, Hamburg, Miami and Ohio Streets.

DISTRICT NO. 5.

By Perry Street, Buffalo Creek Railway, Clinton Street, Fillmore Avenue, Eagle Street, N. Y. C. Railway and L. S. & M. S. Railway.

DISTRICT NO. 6.

By Michigan Street, North Division Street, Cedar Street, Swan Street, South Cedar Street, Louisiana Street and N. Y. C. Railway.

DISTRICT NO. 7.

By W. N. Y. & P. Railway, N. Y., L. E. & W. Railway, City Line, Buffalo Creek, Seneca Street and Bailey Avenue.

DISTRICT NO. 8.

By Michigan, East Ferry, Jefferson and Northampton Streets.

DISTRICT NO 9.

By Broadway, City Line, Scajaquada Creek, Moselle Street, Miller Avenue, West Shore R. R. and Bailey Avenue.

DISTRICT NO. 10.

By Main Street, Terrace, Court Street, Georgia Street, Prospect Avenue, Carolina Street, Johnson Place, Delaware Avenue and West Chippewa Street.

DISTRICT NO. 11.

By Main Street, Lafayette, Broadway, Michigan and Exchange Streets.

DISTRICT NO. 12.

By William, Michigan, Genesee and Walnut Streets.

## DISTRICT NO. 13.

By Main Street, East Tupper Street, Michigan Street, Broadway and Lafayette Street.

## DISTRICT NO. 14.

By North Street, Main Street, West Chippewa Street, Delaware Avenue, Johnson Place, Carolina Street, West Tupper Street, Delaware Avenue, Virginia and Park Streets.

## DISTRICT NO. 15.

By Main, East North, Maple, Virginia, Locust, Cherry, Spruce, Genesee, Michigan and East Tupper Streets.

## DISTRICT NO. 16.

By Richmond, Lexington, Delaware Avenues, Ferry, Michigan, Northampton, Main and North Streets.

## DISTRICT NO. 17.

By Delaware Avenue, north line of Forest Lawn Cemetery, Humboldt Parkway, Puffer, Jefferson and Ferry Streets.

## DISTRICT NO. 18.

By Niagara River, Breckenridge, Grant, Sixteenth, Massachusetts Streets and a continuation of Massachusetts Street.

## DISTRICT NO. 19.

By Scajaquada Creek, Dewitt Street, Bird Avenue, Herkimer Street, Potomac Avenue, Grant Street, Breckenridge Street and Black Rock Harbor.

## DISTRICT NO. 20.

By N. Y. C. Ry., Austin Street, Niagara River, Black Rock Harbor and Scajaquada Creek.

DISTRICT NO. 21.

By Colvin Street, City Line, N. Y. C. Railway, N. Y. C. Belt Line, Elmwood Avenue and the north line of the Park land.

DISTRICT NO. 22.

By Amherst Street, Kensington Avenue, City Line, Colvin Street and N. Y. C. belt line.

DISTRICT NO. 23.

By Steele Street, Kensington Avenue, City Line, Scajauada Creek and Humboldt Parkway.

DISTRICT NO. 24.

By Jefferson Street, Northampton Street, Humboldt Parkway, Girard Place, Fougeron Street, N. Y. C. Belt Line R. R., Genesee Street, Latour Street, Walden Avenue, Loepere Street, Sycamore Street, Strauss Street, Genesee Street, Fox Street and Best Street.

DISTRICT NO. 25.

By Buffalo Creek Railway, Clinton, Metcalfe, Thomas Streets, N. Y. C. Railway, Bailey Avenue and N. Y., L. E. & W. Railway.

DISTRICT NO. 26.

By Buffalo Creek Railway, W. N. Y. & P. Railway, Bailey Avenue, Seneca Street, Buffalo Creek, Maurice Street and Seneca Street.

DISTRICT NO. 27.

By Buffalo Creek, Cazenovia Creek, Melrose Street, Abbott's Corners Plank Road and City Line.

## DISTRICT NO. 28.

By L. S. & M. S. Railway, Buffalo Creek and Cazenovia Creek, Melrose Street, Abbott's Corners Plank Road, a direct continuation of Tiftt Street and Tiftt Street.

## DISTRICT NO. 29.

By Lake Erie, Tiftt Street and a direct continuation of center line of said street to Abbott's Corners Plank Road, Abbott's Corners Plank Road and City Line.

## DISTRICT NO. 30.

By Louisiana Street, O'Connell Avenue, Vincennes, South, Alabama Streets, Buffalo Creek, L. S. & M. S. Railway, Tiftt Street, Lake Erie, South Michigan, Ohio, and Miami Streets.

## DISTRICT NO. 31.

By the New York Central Railroad, Fillmore, Lovejoy, Shumway, Broadway, Mortimer, West Peckham, Spring, William, Jefferson, Howard, Emslie and Clinton streets.

## DISTRICT NO. 32.

By William, Spring, North Division and Michigan Streets.

## DISTRICT NO. 33.

By Perry Street, Buffalo Creek Railway, Seneca Street, Maurice Street, Buffalo Creek and L. S. & M. S. Railway.

## DISTRICT NO. 34.

By Miami, Hamburg, Elk Streets, L. S. & M. S. Railway, Buffalo Creek, Alabama, South, Vincennes Streets, O'Connell Avenue and Louisiana Street.

DISTRICT NO. 35.

By N. Y. C. Railway, Jefferson, North Division, Cedar, Swan, South Cedar and Louisiana Streets.

DISTRICT NO. 36.

By Prospect Avenue, Porter Avenue, North, College and Maryland Streets.

DISTRICT NO. 37.

By Maple, Virginia, Locust, Cherry, Mortimer, Genesee, Jefferson and North Streets.

DISTRICT NO. 38.

By Thirteenth Street, York Street, Porter Avenue, Richmond Avenue and Massachusetts Street.

DISTRICT NO. 39.

By Sycamore, Adams, Brown, Jefferson, Best, Fox, Genesee and Johnson streets.

DISTRICT NO. 40.

By N. Y. C. Railway, Thomas, Metcalfe, Clinton Streets, Fillmore Avenue and Eagle Street.

DISTRICT NO. 41.

By Broadway, Johnson, Sycamore, Adams, Brown, Jefferson, Genesee and Mortimer streets.

DISTRICT NO. 42.

By Scajaquada Creek, Elmwood Avenue and N. Y. C. Belt Line.

DISTRICT NO. 43.

By N. Y., L. E. & W. Railway, City Line, Broadway and Bailey Avenue.

## DISTRICT NO. 44.

By N. Y. C. R. R., Bailey Avenue, West Shore R. R., N. Y. C. Belt Line R. R.

## DISTRICT NO. 45.

By Sixteenth Street, Grant Street, Potomac Avenue, Richmond Avenue and Massachusetts Street.

## DISTRICT NO. 46.

By Maryland, College, North, Park, Virginia Streets, Delaware Avenue, Tupper Street, Carolina Street and Prospect Avenue.

## DISTRICT NO. 47.

By Walnut, William, Spring, West Peckham, Mortimer, Cherry, Spruce and Genesee streets.

## DISTRICT NO. 48.

By East, North, Jefferson, Northampton and Main Streets.

## DISTRICT NO. 49.

By Niagara River, Porter Avenue, Thirteenth and Massachusetts Streets.

## DISTRICT NO. 50.

By Spring Street, William, Jefferson, Howard, Emslie, Clinton Streets, N. Y. C. Railway, Jefferson and North Division Streets.

## DISTRICT NO. 51.

N. Y. C. Railway, City Line, Niagara River and Austin Street.

## DISTRICT NO. 52.

Scajaquada Creek, Dewitt Street, Bird Avenue, Herkimer Street, Potomac and Elmwood Avenues.

## DISTRICT NO. 53.

By Jefferson Street, Puffer Street, Humboldt Parkway and Northampton Street.

## DISTRICT NO. 54.

By the north line of the Park land, Colvin Street, N. Y. C. Belt Line, Amherst Street, Kensington Avenue, Steele Street, Humboldt Parkway, the north line of Forest Lawn Cemetery and Delaware Avenue.

## DISTRICT NO. 55.

By Lovejoy Street, Shumway Street, Broadway, Johnson Street, Genesee Street, Strauss Street, Sycamore Street and Fillmore Avenue.

## DISTRICT NO. 56.

By Lexington, Richmond, Potomac, Elmwood Avenues, the north line of the Park land and Delaware Avenue.

## DISTRICT NO. 57.

By Fillmore Avenue, Sycamore Street, Loepere Street, Stanislaus Street, N. Y. C. Belt Line R. R.

## DISTRICT NO. 58.

By Genesee Street, N. Y. C. Belt Line R. R., Fougeron Street, Genesee Street, Moselle Street, Miller Avenue, West Shore R. R., N. Y. C. Belt Line R. R., Stanislaus Street, Loepere Street, Walden Avenue and Latour Street.

## DISTRICT NO. 59.

By Humboldt Parkway, Scajaquada Creek, Moselle Street, Genesee Street and Fougeron Street.

§ 2. There shall be maintained in each district one primary or grammar school, and in the City at large two or more high schools, in which the course of study now pursued shall continue to be taught until changed upon the recommendation of the Superintendent with the approval of the Common Council.

§ 3. The schools shall be designated as follows:

The high school at the corner of Franklin and Court Streets shall be known as the Central High School, and the one on Masten Place shall be known as the Masten Park High School. The district schools shall be known by their street or locality, thus:

- No. 1—Seventh Street School.
- No. 2—Terrace School.
- No. 3—Perry Street School.
- No. 4—Elk Street School.
- No. 5—Seneca Street School.
- No. 6—South Division Street School.
- No. 7—South Bailey Avenue School.
- No. 8—Utica Street School.
- No. 9—Bailey Avenue School.
- No. 10—South Delaware Avenue School.
- No. 11—Elm Street School.
- No. 12—Spruce Street School.
- No. 13—South Oak Street School.
- No. 14—Franklin Street School.
- No. 15—Oak Street School.
- No. 16—Delaware Avenue School.
- No. 17—Cold Spring School.
- No. 18—School Street School.
- No. 19—West Avenue School.
- No. 20—Amherst Street School.



- No. 21—Hertel Avenue School.
- No. 22—North Main Street School.
- No. 23—East Delavan Avenue School.
- No. 24—Fillmore Avenue School.
- No. 25—Lewis Street School.
- No. 26—Milton Street School.
- No. 27—Cazenovia Street School.
- No. 28—Abbott Road School.
- No. 29—South Park School.
- No. 30—Louisiana Street School.
- No. 31—Emslie Street School.
- No. 32—Cedar Street School.
- No. 33—East Elk Street School.
- No. 34—Hamburg Street School.
- No. 35—Swan Street School.
- No. 36—Day's Park School.
- No. 37—Carlton Street School.
- No. 38—Vermont Street School.
- No. 39—High Street School.
- No. 40—Oneida Street School.
- No. 41—Broadway School.
- No. 42—Military Road School.
- No. 43—Lovejoy Street School.
- No. 44—East Broadway School.
- No. 45—Auburn Avenue School.
- No. 46—Edward Street School.
- No. 47—Hickory Street School.
- No. 48—Edna Place School.
- No. 49—Fargo Avenue School.
- No. 50—Eagle Street School.
- No. 51—Guernsey Street School.
- No. 52—Barry Place School.
- No. 53—Winslow Avenue School.
- No. 54—Parkside School.
- No. 55—Guilford Street School.
- No. 56—Elmwood Avenue School.

§ 4. The district school shall be classified as grammar and primary. Those schools in which eight or more grades are maintained shall be known as grammar schools, and those in which only seven or less grades are maintained shall be known as primary schools. Only such grades or classes shall be organized and continued in any school as may in the judgment of the Superintendent appear necessary.

§ 5. The Superintendent shall designate certain grammar schools in which there shall be taught, in addition to the regular grammar school subjects, a sub-high school course of instruction. In these sub-high school classes shall be instructed such graduates of the grammar schools as cannot be accommodated in the regular high school buildings. The Superintendent shall decide how many of those annually graduated from the grammar schools can be accommodated in the regular high school buildings, and the requisite number shall be selected, as far as practicable, on the basis of their standing in the regents' examinations. All others graduating from grammar schools or otherwise qualifying for high school study shall be placed in sub-high school classes until there shall be proper accommodations in the regular high school buildings, or they shall have successfully completed the required course of study in said sub-high school class.

§ 6. All grammar and primary schools shall hold two sessions each school day, a morning session and an afternoon session. The morning session shall open at 9 A. M. each day, and close at 11.30 A. M. for lower classes, and 12 M. for all other grades. The afternoon session shall open at 1 P. M. and close at 2.30 P. M. for lower classes, and 3 P. M. for all other classes.

§ 7. The time of opening and closing of primary and grammar schools shall be as follows:

## MORNING SESSION.

- 8.45 A. M.—All teachers are required to be promptly at their respective places of duty at this hour. All class rooms and departments must be open daily at this time for the admission of pupils.
- 8.50 A. M.—Ringing of school call bell for pupils.
- 9.00 A. M.—Opening exercises.
- 11.30 A. M.—Dismissal of lower classes.
- 11.50 A. M.—Dismissal of other classes.

## AFTERNOON SESSION.

- 12.50 P. M.—Teachers' bell. All teachers are required to be promptly at their respective places of duty at this hour.
- 12.55 P. M.—Ringing of school call bell for pupils.
- 1.00 P. M.—Beginning of class exercises.
- 2.30 P. M.—Dismissal of lower classes.
- 3.00 P. M.—Dismissal of other classes.

§ 8. There shall be maintained two or more high schools to which pupils shall be admitted upon the conditions described in section 5 of this chapter. All pupils otherwise qualified to attend the public schools shall be entitled to enter the high school upon the same conditions; provided, however, that preference of admission shall be given to the pupils regularly graduated from the public district schools.

§ 9. There shall be but one daily session of the high schools, beginning at 8.30 A. M., and closing at 1.30 P. M., during the first ten weeks of the first term and the last ten weeks of the second term. At all other times the

daily session shall be open at 8.45 A. M. and close at 1.30 P. M.

§ 10. The Superintendent may, with the approval of the Common Council, provide instruction in sewing in those grades of the several district schools in which such instruction shall from year to year seem advisable.

§ 11. The City may maintain one or more schools of manual training, to which pupils shall be admitted who have been regularly graduated from the grammar schools, or who have passed the examination prescribed for admission to the same.

§ 12. Evening schools may be established in the several districts of the City and in the high schools upon the recommendation of the Superintendent, with the approval of the Common Council.

#### DUTIES OF SUPERINTENDENT.

§ 13. The Superintendent of Education shall be the head of the department. He shall devote all of his time to the duties of his office. He shall visit the schools as often as is consistent with the other duties of his position, and shall endeavor to elevate the standard of public instruction.

§ 14. The Superintendent, with the approval of the Common Council, shall designate the character of the school to be maintained in each district and the course of instruction to be pursued therein.

§ 15. It shall be the Superintendent's duty to see that all teachers are fully employed. Whenever he may ascertain that any teacher's time is not fully occupied or that the number of teachers in the school is in excess of the requirements, he shall make such transfers of teach-

ers or consolidation of classes as in his judgment may be feasible or necessary.

§ 16. He shall either personally or through others, direct teachers in methods of teaching, government and other school duties, and to this end he may assemble principals and teachers as often as twice a month. Such meeting shall not extend over two hours; it may be held on Saturday.

§ 17. The visits of teachers to other schools shall be regulated by the Superintendent.

§ 18. When a complaint has been made to the Superintendent that a pupil has been unjustly refused promotion, or has been unjustifiably promoted, he shall examine into the matter, and his decision thereon shall be final.

§ 19. The Superintendent shall report to the Board of Public Works, from time to time, the needed alterations or improvements in or additions to the school buildings.

DUTIES OF GENERAL SUPERVISORS.

§ 21. There shall be a supervisor of grammar grades and a supervisor of primary grades, whose duties shall be to visit the classes of the respective grade under their supervision for the purpose of inspecting the work of the teachers and the condition of their classes and rooms, giving model lessons when necessary and making such suggestions to said teachers as may be deemed for the best interests of their classes. They shall also meet the teachers in grade meetings as often as required by the Superintendent, subject to the regulations contained in section 16 of this chapter, and under his direction seek by all proper means to increase the value and efficiency of the work done in the various schools.

## DUTIES OF PRINCIPALS.

§ 22. Each high or district school shall be in charge of a principal whose duty it shall be:

To make and enforce by reasonable discipline any rules and regulations, necessary and proper, for the internal regulation of his school; subject to appeals in case of dissatisfaction to the Superintendent.

To divide the labors of the school among the several teachers thereof and govern, direct and control the departments under his charge.

To expel or suspend for a limited time, subject to appeal by the parent or guardian to the Superintendent of Education, any pupil for any of the following reasons:

Persistent truancy.

Violent opposition to authority.

Repetition of any offense after notice.

Habitual and determined neglect of duty.

General bad conduct and bad example to the injury of the school.

Destroying or defacing any of the public school property, such as buildings, furniture, fences, trees, shrubbery, etc.

Provided that any principal expelling a pupil for any of the causes aforementioned shall immediately after such suspension or expulsion give notice thereof, in writing, to the parent or guardian of such pupil, and to the Superintendent of Education, in which notice shall be stated the reason of such expulsion or suspension.

§ 23. He shall exercise the strictest vigilance in the proper care of the public property under his charge, and notify the Superintendent of Education of any trespass upon or injury done to the same.

§ 24. He shall give prompt written notice to the Superintendent of Public Buildings of all needed repairs at his school, and to the Superintendent of Education of any supplies required for the efficient execution of school work.

§ 25. He shall act as librarian for the school of which he has charge. He shall take special charge of all books placed in the district school library, and make and preserve a catalogue of the same; he must deliver, charge, receive and credit the volumes drawn, and keep a register of the same, and make returns as required by the Superintendent. He must keep the library open for the distribution and return of books to the pupils and residents of his district, a sufficient time on Thursday afternoon of each week, and at such other times as may be necessary; but this duty shall at no time be permitted to interfere with the regular exercises of the school.

§ 26. The principal shall keep a record of the cases of absence or tardiness of each teacher employed in his school, and shall on Friday afternoon of each week report the same to the Superintendent, in writing, together with the reason of such absence or tardiness, if such reason shall be known to the principal.

§ 27. He shall keep a register, to be furnished by the department, which shall remain the property of the district, in which shall be entered the date of the admission of each pupil, the pupil's name and age, whence received, the parents' or guardian's name and residence, by number, street and district, attendance of the pupil, the date of his leaving the school, the destination of the pupil on leaving, both as to place and occupation.

§ 28. He shall make complete term, annual or special reports to the Superintendent at such times and in such manner as may be required of him.

§ 29. He shall keep a record of examinations in which shall be entered each term, the titles of the various classes in the school for the term, together with the names of the pupils comprising each class. The record shall note the result of the examination of each pupil and all promotions made.

§ 30. Each principal of a school shall, at the end of every school year, prepare and furnish to the Superintendent a true, full and correct inventory of all the furniture, apparatus, books and personal property of every kind belonging to the City under his charge or control, connected with or used in or about his school, with a statement of the true condition thereof, and the Superintendent shall place the same on file in his office.

§ 31. The principal of each school shall transmit to the Superintendent on Friday of each school week a list of the pupils, if any, between the ages of eight and fourteen, that such principal has reason to believe have left the school for the purpose of engaging in any employment. Such notices shall contain the address of such pupil or pupils, together with the parents' or guardian's name, and the number of days' attendance of the pupil or pupils.

§ 32. He shall promptly report all cases of truancy to the Superintendent.

§ 33. He shall promptly notify the Superintendent of any change of residence by any employe in his school. Assignments, removals, transfers, or absence of teachers or janitors shall be promptly reported to the aforementioned official.

§ 34. The principal shall be held strictly accountable for all errors or omissions in the reports called for by the department.



§ 35. He shall require a faithful discharge of duty by assistants; and in case of any neglect or inefficiency on the part of the assistants shall report the same in writing to the Superintendent.

§ 36. He shall visit daily the several schoolrooms under his charge and exercise a general supervision over the entire school.

§ 37. Principals of schools shall have authority to detain their teachers one hour after the close of school to instruct them in their duties or discuss subjects pertaining to the work of the school. Such privilege must not be used oftener than once a week.

§ 38. In case of absence of the principal the teacher next in rank shall take charge of the school and a substitute must be employed for the position made vacant. The principal shall send an immediate written notice of his absence to the Superintendent of Education.

§ 39. The schools shall be governed, so far as possible, without corporal punishment. When it is inflicted it must be done only by the principal or acting principal. The Superintendent may, in his discretion, clothe other teachers with the power to inflict corporal punishment.

All cases of corporal punishment must be reported at the end of the term by the principal to the Superintendent of Education.

§ 40. The principals of the several schools shall, under the direction of the Superintendent, instruct and train the pupils by means of drills, so that they may be able, on a sudden emergency, to leave the building in the shortest time and without confusion or panic.

§ 41. The principal shall cause the janitor of his school to perform faithfully and thoroughly his duties in accordance with the rules and ordinances governing the same.

## DUTIES OF ASSISTANT TEACHERS.

§ 42. The teachers during school hours shall devote their time exclusively to the performance of their school-work.

§ 43. They shall, so far as practicable, exercise a general care over their pupils in and out of school.

§ 44. They shall endeavor so to extend their instruction and superintendence of pupils as to bring about the highest degree of possible moral, mental and physical training.

§ 45. They shall maintain discipline and good order and shall govern by persuasive measures so far as practicable. They shall make complete returns, term, annual or special, to the principal at the close of each year or term and at such other times as he may require.

§ 46. They shall apply to the principal for advice or direction in case of difficulty in the discharge of their official duties.

§ 47. Teachers must have a thorough mastery of the matter contained in each lesson as well as a definite method of presenting it. A thorough preparation of the work for each day will be necessary, and in conducting recitations each teacher shall dispense with text-books so far as possible. They shall keep in some conspicuous place in the class-room a programme showing the order of exercise for each day in the week, and the time of each exercise. A copy of this programme shall be submitted to and approved by the principal.

§ 48. No teacher shall engage in any occupation that shall interfere with or prevent a proper performance of his or her duties as a teacher.

§ 49. No teacher, except in case of sickness, shall be

absent from the school in which he or she may be employed without the permission of the Superintendent.

§ 50. When any assistant teacher shall be temporarily absent from school, it shall be the duty of such teacher to send immediately written notice to the principal of the school to which said teacher shall belong, with the statement of the reason and probable duration of such absence. Special teachers shall send a like notice to the Superintendent. If such absence is caused by the sickness of the teacher, or sickness or death in his or her family, the pay of the substitute teacher shall be deducted from said teacher's salary for a period not exceeding four weeks, after which all pay shall cease unless otherwise directed by the Superintendent. All teachers absent from school, except as herein provided, shall forfeit their pay during the continuance of the same.

If it is found impracticable to employ a substitute in place of a teacher who is temporarily absent, the pay of the absent teacher shall be reduced the same as if a substitute were employed.

§ 51. Upon the marriage of any female teacher her place shall thereupon become vacant.

§ 52. Whenever a special instructor shall be appointed to teach a particular branch in any department he shall visit each school punctually and regularly, according to a programme furnished to him by the Superintendent. Each principal shall report weekly to the Superintendent every case of tardiness or absence on the part of such teacher.

#### PUPILS.

§ 53. A pupil once admitted to school, shall continue in punctual and regular attendance until its close, or until he is regularly withdrawn by notice to that effect to the teacher. Any pupil violating this rule shall not be

entitled to continue in such school, or be admitted to any other, until such violation is shown by note or in person by the parent or guardian to have been necessary and unavoidable.

§ 54. Any pupil not appearing at the regular hour of commencing either session of the school at which he or she may be in attendance, may be denied admittance to such session by the principal of the school.

§ 55. No pupil shall be sent for any purpose whatever from his or her class-room without the consent of the principal, nor shall any pupil be sent to look up absentee pupils during school hours.

§ 56. No pupil shall be dismissed before the close of school hours, except upon the written or personal request of the parent or guardian communicated to the principal.

§ 57. Any pupil absenting himself or herself from examination or any portion thereof, without absolute necessity, duly certified in the manner described in section 43, chapter XIV, for certifying absences, shall not thereafter be admitted to any public school, except by the permission of the Superintendent of Education.

§ 58. Every pupil entitled thereto, when he or she leaves a school, shall receive a certificate of good standing, and no pupil shall be permitted to enter any other school until such certificate is obtained. The Superintendent of Education may give permission, in writing, to admit to a public school a pupil expelled from any school.

§ 59. The Superintendent of Education may, for good cause, permit any child to attend school in a district other than that in which he or she resides, if there be room therein not occupied, upon the written application of the parent or guardian of such child. If the child in whose behalf such application is made shall have been in actual

attendance at any public school prior thereto, the application shall be accompanied by a certificate of the principal of the school at which he or she last attended, certifying to the standing of such child, and the grade to which he or she should be admitted.

§ 60. No pupil shall be detained after the close of the morning session. For purposes of discipline they may be detained fifteen minutes after the close of the afternoon session, and in special cases for a longer period when the principal grants permission.

§ 61. Every pupil who, on reasonable notice by the teacher, shall neglect to furnish himself or herself with the proper books, stationery or other articles not supplied by the City and necessary or required to be used in the class to which he or she belongs, shall be liable to suspension by the principal from the privileges of such school, subject to appeal in case of inability to the Superintendent of Education.

§ 62. Pupils shall not be transferred from one grade to a higher one, except after an examination in which they have demonstrated their fitness to do more advanced work.

§ 63. Pupils that evince habitual indifference to study may be transferred to lower grades by the principal.

§ 64. No pupil whose parent or guardian is not an actual resident of the City shall be admitted to any of the schools without a permit from the Superintendent of Education. These permits shall only be issued to pupils whose parents or guardians shall have paid to the Superintendent of Education the tuition fee prescribed by ordinance. The tuition fee shall be as follows: To the high schools at the rate of \$40 per annum; to the district schools at the rate of \$20 per annum, payable semi-annually in advance.

§ 65. A janitor shall be appointed for each school. Each janitor shall appoint all assistants and help necessary for the proper care of the school, and shall pay the compensation of such assistants and help out of the amount fixed as his salary. The women employed by such janitors shall each be entitled to receive not less than one dollar per day for work performed in caring for such schools. Each janitor shall, at all times, in the performance of his duties, be subject to the immediate direction and control of the principal of the school, and to the ultimate direction and control of the Superintendent of Education.

#### DUTIES OF JANITORS.

§ 66. It shall be the duty of the janitor to cause all rooms to be properly heated and made fit for the reception and occupancy of teachers and pupils as early as 8.30 A. M. They shall keep the basements of their respective buildings warm, clean and comfortable, and open the same for the reception of pupils as early as 8.30 A. M. In wet and severe weather, when directed by the principal of the school, they shall open the doors for the admission of pupils at an earlier hour, in which case they shall be held responsible for the protection of the school property under their charge, until the arrival of the principal of the school.

§ 67. The janitor of each building, where there is a basement for the use of pupils, shall be in and about the same during the time the pupils are assembling for school, and also when they are being dismissed. At no time during the school day shall a janitor leave the school building or its immediate vicinity without the approval of the principal of the school, and shall exercise proper care and control over the children when and as directed by the principal.

§ 68. It shall be the duty of all janitors of school buildings, where there are no basements, to remain at

the school buildings in the morning until the teachers arrive and to be present in the afternoon when the school is to be closed. And they shall at all times during the school hours hold themselves in readiness to perform their duties, when summoned by the principal.

§ 69. They shall open the doors of the school building on the arrival of the teachers in the morning, and immediately after the close of the school for the day they shall lock them, and no pupil or other persons shall thereafter be admitted, except by permission of the principal, or the Superintendent of Education, unless it be some person for whose admission the janitor becomes responsible.

§ 70. They shall thoroughly sweep the school building after the close of school for the day, and whatever dust may settle on the desks and other furniture, windows and wainscoting must be carefully removed in the morning before the time for opening school. Any dirt that may collect in halls or on stairs during the day must be promptly removed. The floors of halls and passages must be washed once in two weeks, and those of assembly, class and recitation rooms, at least once each month, and in some cases oftener, so that they may be kept free from dust. Windows should be kept clean so as to admit the light freely and should be washed once each month during the warm weather of March, April, May, June, September and October. During the summer vacation the buildings and premises must be thoroughly cleaned in every part.

§ 71. They shall house all the coal and wood that may be delivered at the school buildings, prepare all the kindling, remove all the ashes from the buildings and deposit them as is directed by the City Ordinances governing the same. They shall, when called upon by the principal, sift the ashes. They shall remove the snow

from the street sidewalks in conformity to the City Ordinances, and also keep the inner walks about the buildings free from snow. They shall, when directed by the principal, remove desks and other pieces of furniture, fasten them down and make such other repairs as their skill may enable them to do.

§ 72. They shall keep all gates locked during the time when there is no school; prevent, so far as possible, boys from assembling in the yard or congregating near the school building to play, and at all times exercise a watchful care over the school property, to protect it from injury.

§ 73. When buildings are to be used for examination, exhibitions or teachers' meetings, it shall be the duty of the janitor to have the necessary room or rooms in readiness for the occasion.

§ 74. As a penalty for neglect of duty or for incompetence any janitor shall, at the option of the Superintendent, with the concurrence of the Mayor, either forfeit a portion of his salary or submit to dismissal.

§ 75. They shall keep all modes of egress for pupils or teachers unlocked during school hours.

#### APPOINTMENTS AND SALARIES.

§ 76. All appointments of teachers made by the Superintendent of Education shall be in writing and shall provide in terms that the teachers named therein shall be subject to the laws and ordinances of the City regulating the Department of Public Instruction. Any person who has been lawfully appointed to a position as principal or teacher, and who has been separated from the service through no delinquency or misconduct on his or her part, may be reinstated by the Superintendent of Education in his discretion, without re-examination, in a vacant posi-



tion in the same grade within one year from the date of such separation.

§ 77. The Superintendent of Education shall issue to each teacher appointed by him, after the period of service as substitute, provided in Section 78, a certificate of the following form, which shall be designated "Certificate No. 1":

DEPARTMENT OF PUBLIC INSTRUCTION.

Certificate No. 1. Buffalo, N. Y., . . . . ., 19...

This is to certify that . . . . . is hereby employed as . . . . . teacher in . . . . . school for a probationary term of six months from this date, pursuant to ordinance of said City, unless sooner removed. The teacher hereby appointed shall be subject to the duties and liabilities prescribed in the laws and ordinances for the regulation of the public schools as they now exist or may hereafter be adopted, and also subject to transfer from one school to another and subject to the other orders and direction of the Superintendent of Education pertaining to the conduct and management of the schools.

Initial salary, \$. . . . . per annum.

. . . . .  
Superintendent.

In case the service, character and conduct of any teacher who shall have taught for the above probationary period shall be satisfactory to the Superintendent, he may issue to such teacher a certificate as hereinafter prescribed, which shall be designated "Certificate No. 2". In case any teacher shall not receive such a certificate within ten days after the end of said six months period of probation, such teacher, within the next ten days, may deliver to the Superintendent, by leaving at his office, a written request for a statement whether the service of such teacher has been satisfactory, and the

Superintendent shall, within seven days, send such a statement to such teacher by mailing the same to the address given in the request.

The certificate above mentioned shall be in the following form:

DEPARTMENT OF PUBLIC INSTRUCTION.

Certificate No. 2. Buffalo, N. Y., ....., 19...

This is to certify that ..... is employed as ..... teacher in ..... school for the term from the date of this certificate until June 30, ....., subject to suspension or removal according to law or ordinance and also subject to the duties and liabilities prescribed in the laws and ordinances for the regulation of the public schools which are now in force or which may hereafter be adopted, and also subject to transfer from one school to another and to the further orders and directions of the Superintendent of Education pertaining to the conduct and management of the schools.

Initial salary, \$. . . . . per annum.

.....

Superintendent.

The period to be specified in the above certificate\*number two, shall end with the end of the school year following that in which Certificate No. 1 was issued.

In case the service, character and conduct of any teacher who shall have taught for the period last above mentioned shall be satisfactory to the superintendent, he may issue to such teacher a certificate as hereinafter prescribed, which shall be designated "Certificate No. 3." In case any teacher shall not receive such a certificate (No. 3) within ten days after the end of the period mentioned in certificate No. 2, such teacher within the next ten days may deliver to the superintendent, by leaving at his office, a written request for a statement whether

the service of such teacher has been satisfactory and the superintendent shall, within seven days, send such a statement to such teacher by mailing the same to the address given in the request.

Certificate No. 3 above mentioned shall be in the following form:

DEPARTMENT OF PUBLIC INSTRUCTION.

Certificate No. 3. Buffalo, N. Y., ....., 19...

This is to certify that .....  
is hereby regularly and permanently employed as .....  
..... in ..... school, subject to removal according to law or ordinance and also subject to the duties and liabilities prescribed in the laws and ordinances for the regulation of the public schools which are now in force or which may hereafter be adopted, and also subject to transfer from one school to another and to the further orders and directions of the Superintendent of Education pertaining to the conduct and management of the schools.

Initial salary, \$. . . . . per annum.

.....

Superintendent.

Whenever, in his judgment, the public interest shall require it, the Superintendent may suspend any teacher by an order filed in his office, of which a copy shall be forthwith delivered at the place of residence of the teacher as registered on the books of the department. With the copy of order of suspension sent to the teacher shall also be sent a brief statement of the reasons for such suspension. Within ten days after the date of such order, he may, and, at the written request of any suspended teacher, he shall either file written and specific charges against such teacher in his office and deliver, or cause to be delivered, a copy thereof to such teacher and to the mayor, or reinstate such teacher without loss of pay. In case the writ-

ten request, or the charges, above specified and the teacher shall not have been reinstated within said ten days, such teacher shall be deemed to have resigned, and his or her pay shall thereupon cease. In case charges are filed, the superintendent shall hold a hearing, giving five days' written notice to the Mayor and to such teacher of the time and place of such hearing. Upon the hearing the accused shall have the privilege of counsel. Within five days after the close of such hearing the Superintendent shall make his decision in writing and deliver the same to the Mayor, who shall, within five days, file with the City Clerk and deliver to the Superintendent a written statement of his concurrence therewith or dissent therefrom, together with his reasons therefor. The Superintendent shall immediately thereupon notify such teacher in writing of the Mayor's decision. If the Superintendent decides that such teacher should be dismissed, and the Mayor concurs in said decision, such teacher shall thereby and not otherwise, be dismissed.

The word "teacher" as used in this section shall be deemed to include and apply to all principals and other employes of the department engaged in educational work, except the supervisor of grammar grades and supervisor of primary grades. These two supervisors shall be appointed annually by the Superintendent. Such appointment shall be substantially in the form of certificate No. 2 above, and such supervisors, during the year of their appointment, shall be subject to suspension and removal as above provided for all other employes engaged in educational work.

§ 78. Substitute teachers to take the place temporarily and from time to time of absent teachers regularly employed, shall be eligible to probationary appointment at the expiration of six months from the time their names are placed on the eligible list by the Board of School Examiners, but may be sooner appointed for the probationary term at the option of the Superintendent of Educa-

tion and in case of necessity or exceptional ability. All probationary appointments shall be made as provided in Section 77 of this chapter. All teachers who, prior to the first day of January, nineteen hundred and eleven, were employed as teachers, whether as substitutes or on probation or upon regular appointment, shall receive credit for the length of time they shall have served, according to the class of service, as substitutes or on probation or otherwise; and all teachers who, on or before said first day of January, nineteen hundred and eleven, shall have been regularly appointed, shall be entitled to the certificate of permanent employment designated "Certificate No. 3" and mentioned in said preceding section, subject to the conditions therein prescribed. The word "teachers," as used in this section, shall be deemed to mean the same as such word is defined in the preceding section.

§ 79. Substitutes must be supplied for all absent teachers, and they shall be paid at the following rate: The substitute teacher in grammar or primary schools shall be paid at the rate of \$1.50 per day. Substitutes for special teachers or teachers in the high school shall be paid at the rate to be fixed by the Superintendent of Education. Acting principals shall receive an addition to their regular salary of \$1.00 per day, to be deducted, with the substitute's pay, from the pay of the principal. Provided further that no substitute shall receive compensation for less than one-half day's services.

§ 80. Assignments of substitutes to the different schools shall be made from time to time by the Superintendent. The person thus appointed must be selected from the list of successful applicants certified as having qualified before the Board of Examiners. Provided, however, that in case where vacancies exist for which qualified teachers, under this rule cannot be obtained, such vacancies may be otherwise temporarily filled until a properly qualified teacher is available and no longer.

§ 81. Whenever a teacher shall be dismissed, the appointment of such teacher shall be revoked and notice given to the City Clerk and the salary of such teacher shall cease from the date of dismissal.

§ 82. The salaries of teachers shall be regulated by the number of years of successful experience of such teachers in the same or equivalent positions in regularly graded schools of good standing, counting the lowest salary named, and adding the annual increase for each year's experience, provided that no experience of less than twenty weeks' teaching shall be counted, and provided further, that all teachers to be hereafter appointed shall begin with the lowest rate of salary, unless the Superintendent shall make special exception in the case of an experienced teacher, whether such experience has been in graded schools or otherwise.

#### HIGH SCHOOL PRINCIPALS.

§ 83. The principals of the Central, Masten Park, Lafayette and Technical high schools shall each receive for the first three years of service \$2,500.00 per annum; for each of the four years immediately thereafter, each principal shall receive an annual increase of \$125.00 until his salary shall amount to the maximum of \$3,000.00.

#### GRAMMAR AND PRIMARY SCHOOL PRINCIPALS.

Salaries of principals of grammar and primary schools shall be based upon the average annual net registration of pupils during the school year immediately preceding that for which said salaries are paid, and shall be determined and are hereby fixed as follows:

In schools the average annual net registration of which shall be 700 or under, the minimum salary shall be \$1,500; yearly increase \$100; maximum salary \$2,000.

In schools where the average annual net registration is over 700 and not over 1,100, the minimum salary shall be \$1,500; annual increase \$100; maximum salary \$2,200.

In schools where the average annual net registration is over 1,100, the minimum salary shall be \$1,500; annual increase \$100; maximum \$2,500.

The principals of the training school for teachers shall receive a minimum salary of \$2,200; an annual increase of \$100, and a maximum of \$2,500.

The principal of the school of practice at the State Normal School shall receive a minimum salary of \$1,200; an annual increase of \$100, and a maximum of \$1,500.

The changes in salary hereby determined and enacted shall take effect at the beginning of the school year, September, 1911-1912.

#### GENERAL SUPERVISORS.

Two general supervisors shall receive, for the first three years of service, \$2,000 per year; for the fourth and subsequent years, \$2,500.

#### HIGH SCHOOL TEACHERS.

The teachers of the respective high schools shall be divided into four classes, namely: Heads of departments, special assistants, study room teachers and class room teachers.

Six heads of departments in each of the above named high schools shall receive, respectively, a minimum salary of \$1,500.00, an annual increase of \$100.00 and a maximum of \$2,000.00.

In addition to the foregoing heads of departments there may be employed at the Central High School a teacher to be known as the head of the business department, who shall receive the same salary, the same annual

increase, and subject to the same maximum limit as the other heads of departments herein provided.

Five special assistants in each of the above named high schools shall receive, respectively, a minimum salary of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,700.00 and at the discretion of the Superintendent of Education for special reasons a maximum of \$1,800, provided that said Superintendent shall in each such case communicate to the Common Council the fact that he has allowed said increase in excess of \$1,700.00 and his reasons therefor.

The Superintendent of Education shall have power to leave any one or more of these positions vacant.

Study room teachers in each of the above named high schools shall receive, respectively: Three at Central, two at Masten Park and two at Lafayette, each a minimum of \$1,300.00, an annual increase of \$100.00 and a maximum of \$1,600.00; two at Masten Park and two at Lafayette, each a minimum of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,400.00; one at Central, seven at Masten Park, eight at Lafayette and one at Technical, each a minimum of \$1,200.00, an annual increase of \$100.00 and a maximum of \$1,300.00.

Class room teachers in each of the above named high schools shall receive, each a minimum of \$600.00, an annual increase of \$100.00 and a maximum of \$1,200.00.

It is understood and enacted that in any case where the annual increase herein allowed to principals or teachers in the high schools would raise a salary to an amount in excess of the maximum hereby fixed, only such part of the said increase shall be allowed as will be sufficient to reach such maximum.

The increases provided by this amendment shall take effect at the beginning of the school year in September, 1911-12.



## TEACHERS' TRAINING SCHOOL.

The assistant teachers in the Teachers' Training School and in the Normal School of Practice shall each receive, during the first year of such service, \$100 in addition to the amount each would receive as an assistant teacher; with an annual increase of \$100, thereafter continuing to the same maximum salary that shall be in force for class room teachers in the high schools. The three teachers of theory and practice of teaching at the Teachers' Training School shall receive a minimum of \$1,300, an annual increase of \$100 and a maximum of \$1,500.

## ASSISTANT PRINCIPALS AND DEPARTMENT PRINCIPALS.

Assistant principals and department principals in primary and grammar schools, and one truant school teacher, shall each receive fifty dollars (\$50) in addition to the yearly salary which each would be entitled to receive as a teacher in grades one to seven, inclusive. Each department principal, however, having charge of a separate building, shall receive annually one hundred dollars (\$100) in addition to the annual salary which he or she would be entitled to receive as a teacher in grades one to seven, inclusive.

## ASSISTANTS.

Assistants in grades one to seven, inclusive, and teachers of German, shall receive a minimum of five hundred dollars (\$500) an annual increase of fifty dollars (\$50) and a maximum of nine hundred dollars (\$900).

## EIGHTH AND NINTH GRADE TEACHERS.

Eighth and ninth grade teachers in primary and grammar schools shall each receive fifty dollars (\$50) in

addition to the yearly salary which each would be entitled to receive as a teacher in grades one to seven, inclusive.

#### DIRECTORS.

Directors of special departments; four directors of the departments, respectively, of music, drawing, penmanship and manual training, shall receive a minimum salary of \$1,200, an annual increase of \$100, and a maximum of \$1,800. Four directors of the departments, respectively, of kindergartens, sewing, physical training and domestic science shall receive a minimum of \$800, an annual increase of \$100, and a maximum of \$1,200.

Assistants in the normal school of practice and in the teachers' training school shall be paid at the same rate and upon the same basis as assistants in grammar schools, except that they shall receive \$50 per annum in addition to the salaries to which they are in any given year otherwise entitled.

#### HEADS OF VOCATIONAL DEPARTMENTS OF THE GRAMMAR SCHOOLS.

Heads of Vocational Departments of the Grammar Schools shall receive a minimum salary of \$1,200, with an annual increase of \$100 until the maximum of \$1,500 is reached.

#### DIRECTORS OF SPECIAL DEPARTMENTS.

Four directors of the departments, respectively, of Music, Drawing, Penmanship and Manual Training shall receive a minimum salary of \$1,600, an annual increase of \$100 and a maximum of \$2,200. Four directors of the departments, respectively, of Kindergartens, Sewing, Physical Training and Domestic Science, shall receive a minimum of \$1,200, an annual increase of \$100 and a maximum of \$1,600.

#### ASSISTANTS IN SPECIAL DEPARTMENTS.

Manual Training teachers, ninth grade, a minimum of

\$900, an annual increase of \$100 and a maximum of \$1,500.

Shop teachers in Vocational Schools, minimum \$900, an annual increase of \$100, and a maximum of \$1,500.

Teachers of physically and mentally defective children and truant school teachers, minimum salary \$950, annual increase \$100, maximum salary \$1,150.

#### KINDERGARTEN TEACHERS.

Directors in kindergartens, teaching two sessions daily, shall each be paid at the same rate and upon the same basis as assistants in grammar grades one to seven, inclusive. Directors in kindergartens, teaching but one session daily, shall receive each two-thirds of the salary paid under the same conditions to directors teaching two daily sessions. Assistant teachers in kindergartens, having two sessions daily, shall each receive a minimum of four hundred dollars (\$400), an annual increase of fifty dollars (\$50) and a maximum of six hundred dollars (\$600). Assistant teachers in kindergartens, teaching but one session daily, shall receive two-thirds of the salary paid under the same conditions to assistant teachers in kindergartens teaching two sessions daily.

#### ASSISTANTS IN SPECIAL DEPARTMENTS.

Assistant teachers of music, drawing, sewing, penmanship, physical training, domestic science and manual training, below the ninth grade, shall each receive a minimum of six hundred dollars (\$600), an annual increase of fifty dollars (\$50) and a maximum of one thousand dollars (\$1,000).

Truant officers, minimum, \$800; annual increase, \$100; maximum, \$1,200; provided, however, that out of said maximum salary of \$1,200 said truant officers shall pay their own transportation expenses.

## CLERKS IN OFFICE.

1 Superintendent of German and Secretary to the Superintendent of Education, per year .....	\$2,750 00
1 Chief Clerk, per year.....	1,600 00
1 Assistant Chief Clerk, per year.....	1,200 00
1 Clerk, per year .....	900 00
1 Stenographer, per year .....	900 00

The Chief Clerk, Assistant Chief Clerk and Clerk in addition to the sums above named, shall each receive an increase of \$100 for every period of five years, not exceeding three such periods, during which he has been or shall hereafter be continuously in the regular employ and service of the city; but in no event shall this increase of salary exceed the maximum of \$300.

SEC. 84. All increases of salary provided for by the foregoing amendment of Section 83 shall be made only at the beginning of school years in September of each year, except salaries of truant officers and clerks in the Superintendent's office, increases in which shall begin on the first day of July of each year.

The salaries of all other teachers not hereinbefore specified, and of janitors, shall be according to a scale adopted from time to time by the Common Council.

No principal, teacher, clerk or other employe of the Department of Public Instruction shall receive a smaller salary by reason of the adoption of this amendment than was received by him or her under the previous scale of salaries.

The Superintendent of Education, in fixing the salaries of newly appointed teachers, may, in his discretion, allow for successful experience of such teachers in the same or equivalent positions in regularly graded schools of good standing, whether such experience was gained in the public schools of Buffalo or elsewhere.

Teachers newly appointed, who, during the first year, for no fault of their own, shall serve only three-fourths of the year, shall be eligible to receive the increase allowed the following year as if they had served the first year complete.

It is also hereby enacted that in any case where the annual increase herein allowed would raise a salary to an amount in excess of the maximum hereby fixed, only such part of said annual increase shall be allowed for the last year of such increase as shall be sufficient to reach such maximum.

The foregoing amendments of Sections 83 and 84 shall take effect at the beginning of the school year in September, 1911-12, and every teacher for that year and all subsequent years shall receive the salary which such teacher would be entitled to receive if these amendments of Sections 83 and 84 had been in force at the date of the appointment of such teacher.

## JANITORS - ENGINEERS.

School	Cleaning Expense	Engineer	Total
No. 1 .....	\$810	\$850	\$1660
No. 2 .....	840	1000	1840
No. 3 .....	330	750	1080
No. 4 .....	660	1000	1660
No. 5 .....	540	1000	1540
No. 6 .....	510	1000	1510
No. 7 N. B .....	300+50	1000	1350
No. 7 O. B .....	390	850	1240
No. 7 Annex ...	300	1000	1300
No. 8 .....	810+50	850	1710
No. 9 .....	1110	1000	2110
No. 10 .....	660	900	1560
No. 12 .....	510	1000	1510
No. 13 .....	480	1000+100	1580
No. 14 .....	390	850	1240
No. 15 .....	570	1000	1570

School	Cleaning Expense	Engineer	Total
No. 16 .....	600+50	850	1500
No. 17 .....	780	850	1630
No. 18 .....	960+50	850+250	2110
No. 19 .....	810+50	850	1710
No. 20 .....	450	850	1300
No. 20 Annex....			400
No. 21 .....	240	850	1000
No. 22 .....	540	850	1390
No. 23 .....	470	850	1320
No. 24 O. B .....	570	1000	1570
No. 24 N. B.....	540	1000	1540
No. 25 .....	420	850	1270
No. 26 .....	780+50	850+150	1830
No. 27 .....	540	850	1390
No. 28 .....	660	850	1510
No. 29 .....	540+50	850	1440
No. 30 .....	210	1000	1210
No. 31 .....	1560+50	850	2460
No. 32 O. B .....	390	1000	1390
No. 32 N. B .....	390	1000	1390
No. 33 .....	510	850	1360
No. 34 .....	420	850	1270
No. 35 .....	570	850	1420
No. 36 .....	450	850	1300
No. 37 .....	990+50+100	850	1990
No. 38 .....	690	1000	1690
No. 39 .....	960+100	850+150	2060
No. 40 .....	540	850	1390
No. 41 .....	810+50	850	1710
No. 42 .....	300+50	660	1010
No. 43 .....	1050+50+100	850	2050
No. 44 O. B .....	850+50	850	1750
No. 44 N. B .....	840	1000	1840
No. 45 .....	720	1000	1720
No. 46 .....	270+50	1000	1320
No. 47 .....	540	850	1390

School	Cleaning Expense	Engineer	Total
No. 48 .....	510	1000	1510
No. 49 .....	450	1000	1450
No. 50 .....	390	1000	1390
No. 51 .....	600	850	1450
No. 52 O.-B .....	510	850	1360
No. 52 .....	1020	850+150	2020
No. 53 .....	900+50	850+150	1950
No. 54 .....	600	850	1450
No. 55 .....	750	1000	1750
No. 56 .....	510	850	1360

School	Cleaning Expense	Engineer	Swimming Pool, Shower Bath and Lockers	Large School	Total
No. 56 N. B .....	1050	1000	400	100	2550
No. 57 .....	570		850		1420
No. 58 .....	1260+50		850+150		2310
No. 59 .....	570		850		1420
No. 60 .....	600+50		850		1500
No. 61 .....	240		850		1090
No. 62 .....	600		850		1450

Technical High School .....	\$2,000 00
Masten Park High School .....	3,600 00
Central High School .....	2,550 00
Lafayette High School .....	5,000 00
Truant School Janitor .....	850 00
Truant School Night Watchman.....	850 00
School No. 27 Annex, Janitress.....	200 00
School No. 60 Annex, Janitress.....	100 00
School No. 21 Annex, Janitress.....	150 00
School No. 23 Annex, Janitor.....	150 00
Central High School Annex, Janitress.....	250 00
Trenton Avenue Kindergarten, Janitress.....	150 00
Grote Street Kindergarten, Janitress.....	200 00
Welcome Hall Kindergarten, Janitress.....	100 00

§ 85. The substitute teachers in grammar and primary schools, shall be paid at the rate of \$1.50 per day. Substitutes for special teachers or teachers in the high school shall be paid at the rate to be fixed by the Superintendent of Education. Acting principals shall receive an addition to their regular salary, \$1 per day, to be deducted, with the substitute's pay, from the pay of the principal. Provided, further that no substitute shall receive compensation for less than one-half day's services.

#### GENERAL MATTERS.

§ 86. The text-books shall be uniform in the corresponding classes of the several district schools or high schools.

§ 87. The school year shall be divided into two terms, of twenty weeks each, exclusive of vacations.

§ 88. The first term shall commence on the Tuesday following the first Monday in September, and continue twenty weeks, exclusive of one week's vacation, which shall include Christmas Day and New Year's Day of each year.

The second term shall commence on the Monday following the close of the first term and continue twenty weeks, exclusive of Good Friday and the week immediately following Easter.

§ 89. The holidays shall be every Saturday, Christmas and New Year's, Lincoln's Birthday, Washington's Birthday, Decoration Day and all Thanksgiving or special holidays authorized by the general or state governments, and the schools shall not be open on the Friday following Thanksgiving Day.

§ 90. The annual vacation shall extend from the last Friday of the school year to the second Monday in September.



§ 91. No other holidays shall be allowed and no school shall be suspended on any other occasion or closed at any other time than as herein prescribed, except for special and extraordinary reasons relating to a particular school, and then only when the written permission of the Superintendent shall be given.

§ 92. On the school day next preceding any national holiday appropriate exercises shall be held in all schools, which shall be calculated to impress upon the minds of the young the history and the lesson of the particular event to be commemorated, but these exercises shall not occupy more than 30 minutes of the regular session in primary and grammar schools, nor more than one hour in the high schools.

§ 93. The schools of the department shall be open for examination at all times during school hours, but no visitations must interfere with the regular performance of the school work.

§ 94. In case any principal should deem it expedient to omit or shorten either daily session or dismiss a portion of his or her school on any occasion at a different hour than that set forth in the school timetable and assume such responsibility, immediate written notice of such action should be sent to the Superintendent's office, stating the cause of the same.

§ 95. Regular examinations shall be held at the close of each term for the purpose of ascertaining the standing of the pupils. All promotions of pupils shall be based solely on the record of scholarship for the term and on the result of the term examinations. The methods of conducting examinations, making promotions, keeping record of scholarship, shall be under the direction of the Superintendent of Education.

§ 96. It shall be lawful for the citizens of Buffalo to

use the public school buildings for the discussion of public questions under the following conditions and restrictions:

1. Whenever the citizens of any school district within the City shall desire to hold a meeting in any public school building for the discussion of any public question not of a religious or partisan character, a written application shall be made to the Superintendent of Education for a permit therefor. Such application shall be signed by ten reputable, responsible and adult citizens residing in the school district. Before the permit for the holding of such meeting shall be given, the application must be approved by endorsement thereon in writing by the principal of the school. The application shall give the residence addresses of the petitioners, state the object of the proposed meeting, and the date and hour at which it is proposed to be held.

2. The persons making the application shall deposit the sum of ten dollars with the Superintendent of Education at the time the application for the meeting is filed with that official. In case such application is granted, three dollars of such sum shall be paid to the janitor of the school building where the meeting is held as compensation for his services in opening, lighting, looking after such building, and cleaning up after such meeting; the remaining seven dollars shall be returned to the applicants upon the presentation of a certificate from the Superintendent of Buildings stating that the said school building or furniture or appurtenances thereto were not damaged in any way at such meeting. If the Superintendent of Buildings refuses to issue such certificate, on the ground that damage was done, the Commissioner of Public Works shall determine the amount of damage and the same shall be paid out of the seven dollar deposit, provided the damage shall be less than seven dollars, or if it be greater than seven dollars, then the whole of the

deposit shall be so applied. The balance of said deposit, if any remains, shall be returned to the persons making application for the meeting.

3. All public meetings shall be held in the school buildings at such times as shall not interfere with regular school sessions. Not more than one meeting shall be held in the same school building on the same evening.

4. It shall be unlawful for any of the participants to any public meeting in any school building to engage in religious or partisan controversies or to behave in a disorderly manner. The buildings are not to be used for recreative purposes, and dancing and smoking shall be prohibited. Nothing herein contained shall be deemed to prohibit meetings of organizations or societies of the pupils of the public schools of the City, but all such meetings shall be subject to and under the supervision, regulation and control of the Superintendent of Education.

§ 97. All fees, fines and penalties shall be placed to the credit of the funds of the Department of Public Instruction.

§ 98. Proprietors or agents of public exhibitions or private enterprises are prohibited from soliciting or advertising in any of the public schools or on the school grounds.

§ 99. No collection of money shall be taken up or subscription solicited for any purpose in any of the schools. No books or stationery, or other school material shall be sold by any teacher in the department to pupils of the same. No gift or reward, other than a written testimonial, shall be accepted by any employe of the department from pupils or fellow-employes. A violation of this section will subject the offender to a forfeiture of his or her position in the department.

§ 100. The registers and other books of records, as well as all blanks for reports and other purposes required in the several schools shall be uniform. The Superintendent shall determine the form of the same.

§ 101. All teachers shall strictly enforce the rules and regulations prescribed by ordinance governing the admission and exclusion of public school pupils affected with contagious diseases, or who reside in close proximity to, or in buildings in which such diseases exist, or have existed.

§ 102. Every school shall be supplied with a copy of the Charter provisions, ordinances, rules and regulations applying to the Department of Public Instruction.

§ 103. All teachers of the public schools are required to make themselves familiar with these laws and ordinances, and co-operate with the Superintendent at all times in taking such measures as may be necessary to secure their observance.

The faithful compliance with all the laws, ordinances and regulations relating to teachers shall be one of the conditions upon which teachers maintain their connection with the public schools.

§ 104. The office of the Department of Public Instruction shall be open from 8.30 A. M. to 5 P. M., except on Saturdays, when the hours shall be from 8.30 A. M. to 12 M.

HEALTH ORDINANCES—APPLYING TO THE DEPARTMENT OF  
PUBLIC INSTRUCTION.

§ 105. No teacher or other person shall be employed in, nor shall any pupils be admitted to any public schools who have not been vaccinated, or who have not had varioloid. It shall be necessary to produce a certificate

from a physician to this effect. The principal of each school shall keep a record of the date of such vaccination and the name of the physician. All pupils not vaccinated, applying for admission, shall be referred to the district physician, who shall vaccinate them free of charge.

§ 106. It shall be the duty of the principal to exclude from school all pupils coming from a house where a contagious disease exists, or in which a death had occurred from such cause. Said pupils shall not be readmitted until there has been a compliance with the rules of the Department of Health governing the admission of pupils to schools. When a principal has reason to suspect existence of any contagious disease in a house, he shall immediately suspend pupils living therein, until the case has been investigated and shall report the same to the Department of Health. Contagious diseases shall include diseases of the skin, eye, itch, mumps and whooping cough.

§ 107. A pupil, not residing on the floor where a contagious disease exists in a tenement house occupied by only one family on each floor, shall be allowed to attend school, except it be a case of smallpox, typhus or other pestilential disease.

§ 108. Pupils excluded on account of any of the causes specified in sections 106 and 107, shall be entitled to readmission upon expiration of the following periods:

Scarlet Fever: Three weeks from the last case in dwelling.

Measles: Two weeks from the beginning of the last case in dwelling.

Diphtheria: One week after termination of last case in dwelling.

Smallpox and Typhus: Only on certificate from Department of Health that attendance is safe, or of medical attendant that dangerous spreading infection is past, and that the dwelling and all articles liable to carry contagion have been disinfected in accordance with the rules of the Department of Health.

§ 109. No pupil shall be sent to any dwelling for the purpose of inquiring as to the existence of any suspected disease, and any pupil known to have entered such house, shall be excluded from the school until a medical certificate is presented that all danger of contagion or infection has passed.

§ 110. All pupils residing in asylums or other public institutions, shall, on Monday of each week, furnish a certificate from the head of such institutions, or attending physician, to the effect that no contagious disease has existed in the same for the week past. Such certificate shall be kept on file by the principal, till the end of the school year.

§ 111. No pupil shall attend any public school who resides in any public institution, wherein any contagious disease has occurred, until he or she shall present a certificate from the head of the institution or attending physician to the effect that:

*First*—No new case has occurred within ten days.

*Second*—That all the cases have been removed to a hospital for contagious diseases.

*Third*—That approved methods of disinfection have been successfully employed.

*Fourth*—That no communication has been allowed between attendants in isolated wards and those of the institution proper. Such certificate must be preserved by the principal during the current school year.

§ 112. It shall be the duty of the Superintendent to refer to the Department of Health all cases brought to his attention affecting the sanitary welfare and condition of the public schools and buildings.

§ 113. Any person who shall give any false certificate provided in this chapter from section 105 to section 112, inclusive, shall pay a penalty of not less than \$50 nor more than \$250. Any teacher admitting a pupil otherwise than as provided in said sections, must be suspended and may be dismissed from the department, at the option of the Superintendent with the approval of the Mayor.

§ 114. Any person who shall violate any of the provisions of this chapter, wherein a different penalty is not herein prescribed, shall suffer a penalty of not less than \$5 and not more than \$100.

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## CHAPTER XV.

### OF LAMPS AND LAMP POSTS.

§ 1. Any person who shall carelessly or maliciously break or deface, or in any way injure any of the public lamps or lamp-posts of the City, shall forfeit the penalty of \$20 for each and every offense, one-half of which penalty, when collected and paid into the City Treasury shall be paid to the person or persons upon whose information a conviction for such offense shall be had. And any person who shall carelessly or maliciously break, deface, remove or injure the lettering on the City lamps, or the names of streets, or any street sign or the post on which sign is erected, shall forfeit the penalty of \$10 for each and every offense; one-half of which pen-

alty, when collected and paid into the City Treasury, shall be paid to the person or persons upon whose information a conviction for such offense shall be had.

§ 2. Any person who shall light, or cause to be lighted, or put out, or cause to be put out, or who shall turn the stop-cock of any of the public lamps of this City, unless duly authorized to do so by the Common Council, shall forfeit the penalty of \$25 for each and every offense; one-half of which penalty, when collected and paid into the City Treasury, shall be paid to the person or persons upon whose information a conviction for such offense shall be had.

§ 3. Any person who shall hang or place any goods or merchandise of any description on any of the public lamps or lamp-posts of this City, for the purpose of exhibition or sale, or any other purpose, or who shall place any goods, boxes, wood or other heavy material upon or against the same, shall forfeit the penalty of \$5 for each and every offense.

§ 4. It shall hereafter be the duty of the Board of Public Works, when an extension of the lamp district is ordered by the Common Council, to mark out and designate, by actual measurement, and place a stake at the location of each lamp-post to be placed or set in such extension; and such lamp-posts shall not be hereafter placed or set at a less distance apart than 110 feet nor a greater distance than 140 feet, nor shall any lamp-post be placed in any street unless the same be properly tarred on the inner and outer sides thereof.

§ 5. All fines collected for violations of the provisions of this chapter, except as otherwise provided by sections 1 and 2, shall be paid into the City Treasury and placed to the credit of the Lamp District Fund.



§ 6. The Bureau of Streets shall have supervision over the public lamps and of the lighting, cleaning, repairing and extinguishing the same; shall see that they are kept clean and in good order, and the gas lamps are at all times provided with good and sufficient burners of the capacity mentioned in the contract between the City of Buffalo and the gas companies from which it purchases gas, and such burners are kept free and clean, and pass the amount of gas called for in said contracts; and for that purpose a test shall be made of such burners with some standard selected by the Board of Public Works. A test shall also be made of the illuminating power of the gas and electric light furnished the City, under the contracts made with the gas and electric light companies. The employe or employes of the Bureau of Streets shall have the right to enter every public building owned by the City to test the meters therein and regulate and control the use of gas or electric light in each of said buildings. At the end of each month the meters in each of the public buildings owned by the City shall be examined, and a record made of the number of feet of gas or electricity consumed in each of said buildings; such record shall be compared with the bills for gas and electricity furnished by the different gas and electric light companies, and no such bill shall be paid until the same shall be certified by the Superintendent of the Bureau of Streets and the Board of Public Works.

§ 7. It shall see that the lamps are kept lighted during the whole number of hours specified in the contract between the City and the gas and electric light companies. It shall, at the end of each month, report to the Board of Public Works the number of lamps not lighted during the current month, and the number of hours they were not lighted, and the amount due for same shall be deducted from the bills presented by the gas and electric light companies.

§ 8. The test of the illuminating power of gas required by section 6 of this chapter shall be made as follows: The City Chemist, under the direction of the Board of Public Works, shall at least once a month, carefully ascertain the percentage of sulphur and ammonia contained in the gas delivered to the City by the several gaslight companies, and shall also make a semi-monthly test of the candle power of such gas. Previous to making a test of the illuminating power of the gas furnished by any company, the City lamp inspector, shall, at the request and under the direction and supervision of the City Chemist, measure the pressure in several street lamps supplied by the company, at points one, two and three miles from the gasometer, and a photometric test of the candle power of the gas shall be made in the City Photometric Station, at a like pressure and under the same conditions. The City Chemist shall make monthly reports of the results of such tests to the Board of Public Works and said board shall thereupon report to the Common Council.

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## CHAPTER XVI.

### OF THE SALE OF WOOD AND COAL.

§ 1. It shall be the duty of every person when offering for sale or selling any wood, within the City, to state to the purchaser, before buying the exact measurement and the kind and quality of such wood; and any person who shall neglect or refuse so to state the measurement or kind and quality, before selling, or shall, at any time, overstate the quantity, or misrepresent the kind or quality of such commodity, shall, upon conviction, forfeit and pay the sum of \$10 for each and every offense. When delivering wood, if requested by the buyers so to do, the vender shall, without any other compensation than the

price agreed to be paid for such wood, pile or cause to be piled the same in as compact and square form as possible; and a failure to do so shall subject the offender to a fine of \$5 for each and every offense.

§ 2. The legal standard ton of coal in the City of Buffalo shall be two thousand (2,000) pounds.

§ 3. It shall be the duty of every vendor of coal to send with each and every load or part of a load of coal sold by such vendor, a card or ticket, which shall indicate on its face in plain characters the vendor's name, the date of such sale and the weight of the coal contained in the cart or other vehicle in which it is being transported, and the weight of such cart or vehicle. And no person shall deliver any coal within the City of Buffalo, unless it has first been weighed upon a scale duly tested and sealed.

§ 4. Any vendor of coal violating such provision, or being found selling or delivering any load of coal without such card or ticket, or refusing to allow the weight to be tested, as provided in the following section, shall forfeit and pay a penalty of not less than \$5 nor more than \$10 for every such violation.

§ 5. It shall be the duty of the Sealers of Weights and Measures and of police officers, from time to time, and whenever they suspect that the quantity of coal being transported for sale does not correspond with the amount indicated on the card or ticket aforesaid, or whenever requested by the purchaser of such load, to cause such load to be weighed upon any lawful scale most accessible for that purpose; and if upon the weighing thereof it shall be found that such load of coal is less than the net amount indicated upon such card or ticket, the vendor furnishing such coal shall be liable to and shall forfeit and pay to the City of Buffalo a penalty of not less than \$10 nor more than \$50 for each and every

offense. The Sealers of Weights and Measures shall be entitled to receive for any coal they may be called upon to weigh a fee of 25 cents per load, payable by the vendor of such coal, unless, upon weighing such coal it shall be found that the amount indicated upon such card or ticket is correct, or within 1 per cent. of the correct weight, in which case the vendor of such coal shall not be liable to any expense or fee for weighing it.

§ 6. Any scale which shall have been sealed in accordance with the ordinances pertaining to weights and measures shall be deemed a lawful scale within the meaning and for the purpose of this chapter.

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## CHAPTER XVII.

### PEDDLERS, HAWKERS AND JUNK DEALERS.

§ 1. No person shall sell, peddle, hawk or vend upon the streets or public places of the City, by going from house to house soliciting purchases or otherwise, unless a license or permit so to do has been previously obtained by him or her from the Mayor, which license must be shown to any member of the police force on demand. All persons holding licenses to sell fish, farm or garden products shall be permitted to cry out their wares upon the streets of the City, except within the territory bounded on the east by Washington Street, on the south by Exchange Street and the Terrace, on the west by Pearl Street and on the north by Chippewa Street, including the streets forming such boundaries, but no person shall sell, peddle, hawk or vend any fruits, farm or garden produce or other merchandise on the public streets or grounds of the City of Buffalo on Sundays, or after seven

o'clock in the evening or before seven o'clock in the morning on other days.

No vehicle of any kind or description, drawn by animals or propelled by power other than hand power, shall be used for the sale of goods, wares, merchandise or produce therefrom upon the streets or public places of the City, unless a license has been obtained from the Mayor therefor and a license plate prominently affixed to such vehicle.

All applicants for licenses under this section shall produce satisfactory evidence to the Mayor of their good moral character.

The fees for licenses issued under this section shall be as follows:

For each one-horse vehicle, \$75.

For each two-horse vehicle, or other vehicle not herein otherwise specified, \$100.

For each hand-cart, push-cart or barrow, \$25.00 except when said hand-cart, push-cart or barrow is used exclusively for the sale of peanuts or popcorn, in which event the fee for license shall be \$15.00, and except when said hand-cart, push-cart or barrow is used exclusively for the sale of fish, in which event the fee for license shall be \$10.00.

Each such vehicle or cart shall at all times display a license plate supplied by the Mayor when the license is issued, and the number thereof shall be registered at the Mayor's office.

For each license for selling, peddling, hawking or vending from a licensed vehicle, hand-cart or with basket or other receptacle, or on foot, the fee shall be \$25; except fish peddlers and vendors of popcorn or peanuts, vending from hand-cart, barrow or basket, whose license fee shall be \$10. No license to sell or peddle shall be

included in a vehicle or handcart license, but every such license to sell or peddle shall be issued separately, with the license fee as herein fixed, and no license to sell shall include a license for cart or vehicle.

Each holder of a license to sell, peddle, hawk or vend shall wear, prominently displayed, a badge bearing his or her number as registered in the Mayor's office, which badge shall be issued by the Mayor at the time of granting the license, and shall be returned to the Mayor upon the expiration of the term for which the license was issued. Not more than two licensed sellers shall sell from or peddle, hawk or vend in connection with any licensed vehicle. No person other than a licensed seller or peddler shall sell, peddle, hawk or vend from or in connection with any licensed vehicle.

Not more than one license of any one kind herein mentioned shall be issued to any one person.

The provisions of this section requiring licenses for vehicles shall not be construed to require licenses for delivery wagons owned or used by grocers or others having a store for the sale of merchandise within the City, solely for the delivery of goods sold at such store.

The Mayor may, in his discretion, issue licenses free of charge to indigent persons for peddling from handcarts, baskets or other receptacles, small articles of merchandise other than fruit, farm or garden products upon the public streets and grounds of the City, but no more than one such license shall be issued to one person, and no such license shall be transferable.

The penalty for a violation of this section shall be not less than \$10 nor more than \$50. The Mayor may, in his discretion, for cause and without rebate, revoke any license issued under this section.

All licenses issued under this section shall expire on the thirtieth day of April of each year.

§ 2. No person, association, firm or corporation shall engage in or carry on the business of dealing in, purchasing or selling old silver, iron, brass, copper scraps, or other second-hand or partly ruined or damaged materials of any kind, nor conduct what is known as a "junk shop," without first procuring a license therefor from the Mayor; nor shall any person, firm, association or corporation conduct what is known as a "second-hand store," or carry on the business of dealing in, purchasing or selling second-hand articles of any kind, without first procuring a license therefor from the Mayor. No person, firm, association or corporation shall keep for sale or collect or store, for any purpose, within the City of Buffalo, iron, junk, rags, bones or second-hand clothing or second-hand furniture, without first obtaining a written permit from the Health Commissioner and a license from the Mayor; and no such license shall be issued by the Mayor until after the applicant shall have procured from the Health Commissioner the permit hereby required.

Each applicant for such permit shall file with the Health Commissioner a written statement describing the character of business in which the applicant desires to engage, the kind of material which he desires to collect, keep or store, the proper designation by street and number or other accurate description of the place where such business is to be conducted, and shall furnish to said Health Commissioner such other information as he requires.

But it shall be unlawful for any person, firm, association or corporation to improperly expose or offer for sale any bedding, clothing, household furniture or any other article which has been subjected to any contagious or infectious disease, until properly disinfected and fumigated, and approved by the Health Commissioner.

No person, firm, association or corporation, however, shall be required to procure from the Mayor, or have,

more than one license at a time under this section, for the privilege of dealing in, purchasing or selling, collecting, keeping or storing, at one place, any such iron, junk, rags, bones, or second-hand clothing or second-hand furniture.

The fees for the licenses required by this section are hereby fixed as follows:

For collecting, buying or selling in, upon or from the streets, with bags and hand-wagons, \$2 a year; for collecting, buying or selling in, upon or from the streets, with horse and wagon, \$3 a year; junk gatherers, with boat and yard, \$10 a year; wholesale and retail junk dealers, \$25 a year; second-hand merchants or dealers in second-hand articles, except household goods and furniture, \$10 a year; for otherwise collecting, keeping or storing any iron, junk, rags, bones or second-hand clothing or second-hand furniture, \$10 a year.

Every person, firm, association or corporation engaged in the business of dealing in, purchasing or selling second-hand articles shall, before ten o'clock in the forenoon of each business day, report to the commanding officer of the Police Department of the precinct in which his or their place of business is situated, on blank forms to be furnished by the Police Department, a description of all articles bought upon the premises where such business is carried on upon the business day immediately preceding, and the name, residence and description of the person selling the same. No person engaged in the business of dealing in, purchasing, selling, collecting, keeping or storing second-hand articles or other articles of any kind as herein provided shall keep more than one house, shop or place for buying, selling, keeping or storing such goods or articles by virtue of one license. Every licensed person, except wholesale and retail dealers, shall wear a badge, to be furnished by the City with the license, and on said badge shall be inscribed the number of the



license issued in connection therewith. All such badges shall be the property of the City and shall be returned to the Mayor upon the expiration of the term for which the license issued in connection therewith expires, or upon the revocation of such license.

It shall be the duty of the Superintendent of Police to furnish daily to every person, firm, association or corporation engaged in the business of buying and selling at retail, second-hand articles of any kind under licenses as herein provided, a list of all articles reported to the Police Department as lost or stolen.

Any person who shall violate any of the provisions of this section shall be liable to a fine or penalty of not less than \$10 nor more than \$50 for each and every offense.

Note.—Above section as originally introduced in the Board of Aldermen amended Section 2 of Chapter XVII. C. C. P. 1908, page 1680, as passed by same board it is made to read Chapter XXVII. C. C. P. 1908, page 1763. It is published as Chapter XVII. Probably is void in its present shape on account of mistake.

§ 3. It shall not be lawful within the limits of the City of Buffalo for any person or persons, firm or corporation carrying on the business of purchasing or selling old silver, iron, brass, copper scraps, rags or other second-hand or partially ruined or damaged materials to purchase from any person under 16 years of age, old silver, iron, brass, copper scraps, rags or other second-hand or partially ruined or damaged materials of any character.

A violation of this provision shall be punishable by a fine of not to exceed \$25 for each and every offense. In addition to such fine the license held by such person or persons, firm or corporation shall be forfeited.

§ 4. The Mayor shall furnish to each person receiving a vehicle license under section 1 of this chapter, a

metal plate marked "Licensed Vehicle," upon which shall be inscribed the number of said license and the term for which it is issued. Plates for hand-carts or push-carts shall be not less than four inches by eight inches. Plates for one-horse or two-horse or other vehicles shall be not less than ten inches by fourteen inches. Every such plate shall be returned to the Mayor at the expiration of the term for which it was issued.

Every applicant for a license under this chapter shall furnish to the Mayor a bond in the sum of one hundred dollars, with sufficient sureties, conditioned for the faithful observance by such applicant of all the ordinances of the City of Buffalo in regard to hucksters or licensed vehicles for their use. Every such bond must be approved by the Mayor before acceptance.

Each application for any license provided for in this chapter shall be made upon a form to be obtained at the Mayor's office, which shall set forth the full name of the applicant and such other information as the Mayor may require. All applications must be certified under oath.

Each such license shall contain a full text of sections 1 and 4 of this chapter. No license shall be issued for a sum less than the license fee, nor shall any license be issued to any person who is under the age of 18 years, nor shall any person under such age peddle fruits, farm or garden products.

This chapter shall apply to wholesale vendors of fruit and garden products.

§ 5. Except as otherwise provided in this chapter, no person shall hawk or peddle upon the public streets or grounds of the City any waffles, cakes, pies, confections or bakery products without first obtaining a license therefor from the Mayor. The fees for such license and the regulations governing the same shall be as prescribed for the sale of other merchandise in sections 1 and 4 of this

chapter, except that the fee for peddling waffles, cakes, pies, confections or other bakery products not specified in sections 1 or 4 shall be \$15, and the fee for a one-horse vehicle to be used by such peddler shall be \$10. One payment of \$25 shall authorize the Mayor to issue a license permitting the sale by one person of the merchandise mentioned in this section and the use of a one-horse vehicle therefor. The sale of merchandise specified in this section and the sale of popcorn and peanuts heretofore specified in this chapter shall be conducted in a quiet and orderly manner at any time during any day or evening. Every license issued under this section shall expire on the thirtieth day of April next after its issuance. The penalty for a violation of any provision of the chapter or section shall be as prescribed in sections 1 and 4 hereof.

## CHAPTER XVIII.

### BILLIARDS AND POOLROOMS AND BOWLING ALLEYS.

§ 1. No person, firm or corporation shall, within the limits of the City of Buffalo, keep or maintain any public billiard room, pool room or bowling alley or any room in which games of billiards, pool or bowling are carried on, for the playing of which any compensation, direct or indirect, shall be demanded or received, without first having procured a license therefor. Such license may be issued by the Mayor, in his discretion, upon payment by the person or persons applying therefor of the fee fixed in the next section. No person shall permit any room or building owned or controlled by him to be used for the purpose of a public billiard room, pool room or bowling alley unless the same shall be licensed as herein provided. Any person violating the provisions of this section shall be subject to a penalty of \$5 per day for each day such

room or building shall be so used or occupied without license. The provisions of this section shall not apply to any club or organization formed in good faith, the privileges of which shall be enjoyed only by the members thereof who pay for such privilege a stated sum as a membership fee, except that such club or organization shall first obtain a permit to be issued in the discretion of the Mayor, before they may maintain a room or rooms in which bowling, pool or billiards are played.

§ 2. No license under the foregoing section shall be issued to any person under the age of 21 years nor to any person who has been convicted of a felony, nor to any person who, having been previously licensed to conduct a billiard room, pool room or bowling alley, shall have had said license revoked during the year immediately preceding the time of making the application herein mentioned. All licenses shall expire on the 30th day of May succeeding the issuing thereof, and the license fee therefor shall be at and after the following rates, viz. :

For each billiard table, \$5 per annum; for each pool table, \$5 per annum; for each bowling alley, \$5 per annum.

No license fee shall be pro-rated for a period of less than six months.

§ 3. No person licensed as prescribed in this chapter shall permit or suffer any gambling to be carried on in the licensed premises, nor shall he permit or suffer any child actually or apparently under the age of 16 years to play billiards, or pool or to bowl on the licensed premises; or to be or remain in or upon said premises unless accompanied by the parent or guardian of such child. No person licensed as provided in this chapter shall permit or suffer any room wherein the game of billiards or pool or bowling is played or is to be played to be or re-

main open between 1 o'clock and 5.30 o'clock A. M., of any weekday, nor at any hour on Sunday.

§ 4. A parent or guardian of any minor may serve personally upon any person licensed as provided in this chapter a written notice forbidding the licensee to allow or permit such minor to play any game of billiards or pool or bowling on said premises, or to enter or remain on such premises, and after the service of such notice it shall not be lawful for the licensee to permit such minor to play any of said games or to enter or remain upon said premises. The violation of any provision of this section may be punished by a revocation of the offender's license by the Mayor in pursuance of section 52 of the City Charter.

## CHAPTER XIX.

### INSPECTION OF STEAM BOILERS AND ENGINES, AND THE EXAMINATION OF ENGINEERS.

#### ARTICLE I.

§ 1. There is hereby created the office of Inspector of Steam Boilers, who shall hold office for the term of three years, unless sooner removed for cause, until his successor shall be appointed and qualified. Said inspector shall be a practical boilermaker.

§ 2. He shall be appointed by the Mayor on the first Monday in January, 1892, or as soon thereafter as may be, and every three years thereafter.

§ 3. Said inspector, before entering upon the duties of his office, shall execute a bond to the City of Buffalo in the sum of \$5,000 with two or more sureties to be approved by the Mayor, and conditional for the faithful performance of the duties of his office.

§ 4. The person so appointed shall be a person well qualified from practical experience in the use and construction of boilers used for generating steam for power, steaming or heating purposes, to enable him to judge of their safety for use as such, and shall be neither, directly nor indirectly, interested in the manufacture, ownership or agency of steam boilers which are to be inspected.

§ 5. It shall be the duty of the inspector to inspect once in each year all boilers used for the generating of steam power, or for heating or steaming purposes, and all tanks subjected to steam pressure used in any business, except such boilers and tanks as shall have been inspected and insured by some duly authorized insurance company within six months of the time the inspector shall offer to inspect the same, by making a careful examination of, and subjecting the same to a hydrostatic pressure, which shall exceed the maximum working pressure in the ratio of one hundred and fifty to one hundred pounds, and in no case, working pressure to be more than one hundred pounds per square inch for a new boiler, forty-eight inches in diameter, made of No. 1 iron plates of one-fourth of an inch in thickness, and the steam pressure of all boilers, whether thicker or thinner, larger or smaller, than above mentioned in this section, shall be governed by the same standard of strength. The boiler inspector, before inspecting any boiler or tanks shall give the owner or person having charge of the same one week's notice of his intention to inspect the same.

§ 6. When an inspection of a boiler has been made, and the same shall be approved by the inspector, he shall make and deliver to the person for whom the inspection was made, upon the payment to him of the fees hereinafter mentioned, a certificate of such inspection which shall contain the date of inspection, together with a general description of such boiler, for what purpose used,

the number of try-cocks, steam and water gauges, pumps, the number of pounds of pressure at which said boiler had been tested, and the maximum pressure at which they may be safely used, which shall be framed and put up in the office or some other conspicuous place on the premises for examination, and a record of the same shall be made by the said inspector in a well-bound book, and alphabetically indexed.

§ 7. It shall be the duty of said inspector, on written application of the owner or agent of any boiler, generator or superheater, stating that the same is out of repair, or has been repaired, to examine the same when so repaired, and determine if the same has been properly done.

§ 8. The said inspector shall charge and collect a fee of \$5 for inspecting each boiler which exceeds 25 horse-power, except that in any establishment where more than one such boiler is used said inspector shall charge and collect a fee of only \$3 for each boiler in excess of one. Said inspector shall charge and collect a fee of \$3 for inspecting each boiler not exceeding 25 horse-power and a fee of \$1 for each and every additional boiler in any one establishment. Said fees shall be paid by the owners, respectively, of the boilers inspected and shall be paid prior to the delivery of the certificate provided for in Section 6 of this Chapter. The inspector shall pay all fees collected by him into the City Treasury on or before the fifth day of each month, and his failure so to do shall be sufficient cause for his removal.

§ 9. If the inspector shall take or receive any money other than the fees allowed by this ordinance, for the purpose of deceiving or defrauding any person or persons; or if such inspector shall issue any certificate of inspection without having at the time stated thoroughly examined and tested the boiler so certified for, he shall be fined in the penal sum of not less than \$25 nor more than \$250, and shall be removed from office by the

Mayor and shall ever afterwards be incompetent to hold the same.

§ 10. The City of Buffalo shall provide such instruments, books, papers and things as shall be necessary for the proper performance of his duties as inspector, which shall be the property of such City, and which shall be delivered by said inspector to his successor in office, or to the Commissioner of Public Works, whenever he shall cease, for any cause to discharge the duties of his office. And said inspector shall also, without expense or charge, inspect all boilers owned or used by the City, or any of its departments, whenever called upon by the proper officer. He shall also report to the Common Council every three months, or as often as once a month if required by said council, all inspection of boilers by him made.

## ARTICLE II.

### SPECIAL PROVISIONS.

§ 11. It shall be the duty of every owner or other person using steam boilers, or any tank or tanks subject to steam pressure in this City, to have the same inspected by the inspector of boilers as often as once in each and every year, and to that end every owner or person using a steam boiler or tank aforesaid, shall make or cause to be made annually an application, in writing, to the inspector, requesting him to inspect the same. Provided, however, that any person or owner using such tank or boiler, who shall have had the same inspected and insured by some duly authorized insurance company within six months of the time the inspector may offer to inspect the same, shall not be required to comply with this ordinance.

§ 11-A. Every dealer in second-hand boilers shall notify the inspector when a boiler has been sold to be used in the City and before it has been delivered. Every such second-hand boiler before its removal from the posses-



sion of the dealer, and before it has been painted, shall be subjected to a hydrostatic test, and thereafter stamped with the day and date when such test was made. The inspector shall charge and collect of the dealer a fee of \$5 for each inspection.

§ 12. It shall be the duty of every owner or other person using steam boilers in the City of Buffalo, to provide and fix thereto a full complement of try-cocks, one water gauge, one steam gauge, and one or more safety valves of suitable dimensions to be approved by said inspector. Also a good and sufficient force pump or other means of supplying the boiler with water, which shall also be subject to the approval of said inspector.

§ 13. All owners or persons using steam boilers and tanks subject to inspection as aforesaid, shall provide, at their own expense, such arrangement and facilities for attaching the instruments for inspection, as the inspector shall direct.

§ 13-A. Every insurance company insuring boilers in the City of Buffalo shall notify the boiler inspector immediately when any insurance has lapsed on boilers insured by said company and when new insurance has been placed on any boiler.

§ 14. The safety valves of steam boilers shall not be allowed to extend beyond the maximum pressure allowed by said inspector.

§ 15. Any person who shall violate any of the provisions of this chapter, where no other penalty is provided, shall be subject to the penalty of not less than \$20 nor more than \$100 for each and every offense.

§ 16. It shall be the duty of the inspector on or before the fifth day of each and every month, to file with the City Comptroller, a statement under oath, showing the name of owners of boilers alphabetically arranged,

whose boilers have been inspected by him during the previous month, the location of said boilers, the date of inspection, and the amount of money received by him, and from whom received for inspection during such previous month.

### ARTICLE III.

§ 17. There is hereby created the office of Examiner of Stationary Engineers, who shall be appointed and at pleasure removed by the Mayor. Said examiner shall be a citizen of the United States, and shall have not less than ten years' practical experience as a stationary engineer, and shall hold office until his successor shall be appointed and qualified. Before entering upon the duties of his office he shall give a bond to the City of Buffalo in the sum of \$5,000 with a sufficient surety or sureties, to be approved by the Mayor, conditioned for the faithful performance of his duties. There is also hereby created the office of Deputy Examiner of Stationary Engineers, who shall be appointed and at pleasure removed by the Examiner of Stationary Engineers. Said Deputy Examiner of Stationary Engineers shall be a citizen of the United States and shall have not less than six years' practical experience as a stationary engineer, which may be evidenced by certificates showing him to have been a duly licensed stationary engineer for six years. Before entering upon the duties of his office said deputy examiner of stationary engineers shall give a bond to the City of Buffalo in the sum of \$2,000 with a sufficient surety or sureties, to be approved by the Mayor, conditioned for the faithful performance of his duties.

§ 18. It shall be the duty of the Examiner to make such rules and regulations as shall be necessary to properly carry into effect the provisions of this article, and to instruct and direct the deputy examiner of engineers in the proper performance of the duties of his office. Said Examiner shall keep a record of the transactions of

his office, and shall render annually, before the first day of January, a report of the same to the Mayor. It shall be his duty to give proper notice of the time when and the place where he will examine all persons who shall appear before him for examination as to their qualifications to operate and have charge of steam engines and boilers in this city, and he shall issue a license to applicants in manner and form as provided by this ordinance. It shall be the duty of the deputy examiner to inspect periodically all steam plants, with a view to ascertaining if the same are properly constructed and operated, and whether or not they are insured by some duly incorporated insurance company having authority to insure such plants, and also with a view to ascertaining if such plants are properly in charge of duly licensed engineers. The Examiner and the Deputy Examiner shall be appointed by the Police Board as special patrolmen under the provisions of Section 193 of the Charter.

§ 19. Every person within the limits of the City of Buffalo in charge of or operating any steam engine or steam boiler, except the engineers of duly incorporated steam railroads, while engaged in operating or running the locomotive engines of said railroads; and except engineers duly licensed by the authorities of the United States, while engaged in operating or running engines upon the waters under the jurisdiction of the United States, or of the State of New York; and except persons in charge of any steam engine or steam boiler in any of the public school buildings; and except engineers while in the employment of the fire department of the City, shall appear before the examiner at such time and place as he shall designate by notice, for examination as to his qualifications as a stationary engineer; and if found qualified shall be licensed as this ordinance provides. All persons, however, who have charge of any steam boilers or engines in the public school buildings of the City shall be examined as to their qualifications to have charge of the same. All persons engaged as engineers in the fire

department of the City of Buffalo must, within thirty days after this amendment becomes of force, appear in person before the examiner and, upon proof satisfactory to him that they are duly employed by the City as such engineers shall be entitled to and shall receive each a certificate as second-class engineer, without examination.

§ 20. No person shall be granted a license unless he be an actual resident of the City of Buffalo, and shall be a citizen, or shall have declared his intention to become a citizen of the United States.

§ 21. Any person found in charge of, or operating any steam engine or steam boiler, in a state of intoxication, shall forfeit his license for any term not less than six months, and it shall be the duty of the examiner to cancel or revoke the license of any person licensed under the provisions of this ordinance, who shall be found incompetent or negligent in the performance of his duties as an engineer.

§ 22. Any owner, agent or user, of any steam engine or steam boiler, in operation, who neglects or refuses to employ a licensed engineer, to have charge of or operate said steam engine or steam boiler, shall forfeit and pay a penalty of not less than \$10 or more than \$250 for each offense.

§ 23. Any person taking charge of or operating any steam engine or boiler, within the City limits of the City of Buffalo, without having a proper license, shall forfeit and pay a penalty of not less than \$10 nor more than \$50.

§ 24. All licenses must be renewed annually, and no person shall have charge of or operate more than one steam plant.

§25. A fee of \$3 shall be collected by the examiner upon issuing a license and \$2 for each annual renewal and all fees collected shall be paid by the examiner to

the City Treasurer on or before the fifth day of each month, and his failure to do so shall be a sufficient cause for his removal. The examiner shall also report to the Common Council every three months, or oftener if required, the number of licenses issued and the amount of fees collected by him.

§ 26. All persons licensed under the provisions of this ordinance shall be classified and graded according to the capacity and horse-power of a steam engine, steam boiler, or steam plant of which they shall be found competent to take charge, namely: chief engineers, first-class engineers, second-class engineers and special engineers.

Chief engineers shall be such as are found competent to take charge of and operate a steam plant of any size or capacity. Every applicant for a license as chief engineer must prove to the examiner that he has had three years' actual experience as a first-class engineer, or, elsewhere than in the City of Buffalo, three years' experience in charge of a steam plant exceeding 75 horse-power. Every applicant for a license as first-class engineer shall prove to the examiner that he has had at least two years' actual experience as second-class engineer; or elsewhere than in the City of Buffalo, that he has had at least two years' actual experience in charge of a steam plant exceeding 10 horse-power. Engineers duly licensed by the authorities of the United States as marine engineers, who desire a license to operate a stationary engine on land, within the City of Buffalo, must pass an examination as to their qualifications to operate plants of a grade equal to that for which they hold a license from the Government of the United States.

Every applicant for a license as second-class engineer shall prove to the examiner that he has had at least three years' actual experience firing; or helping on repairs to engines or boilers; or as an oiler; or that he has served the required time building steam engines or boilers, and

had at least one year's actual experience in an engine or boiler room; or that he has been duly graduated as a mechanical engineer from a recognized technical school, and has had at least one year's actual experience in an engine or boiler room. Persons duly licensed as first-class engineers shall have authority to take charge of and operate any steam plant not exceeding 150 horse-power, and persons duly licensed as second-class engineers shall have authority to take charge of and operate any steam plant not exceeding 75 horse-power, and persons duly licensed as special engineers shall have authority to take charge of and operate a particular steam engine or boiler specified in the license, and which shall in no case exceed 10 horse-power. All applicants shall file with the examiner letters or other documentary evidence certifying their experience. All examinations must be in writing, and all examination papers shall be held by the examiner for at least three months for use in case an applicant, who feels himself aggrieved, shall take an appeal from the decision of the Examiner to the Mayor, as provided by the Charter of the City. No applicant who shall have failed to qualify on examination shall be entitled to another examination until after the expiration of six months from the date of the examination under which he failed to qualify. A permit may be issued to the owner of a steam engine or boiler of a construction not exceeding 10 horse-power, used by him in his business, upon the payment by him of a fee of one dollar therefor.

Where a steam plant exceeding 150 horse-power is in operation regularly day and night the assistant shall be an engineer having a first-class license, but second-class engineers may be employed on the same watch with the chief. A licensed engineer in charge of a steam plant shall not be permitted to leave the boiler room or engine room to do other work while the plant is in operation. Such engineer shall have full charge of all boilers and engines connected with said plant, and shall be held personally responsible for the safe operation of the same.

and no person shall in any manner interfere with him in the discharge of his duties under a fine or penalty of not less than \$10, nor more than \$50. All boilers used for high pressure purposes and operated at night for heating or dry kiln work must be in charge of duly licensed engineers.

§ 27. Steam boilers used for heating or cooking only, where the water runs automatically to the boiler, without the aid of a pump or injector or inspirator, and where the pressure does not exceed ten points, shall be exempt from the provisions of this ordinance.

§ 28. Engineers duly licensed under the provisions of this Ordinance shall have their licenses suitably framed, under glass, and hung up in a conspicuous place, at or near their engine or boiler.

#### ARTICLE IV.

§ 29. All moneys received or collected by said inspectors of steam boilers and examiner of stationary engineers shall be deposited with the Treasurer to the credit of a special fund to be called "the boiler inspection fund," and all warrants for the salaries and expenses of said officers shall be drawn upon that fund. At the end of each fiscal year the surplus, if any, of such fund shall be credited to the general fund, and any deficiency therein shall be paid from the general fund.

§ 30. The Superintendent of Police is hereby instructed to give said examiner of engineers all possible assistance to enforce the provisions of this chapter, and for that purpose the police shall have authority to enter any shop, factory, mill, store, warehouse, hotel or other building or structure in which a steam boiler or engine is located, and demand to be shown the license of the engineer having charge of said steam boiler or engine.

## CHAPTER XX.

## PAWNBROKERS.

§ 1. No person shall act as or carry on the business of a pawnbroker within the City of Buffalo without having previously obtained a license to do so under the provisions of this chapter, under the penalty of \$100 for each and every offense.

§ 2. The Mayor may grant to any person who shall have applied therefor and produced satisfactory evidence of good character, and as a citizen of Buffalo, a license to carry on the business of pawnbroker in the City of Buffalo, which license shall expire on the first day of May next after the granting thereof.

§ 3. Every person receiving such license shall pay therefor to the City Treasurer, for the use of the City of Buffalo, the sum of \$250 before such license shall be issued.

§ 4. Every person so licensed shall enter into a joint and several bond, with two sufficient sureties, to the City of Buffalo, in the penalty of \$10,000, conditioned for the observance of the ordinances of the City of Buffalo and the faithful discharge of his duties as pawnbroker, and the accounting for and paying over all moneys which he shall be liable to pay as such pawnbroker to the City of Buffalo or to any other person.

§ 5. No pawnbroker of the City of Buffalo shall keep more than one house, shop or place for taking goods to pawn, by virtue of one license, under a penalty of \$50 for every house, shop or place where pledges are taken without such license. Nevertheless, persons in partnership carrying on trade together as pawnbrokers in one house, shop or place, need procure but one license.

§ 6. Every pawnbroker shall keep a book in which shall be plainly written at the time of each loan an ac-



curate account and description of the goods, articles or thing pawned, the amount of money loaned thereon, the time of pledging the same, and the name and residence of the person pawning or pledging the said goods, articles or things.

§ 7. Every pawnbroker shall at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note, signed by him or her containing the substance of the entry required to be made in his or her book by the last preceding section, and no charge shall be made for such entry or memorandum.

§ 8. The said book shall at all reasonable times be open to the inspection of any and all persons holding or filling office under and in pursuance of the Charter of this City.

§ 9. No pawnbroker shall demand, take or receive any greater interest than the following rates of interest per month: Ten per cent. on sums from \$1 to \$10; 6 per cent. on sums from \$10 to \$25; 5 per cent. on sums from \$25 to \$50; 2½ per cent. on sums from \$50 to \$75; 1½ per cent. on all sums over \$75; and at and after that rate for a greater or less period upon any loan made in pursuance of the business of pawnbrokage, which said charges or interest shall be taken as a full satisfaction for all interest due and charges for wareroom and other charges, except charges for insurance where parties wish to insure their pledges. Any pawnbroker who shall demand or receive a greater rate of interest than the foregoing sum shall forfeit and pay for the use of said City \$25 for each and every offense.

§ 10. Every pawnbroker in the said City of Buffalo shall cause to be painted or printed in legible characters in the English and German languages, the rate of profit allowed to be taken by this chapter, and place a table or

card of such rates in a conspicuous part of the office or place where such business is carried on, so as to be visible to persons pledging goods, under the penalty of \$5 for each and every day the said table of rates is not so exposed to view.

§ 11. If any goods shall be pawned or pledged with any pawnbroker in the said City of Buffalo, and if within three months from the time the money loaned thereon shall become due after the pawning thereof the pawner or other person in his behalf, shall tender to the said pawnbroker, the note or memorandum directed to be given by this ordinance aforesaid, together with principal money borrowed and interest thereon, according to the rate established by this chapter; and if the pawnbroker shall thereupon, without reasonable cause or excuse, refuse to deliver back the goods so pawned, or make satisfaction therefor, he shall forfeit and pay \$50 for the use of said City, and be liable for the value of the said goods pledged.

§ 12. No pawnbroker shall sell any pawn or pledge until the same shall have remained in his or her possession at least three months after the expiration of the time limited for the payment of the money thereupon under a penalty of \$50 for each and every offense.

§ 13. All sales of the property pawned or pledged shall be at public auction, unless otherwise agreed in writing, and when sold at public auction notice of every such sale shall be published for at least six days in succession in the official paper of the City, and such notice shall specify the time and place at which said sale is to take place; and any pawnbroker who shall sell or cause to be sold, any article pawned or pledged to him, except as provided in this section, shall forfeit a penalty of \$50 for each and every offense; for the purpose of such penalty the sale of each article pledged, where there are

more than one, shall be deemed to be a separate and distinct offense.

§ 14. Every pawnbroker shall enter in a book, to be kept for that purpose, a true account of the sale of all goods sold by him at auction, stating the day of the month when pledged, the name of the person pledging, and the day when the amount for which each pledge was sold, together with the name of the auctioneer; and if such goods are sold by auction or otherwise for more than is due thereon, the overplus shall be paid on demand to the person by whom, or on whose account, such goods were pawned, his executors or assignees; provided that such demand be made within two years after such sale shall have taken place, the necessary costs and charges of such sale and advertisement being first deducted. And any person who shall have pledged any unredeemed goods, his executors, administrators or assigns, shall be at all times permitted to inspect the entry book of sale by paying for such inspection ten cents and no more; and if the said pawnbroker shall refuse to permit such person to inspect such entry, or shall refuse to pay the overplus on demand, as aforesaid, he shall forfeit and pay for the use to the said City \$50 for each and every offense.

§ 15. No pawnbroker shall receive or take any goods in pledge from any person who shall appear to be, or who shall be known to such pawnbroker to be under the age of 21 years, or intoxicated, or an habitual drunkard; nor shall such pawnbroker employ any clerk or other person under the age of 16 years to take in any pledge, nor shall he receive any goods by way of pawn or pledge, before 7 o'clock in the morning or after 7 o'clock in the evening, or on Sunday, under the penalty of \$50 for each and every offense.

§ 16. No pawnbroker shall knowingly take in, pawn or pledge from any journeymen, mechanic, apprentice or

servant any partly manufactured article for wear or consumption or otherwise, or any material plainly intended for the manufacture of such articles, under the penalty of \$50 for each and every offense.

§ 17. Every person licensed as a pawnbroker, under the provisions of this chapter, shall before 10 o'clock in the forenoon of every business day, report to the Superintendent of Police on blank forms, to be furnished by the Police Department, a description of all articles received by him in pawn the business day immediately previous, together with the number of pawn ticket issued therefor, the amount loaned thereon and the name, residence and description of the person making the pledge. Every person who shall be convicted of violating the provisions of this section shall, for each offense, forfeit and pay a penalty of \$25 and forfeit their license.

## CHAPTER XXI.

### PUBLIC POUND.

§ 1. There shall be maintained by the City of Buffalo a public pound in which shall be distrained all horses, cattle, swine, sheep, goats and geese found running at large or pasturing upon or within the limits of any public street or ground, which acts are hereby made unlawful. And any person who shall wilfully suffer or permit any such animal or fowl to go at large upon any public street or ground shall forfeit and pay a penalty of not less than \$1 nor more than \$10 for each animal or fowl thus permitted upon said street or ground, and any person is hereby authorized to take any such animal or fowl found running at large upon any public street or alley to the

public pound and shall be entitled to receive from the poundkeeper the following fees:

For each horse or cow so delivered, 75c.

For each swine, sheep or goat so delivered, 50c.

For each goose or other fowl so delivered, 25c.

§ 2. The poundkeeper shall account monthly to the Treasurer for all balances which he may hold after paying for the actual disbursements on account of all animals received and delivered during the previous month.

§ 3. The poundkeeper shall present to the Common Council, at the first meeting in each month, a verified statement in detail of the number of dogs received by him during the preceding month, the amount paid to persons bringing such animals or fowls to the pound, the number returned to the owners in accordance with the provisions of this chapter, the amount received therefor; which amount so received, less the amount paid to persons bringing such animals or fowls to said pound, shall be by him deposited with the Treasurer of the City of Buffalo, on the last day of each month; a duplicate receipt of such payment shall be attached by said poundkeeper to such statement.

§ 4. It shall be the duty of the poundkeeper to destroy, by drowning or shooting, all dogs which shall have been so impounded and which shall not be redeemed by the owner thereof, within said thirty-six hours.

§ 5. The poundkeeper shall, before entering upon the discharge of his duties, execute a bond to the City, with sufficient surety in a penalty of \$250, for the faithful performance of his duties, and the accounting for and paying into the treasury all moneys received by him belonging to the City.

§ 6. The poundkeeper may employ and direct suitable persons, not less than 16 years old, at his own expense, to distrain for the penalty imposed by the first section of this chapter, any animal or fowl found at large contrary to the provisions of said section, and the persons so appointed shall severally be empowered and it shall be their duty to drive or convey to the public pound any such animal or fowl, and to deliver the same to the poundkeeper.

§ 7. The poundkeeper, to whom any animal or fowl found running at large shall be delivered as hereinbefore provided, shall impound or keep such animal or fowl until the same shall be redeemed or sold, as provided in this chapter, or be replevined. The poundkeeper shall enter in a book, to be kept for that purpose, the name of the person from whom such animal or fowl was received by him, the day such animal was received, and a description of such animal or fowl, which book shall at all times be open to the inspection of all persons who shall desire to examine the same.

§ 8. The owner or person having the charge or custody of any animal which shall have been distrained and impounded, as provided in the foregoing sections may demand such animal from the poundkeeper, and said poundkeeper shall deliver such animal to him on receipt of the sum of 50 cents as a fee for distraining said animal, the sum of 75 cents as a fee for receiving said animal into the public pound, and the sum of 50 cents for each twenty-four hours said animal shall have been impounded, to defray the expense of keeping said animal and the further sum of \$2.50 as and for the penalty prescribed by the first section of this chapter for permitting the animal to go at large. In case said animal shall have been impounded for a less time than twenty-four hours, the amount to be paid for the expense of keeping such animal shall not be less than 50 cents. The owner or

person having the charge or custody of any goose or duck which shall have been distrained and impounded, as provided by this chapter, may demand such duck or goose from the poundkeeper, who shall deliver up said goose or duck upon the receipt of 25 cents as and for the penalty prescribed by the first section of this chapter for permitting said goose or duck to go at large. No animal or fowl shall be delivered up by the poundkeeper until the fees and penalties shall have been paid as above provided.

§ 9. In case the poundkeeper shall not have delivered up such animal or fowl impounded by him within six days after such animal or fowl shall have been received by him, as provided in the foregoing section, then, at the expiration of said six days, he shall sell such animal or fowl at public auction at the public pound. The advertisement of such sale shall be made by posting a notice of sale on the public pound and in the vestibule of the City and County Hall at least twenty-four hours before the time of sale specified in said notice. Said notice shall specify the place and hour of sale and contain a description of the animal or fowl to be sold. The owner, or any person entitled to the possession of such animal or fowl, may at any time after the posting of said notice, and before such sale, redeem such animal or fowl, by demanding the same of the poundkeeper and paying to him the fee and penalty prescribed in the foregoing section and a further sum of 25 cents as a fee for posting said notice.

§ 10. If any animal or fowl shall not be redeemed before the hour specified in the notice of sale, the poundkeeper shall proceed to sell said animal or fowl at public auction to the highest bidder, pursuant to his notice of sale.

§ 11. The poundkeeper may retain out of the moneys received upon the sale of any animal or fowl pursuant to

the foregoing provisions of this chapter, the expense of keeping such animal or fowl, as established in the foregoing sections, and it shall be his duty to deposit the balance of said moneys so received within thirty days after such sale with the Treasurer, to the credit of the City.

§ 12. It shall be the duty of the poundkeeper upon the first of every month to report to the Common Council the number of animals and fowls received into and discharged from the pound. The report shall further state the day upon which each animal and fowl was received and discharged, and the disposition made thereof, whether delivered up upon payment of fees and penalties, replevined or sold, the amount of moneys received by him upon the redemption and sale of any animal or fowl, and the name of each person from whom such moneys have been received; and where any animal or fowl has been sold, the name of the owner thereof, if the same can be ascertained; and he shall at the time of making such report pay into the City Treasury all moneys received by him, except such as by the provisions of this chapter he is entitled to retain.

§ 13. The Common Council, with the approval of the Corporation Counsel, upon the application of the owner of any animal, or the legal representative of such owner, sold under the provisions of this chapter, within one year from the date of such sale, on due proof and by affidavit of such ownership, shall order the amount paid into the treasury as the proceeds of such sale, less 5 per cent. of the amount which shall be retained as Treasurer's fees, to be paid to such owner or the legal representative of such owner.

§ 14. Any person who shall wilfully break into or damage the public pound shall forfeit and pay a penalty in the sum of three times the damage caused by such breaking; and any person who shall rescue or assist or



be engaged in the rescue of any animal or fowl impounded or taken up, or being driven or conveyed to be impounded as in this chapter provided, and any person who shall wilfully hinder or molest any person engaged as in this chapter provided in distraining, taking up, driving or conveying any animal so to be impounded, shall forfeit and pay a penalty of not less than \$5 nor more than \$10 for each and every offense.

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## CHAPTER XXII.

### BAKERS AND CONFECTIONERS.

§ 1. No person, firm or corporation shall hereafter engage or continue in business as a baker or confectioner in the City of Buffalo without first obtaining a license and permit as hereinafter provided.

§ 2. Any person, firm or corporation hereinafter desiring to engage or continue in business as a baker or confectioner in the City of Buffalo shall first make written application to the Health Commissioner, setting forth the name of such person, firm or corporation, and the place, by street and number, where the business is to be carried on. The Health Commissioner shall thereafter cause such place with all its appurtenances and the fixtures and appliances connected therewith or to be used therein to be carefully inspected, and if satisfied, having in view the protection of the public health, that said applicant has fully complied with the provisions of this chapter, the said Health Commissioner shall issue a written permit to such applicant to engage in or continue the business of a baker or confectioner at such place.

§ 3. Upon the presentation of the written permit issued by the Health Commissioner, and upon the pay-

ment of the sums herein fixed, the Mayor shall issue a license to the person, firm or corporation therein named to engage or continue in business as baker or confectioner at the place specified in such permit. The license fees to be paid for pursuant to this section shall be as follows: If the applicant is a baker or confectioner employing not more than two persons in such bakery or confectionery, in addition to the employer, the license fee shall be \$3 (three dollars). If the applicant is an employer of three or more persons in such bakery or confectionery, in addition to the employer, the license fee shall be \$10.

§ 4. All permits and licenses issued pursuant to this chapter shall expire on the 31st day of December of the year in which they are issued. No permit or license shall be transferable.

§ 5. Every building occupied and used as a bakery or confectionery establishment shall be well drained, and all plumbing therein shall be constructed in accordance with the rules and regulations governing plumbers and plumbing in the City of Buffalo; and the rooms thereof used for the manufacture or sale of bread or other flour products or meal products or confectionery shall be light, dry and airy, and shall be used exclusively for such purpose. The room or rooms used for the manufacture of bread or other flour products or meal products or confectionery shall have floors and side walls so constructed as to exclude domesticated animals, rats, mice and all other vermin, and shall, at all times, be free from moisture and kept in a state of good repair. Said floors shall have a smooth surface and be impervious, and may be constructed of wood, cement or of tile laid in cement; but no wood floor shall be constructed in any room used for the manufacture of flour products or meal products or confectionery where the floor of said room is more than two feet below the level of the street, sidewalk or adjacent grounds; and, hereafter, no bakery or confec-

tionery shall be established in the room the floor of which is more than two feet below the level of the street, sidewalk or adjacent ground.

The walls and ceilings of such rooms used for the manufacture of bread or other flour products or meal products or confectionery shall be properly whitewashed or painted at least once in twelve months, and oftener when required by the Health Commissioner; and the floor, utensils and furniture of such rooms as are used for the manufacture, storing or sale of said products shall at all times be kept in a clean and sanitary condition. The furniture and utensils of such rooms shall also be arranged so that the same can be easily and perfectly cleaned.

§ 6. No water-closet, earth-closet, privy-vault or ash-pit shall be within or communicate directly with the bake-room or any other room used in the manufacture of bread or other flour products or meal products or confectionery. The sleeping places for workmen employed in bakeries and confectioneries shall be separate and distinct from the places used in the manufacture of bread or other flour products or meal products or confectionery. While engaged in the manufacture of bread or other flour products or meal products or confectionery, the workmen shall wear caps, and slippers or shoes, and an external suit of coarse cotton or similar fabric used for that purpose only, and these garments shall, at all times, be kept in a clean condition. All bakeries and confectioneries shall be provided with ample toilet facilities to enable the workmen employed therein to keep their persons clean, and shall also be provided with separate dressing rooms to enable the workmen to change their clothing and keep the same in proper condition. Separate toilet facilities must be provided for male and female employes.

§ 7. No person shall work or be employed in or about any bakery or other establishment for the manufacture of

bread or other flour products or meal products or confectionery during the time in which a case of infectious disease exists in the house in which he resides; nor thereafter until the Health Commissioner shall issue a certificate, in writing, that no danger of public contagion will result from the employment of said person in such establishment.

§ 8. No person or employe shall expectorate or discharge from the human body or any organ thereof, any matter whatever upon the walls, floors, or equipment, nor upon any product or material that may be upon the premises.

§ 9. It shall be the duty of every occupant, whether owner or lessee, of every room or building used as a bakery or other establishment for the manufacture of flour products or meal products or confectionery, to carry out the provisions of this chapter and to make all the changes and additions necessary therefor.

§ 10. It shall be the duty of the Department of Health to inspect such places, fixtures, appliances and material, from time to time, during the term the license and permit issued as aforesaid shall be in force; and such places as are herein mentioned, not required to be licensed, at such times as the Health Commissioner shall deem advisable.

§ 11. Any person, firm or corporation violating any of the provisions of this chapter shall be punishable by a fine or penalty of not less than \$5.00 and not more than \$50.00 for each and every offense.

§ 12. The word "baker," as used in this chapter, shall be construed to mean a maker or manufacturer of bread or other flour products or meal products; and the word "confectioner," as used in this chapter, shall be construed to mean a maker or manufacturer of candies or

other confectionery. But all other persons, firms or corporations engaged in the sale of bread or other flour products or meal products or of candies or other confectionery shall keep the premises on or in which such sale is carried on in a clean and sanitary condition, subject to the approval of the Health Commissioner, and no such bread or other flour products or meal products or candy or other confectionery shall be kept or exposed for sale in the open air, but all such bread or candy or other like products for sale shall be kept in glass cases or jars or protected from dust and dirt in such manner as shall be approved by the Health Commissioner.

Chapter XXIII repealed. See C. C. P. 1897, page 950, end of Section 9, Chapter XXV.

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## CHAPTER XXIV.

### AUCTIONEERS.

§ 1. No person shall act as an auctioneer, and no person shall hold or cause to be held any auction or vendue within the City of Buffalo without first obtaining a license from the Mayor, as hereinafter prescribed. Every person applying for a license shall furnish evidence to the Mayor that he has complied with the laws of the State of New York regulating auctions and auctioneers. No person shall be entitled to receive or shall receive a license under the provisions of this section unless he be a person of good moral character and shall furnish satisfactory evidence thereof to the Mayor, and no person shall be entitled to receive or shall receive a license under the provisions of this section unless he shall have been a bona fide resident of the City of Buffalo for at least one year last preceding the date of his application for such license, provided, however, that a license

may be granted to non-residents to sell horses at auction, and such licensee shall not sell at auction any articles, goods or things other than horses. The Mayor shall charge for every license granted under the provisions of this section the sum of \$50.00 a year and at the same rate for a shorter time, and every such license shall expire on the first day of June next succeeding the day on which it is granted, and no license shall be granted for a shorter time. Such license shall contain the name of the auctioneer to whom it is issued, and no person other than the one named therein shall act as auctioneer under such license. Any person violating the provisions of this section shall upon conviction forfeit and pay a penalty of not less than \$10 nor more than \$100 for each and every offense.

Note:—Clause compelling applicant to be bona fide resident of City of Buffalo held unconstitutional in *Myers vs. City of Buffalo*. Unreported opinion on file in Corporation Counsel's office opinion book, 1903.

§ 2. Any person or persons engaged in the sale of watches, clocks, plated ware or jewelry of any description as auctioneer or pawnbroker, shall not sell or dispose of such goods or wares at public auction within the City of Buffalo after 6 o'clock in the afternoon. Any person violating the provisions of this section shall forfeit and pay a penalty of \$50 for each and every offense.

CHAPTER XXV.

DEPARTMENT OF HEALTH.

§ 1. The Department of Health consists of a Board of Health and such officers and assistants as shall be prescribed by statute or ordinance.

BOARD OF HEALTH.

Mayor, *ex-officio*.

President of Board of Public Works, *ex-officio*.

Health Commissioner.

The executive force of the department shall consist of :

The Health Commissioner.

The assistant health officer.

The chief clerk.

The registrar.

An inspector of food and drugs.

An assistant inspector of food and drugs.

The chemist.

The keeper of quarantine hospital.

Two sanitary inspectors.

The inspector of plumbing and drainage.

Three assistant inspectors of plumbing and drainage.

The clerk of plumbing and drainage.

The clerk of vital statistics.

The cattle inspector.

An assistant cattle inspector.

A scavenger.

A placarder and fumigator.

§ 2. The chief clerk shall act as secretary of the Board of Health and shall keep a record of all meetings of said board.

#### HEALTH DISTRICTS.

§ 3. The City of Buffalo is divided into eight districts, as follows: (The streets bounding the said districts to be considered to be center line.)

First District—The territory included within the following limits: Commencing at the foot of Chicago Street, running thence to the Hamburg Canal; thence to Hamburg Street; thence to Seneca Street; thence to Humboldt Parkway; thence to Clinton Street; thence to the City Line; thence to the place of beginning.

Second District—The territory included within the following limits: Commencing at the intersection of the Hamburg Canal and Michigan Street; thence to Genesee Street; thence to Jefferson Street; thence to Eagle Street; thence to Fillmore Parkway; thence to Seneca Street; thence to Hamburg Street; thence to Hamburg Canal; thence to Michigan Street.

Third District—The territory included within the following limits: Commencing at the foot of Chicago Street, running thence to the Hamburg Canal; thence to Main Street; thence to the Terrace; thence to Erie Street; thence to the City Line to the place of beginning.

Fourth District—The territory included within the following limits: Commencing at the intersection of Eagle and Jefferson Streets, running thence to Genesee Street; thence to Walden Avenue; thence to City Line; thence to Clinton Street; thence to Fillmore Avenue; thence to Eagle Street; thence to Jefferson Street.

Fifth District—The territory included within the following limits: Commencing at the intersection of Virginia and Main Streets, thence to the City Line; thence



to Walden Avenue; thence to Genesee Street; thence to Jefferson Street and Virginia Street; thence to Main Street.

Sixth District—The territory included within the following limits: Commencing at the foot of Hudson Street; thence to Cottage Street; thence to Virginia Street; thence to Jefferson Street; thence to Genesee Street; thence to Michigan Street; thence to Hamburg Canal; thence to Main Street; thence to Terrace; thence to Erie Street; thence to the harbor; thence to the place of beginning.

Seventh District—The territory included within the following limits: Commencing at the foot of Hudson Street; running thence to Cottage Street; thence to Virginia Street; thence to Main Street; thence to Scajauada Creek; thence to the harbor; thence to the place of beginning.

Eighth District—The territory included within the following limits: All that part of the Twenty-fifth Ward west of Main Street.

The Commissioners shall assign one of the city physicians to each district and it shall be the duty of each physician to attend in such districts and to treat such persons as reside therein who are unable to procure the services of a physician through indigence, free of charge.

The city physician shall prescribe upon blanks prepared for that purpose, drawn upon such drug stores as may be designated.

§ 4. It shall be the duty of the owner or occupant of any premises within the city limits whenever the Health Commissioner shall declare any unwholesome grounds, yards, cellars, buildings or other place, stagnant or unwholesome water, filth and unwholesome matter, injurious to health, to be a nuisance, to immediately cause the

same to be abated; and in case the owner or occupant shall neglect or refuse so to do, the Commissioner shall report the work necessary to be done to the Department of Public Works, which said board shall proceed to abate the same in accordance with the exigencies suggested by the Commissioner.

§ 5. No person shall throw, place or deposit, or permit any person under his or her control or in his or her employment, to throw, place or deposit any dead carcasses, carrion, putrid meat, night soil, fish entrails, dirty water, filth of any kind, or any unwholesome material or substance, in or upon any street, lane, alley, side or crosswalk, canal, slip or basin, or into the harbor or upon any lot or private ground within the limits of the City of Buffalo without the consent of the Department of Health.

§ 6. The owner or occupant of any lands within the City of Buffalo, shall, upon the direction of the Health Commissioner, cause any of the substances or materials mentioned in the preceding section, which shall have been thrown, placed or deposited upon the lands so owned or occupied by him or her to be removed.

§ 7. Every owner or occupant of lands within the City of Buffalo shall keep the said lands and the buildings thereon, of whatsoever kind, free and clear of any kind of filth or dirty water or unwholesome matter, and of all the substances specified in sections 4 and 5 of this chapter.

Every owner or occupant of lands or buildings in the City of Buffalo keeping horses, cows, or other quadrupeds within the limits of said City, shall remove from the premises so owned or occupied by him or her, all manure accumulating thereon as often as required by the Health Commissioner, and every person violating any provision of this section shall be liable to a penalty of not less than \$1 nor more than \$50 for each and every offense, or each

and every week during which such manure shall not be removed between the dates specified.

Every owner or occupant of lands or buildings on or in which horses, cows or other quadrupeds are kept, and each and every owner of such animals, shall, at all times throughout the year, keep all manure in tight receptacles until such manure is removed as required, and such receptacles shall in all respects conform in material and manner of construction to the requirements of the Health Commissioner.

Every person failing to provide such receptacles or to comply with the requirements of the Health Commissioner shall be liable to a penalty of not less than \$1 nor more than \$50 for each and every such offense.

The Health Commissioner may order any person who shall have thrown, placed or deposited any of the materials or substance contrary to the provisions of this chapter, to remove the same in such manner and within such times as may be designated, and any person failing to comply with such order of the Health Commissioner shall be liable to the penalties mentioned in this section.

§ 8. No person shall maintain any establishment within the City limits for the breeding of animals which may in any manner be detrimental to public health.

§ 9. No person, persons or association shall maintain upon their premises within the City limits more than one milch cow, unless the said premises are in proportion of one acre of land to each and every cow above the number of one.

No cow or cows shall be maintained without first obtaining a permit for such purposes from the Department of Health for which a fee of \$1 shall be charged, which sum shall be credited as revenue from the Department of Health.

But no such permit shall be issued except in conformity with the City Ordinances and with the rules and regulations adopted by the Board of Health in the interest of public health, relative to the keeping of cows.

And no person, persons or association shall maintain any establishment for the sale, stabling or fattening of cows, sheep, hogs or cattle of any description within the limits of the City of Buffalo without first obtaining a permit from the Department of Health and for which a charge of \$5 shall be made which shall be credited as revenue from the Department of Health.

But no such permit shall be issued until the applicant therefor has complied with the City Ordinances and the rules and regulations adopted by the Board of Health, in the interest of public health, relative to the keeping and maintenance of such establishments.

All permits issued under this section may be revoked by the Health Commissioner when it shall appear that the person, persons or association has violated any provision of the ordinances relating to the keeping of milch cows or other animals within the City limits, or the rules and regulations of the Department of Health governing such keeping of milch cows or other animals, or when, for any cause, it may be deemed best, by the Health Commissioner, in the interest of public health, to revoke such permit.

All such permits shall expire and must be renewed on the first day of May next after their issue, and every violation of this ordinance shall subject the person, persons or association, upon conviction, to pay a penalty of not less than \$1 nor more than \$50.

*Resolved*, That Chapter 23 of the City Ordinances be and the same is hereby repealed.

§ 10. No person shall allow to run or pass into a water pipe any vegetable, mineral or other deleterious substances whatever; nor shall any person do or permit to be done, having the right to prevent the same, any act or thing that will impair the purity of any water or other fluid used or designed as a drink in any part of the City of Buffalo.

§ 10A. The Health Commissioner is hereby authorized, in his discretion, to erect, on lamp posts, or, in the absence of lamp posts, on such posts as he may find occasion to erect or use, at corners of intersecting streets, avenues or thoroughfares between which may be located a hospital, lying-in asylum, sanatorium or other building or institution reserved for the treatment of the sick or injured a sign or signs displaying the words, "Notice—Hospital Street," and such other warning or admonition as he may deem necessary to pedestrians, drivers and chauffeurs to refrain from making any or such noises or from fast driving as may tend to disturb the peace and quietude of any or all inmates of any such building or institution.

Any person guilty of making any unnecessary noise (or of driving at a speed faster than a walk) on any of the streets, avenues or thoroughfares which shall have been designated hereunder as hospital streets, or in front of any building or institution or any such street so designated and on or for which such warning signs have been erected, shall, upon conviction, or confession of guilt, pay a fine or penalty in a sum not to exceed \$10 for each offense, or, upon failure to pay such fine or penalty, to imprisonment in the Erie County Penitentiary for the term of one day for each and every dollar of such fine or penalty, pursuant to the provisions of section 21 or 25, as the case may be, of the Charter of the City of Buffalo.

## INFECTIOUS AND CONTAGIOUS DISEASES.

§ 11. The following diseases are referred to in this chapter as being infectious diseases:

(a) Contagious (very readily communicable): Measles, rubella (rotheln), scarlet fever, smallpox, varicella (chickenpox), typhus fever, relapsing fever, bubonic plague.

(b) Communicable: Diphtheria (croup in all forms), typhoid fever, Asiatic cholera, anthrax, glanders, epidemic cerebro spinal meningitis, leprosy, tuberculosis (of any organ), infectious eye diseases (trachoma, suppurative conjunctivitis, ophthalmia neonatorum), puerperal septicæmia, erysipelas, whooping cough.

(c) Indirectly communicable (through the intermediate host): Yellow fever, malarial fever.

§ 12. No person suffering from any of the diseases named in Section 11 (except tuberculosis and malarial fever), and no person in charge of such patient (except in cases of tuberculosis, malarial fever and typhoid fever), shall attend any public, private or Sunday school or any public place, or enter any public conveyance. Nor shall any such person expose himself or herself, or in any manner aid in spreading their malady, nor enter any public conveyance without first notifying the owner, driver or person in charge thereof, who shall thereafter provide for the disinfection of such conveyance before permitting its use again, but no owner, driver or person in charge of any hack or public conveyance of any kind shall permit any person suffering from any disease mentioned in sub-division "A" or sub-division "B" of Section 11 of this Chapter (excepting tuberculosis, infectious eye diseases, or puerperal septicæmia and typhoid fever) to enter or ride in such hack or public conveyance.

§ 13. It shall be the duty of every physician, upon discovery of any case of infectious disease mentioned in Section 11 of this Chapter, to report the same forthwith to the office of the Health Department.

§ 14. Any person in attendance upon or in charge of any patient suffering from any of the diseases mentioned in Section 11 of this Chapter, in case the service of a regularly qualified physician is not employed, shall forthwith report to the office of the Department of Health the existence of such disease and the name and address of the patient or person suffering from such disease. The provisions of this section include any person residing in the same house with such patient or sick person.

§ 15. Any proprietor, manager or person in charge of a hotel, boarding house or lodging house, upon the discovery of any of the diseases mentioned in Section 11 of this Chapter, and any person knowing of or having reason to suspect the existence of a case of such infectious disease which has been concealed or not reported, shall forthwith report the same to the office of the Health Department.

§ 16. Any officer or person in charge of any prison, asylum, hospital, or public or private institution of any kind, shall report forthwith to the office of the Health Department any and every case of any infectious disease mentioned in Section 11 of this Chapter, which shall arrive or be discovered, and shall once a week report all such cases, and upon death or recovery shall report the date and the details of the disposition of the case according to the rules and regulations of the Health Department.

§ 17. No person sick with any infectious disease (except typhoid fever, malarial fever and tuberculosis) shall be removed from one building to another without a per-

mit from the Health Commissioner. In each case of tuberculosis the premises from which the sick person was removed shall be forthwith disinfected before being re-occupied, and within 48 hours after such removal, notification thereof shall be made to the office of the Health Department, either by the physician in attendance, if any, or by a member of the immediate household.

§ 18. If any building or part of a building, upon inspection by an officer or representative of the Health Department, shall be deemed by the Health Commissioner unfit for human habitation, by reason of infection or the existence of other cause tending to endanger health, such building, or part of a building, shall be vacated within such time as may be fixed by the Health Commissioner. In every case of smallpox the patient shall be removed to the Quarantine Hospital, except when such removal would place the life of the patient in jeopardy, in which case the Health Commissioner may grant a permit for the patient to remain at home upon compliance with such precautions as may be prescribed by said Health Commissioner.

§ 19. No person other than the attending physician shall enter or depart from a house in which is a person suffering from any of the diseases mentioned in Section 11 of this Chapter, without permission from the Health Commissioner, except in cases of tuberculosis, typhoid fever, infectious eye diseases, puerperal septicæmia or malarial fever, and until such house has been disinfected according to the rules of the Health Department.

§ 20. No person shall attend a funeral of any person dying from smallpox, typhus fever, diphtheria (croup in all forms), scarlet fever, yellow fever, Asiatic cholera, bubonic plague, or epidemic cerebro spinal meningitis, other than the absolutely necessary attendants and the immediate family of such deceased. In case of death from any or either of said diseases the undertaker shall



cause the body to be buried within 24 hours after death, and shall proceed direct from the place where the patient died to the burial ground.

§ 21. No person shall sell, lend or give away or dispose of in any manner, except destruction by fire, any clothing, bedding, rags or other articles exposed to infection or liable to carry the same; articles properly protected and in transit for disinfection or destruction excepted.

§ 22. No person shall bring or aid in bringing into the City of Buffalo any person suffering from any of the infectious diseases mentioned in Section 11 of this Chapter.

§ 23. No person who shall be sick or infected with smallpox, varioloid, or any of the infectious diseases mentioned in Section 11 of this Chapter, shall depart from, or be removed from, the house or building in which he or she shall have become sick or infected (except for the purpose of being removed to a hospital for the treatment of said disease), without the permission of the Health Commissioner. Every person who, being sick or infected with any of the diseases mentioned in this section or in Section 11 of this Chapter, shall depart from, and every person who shall remove, cause to be removed or assist in removing any person so sick or infected from any house or building contrary to the provisions of this section, shall be subject to a penalty or fine of not less than \$25 nor more than \$100 for each and every offense.

§ 24. No person shall make or procure, or cause to be made, any clothing or wearing apparel of any kind, in any house or building wherein any person be sick with smallpox, varioloid or other infectious disease, except for the personal use of the inmates of said house or building; and no person shall sell or expose for sale any cloth-

ing or wearing apparel which shall have been made in any house or building in which there shall have been at the time when said clothing was made any person sick or infected with any such disease.

§ 25. No person shall visit or enter any house wherein is any person sick with smallpox or varioloid, except the persons who, at the time said patient was taken sick, were residents of said house, the nurse or nurses employed in the care of such patient, and such regularly attending physicians as may be called. Nor shall any person who is in constant attendance upon such sick person, leave or depart from said house during the time when such sick person remains therein; and not thereafter until the wearing apparel which he or she has worn while in attendance upon such sick person shall have been replaced by clothing which has not been worn in such sick room, and then only upon a written permit from the Health Commissioner. It shall be the duty of the Health Department to put up and maintain in a conspicuous place at the front entrance of any building and also at any other entrance thereof, in which there shall be any person sick or infected with smallpox, varioloid, scarlet fever, diphtheria (or croup in any form), a card or sign on which shall be written or printed in English and German, Italian or Polish, the words designating the infectious disease with which such sick person is affected, and to keep the same so posted during all the time when such sick or infected person shall remain in said building. In any cases mentioned in this section it shall be unlawful to remove or cause to be removed any such placard or notification of warning so placed by the Health Department; and in cases of diphtheria, such placard shall not be removed until bacteriological examinations shall have shown that no further danger from contagion exists; and no person shall, without the permission of the Health Commissioner, remove any such sign or placard so placed on any building. In case any such sign

shall have been removed, either by accident or design, it shall be the duty of the person or persons occupying said building to notify the Department of Health thereof forthwith.

§ 26. It shall be the duty of every city physician to visit all schools within his district when required to do so by the Health Commissioner, and examine the pupils in attendance upon said schools for the purpose of determining whether or not such pupils should be vaccinated, and to report to the Health Department the number of said pupils who have not been vaccinated and who require to be vaccinated; and it shall be his duty to vaccinate said pupils whenever the Health Commissioner shall so direct. It shall be the duty of city physicians to keep themselves thoroughly informed in regard to the sanitary condition of their respective districts, and especially in regard to the prevalence or existence of smallpox, varioloid or other infectious diseases therein, and when necessary to ascertain and report to the Department of Health from time to time who of the inhabitants of said districts have or have not been vaccinated, and to vaccinate all indigent persons applying to them therefor. It shall be the duty of every city physician forthwith to inquire into and examine, in case of smallpox or varioloid occurring within his district, and report concerning the same forthwith to the Department of Health such particulars as the Health Commissioner or Health Department may require. It shall be the duty of said city physicians to observe and obey all the rules and regulations of the Board of Health and Health Commissioner applicable to the conduct of their several districts.

§ 26-A. It shall be the duty of the Overseer of the Poor to furnish to the needy and worthy sick poor, free of charge, such quantity of ice and at such periods as may be requested in writing by any city physician, such work to be done subject to the direction of said Overseer

of the Poor and the approval of the Health Commissioner. Every city physician shall keep a record of such demands upon the Overseer of the Poor, and make separate monthly reports of the same, but shall in no event order ice except in case of sickness.

§ 26-B. It shall be the duty of the medical school examiners to visit all the schools in the City of Buffalo systematically for the purpose of making such examinations and inspections as may be required by the rules and regulations prescribed by the Health Commissioner for this purpose; and they shall perform any other work assigned to them at any time by said Health Commissioner. The school nurses likewise shall perform such duties as may be assigned to them by the Health Commissioner.

§ 27. No person shall let, lease or hire any room house or any part of a house in which there has been any infectious disease until after said room, house or part of a house shall have been disinfected under regulations approved by the Health Commissioner. It shall be the duty of every person letting, leasing or hiring any house or building, or part thereof, to make to the person negotiating for the same a true statement concerning instances of infectious diseases therein within the previous three months.

§ 28. It shall be the duty of all persons within the City of Buffalo who have not been vaccinated within five years previous to submit to vaccination if required; and the parents and guardians of such minor children as have not been vaccinated shall cause such children to submit to vaccination when, in the interest of public health, it may be deemed necessary by the Health Commissioner. It shall be the duty of the Health Commissioner and of the city physicians to vaccinate, free of charge, any and all persons within said city who shall request him to do so.

BURIAL OF THE DEAD.

§ 29. No death certificate shall be valid unless signed by the Coroner or a regularly licensed physician.

§ 30. It shall not be lawful for any person to allow the dead and unembalmed body of any human being to remain unburied for a longer period than three days without special permission from the Health Commissioner; nor shall any dead body be left unburied more than six days without such permission; nor shall any person allow the dead body of any human being to be exposed or retained for any time whatever to the peril or prejudice of the lives or health of any person.

§ 31. It shall be the duty of every person to report to the Department of Health the discovery or knowledge by him of the whereabouts of any dead human being, or any parts thereof, if there is any reason to believe that the death or place of such body is not properly known.

§ 32. No person shall dispose of any dead body of a human being for interment, cremation, or any other means without a permit from the Health Commissioner, nor in any manner than in accordance with the rules of the Department of Health.

§ 33. No sexton, undertaker, nor any other person shall assist, countenance or allow, directly or indirectly, the disposition of any human body for which permit has not been given.

§ 34. It shall be the duty of any undertaker or other person, before removing any corpse for burial, to obtain a permit to do so, which permit shall not be given before the filing with the Department of Health a certificate, signed by the attending physician, and setting forth the facts as called for on the blanks of the department, and said certificate must be filed within twenty-four hours

after notification. In case any physician refuses to sign, or in case it is impossible to obtain a certificate from the attending physician, the district physician shall investigate the matter and report to the Department of Health for further action.

§ 35. In case an inquest is necessary, it shall be the duty of the Coroner to notify the Department of Health before the permit is issued.

§ 36. No undertaker shall use any vehicle other than a hearse for the conveyance of the body of any person dead from any of the infectious diseases mentioned in Section 11 of this Chapter; nor shall the body of a person dead of any such infectious disease be carried into any church, hall or public place or otherwise exposed to view; provided, however, that this provision shall not apply to cases of tuberculosis, typhoid fever, puerperal septicæmia or malaria fever. No body of a person dead from any infectious disease shall be brought into the city without a special permit from the Health Commissioner.

§ 37. No common carrier or person in charge of any vessel, car or conveyance of any kind, public or private, shall convey or allow to be conveyed the body of any dead human being without a permit from the Health Commissioner, nor of any person dead of any infectious disease, except in strict accordance with the rules of the Health Department.

§ 38. In case of death from any infectious diseases, such as smallpox, scarlet fever, diphtheria, any form of croup, yellow fever, typhus, leprosy, Asiatic cholera, bubonic plague or epidemic cerebro spinal meningitis, it shall be the duty of the undertaker in charge of the body of the deceased to cause such body to be buried within 24 hours after death; and the undertaker in charge of the funeral of any person dying of any such disease

must so conduct such funeral that it shall be absolutely private. Any undertaker in charge of such funeral shall properly disinfect every carriage or conveyance used at such funeral before the same shall be used again; and shall also disinfect, to the satisfaction of the Health Commissioner, any and every article of whatever nature which it was necessary for him to use in the house where such death occurred; and he shall not use or permit to be used at such funeral any unnecessary article, such as rugs, flowers or plants, in such house, unless such articles so employed shall immediately thereafter be destroyed by fire.

§ 39. No person shall invite to funerals or any services connected therewith, any person whose attendance is not necessary, or to whom, or through whom there is danger of contagion being communicated or spread.

Whenever any person shall die from any of the contagious or infectious diseases named in section II, the undertaker having charge of the preparation and interment of the remains shall be the only person authorized to insert the public notice of death, and shall state the cause of death in such notice for which he shall be held responsible. The body of any person dying of such diseases shall not be placed in any vault unless enclosed in a hermetically sealed case approved by the Department of Health.

§ 40. No person shall open any grave, tomb, vault or other receptacle for the dead to exhume a body which has been placed therein for interment, unless by special permit from the Health Commissioner, which will only be secured upon furnishing satisfactory reason and such exhumation must be made in accordance with such instructions and rules as the Department of Health may specify in each particular case, and as may be necessary for the public health.

§ 41. No disinterment shall be made except between sunrise and sunset. This section applies to removals from one grave to another in the same cemetery as well as to another cemetery.

§ 42. No cemetery vault other than established for the reception of dead human bodies, shall be established without the authority of the Department of Health. (Plans of mortuaries, etc., must be approved by the Department of Health.)

§ 43. No person shall place any dead body in any burying-ground vault, tomb, crematory or receptacle for the dead without being in accordance with the terms of the permit of the Health Commissioner.

§ 44. Every grave must be at least six feet deep and four feet below the level or grade of any adjacent street.

§ 45. No person in charge of any receptacle for the dead shall receive for burial or disposition any body without an accompanying certificate of permit from the Health Commissioner.

§ 46. Every sexton or person having charge of any tomb, vault, cemetery, crematory or other receptacle for the dead must register his name, address, nature of his duties, with the Health Department; and shall on Monday of each week make a weekly report of all bodies buried in accordance with the requirements of the Health Department.

And he shall also cause every receiving vault within the City to be cleared, cleaned and disinfected before the first day of May each year.

Nor shall he permit any dead body to be kept in any receiving vault over seventy-two hours between May 1st and November 1st.



§ 47. No body shall be removed from this City by public conveyance, unless prepared in accordance with the specifications adopted by the Board of Health.

§ 48. It shall be the duty of any person having charge of articles used at funerals of persons dead of infectious or contagious diseases to have the same properly disinfected before being used again.

§ 49. No person shall bury any body of a human being in any place other than a registered burial ground without permit from the Health Commissioner; nor shall any grave be used for disposing of a second body.

§ 50. No person or association shall use or make overground vaults, tombs or other receptacles for the dead, except when made of stone with stone covering, cemented on, unless the coffin or casket is permanently and hermetically sealed in a metal case.

§ 51. The undertaker shall be entitled to demand and receive from the physician in attendance, a death certificate. And in case of his refusal shall report to the Department of Health.

§ 52. Undertakers will be held responsible that the cause of death be inserted in the public notice of death in cases of infectious or contagious diseases. (And is the only person authorized to insert such notice.)

§ 53. It shall not be lawful to disinter or expose the remains of a person who shall have died from an infectious or contagious disease within ten years after burial, nor to disinter or expose any human remains within one year after burial, without a permit from the Commissioner of Health and upon the payment of the fee of \$5 for such permit. Such disinterment or exposure shall only be made under the supervision of the Com-

missioner of Health and pursuant to such rules and regulations as may be adopted by the Department of Health.

§ 54. It shall be the duty of the undertaker in charge, if a person dies of infectious or contagious diseases if such body is sent out of the City limits, to make affidavit when the body is presented for shipment that it will be prepared according to the rules of the Department of Health.

§ 55. All dead bodies brought to the City from a distance must be buried by permit from the Health Commissioner, which the undertaker must first obtain before burial.

§ 56. The undertaker in charge shall cause every article used in the preparation for burial of bodies of persons dying of infectious or contagious diseases to be disinfected before removal from the house.

§ 57. The undertaker in charge of bodies of persons dying from smallpox, diphtheria, yellow fever, scarlet fever, typhus or other pestilential diseases, shall at once cause the body to be disinfected, wrapped in a sheet, wet with a solution of bi-chloride of mercury, 1 to 500, and placed immediately in a coffin, the inner surface of which must be lined with raw cotton, and made absolutely tight, and not reopened. No body of a person dead of infectious or contagious diseases shall be placed in ice boxes.

§ 58. No permit for removing any dead body out of town shall be given until the undertaker shall certify to compliance with the provisions of Section 34.

§ 59. No body of a person having died from a contagious disease shall be removed from the City of Buffalo, except when taken in a hearse for burial in a cemetery adjacent to the City, unless said body is hermetically

sealed in a metallic case, and no such body shall be brought into or through Buffalo, except in a hearse direct from the place of death adjacent to the City for burial in the City, or in an immediately adjacent cemetery, unless said body is similarly inclosed.

§ 60. All persons required by any law or ordinance to report deaths, births or marriages to the Department of Health shall use the forms or blanks prescribed and furnished by the Department, and shall be written in ink, and in all reports made to the department, whether by certificate or otherwise, the nomenclature used shall be that adopted by the Department of Health.

§ 61. It shall be the duty of every sexton or other person having charge of any burying ground, cemetery or vault, as aforesaid, who shall receive any such permit, to preserve and return the same to the registrar before 12 o'clock noon of the Monday following the day of burial. And no sexton, undertaker or other person shall bury, or cause to be buried, the body of any deceased person within the City of Buffalo, except in such grounds as are now known and used as burial grounds, or such as shall hereafter be by law designated and authorized to be used as such.

§ 62. Whenever a permit for burial is applied for in case of death without the attendance of a physician, or it be impossible to obtain a physician's certificate, it shall be the duty of the City Physician in whose district the death occurred to investigate the cause and circumstances of such death, to make and sign the certificate required by Section 34 of this chapter, and if not satisfied as to the cause and circumstances of such death, he shall refer the case to one of the coroners of the county for investigation and report.

§ 63. Whenever any person shall die within the City of Buffalo it shall be the duty of the physician attending

such person during his or her last illness, or of the coroner of the district when the case comes under his notice and jurisdiction to furnish and deliver to the undertaker or other person superintending the burial of said person (or file directly in the office of the registrar) a certificate duly signed, setting forth as far as the same can be ascertained, the name, age, color, sex, nativity (giving state or country), occupation, whether married or single, duration of residence in the City of Buffalo, cause, date and place of death (giving street and number), and duration of last sickness of such deceased person; and it shall be the duty of the undertaker or other person in charge of the burial of said deceased person to state in said certificate the date and place of burial, and to file the same in the office of the registrar, aforesaid, within twenty-four hours after said death; provided, that in case of death from smallpox, scarlet fever, malignant diphtheria or other pestilential diseases, said certificate shall be so made and filed immediately after such death. The permit for burial of all persons must, where practicable, be procured from the registrar at least twenty-four hours before the hour fixed for burial.

§ 64. Whenever any person shall die of smallpox or varioloid, it shall be the duty of the sexton, undertaker, or other person having charge of the body of such deceased person, to report to the Department of Health immediately, and before burying such body. And it shall not be lawful for any sexton, undertaker, or other person having charge of such body, to take the same into a church or other public place for the purpose of holding funeral or other ceremonies, but such body shall be conveyed by the most direct route from the house wherein such person died to the place of interment.

§ 65. The provisions of this chapter relating to special permits and to metallic caskets on removal from the City shall not apply to burials to be made at the Pine

Hill cemetery, in the town of Cheektowaga, adjoining the City Line, nor to burials to be made at Lime Stone cemetery, in the town of West Seneca, also adjoining the City Line.

§ 66. Every person who acts as sexton or undertaker, in the City of Buffalo, or who has charge or care of any vault, tomb, burying place, or cemetery for the reception of the dead, or where the bodies of any human beings are deposited shall cause his or her name and residence, and the name of his or her charge and duties to be registered with the Department of Health.

§ 67. No captain, agent or person having charge of, or attached to any ferry boat, sailing or other vessel, nor any person in charge of any car, stage or other vehicle, or public or private conveyance shall convey, or allowed to be conveyed therein, or any means aforesaid, nor shall any person convey or allow to be carried or conveyed in any manner, from or in the City of Buffalo, the dead body of any human being, or any part thereof, without a permit therefor from the Department of Health, and the proper coupon for that purpose attached to such a permit when issued shall be preserved and returned to the department in accordance with its regulations by the proper officer or person on such boat or vessel, and the proper person in charge of any train of cars or vehicle, on which any such body may be carried from said City.

§ 68. All vaults must be inspected after May 1st, each year, and oftener if necessary.

And the Health Commissioner shall have the power to close or cause to be altered any vault or other receptacle for the dead, if in his judgment such action is for the interest of public health.

§ 69. No permits will be granted for the burial upon returns of still-births, unless said returns are certified by a registered physician.

§ 70. Every permit for burial of a dead body shall be immediately returned to the registrar of vital statistics when demand for the same is made.

No undertaker shall hold any funeral from any house that is placarded for infectious diseases, otherwise than in accordance with the ordinances governing the burials of persons dead of contagious or infectious diseases.

#### EMBALMING OF DEAD BODIES.

§ 71. No person shall embalm any dead body without a written certificate from the attending physician that there are no facts attending the illness and death of the person that would preclude such embalming from a medico-legal standpoint. Provisions of this ordinance shall not apply to cases of death from injury or accident.

§ 72. No person, company or corporation shall embalm the body of a deceased person unless he or it shall have first conformed to the rules and regulations prescribed by the coroner, and procured a permit from the Health Commissioner, nor shall such permit be granted until all the rules and regulations of the Department of Health or the Commissioner have been complied with.

#### VITAL STATISTICS.

§ 73. The registrar shall keep a full and correct record of vital statistics, such permits as are authorized, make and publish a weekly statement of births, marriages and deaths in said City, and perform such other duties as are provided by Ordinance or the Health Commissioner.

§ 74. It shall be the duty of every clergyman, magistrate or other person, who shall perform any marriage ceremony within the City of Buffalo, to report each marriage solemnized by him to the registrar within forty-

eight hours thereafter, giving the full name, age, color, occupation, birthplace (state or country), and legal residence of each person married.

§ 75. Every physician, accoucheur, midwife or other person in charge who shall attend, or assist, or advise at the birth of any child within the City of Buffalo, shall report to the registrar, aforesaid, within three days thereafter, stating distinctly the date of birth, sex and color of the child or children born, its or their physical condition, whether still-born or not, the full name, nativity and residence of the parents, and the maiden name of the mother of such child or children.

§ 76. It shall be the duty of every physician, accoucheur, midwife, undertaker, sexton or superintendent of any cemetery or other person having charge of the same, practising medicine, or doing business within the City of Buffalo, to register his or her name in a book or books to be provided for such purpose at the office of the Department of Health of said City, giving full name, residence and place of business, and in case of removal from one place to another in said City, to make a change in such register accordingly.

#### UNWHOLESOME FOOD.

§ 77. No person or persons shall bring into the City, sell, offer or have for sale for human food in any market, upon any public street, alley or ground, or on any private premises, any cattle, sheep, hogs, lambs, calves, or any part thereof, or any meat, fish, game or poultry that is diseased or unwholesome, or which, for any reason, may be unfit for human food. And no animal or part thereof that has been examined and condemned by authorized persons shall be held, sold or offered for sale for human food in any market or place in the City, and it shall be the duty of those authorized to condemn and destroy all such wherever found.

§ 78. No cased, blown, plaited, raised, stuffed, putrid, impure, heated or unwholesome meat, or the meat of any animal, fish, bird or fowl, that may have died of disease or accident shall be brought, bought or sold, or offered for sale for human food within the limits of the City of Buffalo, be held or kept in any market, public or private, in said City.

§ 79. No calf, or the meat thereof, shall be bought, held, sold, or offered for sale for human food within the limits of the City of Buffalo, which, when killed, was less than one month old.

§ 80. No person shall engage in the business of distributing or causing to be distributed upon the streets or other public places of the City, or from house to house, for himself or as the agent of another, any samples of proprietary or other medicines or confections without first obtaining a license therefor from the Mayor, for which the sum of twenty-five dollars shall be paid.

All licenses shall be numbered consecutively, shall expire one year from the date of issue, and shall be non-transferable. Every such license shall bear, in addition to its number, the name of the licensee, and the dates of its issue and expiration.

Such licensee before distributing any samples of any proprietary or other medicines shall secure from the Health Commissioner a separate permit for each kind of proprietary or other medicine, or confection, allowing him to distribute samples thereof. No charge shall be made for any such permit.

Upon applying to the Health Commissioner for a permit, the applicant shall deliver to said Health Commissioner a sample of each kind of proprietary or other medicine or confection which he desires to distribute, together with a full and true list of the ingredients thereof, and if any such ingredient or ingredients in the quantity or pro-



portion in which it or they are combined in such medicine or remedy be of a poisonous character, said applicant shall also, upon the Health Commissioner's demand, file with him the formula of such medicine or remedy; and, if, in the judgment of the Health Commissioner, such medicine or confection is harmless, he shall issue to the applicant the permit applied for; but if, in his judgment, said medicine or remedy is injurious or dangerous, he shall deny the application for such permit.

Every person who shall distribute any such sample shall wear, conspicuously displayed, a badge upon which shall be inscribed the number of the license authorizing such distribution, and the name of the licensee. Such badges shall be the property of the City, and shall be issued by the Health Commissioner, who shall collect and receive from the applicant the sum of one dollar for each badge.

"Any license issued under this section may be revoked and canceled by the Mayor in accordance with the provisions of section 52 of the Charter.

Any person who shall violate any of the provisions of this section shall be liable to the penalty provided by section 119 of this chapter.

§ 81. No person shall within the limits of the City of Buffalo, hold, sell or offer for sale, or bring into said City, any decayed or damaged vegetables or fruit, and any person in possession of any such articles shall on direction from the Department of Health immediately destroy the same.

And it shall be unlawful for any person or persons to use or to engage in the sale of any bottle, mechanism, or other device for the artificial feeding or nursing of infants or children under three years of age, that has connected therewith a rubber tube, hose, or similar contrivance.

§ 82. No person dealing in any substance or material used for human food shall refuse to allow any officer of the Health Department to fully inspect any and all of such substances and materials specified in section 77 to 81 inclusive, and sections 84 and 85 of this chapter, held, offered or intended for sale, and shall answer all reasonable and proper questions relative to the condition thereof, the place where such substances or material may be and from whom procured.

§ 83. The Health Commissioner and inspectors of the Department of Health shall have the same power as is conferred upon the police force of this City, for the purpose of investigating any suspected violation of any provision of this chapter. And no person shall molest or resist any officer of the Department of Health or their assistants in the discharge of their duties.

§ 84. No person shall sell or cause to be sold, within the City of Buffalo, or expose for sale, any wilted, stale, decayed, rotten, fermented or unwholesome vegetables, fruit, garden or farm produce of any kind. No dead poultry shall be sold or offered for sale that has not been drawn.

§ 85. No person shall knowingly sell, offer for sale, or cause to be sold or offered for sale, any ice containing any impure or unwholesome matter or substance within the City limits.

§ 86. Every person who shall keep fresh meat for sale, shall keep the place at which the same shall be exposed for sale in a cleanly and wholesome condition, and free from all noxious or offensive odors, and when any such place shall be found on inspection to be in an unsanitary condition the occupant shall correct the same in accordance with the directions of the Department of Health.

WATERED AND ADULTERATED MILK.

§ 87. No person shall sell, offer or have for sale in the City or have in his possession any unwholesome, impure, watered or adulterated milk, or milk known as swill milk, or milk from cows that for the most part are kept tied up in stables, or from those that are fed on swill or like substances, or from diseased cows.

§ 88. All milk houses within the City limits shall be of sufficient size and have a sufficient number of windows to insure thorough light and ventilation and shall be floored and constructed of such material and in such manner as to be sanitary and to be able to be maintained in a sanitary condition.

Such milk houses shall not communicate directly with any water closet, sleeping room or with any unsanitary closet or room, and shall be used for no other purpose than for the storage and dispensation of milk.

No milk house shall be maintained in any horse or cow stable or in direct communication therewith, nor in connection with any building, business or condition that may be unsanitary or make possible the contamination of milk.

All milk boxes used for the storage and cooling of milk shall be substantially constructed and lined with zinc and they shall be elevated not less than six (6) inches above the floor level and away from the surrounding walls or partitions so as to insure perfect cleanliness. All such boxes shall be cleaned and flushed not less than twice weekly in the summer and once a week in the winter and shall be properly drained over and into a drain, but shall not directly communicate with such drainage or sewage apparatus.

All plumbing connected with milk houses shall be in accordance with the rules of the Bureau of Plumbing

and sewers connected with such milk house drains shall be both properly trapped and ventilated.

No milk room shall be maintained in any cellar unless the same be properly cemented and dry, of sufficient height and sufficient number of windows reaching above the ground level to insure light and ventilation. Such area of the cellar devoted to the milk business shall be partitioned off from other parts, shall be used for no other purpose, and shall be plumbed, boxed, constructed and conducted in like manner as milk rooms maintained on the ground level.

All milk cans shall, before being returned to the dairy, be properly rinsed out and cleansed.

No person, persons or association shall sell, offer or have for sale any milk of any kind or description in any quantity whatsoever, within the City limits without first obtaining a license from the Mayor.

A license fee of \$2 shall be charged for each and every vehicle in said business.

Such licenses shall expire on the first day of May next after issue, but no such license shall be issued without the applicant having first obtained a permit from the Department of Health to engage in the milk business pursuant to the provisions of this ordinance.

Nor shall any person or persons bring or send into the City for sale or offer for sale any milk without a written permit to do so from the Health Department, which permit shall not be issued until all the provisions of this ordinance shall have been complied with and for which permit a fee of \$3 shall be charged. Such permit shall not be transferable and may be revoked by the Health Commissioner when it shall appear that the person, persons or association holding such permit have violated any provision of this ordinance, or when from

any cause it may be deemed best by the Health Commissioner in the interest of public health to revoke such permit.

Before any such permit shall be issued the applicant shall file a statement with the Department of Health, showing his residence, the number of his cows, the name of the persons from whom he is purchasing milk and the amount, and the number of gallons of milk sold by him daily. Each licensee shall give notice to the Department of Health of any change in the person or persons from whom such licensee obtains his supply.

This section shall not apply to storekeepers who do not peddle milk, but dispense the same solely upon their premises, provided such milk is obtained from a duly licensed milk dealer.

No licensed dealer shall furnish milk to be sold by any storekeeper unless said storekeeper complies with all the provisions of this chapter governing the sale and sanitary protection of milk, and such sale may be forbidden at any time by the Health Commissioner in the interest of public health.

Each and every such license and permit shall expire on the first day of May next after its issue and every violation of the provisions of this section shall subject the person, persons or association violating the same to pay a penalty of not less than \$1 nor more than \$50.

§ 89. All dairies, including the cows, cow stables, milk houses, milk vessels, the owner or owners of which offer milk for sale within the limits of the City, shall be subject to inspection by the Health Commissioner, or some one deputed by him. Any officer or assistant may enter any place where milk is sold or kept, or any carriage used to convey the milk within the limits of the

City. And any refusal to allow such entry shall forfeit permit, or if the refusal be on the part of the person producing milk sold under a permit, the holder thereof shall discontinue the same under penalty of like forfeiture. And whenever, for any reason, the milk found therein is deemed impure or adulterated, specimens thereof shall be taken and subjected to test or chemical analysis, the result of which shall be reported and preserved as evidence.

§ 90. All grocers and bakers and every person having or offering for sale or using for commercial purposes milk, shall at all times keep the names of the dairymen or persons from whom the milk on sale is obtained and the number of their permit posted in a conspicuous place where such milk is sold or kept for sale. And the Department of Health shall furnish a sufficient number of such cards for each person receiving a permit.

§ 91. All milk wagons shall have the name of the owner, the number of the wagon license painted thereon in plain and legible English. Every dealer in milk who uses in his business a wagon, cart or other vehicle shall during the months of May to September, inclusive, have and keep upon said wagon, cart or other vehicle, a covering of canvas or other material so as to securely protect the contents from the rays of the sun, and every such dealer shall, during the months of June, July and August, carry in such vehicle a sufficient quantity of ice to prevent the heating of the milk.

§ 92. No dealer in milk, by himself nor his agents, shall sell, or have with intent to sell, milk from which the cream has been removed in part or in whole, unless sold as skim milk, and unless in a conspicuous place on both sides of the vehicle from which such milk is sold the

words "skimmed milk" are distinctly and legibly made in letters not less than one inch in height.

Nor shall any dealer in milk, nor his agents, sell as skimmed milk any milk which has a less percentage of casein and salts than that contained in unskimmed milk.

Nor shall any dealer in milk, nor his agents, serve milk in bottles to any dwelling that has in it any contagious disease or that is placarded by the Department of Health for contagious disease until said placard has been removed by the proper authorities.

Nor shall any person remove from such dwelling any bottles or receptacles which have been, or are to be used for the purpose of receiving or storing milk.

Nor shall any dealer in milk, nor his agents, bottle, cause to be bottled or prepare for delivery any part of his milk supply while upon the delivery wagon, nor at any place other than the milk house.

No person or persons receiving milk from any milk dealer in bottles, jars or other receptacle shall retain such bottles, jars or other receptacle in their possession for a longer period than 24 hours, providing such milk dealer, owner of such property, calls for same in accordance with the usages of the milk industry.

Nor shall any person or persons, having in their possession, temporarily or otherwise, any such jar, bottle or receptacle used for the delivery of milk, use the same while in their possession in any manner for any purpose other than the keeping and storage of milk originally delivered in such bottle, jar or other receptacle.

Nor shall any grocery dealer, storekeeper or any person, utilize or permit to be utilized any milk bottle, jar or other receptacle for the purpose of delivering any

article other than milk, or for any purpose whatsoever except the storage and keeping and delivery of milk.

§ 93. Every dealer in milk selling such skim milk shall, on each and every vessel from which he sells, have attached in front and side a notice stating in legible letters that such skim milk is for sale.

Cans must be marked, wagons must be marked.

§ 94. Milkmen guilty of violating the ordinances governing the sale of milk shall forfeit their license.

§ 95. No dairyman who shall feed to his milch cows or have in his possession with intent to feed to such cows, any garbage, refuse or other improper food, shall sell or offer for sale to any dealer or other resident of the City of Buffalo the milk from such cows, nor shall any such dealer knowingly receive or sell any milk produced from said dairy. Nor shall the milk of cows which may be kept in any place where the water, ventilation, food and surroundings are not wholesome and sufficient for the preservation of their health, safe condition and the wholesomeness of their milk, be sold within the City limits.

§ 96. Any sample of milk which shall be shown "upon analysis" to contain less than 12 per centum of milk solids and less than 3 per centum of fat or any sample of less specific gravity than 10.29, shall be declared to be adulterated.

§ 97. Upon complaint to the Department of Health concerning the purity of any milk supply the chemist shall, under direction of the Health Commissioner, make a thorough analysis of the same and report the result of such analysis.



INSPECTION OF FOOD AND DRUGS.

§ 98. The inspectors of food and drug supplies shall have power and it is their duty to examine all complaints which may be filed with the department with reference to any unwholesome food or drugs. It shall be their duty in case of poisoning or suspected poisoning to make diligent investigation and furnish to the City Chemist such samples for analysis as may be deemed necessary.

DRUGS.

§ 99. No preparation recognized in the United States Pharmacopœia shall be sold or kept on sale within the City of Buffalo if it differ from the standard of quality or purity laid down therein, unless the order calls for an article different from such standard, or unless such difference is made known, or appears to the purchaser at the time of sale.

§ 99A. No person shall sell or cause to be sold, at retail, within the City of Buffalo, carbolic acid of a greater strength than a five (5) per cent. solution; nor cocaine in any form, except upon the prescription of a physician duly authorized and licensed to practice as such under the laws of the State of New York.

This section shall not apply to the sale of carbolic acid in amounts of two pounds or more, nor to the sale of cocaine to dentists duly licensed to practice under the laws of the State of New York.

Any person violating any of the provisions of this section shall forfeit and pay a penalty of not less than \$5 nor more than \$50 for each and every offense.

## FOOD.

§ 100. No article of food shall be sold which is mixed with any substance which injuriously affects its quality or strength, or which is an inferior or cheaper substitute in whole or part, or from which any valuable constituent has been wholly or in part abstracted or which is an imitation of, or which is sold under the name of another article, or which is colored, polished or powdered by which it shall be made to appear of better quality or of more value than it actually is, or which artificially contains any deleterious or poisonous ingredients.

The provisions of this section shall not apply to mixtures of articles or compounds recognized as ordinary articles of food, provided they contain no ingredients which are injurious to health.

§ 101. No person shall be allowed to run or pass into a water pipe any vegetable, mineral or other deleterious substances whatever; nor shall any person do or permit to be done, having the right to prevent the same, any act or thing that will impair the purity of any water or other fluid used or designed as a drink in any part of the City of Buffalo.

## CATTLE INSPECTORS.

§ 102. The Health Commissioner of the City of Buffalo shall cause to be made by inspectors appointed for that purpose, an examination on the hoof of all cattle, sheep, swine and goats intended to be slaughtered within the City of Buffalo, New York, for human consumption, and said inspectors shall mark or tag as inspected and condemned all animals found to be unsound, unhealthful or otherwise unfit for human food, and shall cause to be destroyed for food purposes, and personally superintend the destruction of all animals found to be unsound.

unhealthful or otherwise unfit for human food, and said inspectors shall mark or tag in such manner as will permit of no deception or substitution as inspected and suspected, all animals which show what appear to be symptoms or evidences of a disease or condition rendering the same unfit for human food, if the inspector is in doubt as to the existence of such disease or condition, and cause such animals to be removed to a slaughter house to be designated for such purpose by the Health Commissioner, and such animals shall be slaughtered separately from all other cattle, sheep, swine or goats, and when so slaughtered the carcasses thereof shall be subject to a careful post mortem examination as provided by the ordinances of the City of Buffalo.

No person shall slaughter within the City of Buffalo any cattle, sheep, swine or goats intended for human consumption until the same shall have been inspected on the hoof by an inspector of the City of Buffalo, appointed for that purpose, under a penalty of not to exceed \$250 for each offense. The provisions of this section shall not apply to the slaughter of an animal within the City of Buffalo, intended for consumption by the person slaughtering the same or by the members of his family residing with him.

§ 103. The Health Commissioner of the City of Buffalo shall cause to be made by inspectors appointed for that purpose, a post mortem examination of all cattle, sheep, swine or goats slaughtered within the City of Buffalo, New York, for human consumption, and the carcasses of all said animals found to be sound, healthful and fit for human food shall be marked or tagged as inspected and passed, which mark or tag shall show on its face the date of the inspection, and said inspectors shall mark or tag as inspected and condemned all carcasses and parts of carcasses of animals found to be unsound, unhealthful or otherwise unfit for human food.

and shall cause to be destroyed for food purposes, and personally superintend the destruction of all carcasses or parts of carcasses of animals found to be unsound, unhealthful or otherwise unfit for human food, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts of carcasses or the food products thereof, to determine whether since the first inspection the same has become unsound, unwholesome or in any way unfit for human food, and if any carcasses, or any part thereof, or any food product made therefrom, shall, upon examination and inspection, be found to have become unsound, unwholesome or otherwise unfit for human food, said inspectors shall cause the same to be destroyed for food purposes, and personally superintend the destruction of the same, notwithstanding said first inspection.

§ 104. The Health Commissioner of the City of Buffalo shall cause to be made by inspectors appointed by him for that purpose, an inspection and examination of all meat food products prepared in any slaughtering, canning, salting, packing, cutting, grinding, rendering or similar establishment within the City of Buffalo, and for the purpose of such examination and inspection said inspectors shall have access to every part of said establishment, and said inspectors shall mark or tag as inspected and passed all such products as upon inspection are found to be pure, sound, wholesome and made up of healthful ingredients and fit for human food, which mark or tag shall show on its face the date of such inspection; and said inspectors shall mark or tag as inspected and condemned all such products as upon inspection are found to be impure, unsound, unhealthful or otherwise unfit for human food, and shall cause to be destroyed for food purposes, and personally superintend such destruction of all food products which, upon examination and inspection, are found to be impure, unsound, unhealthful or otherwise unfit for human food.

§ 105. The Health Commissioner of the City of Buffalo shall cause to be made by inspectors appointed for that purpose, an examination of all carcasses or parts of carcasses of cattle, sheep, swine or goats, or the meat or meat products thereof, except canned or tinned meats, slaughtered or prepared without the City of Buffalo, New York, and brought within the City of Buffalo, New York, for human consumption; and the carcasses or parts of carcasses of all said animals, or the meat or meat products thereof, found to have been inspected and marked as inspected in accordance with the provisions of the Act of Congress relating to the federal inspection of meat and meat products intended for interstate commerce, or in accordance with the laws of a state, or the ordinances of a municipal division thereof, which maintains a system of post mortem inspection and marking of the standard maintained by the City of Buffalo, and found to be sound, healthful and fit for human food, shall be marked or tagged as inspected and passed, which mark or tag shall show on its face the date of the inspection; and the carcasses or parts of carcasses of all said animals, or the meat or meat products thereof found not to have been inspected marked as inspected, in accordance with the provisions of the Act of Congress relating to the federal inspection of meat and meat products intended for interstate commerce, or in accordance with the laws of a state, or the ordinances of a municipal division thereof, which maintains a system of post mortem inspection and marking of the standard maintained by the City of Buffalo, or found to be unsound, unhealthful or unfit for human food, shall be marked or tagged as inspected and condemned, and shall be destroyed for food purposes by the said inspectors.

§ 106. No cattle, sheep, swine or goats, or meat or meat products thereof, except tinned or canned meats, which have not been inspected and marked as inspected and passed, in accordance with the provisions of the ordi-

nances of the City of Buffalo, shall be sold or offered for sale, or in any manner disposed of, for human consumption within the City of Buffalo, New York; and no tinned or canned meat products which have not been inspected and marked as inspected and passed, in accordance with the provisions of the ordinances of the City of Buffalo or in accordance with the provisions of the Act of Congress relating to the federal inspection of meat and meat products intended for interstate commerce, or in accordance with the laws of a state, or the ordinances of a municipal division thereof, which maintains a system of post mortem inspection and marking of the standard maintained by the City of Buffalo, shall be sold or offered for sale, or in any manner disposed of, for human consumption, within the City of Buffalo, New York. A person, firm, association or corporation, who or which violates the provisions of this section, shall be subject to a penalty of not to exceed \$250.

§ 107. The inspectors of animals on the hoof and the post mortem inspectors shall be under the immediate direction of the food and drug inspector, and each inspector shall make weekly reports to him for submission to the Health Commissioner, which shall show the number of animals inspected, the number condemned at the yard, the number marked suspicious, the number condemned at the slaughter house, the consignee or owner of each condemned animal, and the cause of condemnation, together with such other information as may be required by the Health Commissioner in the interest of the public health.

§ 108. The term slaughterhouse used in the ordinances of the City of Buffalo, New York, includes a building, or part thereof, or premises within the City of Buffalo, New York, used or kept for the purpose of killing, dressing or packing any cattle, sheep, hogs, calves or other animals, or the meat thereof, intended for human.

consumption. The Mayor, upon the recommendation of the Health Commissioner of the City of Buffalo, may grant a license to a person, firm, association or corporation to keep or maintain a building or buildings, or premises therein described as a slaughterhouse, or to any person, firm or corporation dealing in meats slaughtered outside the City of Buffalo, New York, upon payment to the Treasurer of the City of Buffalo of a fee of \$25 therefor. No license to keep or maintain a slaughterhouse shall be recommended by the Health Commissioner, nor granted by the Mayor, until the plans therefor have been filed with the Health Commissioner and by him approved in writing, and no plans shall be so approved until the slaughterhouse for which a license is requested, conforms to the Ordinances of the City of Buffalo. Each license so granted by the Mayor shall expire at midnight on the 30th day of June following the date of its grant. Each license so granted by the Mayor may be revoked by him for the violation by the person, firm, association or corporation to whom or which granted, of any Ordinance of the City of Buffalo at the time in effect with reference to slaughterhouses, or to the inspection of animals therein slaughtered, or intended to be slaughtered, or the meat or meat products thereof, after a hearing given to the licensee, of which hearing the licensee shall have a notice of at least three days. Each slaughterhouse for which a license shall be granted as herein provided, shall be open in every part at all times to inspection by any authorized employe of the Department of Health of the City of Buffalo, New York.

No animal shall be killed, dressed, packed or handled, or the product thereof prepared or treated in any slaughterhouse within the City of Buffalo, New York, between the hours of six o'clock in the afternoon and seven o'clock in the forenoon, or on Sunday, except by permission of the Health Commissioner, which permission, except in case of the slaughter of an injured animal, shall be in writing.

In each room of a slaughterhouse, wherein any meat, refuse, offal, fertilizer or any other material derived directly or indirectly from the slaughter of animals, is treated or handled, and in each room of a slaughterhouse wherein animals are killed or dressed, the floor must be made watertight, properly drained and sewer-connected, and the walls, doors and casements constructed of or covered with some non-absorbent material to a height of six feet above the floor.

In each slaughterhouse a cooler shall be constructed and maintained the interior of which shall be painted with white enamel paint, and which shall be provided at all times when the slaughterhouse is in use, with a sufficient supply of ice to maintain in the cooler a temperature of not to exceed 38 degrees Fahrenheit.

In each slaughterhouse there shall be maintained a manure box of some non-absorbent material, with a tight-fitting cover and sewer connection. All receptacles used in the handling of meat or meat products, or for blood, entrails, offal or waste matter of any kind, shall be of non-absorbent material; and when entrails, offal or waste matter are contained therein shall be kept tightly covered. The manure box and all receptacles shall be emptied and cleaned at the close of each day that a deposit is made therein, and from all yards, pens or compartments all deposits of matter shall be removed at the close of each day that the same are used. The floor of each room in the slaughterhouse shall be swept at the close of each day the room is used, and the floor and walls to the height of six feet from the floor of each room used for killing or dressing, shall be flushed and all matter removed therefrom at the close of each day that the room is used. Each slaughterhouse shall be provided with sufficient wire screens for windows and doors to keep the house at all times free from flies, and shall be provided with a sufficient number of receptacles for expectoration, which receptacles shall be cleaned and



disinfected at least once in every twenty-four hours. Each slaughterhouse shall be provided with suitable, convenient and separate water closets for each sex, and also suitable and convenient sinks, each with running water for washing, in the proportion of one water closet and one sink for every fifteen persons or fraction thereof employed. Each water closet compartment shall be thoroughly ventilated, and no water closet shall open into any room where animals are killed, or the product thereof prepared or kept. No dog shall be allowed to run at large upon any premises or in any building used as a slaughterhouse. Each slaughterhouse must be kept at all times clean and wholesome, and the odors therefrom must be destroyed by some effective means and according to the best and most approved processes, and everything preceding, following and in connection with the slaughtering of animals and the preparation of the products thereof, must be free from all offensive conditions or cause of detriment to the public health.

It shall not be lawful for any person, firm, association or corporation to keep or maintain a slaughterhouse within the City of Buffalo, New York, without having obtained a license from the Mayor, upon the recommendation of the Health Commissioner, so to do; and any person, firm, association or corporation who or which violates the provisions of this section, is liable to a penalty of not to exceed \$250 for each offense, and each day that a person, firm, association or corporation keeps or maintains a slaughterhouse within the City of Buffalo, New York, without having obtained a license so to do, shall be deemed a separate violation of this section.

§ 109. No person shall expectorate or discharge from the human body, or any organ thereof, any matter whatsoever upon any floor or wall of any slaughterhouse or upon any article of furniture or equipment, or upon any animal, or the product thereof, within a slaughterhouse, except into receptacles provided for the purpose.

No person suffering from tuberculosis, ophthalmia, or any contagious disease, or any skin disease, shall be employed in a slaughterhouse in the killing of animals, or the handling or preparation of the meat or meat products thereof, and any person employed in violation of this section, or any person, firm, association or corporation employing a person in violation of this section or any person violating this section in any other manner, shall be liable to a penalty of not to exceed \$250.

§ 110. It shall be the duty of any owners of a slaughterhouse, butcher shop, grocery, drug store, or any other place where food or liquid of any kind is kept for human consumption, to allow access to the inspectors for the purpose of inspecting the same.

§ 111. The rendering of dead animals is hereby declared to be unlawful and is hereby prohibited within the limits of the City of Buffalo, and no person shall within said limits render any dead animal. This provision shall not apply to the rendering of parts of animals which have been slaughtered for human food.

#### SCAVENGER.

§ 112. It shall be the duty of the scavenger to remove to such place or places as the Health Commissioner shall designate, all dead animals that may be found on the streets, alleys, or public grounds of the City, and for this purpose he shall report at the office of the Board of Health and at Police Headquarters once each day, to receive such orders as may there be given him for the removal of carcasses from the streets.

§ 113. Every person who shall engage in the business of collecting and removing refuse, bones, putrid and decaying meats or soap fat within the City of Buffalo, shall use for that purpose a box or vessel so constructed

as to prevent the escape of any offensive odor or effluvia therefrom. Such a box or vessel shall at all times, when not necessarily open for the purpose of depositing the material collected therein, be kept securely covered.

PRIVY VAULTS.

§ 114. No person shall maintain any privy vault or school sink in any cellar or basement; nor shall the general privy accommodation of a tenement or lodging house be allowed to be in the cellar or basement.

No person shall construct or maintain any privy vault or cesspool for sewage on any premises situated on any street within the City where there is a sewer, and the City water is in said street.

§ 115. No privy vault hereafter constructed shall be located within ten feet of any street or highway (alleys excepted), nor within five feet of the boundary line of the premises on which it is constructed.

§ 116. No person or persons shall engage in the business of removing and conveying away any of the contents of any privy vault or other receptacle of night-soil within the limits of the City, unless the same shall be removed and conveyed away by means of some odorless apparatus between sunrise and sunset, said apparatus to be approved of by and subject to such rules and regulations as the Department of Health may impose. And such person or persons before engaging in said business of privy cleaning shall take out a license therefor, and pay into the City Treasury annually for such license the sum of twenty-five (\$25.00) dollars.

No such license shall be granted except on the recommendation of the Health Commissioner.

Any person or persons so licensed and engaged in said business shall in each case before removing the con-

tents of any privy vault, procure a permit from the Board of Health, and shall not be permitted to make a charge of more than \$3 per cubic yard for such service

§ 117. No person shall remove, or cause to be removed, any of the contents of any privy vault or other receptacle of night-soil, except it be done by means of some odorless apparatus, and by a properly licensed person, and in accordance with the rules and regulations prescribed and imposed by the department of health, and no person shall fill in over, or cover, or cause to be filled in over, or covered, the contents of any privy vault or other receptacle of night-soil.

#### PEST HOUSE.

§ 118. There shall be maintained by the City a pest house or quarantine hospital of which the Department of Health shall have control and management, and the Health Commissioner shall appoint a suitable keeper thereof, and may employ nurses and procure such articles for the use of the pest house and the persons therein confined as he shall think necessary and proper. It shall be unlawful for any person to visit the pest house or enter upon the grounds pertaining thereto without a written permit from the Health Commissioner or designated City Physician.

§ 119. Any person, corporation or firm who shall violate any of the provisions of this chapter, who shall omit or refuse to do any act by the terms of this chapter required to be performed by him, her or it, who shall obstruct, hinder or prevent any officer or employe of the Health Department, duly authorized, from the discharge of any duty enjoined upon him by any provision of this chapter, who shall do any of the acts forbidden by any of the provisions of this chapter, shall, in addition to any

penalty otherwise provided by statute, pay a penalty not less than \$5 and not more than \$250.

§ 120. All fines, penalties and fees recovered or paid for any license or permit or privilege issued from the Department of Health, or for any violation of any of the provisions of this chapter, or of the rules and regulations of the Board of Health, shall be paid into the Treasury to the credit of the Department of Health fund.

#### TENEMENT AND LODGING HOUSES.

§ 121. No person, firm or corporation shall, within the limits of the City of Buffalo, erect, place, rebuild, alter, convert, remodel, repair or maintain any tenement or lodging-house, or any building intended for use as such, or any part thereof, except in conformity with the provisions of this and all other City Ordinances; and all persons, firms and corporations must also obtain permits from the Health Commissioner and from the Superintendent of Buildings in pursuance of sections 238 and 292 of the City Charter, before they shall begin to erect any new building or to alter, convert, remodel or repair any building for use as a tenement or lodging-house, as defined in said sections.

§ 122. In the following sections of this Ordinance the following terms shall have the meanings respectively assigned to them:

“Tenement-house” means a building which, or any portion of which, is occupied, or intended to be occupied, as a dwelling by over four families or more living independently of one another and doing their cooking upon the premises, or by three or more above the second floor, so living and cooking.

“Lodging-house” means a building in which persons are accommodated with sleeping apartments for a single

night or more, and includes hotels and apartment-houses where cooking is not done in the several apartments.

“Cellar” means a basement or lower story, of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

“Height of building” means the perpendicular distance of the highest point of the roof above the highest level of the principal adjoining or neighboring street.

“Superintendent” means the Superintendent of Buildings of the City of Buffalo.

“Health Commissioner” means the Health Commissioner of the City of Buffalo.

“Repairs” means the reconstruction or renewal of any existing part of a building, or of its fixtures or apparatus, by which its fire-risk, strength or sanitation is not affected or modified and not made, in the opinion of the Superintendent, for the purpose of converting the building, in part or in whole, into a new one.

Every “family set of apartments” means not more than three rooms devoted to the use of one family. If any family occupies more than three rooms their apartments shall be deemed to be two sets of apartments, or more in proportion to the number of their rooms, within the meaning of this Ordinance.

A “court” means an open space, yard or area, open to the sky undiminished from ground to roof.

“A yard court” means any court not open to the public way or park, and contained entirely on the owner’s lot, but not less than 10 feet wide, and containing at least 250 square feet in area.

“A supplementary court” means any court opening on one side to a yard court, public way or park, and must be at least six feet wide for one and two-story

buildings, and at least eight feet wide for three and four-story buildings, and one foot wider for each additional story above four stories.

“Inner courts” means any court in the interior of the building for the purpose of a light well, but in no case are inner courts to be less than eight feet wide and ten feet deep.

§ 123. “Registration.”—Every owner or lessee of a tenement or lodging-house and every person having control of a tenement or lodging-house shall, on or before May 15, 1893, and in the month of May in each year thereafter, file in the office of the Department of Health a certificate stating his name and address, and also, if he shall not be a permanent resident of the City, the name and address of his resident agent for the management of said tenement or lodging-house; and also containing a description of the property by street number or otherwise as the case may be, in such manner as will enable the department to easily find the same, and also the number of apartments in each house, the number of rooms in each apartment, the number of persons occupying each apartment and the trades and occupations carried on therein, and the said facts shall be recorded in the office of the Department of Health. He shall also file with the said certificate a plan or diagram of the lot, and of each floor in the building, showing all dimensions, and also showing all doors, windows, closets, water-closets, privies, staircases and means of exit, and shall file such a plan or diagram annually unless his annual certificate shall state that no changes have been made affecting the previous plan or diagram.

§ 124. “Janitor.”—Whenever eight families or more are living in any tenement-house in which the owner or lessee thereof does not reside, the Health Commissioner may require that there shall be a janitor, housekeeper or

some other responsible person who shall reside in said house and have charge of the same, and upon such requirement being made it shall be the duty of the lessee, or of the owner if there is no lessee, to provide such a resident janitor, housekeeper or caretaker. The janitor, housekeeper or caretaker shall be deemed the agent of the owner or lessee of the building, for all purposes, including the serving of notices, unless there shall be some other resident agent designated by the owner or lessee as prescribed in section 123 of this ordinance.

§ 125. "Watchman."—In every lodging-house containing over 20 rooms above the first floor, and every tenement-house containing more than 20 sleeping rooms above the first floor, the Health Commissioner may require that there shall be one or more night-watchmen, exclusively so employed, on duty every night, and upon such requirement being made it shall be the duty of the lessee, or of the owner if there is no lessee, to provide such a night watchman.

§ 126. "Cleaning Premises."—Every tenement or lodging-house and every part thereof shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with it or belonging to the same. The owner or keeper of any lodging-house, and the owner, lessee or occupant of any tenement-house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools and drains of the house or part of the house of which he is the owner or lessee to the satisfaction of the Health Commissioner as often as he shall be required or in accordance with any regulations of said Department of Health, and shall well and sufficiently, to the satisfaction of the Health Commissioner, whitewash the walls and ceilings thereof twice, at least, in every



year, unless the Health Commissioner shall otherwise direct. Every lessee or occupant of an apartment or set of apartments in such tenement-house who shall fail or neglect to comply with the provisions of this section relating to the cleansing of the same, for the space of three days after being notified so to do shall be guilty of a misdemeanor; and every owner or lessee or keeper of such tenement-house who shall fail or neglect to cleanse such apartments within six days after being notified to do so, or who shall fail or neglect to cleanse the passages, stairs, privies, cess-pools or drains on such premises, in accordance with the provisions of this section, shall be guilty of a misdemeanor.

§ 127. "Inspection."—The Health Commissioner shall cause a careful inspection to be made of every tenement and lodging-house at least twice in each year, and he shall have power to appoint an inspector to be known as "inspector of tenement and lodging-houses" for this purpose. Whenever the Health Commissioner has made any order concerning a tenement or lodging-house he shall cause a reinspection to be made of the same within five days, to ascertain that the order has been obeyed. The keeper of any lodging-house, the owner, agent of the owner, lessee and occupant of any tenement-house and every other person having the care or management thereof shall at all times when required by an officer of the Department of Health, or by any officer upon whom any duty is conferred, give him free access to such house and to every part thereof.

§ 128. "Reporting diseases, etc."—The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house, or part thereof, shall, whenever any person in such house is sick with fever, or any infectious, pestilential or contagious disease, and such sickness is known to such owner,

keeper, agent or lessee, give immediate notice to the Department of Health, or to some officer of the same, and thereupon the Health Commissioner shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleaned or disinfected at the expense of the owner, in such manner as he shall deem necessary and effectual; and he may also cause blankets, bedding, bed-clothes and other articles used by any sick person, to be thoroughly cleaned, scoured and fumigated, or in proper cases to be destroyed.

§ 129. "Construction walls."—The exterior walls of every building hereafter erected for or converted to use as a tenement or lodging-house, and not having an exposure on an open space, street, court or passageway more than 20 feet in width, shall not exceed 30 feet in height.

§ 130. "Cellars."—The cellar of every tenement or lodging-house shall be protected by a two-inch bed of concrete (cement and gravel or tar and gravel) or asphalt, or hard bricks laid in cement with concrete; asphalt or brick shall be laid on four inches of broken stones, such stones not being greater than two inches in size.

§ 131. "Occupying cellars."—No owner or owners shall let, occupy or suffer to be occupied any cellar as a dwelling or place of lodging or sleeping, and no person shall lodge or sleep in a cellar.

§ 132. "Yards and courts."—Every tenement or lodging-house must have one or more yard-courts, and may have supplementary or inner courts. The sum of the area of these courts must equal at least 25 per cent. of the building lot, except in case of a corner lot, when such area shall not be less than 10 per cent. of the lot. If in any case 25 per cent. of the building lot shall not equal the size of yard-court as herein provided, then such lot

shall not have a tenement or lodging-house erected or maintained thereon. This section shall not apply to buildings now used as tenements.

§ 133. "Draining courts."—In every tenement or lodging-house the areas or courts must all be graded, cemented, flagged or paved and drained. When the drain is connected with the house drain or street sewer it must be effectually trapped.

§ 134. "Draining courts."—In all cases where a sewer exists in the street or avenue upon which the house or building stands, the yard or area shall be connected with the sewer, so that all the water from the roof or elsewhere, and all liquid filth, shall pass freely into the sewer. When there is no sewer in the street or avenue, or adjacent thereto, to which connection can be made, the yard or area shall be so graded that all water from the roof or elsewhere, and all filth, shall flow freely therefrom into the street gutter, by a passage beneath the sidewalk, which passage shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

§ 135. "Construction, scuttles."—Every tenement or lodging-house hereafter erected over three stories high shall have a permanent means of access to the roof by staircase from the common hall, and an opening through the roof from said staircase, which shall not be less than two feet by three feet in size and as much larger as the Superintendent shall require.

§ 136. "Exits."—Every tenement or lodging-house hereafter erected more than two stories high shall have at least two independent means of egress, each accessible from each apartment, either directly or by means of common halls, and shall conform to existing building laws, ordinances, rules and regulations relating to fire escapes.

§ 137. "Night lights."—In every tenement-house containing eight families or more, and of the height of three stories or more, and in every lodging-house at least one red light shall be kept burning at night on every flight of stairs, and one or more gongs shall be placed and be of such size and number as could give an alarm through the house in case of fire. All doors of exit or entrance shall open outward. The Superintendent may make such other or further requirements for prevention or escapes from fires as may be reasonably necessary under the conditions of each case.

§ 138. "Stairs."—In any tenement or lodging-house the cut of the stair stringer shall not be greater than eight inches in rise or less than nine inches in run. No winders shall be less than 12 inches wide at the middle point in the width of the stair. This section shall not apply to buildings now used as tenement-houses.

§ 139. "Ashes, garbage, etc."—All receptacles for ashes, waste and other substances liable by spontaneous combustion or otherwise to cause fire, shall be made of incombustible material, satisfactory to the Superintendent. Every building used as a tenement or lodging-house shall have outside and appurtenant to said building, on land of the owner, a suitable space, satisfactory to the Health Commissioner, and approved by him in writing, for the temporary deposit of garbage and other refuse matter. The requirement that such deposit shall be made upon the land of the owner shall not apply to any building already erected where it covers the whole lot, or where there is no direct exit from the court of such building.

§ 140. "Water supply."—Every tenement or lodging-house shall have city water at one or more places on each floor for every one or more families or set of apartments. But a failure in a general supply of water from the City shall not be construed to be a failure on the

part of said owner, provided that proper and suitable appliances to receive and distribute such water are placed as called for in this section.

§ 141. "Closets, privies, sinks and plumbing."—Every tenement or lodging-house shall have at least one water-closet or privy for every three families or every 15 persons living therein, or where space is provided for the accommodation of such numbers of persons, and such number and description of sinks, or other receptacles as the Health Commissioner shall require. Privies or cess-pools shall not be allowed where a sewer makes water closets practicable. Every water-closet in a building hereafter erected for or converted to a tenement or lodging-house shall have a window to the open air. Where privy vaults are used, they shall be of hard brick or cement and of a capacity of not less than 75 cubic feet, so made as to be water-tight and convenient to open and clean, and no offensive smell or gases shall be allowed to escape therefrom, or from any closet, sink or privy. The inside shall be at least two feet from the next lot and from any public or private way.

§ 142. "Construction, closets, etc."—The water-closets, sinks and receptacles shall have proper doors, soil-pipes and traps (all of which shall be properly vented to prevent the escape of deleterious gas and odors), soil-pans, cisterns, pumps and other suitable works and fixtures necessary to insure the efficient operation, cleaning and flushing thereof. Every tenement and lodging-house situated upon a lot on a street or avenue in which there is a sewer, shall have a separate and proper connection with the sewer; and the water-closets, sinks and other receptacles shall be properly connected with the sewer by proper pipes made thoroughly air-tight. Such sewer connections and all the drainage and plumbing work, water-closets, sinks and other receptacles in and for every tenement and lodging-house shall be of the form, con-

struction, arrangement, location, materials, workmanship and description to be approved, or such as may be required by the Department of Health of the City of Buffalo.

§ 143. "Protecting closets, etc."—Every owner, lessee and occupant of every tenement and lodging-house shall take adequate measures to prevent improper substances from entering any water-closets or sinks or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation or obstruction shall take place, and to prevent exhalations therefrom, offensive, dangerous or prejudicial to life or health. Every person who shall place filth, urine or fœcal matter in any place in a tenement-house other than that provided for the same, and every person who shall keep filth, urine or fœcal matter in his apartment or upon his premises such length of time as to create a nuisance, and every person who shall deposit swill, garbage, ashes, bottles, cans, coal or other improper substances, in water-closets, sinks or drains so as to obstruct the same, or shall deposit swill, garbage, ashes or any other improper substance in any court, yard-court, supplementary court or inner court, shall be guilty of a misdemeanor.

§ 144. "Chimneys." — Every building hereafter erected or converted into a tenement-house shall have chimneys running through every floor, with an open fireplace or grate or place for a stove to be connected with one of said chimneys for every family set of apartments.

§ 145. "Transoms."—Every tenement or lodging-house existing before the passage of this ordinance shall have in every sleeping-room not connected with the open air one or more ventilating or transom windows of not less than six square feet area in the aggregate with movable sashes or slats, placed in such manner as shall

be approved by the Health Commissioner. No transom windows in any new building shall be placed in a partition wall inclosing a main stairway.

§ 146. "Ventilation."—Every room or common hall in every tenement or lodging-house hereafter built, and in every building hereafter altered to be used as such, shall not be less than eight feet in the clear in height in every story, except that in the attic it may be less than eight feet high for one-half the area of the room. Every such room shall have one or more windows opening directly upon the street, yard or court, with an area at least one-tenth as great as that of the room. The top of at least one window on such air space in each room shall be at least  $7\frac{1}{2}$  feet from the floor, and both the upper and lower sashes of the same window shall be movable.

§ 147. "Overcrowding."—Whenever it shall be certified to the Department of Health by the sanitary inspector or made known in any way that any tenement-house or room therein is so overcrowded that there shall be afforded less than 600 cubic feet of air to each occupant of such building or room, the said department may, if it deem the same to be wise or necessary, issue an order requiring the number of such occupants of such building or room to be reduced so that the inmates thereof shall not exceed one person to each 600 cubic feet of air space in such building or room. The owner, lessee or agent or person having charge of said building shall thereupon immediately cause the number of such occupants to be so reduced.

§ 148. "Vacation orders."—Whenever it shall be certified to the Department of Health by the tenement-house inspector or any sanitary inspector or made known in any way that any building or part thereof is infected with contagious disease, or by reason of defective or faulty construction or want of repairs has become or is

dangerous to life or health, or is unfit for human habitation because of defects of drainage, plumbing, ventilation or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants or for any other reason, the Health Commissioner, after summoning the offender or offenders to appear before him and show cause, as prescribed in section 237 of the Charter, if he shall be satisfied that any such nuisance or offense or danger to life or health exists, may issue an order requiring all persons therein to vacate such buildings or part thereof, and to be personally served on the owner or lessee or on the agent for the owner or lessee, if any designation of such agent has been filed, or on the occupant, or any person having charge or care thereof.

If the owner, lessee or agent cannot be found in the City of Buffalo, or does not reside therein, or evades or resists service, then said order may be served on him by depositing a copy thereof in the postoffice of the City of Buffalo, properly inclosed and addressed to such owner, lessee or agent at his last known place of residence or business, and prepaying the postage thereon. Such building or part thereof shall, within 10 days after said order shall have been posted and mailed as aforesaid or within such shorter time, not less than 24 hours, as in said order shall be specified, be vacated; and it shall be the duty of the owner, lessee or agent or person having charge of said building, so notified and ordered, to cause the same to be vacated, and in case of their failure so to do, the Health Commissioner may cause it to be vacated. But the Department of Health, whenever it shall become satisfied that the danger from said building or part thereof has ceased to exist or that said building has been repaired so as to be habitable, may revoke said order.

§ 149. "Penalties."—Any person who shall build, alter, convert, remodel or repair any wall, building or any other structure or part thereof in violation of any



provision of this ordinance, or in violation of any rule or regulation which shall be adopted for the proper carrying out of this ordinance, or of the City Charter relating to the Department of Health; or who shall, after 24 hours' notice from the Superintendent, maintain or use any such wall, building or any other structure or part thereof so built, altered, converted, remodeled or repaired, or who shall violate any provision of this ordinance, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$5 nor exceeding \$100, to be paid into the treasury of the City of Buffalo, for each and every day that this ordinance is violated, and such wall, building or other structure so built, altered, remodeled or repaired, shall be declared a common nuisance and shall be abated as such as prescribed by law.

§ 150. "Other regulations."—The Health Commissioner and the Board of Health shall have power to make such further rules and regulations as they shall deem necessary for the proper carrying out and enforcement of this ordinance, and of all laws relating to the public health in connection with tenement and lodging-houses.

#### SUPERINTENDENTS OF HOSPITALS.

§ 151. It shall be the duty of the superintendent of any hospital or of the person in charge of any hospital to immediately report by telephone to the Department of Health any and all cases of infectious or contagious diseases, designated in section 11 of this chapter, that have been conveyed or carried in any carriage, hack or public conveyance other than an ambulance, giving the name of the driver or person in charge and that of the owner of such vehicle and to enter upon the books and records of such hospital the names of such driver or person in charge and owner; and any superintendent or person in charge of any such hospital who fails to comply with all

the requirements of this section of the ordinance shall forfeit and pay a fine or penalty of not less than \$25 nor more than \$100 for each and every offense.

#### BACTERIOLOGISTS.

§ 152. The bacteriologist shall be under the direction of the Commissioner of Health. He shall have charge of the bacteriological laboratory and be responsible for same and the working thereof. It shall be his duty to receive and take charge of all material submitted to the Department of Health from contagious or pestilential diseases, examine the same by the proper scientific methods and tests, and shall without delay report the result of such examination to the Health Commissioner, who will make such disposition of the same as in his judgment is best in the interests of the public health and in the prevention of infectious diseases.

It shall, furthermore, be the duty of said bacteriologist to take charge of, examine and without delay report upon all matters which relate to sanitation and the public health which may be submitted to him for examination, of which he may be directed to investigate, examine into and report upon by Commissioner of Health.

The said bacteriologist shall devote his entire time to the duties pertaining to the office.

The assistant bacteriologist must be qualified to act for, and in the absence of the bacteriologist assume the responsibility of said office. He shall be under the immediate direction of the bacteriologist and shall assist him in all the work and duties of the office, and likewise devote his entire time to the duties thereof.

§ 153. No person or persons shall remove or cause to be removed any of the contents of any garbage receptacle placed in or outside of buildings for collection, except it

be done under the supervision of the Department of Public Works, nor shall any person or persons carry or convey the contents of any garbage receptacle or any part thereof through the streets of the City of Buffalo in any vehicle excepting those directly under the control or supervision of the Department of Public Works. Any person violating any of the provisions of this section shall forfeit and pay a fine or penalty of not more than fifteen (\$15) dollars for each and every offense.

§ 154. It shall not be lawful for any person, firm, company or corporation to gather, collect, receive, move or carry away from any public street, alley, square or ground within the limits of the City of Buffalo any dead horses and cattle, without first having obtained a license from the Mayor therefor, and such removals shall only be made in vehicles or receptacles to be approved by the Health Commissioner, and to be done in such a manner as he may direct.

The Mayor is hereby authorized to issue licenses to persons for collecting and removing dead horses and cattle from the places herein mentioned, and the fee for each such license shall be \$50 per annum.

Such removals shall be made promptly upon notice from the Police Department, or any other source, and without fee or charge, and for a failure to make such removals promptly the license may be revoked by the Mayor.

Any person violating any provision of this section shall forfeit and pay a penalty of not less than \$1 nor more than \$50 for each and every offense.

§ 155. No person owning or having the care, custody or charge of any dog shall allow or permit such dog, whether in the company of any person or not, to be upon the streets or upon or in any of the public places of the

City of Buffalo, unless such dog shall be muzzled in a manner fit and sufficient to keep such dog from biting. Any person owning or having the care, custody or charge of any dog shall, when such dog is not in the immediate charge of some person, keep said dog muzzled or securely fastened in a place and in a manner sufficient to keep said dog from biting any person entering upon or leaving the premises whereon said dog is kept. Any person violating any of the provisions of this section shall be punished by a fine of not less than \$3 nor more than \$100.

§ 156. No parent or person having care or charge of a child or person with whom a child resides who is or has been suffering from infectious or contagious disease, or who resides in a house where such disease exists or has existed within a period of six months, shall knowingly or negligently permit such child to attend school without procuring, and producing to the teacher or person in charge of such school, a certificate from some registered medical practitioner, approved of by the Health Commissioner, that such child has become free from disease and infection, and that the house and everything therein exposed to infection have been disinfected to the satisfaction of the Health Commissioner.

And no teacher or person, in charge of any school, shall knowingly permit any child to attend such school in contravention of the provisions of this ordinance.

§ 157. No person, firm or corporation shall engage in the business of drying grain that has been damaged by wet or moisture, or damaged grain that is in process of fermentation, without first obtaining a license from the Mayor of the City to engage in such business, and paying for such license the sum of \$50. No such license shall be granted except upon the written recommendation of the Department of Health; and all licenses granted pursuant to this section shall expire on the first day of May next after the granting of the same. No person, firm or cor-

poration carrying on such business, as aforesaid, shall allow the fumes, vapor or any offensive odors given off in the process of drying such grain to escape into the open air in such manner as to cause or tend to cause injury, discomfort or annoyance to any person or persons, or to the public. A violation of this ordinance shall be punishable by a fine not exceeding \$250 for each and every offense. Nothing herein contained shall apply to the business of malting grain to be used in the manufacture of ale or beer.

§ 158. It shall not be lawful, within the limits of the City of Buffalo, for any person or persons to spit or expectorate upon the floor, seat or upon any other part of any street car, or other car, or other public conveyance of any kind or character. Or neither shall it be lawful to expectorate upon the floor or other part of any passenger elevator car used in any office building, store, factory, library, theater, or public building, or upon the floor or other place of any office building, store, factory, theater, public hall, library, or any public building, where receptacles are provided for that purpose.

It shall be the duty of all persons in charge of railroads, corporations, buildings or other places to which this ordinance applies to post conspicuous notice of the above, and take all necessary and proper steps to secure observance of this ordinance.

A violation of this ordinance shall be punishable by a fine of not less than \$2 nor more than \$100 for each and every offense.

§ 158-A. No person shall spit upon the sidewalk of any street, alley, thoroughfare, square, park or other public place, or upon the floor, walls or seats of any room, hall, office or other part of any tenement, hotel or lodging place, which is used in common by the guests or inmates thereof, or upon the floor, walls or other part of

any store, factory, theater or other building, or room which is used in common by the public, or upon the floor, platform, walls or seats of any street car, or other public conveyance or of any depot or railroad station.

§ 158-B. Every corporation, proprietor or other person owning, operating or controlling any store, factory, theater or other building, which is used in common by the public, or any street or railway car or other public conveyance, or any depot or railway station, shall keep permanently posted in each of said places a sufficient number of notices forbidding spitting, according to the provisions of Section 158-A of these Ordinances calling attention to said provision.

§ 158-C. Every corporation, proprietor or other person owning, operating or controlling any store, factory, theater or other building or room which is used in common by the public, or any depot or railroad station, shall provide a sufficient number of non-absorbent receptacles for the expectoration, and shall provide for the thorough cleansing and disinfection thereof at least once in 24 hours.

§ 158-D. It shall be the duty of the Health Commissioner to have printed in English, German, Polish and Italian, circulars and other literature, pertaining to all the infectious diseases specified in Section 11 of these Ordinances, and shall cause said circulars and literature to be distributed for the information of the public. In the case of tuberculosis, he shall have printed in addition suitable signs or placards explaining the dangers of indiscriminate expectoration and containing the provisions as given in Section 158-A, which signs or placards shall be distributed as provided in Section 158-B of these Ordinances.

§ 159. It shall be the duty of every owner or occupant of a barber shop to keep the same and all furniture and utensils in a cleanly and sanitary condition.

Every such shop shall be provided with running cold water. All hot water tanks shall be replenished with fresh, clean water daily, and shall be used for no other purposes than that of heating water. All wash basins shall be connected with sewer and properly trapped. No barber shop shall be used as a sleeping room.

Shaving cups, brushes and razors shall be, in each and every case, immersed in boiling water after using. Towels shall be used but once before laundering. The use of powder puffs, finger bowls and sponges is prohibited.

All needles, forceps and other metal instruments shall be immersed in boiling water for at least thirty seconds after each separate use thereof. Alum or other substances used to stop flow of blood shall be used in powder or fluid form only.

Any person violating the provisions of this section shall forfeit and pay a penalty of not less than \$2 and not more than \$25 for every offense.

§ 160. Every owner or occupant of any building in the City of Buffalo, which is connected with any sewer in the City, shall construct thereon and keep in repair eave troughs and rainleaders connecting with such sewer pipe or sewer connection. Such eave troughs and rainleaders shall at all times conform to the requirements of the Health Commissioner.

Any person violating the provisions of this section shall be liable to a penalty of not less than one dollar nor more than fifty dollars.

## CHAPTER XXVI.

## NAMING OF STREETS, ETC.

§1. All streets, avenues and alleys heretofore laid out and worked shall be known by the names or numbers now recorded in the street record; and no change in the name or number of any such street without the consent of three-fourths of the number of each board composing the Common Council. And no person shall put up any street sign upon any street, avenue or alley until the name shall be recorded in the City Clerk's office. And the City Clerk shall not record any such name when any street, avenue or alley shall have been recorded with the same name.

§ 2. It shall be the duty of the City Clerk to report to the Common Council a list of all streets, avenues and alleys recorded in his office having duplicate name or number, giving the date of such record, and the Common Council shall give notice of a day for hearing interested persons relative to change of the names of such duplicated streets, and the City Clerk shall upon such designation enter in the street record such action.

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CHAPTER XXVII.

## NUMBERING HOUSES.

§ 1. It shall be the duty of every owner or occupant of any building within the limits of the City of Buffalo to affix to such building a plate showing the street number of said building—such plate shall have painted or engraved thereon the figures denoting the number of said building, which figures shall be not less than two and one-quarter inches in length. The number of buildings located upon any street or alley extending in a



northerly and southerly direction shall commence at the southerly end of said street. The number of buildings located on any street or alley extending in an easterly and westerly direction shall commence at the point in said street nearest Main Street; whenever any street shall cross Main Street, such numbering shall commence at Main Street and run easterly and westerly therefrom.

§ 2. All lots fronting on any street or alley shall be numbered alternately with the odd numbers on the right, and each twenty feet, including all cross streets, shall be counted as a number.

It shall be the duty of the Department of Public Works to furnish any party applying therefor the number or numbers belonging to or embraced within the limits of said lot as provided in section 2.

Any person, firm or corporation owning or occupying any building within the City of Buffalo who shall refuse or neglect for five days after notice from the Bureau of Streets to place a number on said building, shall suffer a penalty of not less than \$1 nor more than \$5 for each such neglect or refusal.

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## CHAPTER XXVIII.

### OF BILL POSTING.

§ 1. No person shall engage in and carry on the business of bill-posting, or bill-distributing, or sign-advertising in the City of Buffalo without previously having obtained a license so to do under the provisions of this chapter.

The Mayor of the City of Buffalo may grant to any person or persons who shall apply to him therefor, in

writing, a license to engage in and carry on in the City of Buffalo the business of bill-posting and bill-distributing and sign-advertising, which license shall expire at the end of one year from the date of its issue.

§ 2. Every person or firm to whom a license may be granted under the provisions of this chapter shall pay to the Mayor, on the delivery of the same to the party to whom such license is granted, the sum of \$50.

Every applicant for a license under the provisions of this chapter shall present to the Mayor, at the time of making the application for such license, a bond in the penalty of \$2,000, executed by the party making the application and two sureties, to be approved by the Mayor and conditioned for the faithful observance of the provisions of section twelve of title sixteen,\* of the Charter of the City of Buffalo, and for the observance of the Ordinances of said City.

No other than a resident of the City of Buffalo, who shall have been such for thirty days, shall be granted a license under the provisions of this chapter.

§ 3. No person to whom a license shall be granted as herein provided for, shall charge or receive more than the following prices for the distribution of bills and books, and the posting of bills, to wit:

Posting bills for one week for any show, entertainment or business, 3 cents per sheet.

Distributing almanacs or books to private houses, \$1.50 per 1000.

Distributing circulars to private houses, \$1.25 per 1000.

Distributing bills or circulars to business houses, \$1.00 per 1000.

Note:—Underscored words refer to Charter of City of Buffalo passed in year 1881.

Any person violating any of the provisions of this chapter shall forfeit and pay a penalty of \$100.

§ 4. -No person to whom a license shall be granted shall transfer, sell or lease the same to any person whatsoever, under a penalty of having such license revoked.

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## CHAPTER XXIX.

### INSPECTION, ETC., PETROLEUM AND OTHER INFLAMMABLE OILS AND LIQUIDS.

§ 1. The Mayor of the City of Buffalo shall appoint some competent and proper person as general inspector of oils for said City, who shall hold office during the term of the Mayor appointing him. The person so appointed shall not be interested or employed in the business of manufacturing, refining, storing or selling petroleum or other oil in said City.

§ 2. It shall be the duty of the oil inspector to inspect all coal oil, kerosene or refined petroleum manufactured, stored or kept for sale in said City; and for that purpose he is hereby authorized to enter any refinery, storehouse or building in which coal oil, kerosene or refined petroleum shall be manufactured, stored or kept for sale, or any railroad depot, or round house where it is kept for use, at all reasonable times, and make inspection and tests by the use of the instrument approved by the State Board of Health of New York, of any coal oil, kerosene or refined petroleum, which shall be there manufactured, stored or kept for sale or use. Upon such inspection or tests being made such inspector shall legibly stamp or mark the barrels or packages containing such coal oil, kerosene or refined petroleum with his office stamp or mark, showing his name, the date of such inspection or

test and the degree of the flash test of such coal oil, kerosene or refined petroleum. Such inspector shall be authorized to demand, receive and collect of the person or persons owning or having in charge such coal oil, kerosene or refined petroleum, the sum of five cents for each and every barrel or package of the same so inspected or tested and marked or stamped; but he shall not be authorized to demand, collect or receive any sum or fee for the inspection or test of any coal oil, kerosene or refined petroleum which he shall have already once inspected or tested, unless the same shall have been transferred into different barrels or packages, or mixed with other liquids or oils; and the owner or owners of such refineries, storehouses or other buildings in which said oil is stored, shall give the inspector all possible facilities and necessary aid to enable him to make the inspection; and no person shall sell or use any such coal oil, kerosene or refined petroleum until the same has been inspected and the barrels or packages are stamped or marked, as aforesaid, and no person shall refuse to allow the inspector to freely exercise his duties as herein provided, or in any manner interfere therewith. Any person who sells or uses such coal oil, kerosene or refined petroleum, or refuses to allow said inspector to exercise his duties, or interfere therewith as aforesaid, shall forfeit and pay a penalty of \$50 for each and every offense. And it shall be the duty of such inspector, whenever he shall detect any one in said City offending against any of the provisions of this chapter, to report the same to the Law Department in order that the offender may be prosecuted.

§ 3. No person or persons, corporation or association, shall engage in business for the purpose of compounding, mixing or distributing, or shall conduct or carry on any manufactory or establishment for the purpose of mixing, producing or refining, distilling or in any manner generating coal oil, petroleum, kerosene,

naphtha, gasoline, benzine, or other easily inflammable or volatile liquid or substance within the limits of the City of Buffalo without first having obtained a license from the Board of Fire Commissioners.

§ 4a. No person, firm, corporation or association shall store, keep for sale, sell or offer for sale in the City of Buffalo, any kerosene, coal oil, refined petroleum, naphtha, gasoline, benzine or other easily inflammable or volatile liquid or substance without first having obtained a license therefor from the Board of Fire Commissioners. The license fees for permission to compound, mix, distribute, manufacture, produce, refine, distill, generate, store, keep for sale, sell or offer for sale within the City any coal oil, petroleum, kerosene, naphtha, gasoline, benzine or other easily inflammable or volatile liquid or substance shall be respectively as follows: For compounding, mixing, distributing, manufacturing, producing, refining, distilling or in any manner generating any such substance or substances, or for storing, keeping for sale, selling or offering for sale at wholesale only twenty dollars (\$20) per annum; for storing, keeping for sale, selling or offering for sale any such substance or substances at retail, only one dollar (\$1) per annum. For the purpose of this section any person who shall store, keep for sale, sell or offer for sale, or apply for license so to do by the barrel, shall be deemed a wholesale dealer and shall be required to pay the fee of \$20 per annum. Any such person or persons, corporation or association desiring to store, keep for sale, offer for sale, or sell any such substance or substances at both wholesale and retail shall be required to pay the wholesale license fee. Each license issued pursuant to this section shall specify the description of products authorized to be stored, kept for sale, sold or offered for sale; the place by street and number or other suitable designation where such products are to be stored, kept for sale, sold or offered for sale; and the maximum

quantity authorized to be stored, kept for sale, sold or offered for sale; and shall also state the name of the person, firm, corporation or association to whom or to which said license is issued and the dates of issuance and expiration of said license. No license shall be granted for the keeping or storing or selling or offering for sale of naphtha, gasoline, benzine or any such easily inflammable or volatile liquid or substances until the Board of Fire Commissioners shall have determined upon investigation that the conditions connected therewith as regards hazard to life and property are safe and in accordance with such regulations as said Board of Fire Commissioners shall prescribe. All naphtha, gasoline, benzine or other easily inflammable or volatile liquid or substance shall be kept in metal containers free from leakages, and wherever practicable shall be required to be placed under ground with the tops of such containers or receptacles not less than two (2) feet beneath the surface of the ground, and as far removed as possible from all inhabited buildings.

§ 4b. No person, firm, corporation or association shall keep or store for private consumption and not for sale any naphtha, gasoline, benzine or other easily inflammable or volatile liquid or substances without first having obtained written permission therefor from the Board of Fire Commissioners; provided, however, that the last foregoing provision shall not apply to the keeping or storing of any such easily inflammable or volatile liquid or substance in quantities not exceeding five gallons for family or domestic use; provided, further, that no such easily inflammable or volatile liquid or substance shall be so kept for private consumption and not for sale in quantities not exceeding five gallons for family or domestic use except in metal cans free from leakages in such style and manner as shall be prescribed by the general regulations of the Board of Fire Commissioners. No fee shall be charged for permits issued for the stor-

ing or keeping of any such easily inflammable or volatile liquid or substance for private consumption and not for sale; each permit issued for the keeping or storing of such easily inflammable or volatile liquid or substance for private consumption and not for sale shall designate the name of the person to whom the permit is granted, the place where such liquid or substance is to be stored, giving street and number and such more specific description or location as said Board of Fire Commissioners shall require, and shall fix the maximum quantity at any one time so authorized by the said Board of Fire Commissioners to be stored or kept. All such easily inflammable or volatile liquid or substance stored or kept for private consumption and not for sale for the keeping or storing of which a permit is hereby required shall be kept or stored in containers or receptacles approved by the said Board of Fire Commissioners and shall preferably be placed under ground with the tops of such containers or receptacles not less than two (2) feet beneath the surface and as far removable as possible from all inhabited buildings.

§ 5. Whenever any barrels or package containing coal oil, kerosene, or refined petroleum, bearing the stamp or mark of any inspector, shall be emptied, the owner, or owners thereof, shall forthwith erase or remove, or cause to be removed, the stamp or mark of such inspector; and it shall not be lawful for any person, persons or corporation, to sell or store such barrel or package, or use the same for any purpose until such stamp or mark shall have been erased or removed. Any person, persons or corporation offending against the provisions of this section shall forfeit the sum of \$50.

§ 6. 1. No person, company or corporation shall manufacture or have in this City, or deal in, sell or give away for illuminating or heating purposes in lamps or stoves within this City, oil or burning fluid, whether the

same be composed wholly or in part of naphtha, coal oil, benzine, gasoline, petroleum or products manufactured therefrom, or of any other substances or materials which shall emit an inflammable vapor, which shall flash at a temperature below 100 degrees by the Fahrenheit thermometer, according to the instructions and methods approved by the State Board of Health of New York.

2. No oil or burning fluid, whether composed wholly or in part of coal oil and petroleum, or other substance or material which will ignite at a temperature below 300 degrees by the Fahrenheit thermometer, shall be burned in any lamp, vessel or stationary fixture of any kind, or carried as freight in passenger or baggage car, or passenger boat, moved by steam power, or in any stage or street car drawn by horses within the City. Exceptions as regards the transportation of coal oil, petroleum and its products are hereby made when the same is securely packed in barrels or metallic packages, and permission is hereby granted for its carriage in passenger boats moved by steam power when there are no other public means of transportation.

3. Naphtha and other light products of petroleum which will not stand the flash test required by this section may be used for illumination and heating purposes only.

(a) In street lamps and open air receptacles apart from any building, factory or inhabited house in which the vapor is burned.

(b) In dwellings, factories or other places of business when vaporized in secure tanks or metallic generators made for that purpose, in which the vapor is generated, is used for lighting or heating.

(c) For use in the manufacture of illuminating gas in gas manufactories situated apart from dwellings and other buildings.



Any person who shall offend any one of the provisions of this section shall, upon conviction, forfeit and pay a penalty of \$250 for each and every offense.

Any person who shall give information which shall secure the conviction of any person of an offense against any of the provisions of this section shall receive one-half of the amount of the penalty or penalties which shall be received by the City from any person so offending.

§ 7. No coal oil, petroleum, kerosene, naphtha, gasoline, benzine or other easily inflammable or volatile liquid or substance shall be kept or stored for any purpose within, above or beneath any street, avenue, alley, or public place in the City of Buffalo without the consent of the Common Council and the approval of the Commissioner of Public Works; such consent of the Common Council and such approval of the Commissioner of Public Works shall not be given except upon the previous approval or recommendation of the Board of Fire Commissioners, and shall not become effective until thereafter said Board of Fire Commissioners shall have issued the license or permit therefor required by this chapter.

§ 8. Every license issued pursuant to the provision of this chapter shall expire January 1st of each year unless sooner revoked for cause.

§ 9. Any person violating or assisting in the violation of any of the provisions of this chapter for which a different fine or penalty is not specifically prescribed, shall be liable to a fine or penalty of not less than \$10 and not more than \$150 for each offense and for each and every day during which any person, firm or corporation or association shall conduct any of the kinds of business or do any of the things for the conducting or doing of which a license or permit is required by this chapter without having first obtained such license or permit shall be

deemed a separate offense. The fines, penalties and license fees fixed and prescribed by this chapter when enforced or collected, shall be paid into the Firemen's Relief and Pension Fund, in accordance with the provisions of Chapter II, of Title IX of the Charter of the City of Buffalo.

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## CHAPTER XXX.

### PUBLIC BATHS.

§ 1. There shall be maintained public bath houses at the following points:

At the foot of Porter Avenue; at the foot of Michigan Street; at Nos. 245-247 Terrace, and at the southeast corner of Woltz Avenue and Stanislaus Street, and such other places as the Common Council shall from time to time designate within the City of Buffalo; and it shall be lawful for any person desiring to avail himself of the privileges of such baths to be permitted to do so. Said bath houses at the foot of Porter Avenue and at the foot of Michigan Street shall be kept open from the 1st day of June until the 15th day of September, between the hours of 6 A. M. and 9 P. M., except Sundays; and said bath houses at 245 and 247 Terrace and at the southeast corner of Woltz Avenue and Stanislaus Street aforesaid shall be kept open the year round from 7 A. M. to 9 P. M., except Sundays and holidays, and Sundays and holidays from 7 A. M. to 10 A. M.

§ 2. There shall be a keeper appointed for each bathing place, whose duty it shall be to attend at such bathing place during the hours herein prescribed. He shall see that said houses are kept clean and in good repair and report to the Department of Public Works any necessary repairs thereto. He may exclude from the privileges of

any of said bath houses any disorderly person, or any person who shall have on any former occasion been guilty of committing any nuisance in or about any said bath house or bathing goods, or who shall have injured or defaced any such building.

§ 3. Any person who shall commit any nuisance in or about any bath house or bathing grounds, or who shall injure or deface any building or bathing goods or property, shall, upon conviction, pay a penalty of not less than \$1 nor more than \$50.

§ 4. It shall be the duty of the bath-house keeper to exclude from the bathing places any child not in his judgment of sufficient age and discretion to properly protect himself, and he shall at all times carefully watch all minors while in the water, and see that no person unable to swim shall enter water exceeding his armpits in depth.

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## CHAPTER XXXI.

### LIVERY STABLES AND PUBLIC GARAGES.

§ 1. No person, firm or corporation shall, from and after May 1, 1910, use or permit the use of any building or structure within the City for the purpose of a livery, boarding or sales stable or public barn where live stock is to be kept, or for the purpose of a public garage, without first obtaining a permit therefor from the Mayor as hereinafter provided.

§ 2. No person, firm or corporation shall locate, build, construct or keep, in any residence district of the City, a livery, boarding or sales stable or public barn where live stock is to be kept, or a public garage, without the consent of the Common Council, approved by the

Mayor, such consent to be evidenced by a resolution adopted by the affirmative vote of a majority of all the members elected to each board of the Common Council. Any person, firm or corporation proposing or intending to locate, build, construct or keep, in any residence district (in addition to the plans, specifications and statements required by law or ordinance to be filed with the Deputy Building Commissioner), shall file with the City Clerk for presentation to the Common Council, a verified petition showing the proposed location of such building or structure by street and number or other specific designation or description, the dimensions of the lands on which such building or structure is proposed to be constructed or such business to be carried on, the size and general character as to material and construction of the building or structure, and the distance of the same from each of the streets in the block or square within which such building is or is proposed to be erected or such business carried on. Such petition shall also state whether it is proposed to store, keep for sale, sell, offer for sale, or give away in such building or upon such premises any oils, kerosene, petroleum, naphtha, gasolene, benzine or other inflammable or volatile liquid or substance or any explosive, and if so, what substances and the maximum quantity to be stored or kept at any one time. The City Clerk shall present such petition to the Board of Aldermen at its next regular meeting, which shall refer the same to an appropriate committee. The chairman of such committee shall fix a time and place for a public hearing before such committee, on the subject matter of such petition, which public hearing shall be held not less than eight days subsequent to the meeting of the Board of Aldermen so receiving and referring such petition. The City Clerk shall cause to be published in the official paper on the business day next following such meeting of the Board of Aldermen, a notice of such public hearing, which shall contain a copy of such petition, and shall cause to be served, either per-

sonally or by mail, at least three days prior to such hearing, copies of said notice upon the owners (as shown by the books of the Assessors' office), and occupants of all premises situate within 200 feet in every direction of the lot or premises whereon such building proposed to be so used, is, or is proposed to be, erected. No minor error or defect in said petition or procedure shall deprive such committee or the Common Council of the right to act on said petition and said committee and the Common Council shall in all cases be the judges of their own jurisdiction, and their decision shall be final. No such building or structure shall be erected or altered without the approval of the Deputy Building Commissioner as to the plans and specifications. The provisions of this section shall not apply to any such stable, barn or garage which shall have been located, built, constructed and in use for any of said purposes prior to May 1, 1910.

§ 3. Upon the consent of the Common Council, as provided in Section 2 of this Chapter, the Mayor may grant to any person, firm or corporation, a permit to use the building or premises described in the resolution giving such consent, for the purpose of a livery, boarding or sales stable, or public barn where live stock is to be kept, or for the purposes of a public garage. Such permit shall not be valid without the approval of the Health Commissioner and the Board of Fire Commissioners endorsed thereon. The Mayor may also grant a permit to any person, firm or corporation to use any building or premises which are and have been so used on and prior to May 1, 1910, for the purposes of a livery, boarding or sales stables, or public barn where live stock is to be kept, or for the purposes of a public garage. Such permit shall not be valid without the approval of the Health Commissioner and the Board of Fire Commissioners endorsed thereon. All permits granted as hereinbefore provided shall contain a clause to the effect that they may be revoked by the Mayor for good cause after a fair hear-

ing. Such permits shall not be granted nor shall the approval of the Health and Fire Commissioners be given or endorsed on such permits until all the Ordinances relating to health and public safety from fire and the reasonable rules and regulations of the Health and Fire Departments have been complied with; nor, in the case of public garages, until all the requirements of Chapters XI and XXIX of the City Ordinances, so far as applicable, shall have been complied with.

All such permits shall expire on the 30th day of April next, following the issuing thereof.

§ 4. No person, firm or corporation shall conduct or keep any livery, boarding or sales stable, or public barn, where live stock is to be kept, or any public garage, in the City, in such manner as to unduly disturb the peace and quiet of the neighborhood, or permit the escape of noisome or injurious or unwholesome odors, gases or fumes, or injure or menace in any way the public health or safety. Every building and all premises used for any of the purposes aforesaid shall at all times be kept in a cleanly and wholesome condition, and in full compliance with all the Ordinances of the City and in accordance with the reasonable rules, regulations and directions of the Health Board or Health Commissioner and the Board of Fire Commissioners.

§ 5. No person, firm or corporation conducting such a livery, boarding or sales stable or barn or public garage, shall permit the manure or other refuse from such stable or garage to be placed in any box or pit outside of the building in which such business is conducted, unless such box or pit shall be below the surface of the ground and firmly secured by a tight cover. No lights shall be permitted in any such building unless the flame thereof shall be protected by glass or non-combustible gauze or material. No oil or filth of any kind shall be permitted to accumulate upon the sidewalk in front of or adjoining

any such stable, barn or garage, or upon the premises outside the building in which such business is conducted. No smoking shall be permitted in any such stable, barn or garage; and no matches shall be struck or fire or flame made or permitted, except when necessary to light or heat such building or to light lamps or lanterns on vehicles therein; or to carry on the business conducted therein; or except in a separate room which shall not contain any volatile, explosive or easily inflammable substance.

§ 6. Any person, firm or corporation carrying on or conducting, from and after May 1, 1910, a livery, boarding or sales stable, or public barn where live stock is kept, or a public garage, or using or permitting the use of any building or premises within the City for any of the purposes aforesaid, or who shall build or cause to be built, or commence construction within any residence district of the City, any building to be used for the purposes aforesaid, without first having obtained a permit therefor as required by this Chapter; and any person, firm or corporation who or which shall violate or fail or refuse to comply in any way with any of the provisions of this Chapter, or who shall violate or fail or refuse to comply with any of the Ordinances of the City respecting public health, and safety from fire, so far as applicable, or who shall fail or refuse to comply with any reasonable rule, regulation or direction of the Board of Health, Health Commissioner or Board of Fire Commissioners given with respect to such business, shall be liable to a penalty of not less than \$10 nor more than \$250 for each and every offense to be recovered in a civil action, or upon being convicted thereof in a court of criminal jurisdiction, shall be subject to a fine of not less than \$10 nor more than \$250 for each and every offense, and in case any person so convicted does not immediately pay such fine, such person may be committed to the Erie County Penitentiary for the term of one day for each and every dollar of such fine unpaid. Judgment for any

penalty prescribed by this section may be enforced in the manner provided by Section 25 of the Charter. Each and every day such business is conducted in violation or neglect of any provision of this Chapter, shall constitute a distinct and separate offense. In addition to the fines and penalties hereinbefore prescribed, the Mayor may, after notice and a public hearing, revoke the permit of any person, firm or corporation against whom or which a judgment shall have been recovered or rendered hereunder, or who or which shall have been convicted of a violation of any of the provisions of this Chapter.

§ 7. A livery, boarding or sales stable, or public barn wherein live stock is to be kept, within the meaning of this Chapter, is a building or structure used for the purpose of letting or hiring out, boarding, selling or offering for sale, or keeping horses or other live stock for hire.

A public garage, within the meaning of this Chapter, is a building used for the purpose of storing, cleaning, repairing or otherwise caring for motor vehicles of any kind, for profit, which are owned by persons other than the owner or lessee of such building, or than the person conducting such business, or a building used for the purpose of keeping and storing motor vehicles of any kind for rent or hire.

A block or square, within the meaning of this Chapter, is an area bounded but not intersected by public streets, alleys, highways or places.

A residence district, within the meaning of this Chapter, is the territory or district within 500 feet in a direct line in every direction from the nearest part of the building proposed or intended to be located, erected, constructed or kept as a livery, boarding or sales stable or public garage, in which territory or district more than half the existing buildings are used wholly or partly for residence purposes.



CHAPTER XXXII.

CITY WATER WORKS.

§ 1. No person shall make any attachment to or connection with the pipes of the Bureau of Water; or make any additions to or alterations of any tap, pipe, cock or other fixture connected with the pipes supplying water to consumers from the said bureau, unless licensed as a plumber by the Mayor, under a penalty of not less than \$25 for each and every offense.

§ 2. Any plumber wishing to do business in connection with the Bureau of Water shall, before receiving a license to do so, file in the office of the Mayor his petition in writing, giving the name of his firm and its place of business, and ask to become a licensed plumber and permitted to perform work in connection with said bureau. The said petition must give satisfactory evidence that the applicant is (or employs permanently) a regularly licensed, practical and experienced plumber; that he is a citizen of the United States; is a master of his trade, and that he will be governed in all respects by the rules and regulations which are or may be adopted by the Department of Public Works for the Bureau of Water, and that he will pay all fines imposed upon him for the violation of any of the ordinances of the City of Buffalo or rules and regulations of the Bureau of Water.

§ 3. Said plumber shall execute to the City of Buffalo a bond in the sum of \$2,000, with not less than two sureties, to be approved by the Mayor, conditioned to indemnify and save harmless the said City of Buffalo of and from all damages and losses which may result from the work of said plumber being done carelessly or imperfectly, or in such a way that injury or loss results therefrom, or by reason of any failure on the part of any employe to comply with all or any of the rules and regulations of the Board of Health of the City of Buffalo

relating to plumbing, and all the rules and regulations of the Department of Public Works, or those of its Bureau of Engineering or Bureaus of Water, Streets and Buildings relating to excavations in public streets and connections with the water pipes, and all ordinances now existing or hereafter adopted for said department and its bureaus. Said bond shall also provide that the obligor will indemnify and save harmless all damages which may be caused to private individuals by reason of careless or imperfect work, either in plumbing or in the excavation of streets.

§ 4. No plumber shall allow his name to be used by any other person or party, either for the purpose of obtaining permits or doing any work under his license.

§ 5. Plumbers will be held responsible for the violation of any of the rules or regulations of the Water Bureau by journeymen plumbers or others in their employ.

§ 6. The forfeiture or suspension of the license of any plumber operates as a forfeiture or suspension of the license of any co-partner; nor will a separate license be granted to any person interested in or employed by the said firm as long as they may be so interested or employed.

§ 7. Each plumber on receiving a license shall pay for same the sum of \$10.

§ 8. Any licensed plumber, who shall discontinue his business, or any firm of licensed plumbers who shall dissolve partnership, shall forfeit their license.

§ 9. No persons, except the properly authorized employes of the Water Bureau, will be permitted to tap or make any connection with the mains or distributing pipes of the Water Bureau.

§ 10. No plumber shall make any extensions to or alterations of any tap, pipe or other fixtures attached to, or intended to become attached to, the pipes of the Water Bureau without first having obtained a written permit from the Deputy Water Commissioner therefor.

§ 11. No plumber shall be permitted to connect any two or more distinct premises or tenements with or upon one service pipe.

§ 12. No yard hydrant or street washer shall be placed in any yard or common area of any premises so situated as to be accessible to persons living in or occupying adjoining premises, unless the person controlling said hydrant or street washer becomes responsible for and pays the water rent for all persons so accessible.

§ 13. In case two or more premises are, at the time of the passing of this ordinance, supplied by one service pipe, the water shall be refused to such premises until the party controlling the main stop-cock shall pay the full amount of water rate for the premises thus supplied. When the water shall be supplied to more than one party through a single tap, the bill for the whole supply shall be made to the owner of the premises, and in case of non-payment, the water shall be "shut off," notwithstanding one or more parties shall have paid their proportion to such owner or to any other party.

§ 14. In all cases where there are two or more distinct houses or tenements on a lot, without dividing fences, or when the water is accessible to both, the water will not be turned on to one tenement unless the access rate is paid by the second, or the water rates paid for each tenement, or division fences are put up.

§ 15. No extension or alteration of service pipes, whether involving new uses of water or not, shall be

made without the permission of the Deputy Water Commissioner, and for any extension involving new uses of water an extension application covering such new use or uses shall be filled out and signed by the plumber and filed in the office of the Deputy Water Commissioner before such extension or extensions can be made.

§ 16. No plumber shall, after making any connection or extension, or after making repairs or putting in any new attachment, leave the stop-cock open and the water on.

§ 17. No plumber shall turn on water to any premises, whether an old or new supply.

§ 18. Notice for tapping must be left at the office before 9 o'clock A. M. for insertion that day, and must state the time when the pipe will be uncovered and ready for the tapper. Such notice must state definitely the size of the pipe to be run, the number of the premises, the side of the street and the name of the person owning the premises.

§ 19. In case the pipe is not ready for the tapper at the time specified, an additional charge of \$1 will be made for each trip made to the premises thereafter.

§ 20. Any plumber who shall be guilty of a violation of any of these ordinances or rules and regulations made by the Water Bureau may, at the option of the Mayor, be deprived of his license or subjected to a fine, as provided by the ordinance, or both.

§ 21. The Water Bureau will, in all cases, control the size of openings of service cocks inserted in the main pipes, and the plumber doing the work will be held responsible for any damages or casualties of any kind that may occur in connection with the opening in the street for running the service pipe; and the repaving over all openings in the streets and sidewalks must be done by

said plumber or owner, or at their expense, and left in as good condition by said plumber or owner, or at their expense, for one year after such service pipe shall have been laid.

§ 22. All lateral or service pipes for public or private use and all necessary fixtures connected therewith shall be subject to the approval of the Deputy Water Commissioner; said pipe and connection are to be laid and kept in good repair and protected from frost by or at the expense of the applicant, who shall likewise pay for the tapping of main pipe and the cost of inserting the ferrule therein; such payment to be made by the person making the application for a supply of water at the time such application is made.

§ 23. Service pipe, between the ferrule and stop-cock, to be laid not less than five feet in depth below the surface or below the grade of the street, and the material used for such service pipe shall in each and every case be subject to the approval of the Deputy Water Commissioner or as hereinafter specified.

§ 24. The service pipe between the ferrule and the stop-cock to be lead, up to and including two-inch water way; over two-inch water way to be galvanized iron, cast iron, or lead; between the stop-cock at the curb and the premises to be of iron, galvanized iron, or lead.

§ 25. The following weight per lineal foot for lead pipe is the standard for service pipe; no service of less than  $\frac{3}{4}$ -inch bore will be run:

Lead pipe,  $\frac{3}{4}$ -inch bore, outside diameter, 1-14-65-inch, 3 lbs. 8 oz.

Lead pipe, 1-inch bore, outside diameter, 1-17-32 inch, 5 lbs.

Lead pipe,  $1\frac{1}{4}$ -inch bore, outside diameter,  $1\frac{3}{4}$ -inch, 6 lbs.

Lead pipe,  $1\frac{1}{2}$ -inch bore, outside diameter, 2-3-32-inch, 8 lbs.

Lead pipe, 2-inch bore, outside diameter, 2-17-32-inch, 9 lbs.

On all lead pipes, wiped joints are to be made without any exception.

§ 26. All stop-cocks used for service pipes to be of the pattern known as the round water way, the size of the head to be as follows:

$\frac{3}{4}$ "— $1\frac{3}{4}$ x7-16", "T" or square as preferred.

1"— $2$ x $1\frac{1}{2}$ ", "T" or square as preferred.

$1\frac{1}{4}$ "— $2\frac{1}{4}$ x9-16", "T" or square as preferred.

$1\frac{1}{2}$ "— $2\frac{1}{2}$ x $5\frac{1}{8}$ ", "T" or square as preferred.

2"— $3\frac{1}{8}$ x $3\frac{1}{4}$ ", "T" or square as preferred.

On all others screw valves are to be used.

§ 27. Service pipes larger than one inch in diameter intended for fire protection or for supplying power for elevators or other hydraulic motors cannot be tapped or used for the general supply of the premises; such supply must be taken through a service pipe of the ordinary size

§ 28. All stop-cocks made by the plumbers in the sidewalks, as well as those for street washers, hydrants, water closets, etc., to be subject to the inspection and approval of the Deputy Water Commissioner; and the stop-cock boxes to be cast iron, and to be equal to the sample in the office of the Bureau.

§ 29. All connections shall be provided with a stop-cock as required by Sec. XXVI, which shall be covered with a cast-iron box extending up to the grade of the sidewalk, the cover to have the word "Water" thereon and shall be placed in the sidewalk within one foot of the line of the curbstone, so that the word "Water" can

be read from the sidewalk and no premises will be supplied without said box being in good order. In case of neglect or refusal of the occupant or owner to provide or repair the box within ten days when notified by the Bureau's Inspector, the Deputy Water Commissioner shall cause it to be done and charge the expense against the premises, to be collected with the first bill for supply of water that shall become due against said premises.

§ 30. Each and every service pipe must be provided with a stop and waste-cock for each separate tenement or place where water is introduced, easily accessible and so situated that the water can be conveniently shut off and drained from the pipes.

§ 31. In case where the stop-cock boxes and street washers are set in the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the stop-cock boxes set even with the flagging or pavement and in all other cases flush with the surface of the sidewalk.

§ 32. In cases when the stop-cock has to be placed deeper than six feet, a stationary wrench, which comes up to the ordinary depth of the cocks, must be put on. The top of this wrench to be formed like the top of the stop-cock and the rod to work in a guide immediately below its top or handle.

§ 33. If there is a vault or area under the sidewalk or in front of any building, service pipe shall run at a sufficient depth below the floor of such vault or area to be secure from freezing. A suitable stop or waste-cock shall be placed in each service directly within the wall of the building, and so located as to be secure from freezing and to drain all pipes in the building as a safeguard against freezing and to give the occupant the means of stopping the flow of water in case of leakage or damage to plumbing on the premises.

§ 34. All service pipes for supplying hydraulic elevators or other large motors must have suitable air chambers attached thereto for the purpose of preventing water-ram in the pipes. And the owners or users of such elevators must keep same in good repair, so as to prevent all leakage or waste of water.

§ 35. When leaks occur in the service pipes, at any point beyond the main, they must be immediately repaired by the owner or occupant of the premises; and if not repaired within twenty-four hours after notice, the Deputy Water Commissioner shall cause the same to be shut off until repaired and charge the expense incurred against the premises, to be collected with the first bill for supply of water that shall become due against said premises.

§ 36. All water bills, except for water furnished by meter, are payable semi-annually in advance, on the first day of May and November, or within ten days thereafter, and if not paid within the prescribed time, the water shall be turned off from the premises; and when turned off for non-payment, the sum of \$1 shall be added to the bill for renewed supply. All water bills for fractions of the semi-annual term shall be payable in advance. No inspection for corrections of water bills will be made after the tenth day of May and November, or later than ten days from date of bill. The Deputy Water Commissioner may also sue for and collect of either owner or tenant the amount of any unpaid water bill in a civil action.

§ 37. No deduction shall be made from any bill for water for the discontinuance of the water supply to any premises, unless the owner or occupant of such premises shall have given notice to the Bureau of Water, in writing, on the Register provided, when and where the water is no longer required and have requested same turned off, and then only upon the payment of the sum



of \$1 and all back rates to date. All consumers will be charged for the use of water until notice as above is given.

§ 38. In case any portion of a supply of water is to be discontinued and a reduction from the water bill to be made, the owners or occupants of such premises must file with the Bureau a plumber's certificate that such fixtures for supplying the water have actually been cut off:

§ 39. Notice must be given to the Water Bureau by owners of any change of occupants or premises supplied with water. The balance of a bill paid in advance may be transferred on such notice to other premises, but in no case shall the unexpired balance of a water bill be refunded in cash, but a due bill of the Bureau issued to apply as cash on future payments.

§ 40. Street washers must not be permitted to run to waste, or leak, or to be converted into jets, or to be used for washing down collections of the gutters upon the adjoining premises. In sprinkling streets, each water-rate payer must confine himself to the front of his premises, and to half the width of the street in front thereof.

§ 41. Taps at sinks, wash basins, water closets, baths, urinals, bar taps, or any other tap unnamed, must not be allowed to run to waste or leak, either to cool the water or prevent same from freezing; under the penalty prescribed in Sec. 76 of these Ordinances.

§ 42. No yard hydrant will be permitted upon the sidewalk or in front area of any dwelling, nor in the yard or alley attached to any dwelling, except by special permit from the Deputy Water Commissioner, and if found running to waste, at any time, may be cut off at once.

§ 43. In case any party is using water upon or in any premises without any knowledge of the Bureau of Water, said person shall forfeit a penalty of not less than \$10 nor more than \$100 and all rates in arrears.

§ 44. In case of fraudulent misrepresentations on the part of the applicant, or uses of water not embraced in the application or bill, or of willful or unreasonable waste of water, the Deputy Water Commissioner shall have the right to forfeit the payment and cut off the supply immediately upon the discovery of such fraudulent use or waste until waste is stopped and all arrears paid.

§ 45. When water is found on and in use on premises, after having been turned off by the Bureau of Water, the water may be turned off until the sum of \$1 and all arrears have been paid, dating from the time premises were turned off.

§ 46. In case the water has been turned off for non-payment of water rent, or by any other rule of the Bureau of Water, and it is found on again, or, when in the opinion of the Deputy Water Commissioner the turning off of the water at the stop-cock is not sufficient protection against the use of water or its waste, it shall be lawful for him to cause the ferrule to be withdrawn. Upon a re-application for the water, when the ferrule has been withdrawn, the regular charge for the ferrule must be paid.

§ 47. Water will not be furnished when the only fixture for obtaining it is a street washer or hydrant placed in sidewalk.

§ 48. Water closets must be fitted to be operated by the regular authorized water-closet valves of the different makes. The use of ordinary draw cocks in connection therewith will not be permitted. Urinals with stop-cocks

to be turned by hand, unless self-closing, are not to be permitted.

§ 49. No arrangements shall be made for supplying water closets or urinals by common stop-cocks, and no arrangements shall be made for cleaning water closets or privy vaults by waste pipes from wash basins or sinks, or by any other means of evasion; but they shall be fitted up with fixtures and appurtenances as required by the Board of Health.

§ 50. No yard fountain, street washer or jet shall be used longer than three hours each day, without a special permit.

§ 51. Hose larger than three-quarters of an inch will not be permitted, except upon additional charge, and sprinkling without a nozzle or with a larger opening than one-quarter inch is forbidden.

§ 52. No counter or bar cocks, with a waste pipe in connection therewith, and so arranged that it can be constantly running, and no jet or constantly running stream of any kind, can be arranged for without a meter.

§ 53. All hydraulic, organ, beer or other motors shall have attached to them some self-acting recorder or meter, from which the amount of water used can be ascertained.

§ 54. In all cases where boilers are supplied, a suitable safety or vacuum valve must be applied to prevent damage from collapsing or otherwise, when the water is shut off from the street mains. Check valves are not permitted.

§ 55. Pumps for supplying water to steam boilers or other fixtures for other purposes will not be permitted to take water directly from the service pipes, but must

draw from an open receptacle into which the water has been previously discharged. No pump will be allowed to be attached directly to any pipe on which a meter is located.

§ 56. The officers or any accredited employe of the Bureau of Water shall have access to all parts of the premises to which water is supplied, for the purpose of inspection, examination of fixtures, etc.

§ 57. It shall be the duty of any police official or patrolman or accredited employe of the Bureau of Water to close any fire hydrant found running or wasting water, and report the same to the Bureau of Water, and to prevent and arrest all persons from opening, wasting or taking water therefrom, who have not a written permission or order so to do from the Deputy Water Commissioner.

§ 58. It shall be the duty of any police official or patrolman or any accredited employe of the Bureau of Water to notify all persons on premises where yard hydrants or other fixtures may be found wasting, leaking or out of order, to stop said waste and repair all leaks, under the penalty prescribed in section 76.

§ 59. It shall be the duty of the police to report to the Bureau of Water all leaks from mains or service pipes that may occur in the street or sidewalks of their several precincts, with as little delay as possible.

§ 60. No owner or tenant of any premises, supplied with water by the Bureau of Water, will be allowed to supply water to other persons or families. If found doing so, the supply shall be stopped until all arrearages due are paid or the amount of previous payment forfeited.

§ 61. In all cases the Commissioner of Public Works reserves the right to place a meter upon any premises.

The owner, agent or tenant of the premises must provide a suitable place wherein to place the meter. After the meter is so attached, any damage which said meter may sustain, resulting from the carelessness of said owner, agent or tenants, or from the neglect of either of them to properly secure and protect the same, as well as any damage which may result from allowing said meter to become frozen or to be injured by hot water or steam settling back from a boiler, shall be paid to the Bureau of Water on demand; and in case payment is not so made, the water shall be "shut off" and not "turned on" until all charges are paid. The Deputy Water Commissioner may sue for and collect of the owner, agent or tenant the amount of such damages in civil action. All persons are forbidden to interfere with or disconnect a water meter from any service, after it has been attached by order of the Commissioner of Public Works through the Deputy Water Commissioner, under a penalty of \$50 for each offense. Meters will be furnished by the Bureau of Water and remain the property of the City of Buffalo. The expense of placing meters and all connections therefor shall be borne by the property metered.

§ 62. All bills for water furnished by meter shall be payable monthly.

§ 63. The Commissioner of Public Works may make abatements in the water rates, in proper cases.

§ 64. No person or persons shall commit any nuisance in or about the grounds of the reservoir, or throw any stick, stone or any other substance into said reservoir on the top of bank, nor shall any child or person play or enter upon the grass or embankment of the said reservoir, or in any way injure or deface the fences, trees, flowers or shrubbery around said reservoir. A violation of any of the foregoing provisions shall subject the offender to a penalty of \$10.

§ 65. No person shall hitch any horse or team or animal to any hydrant, and any person who shall injure any reservoir, pumping station, main or hydrant, watering trough or drinking fountain, or who shall break or enter the same and draw off or waste, or cause to be removed any water therefrom, shall forfeit and pay a sum of not less than \$10 nor more than \$50.

§ 66. If any person shall turn on or off the water on any main or service pipes, reservoir or hydrant, without permission or order from the Deputy Water Commissioner or officials of the Bureau of Water, he shall be liable to a penalty of not less than \$10 nor more than \$50, except hydrants in case of fire.

§ 67. If any person shall make any opening, tap or connection with any main or service pipe or reservoir, without permission of the Deputy Water Commissioner, he shall be liable to a penalty of not less than \$10 nor more than \$50.

§ 68. In making repairs or in constructing new work, the Bureau of Water shall have the right to shut off the water, and keep it shut off, as long as may be necessary for making such repairs or extensions, and no deductions will be made or damages allowed for the time the water is so shut off.

§ 69. Stand pipes or sprinkler tanks are only intended and permitted for fire protection, and all such pipes or tanks must be provided with a suitable valve at the bottom of the same, where the water is let in, the same to be sealed by an officer or employe of the Bureau of Water. In case such seal shall be broken for the extinguishment of any fire, the party shall immediately give notice to the Bureau of Water, and in case such seal shall be broken for any other purpose or use, or any tap introduced into, or connection made with said stand pipe

or tank, the owner of the premises so offending shall be subject to a fine of \$200.

No stand pipe or sprinkler tank will be allowed on premises where the water is not taken for other than fire purposes, and in any case, the Deputy Water Commissioner reserves the right to refuse any and all applications for this purpose, at his discretion.

§ 70. In all cases where fixtures or property of the Bureau of Water are broken or damaged, the party or parties so offending shall be liable for all damage done.

§ 71. The Bureau of Water shall keep suitable books of record, in which shall be entered the numbers of all buildings, of consumers, kind of building, name and number of street, the number of taps and the amount of charges—which book shall always be open for the inspection of any committee of the Common Council.

§ 72. The Commissioner of Public Works reserves the right to limit the amount of water furnished any consumer, should circumstances warrant such action, although no limit may have been stated in the application or permit for such use; or said Commissioner may entirely cut off the use for any manufacturing purposes, or any use for supplying power at any time, by giving reasonable notice to consumer of such intended action.

§ 73. No person, persons or corporation shall construct, maintain or extend any water supply to furnish water to themselves or others, without the written authority of the Commissioner of Public Works.

(Sec. 274, Charter of the City of Buffalo.)

§ 74. On all premises into which water is or shall be introduced, full schedule rates will be charged for all

uses, and no rebate will be made or allowed for partial use of water from wells or other sources.

§ 75. Persons building will be required to make a written application for water at the Bureau of Water. Said application shall state in detail the uses for which water is desired, the name of the owner of the property and the street number of lot on which water is to be used. Water rates will have to be paid before "Building Permit" will be issued by the Bureau of Building.

Statement must give :

- A. 1. Name of owner of premises.  
2. Name of architect.  
3. Name of builder.  
4. Number of lot on which water is to be used.  
5. Name of street.  
6. Number of bricks to be laid.  
7. Number of cords of stone to be laid.  
8. Number of square yards two-coat plastering.  
9. Number of square yards three-coat plastering.  
10. Number of square feet of cement flooring to laid.  
11. Number of square feet of cement sidewalk.

B. The amount of charges for water, at schedule rates for work thus stated, shall be paid in advance to the Water Registrar before a permit for such use shall be issued to the applicant.

C. The Water Registrar may cause said work to be remeasured by an inspector, under his direction, and in case it shall appear that the person receiving said permit, or the architect making the required certificate, has made fraudulent representations or returns as to the amount of work done under said permit, no further permit will



be issued to said applicant or to any other person for him or in his behalf, under any circumstances, until all back rates are paid.

D. No contractor or builder will be allowed to use water from any fire hydrant for building purposes.

E. No consumer of water will be allowed to furnish water for building purposes, on his own or any other premises, without first paying for the same for said purpose and receiving a permit for such use from the water office.

F. The builder must, in all cases, procure a permit as before provided, previous to procuring water for building purposes from any city water works fixture.

G. The builder is required to insert a service or fixture, where there is none, to enable him to procure said water for building purposes. The application for said service must be made by the owner of the property, after which the permit for such use may be issued to the builder on his application, and he must file an application to have the said service turned off at the curb as soon as he has finished his work.

H. In case a builder desires to use water from a service supplying water to adjacent premises, he must procure the consent of the owner of the adjacent service.

I. A violation of any of these rules or regulations, for which a penalty is not herein specifically imposed, shall be deemed and adjudged as coming under the operation of Sec. 76 of the Ordinances of the Bureau of Water.

§ 76. Any person violating any of the provisions of this chapter, except when a penalty is described therein, shall forfeit and pay a penalty of not less than \$5 and not more than \$100 for each and every offense.

§ 77a. The following rates shall be charged per annum for the use or consumption of water as specified:

All water supplied not enumerated in this section, subject to special rates, to be fixed by the Water Superintendent, subject to the approval of the Board of Public Works.

#### DWELLING RATES.

For water used in laundry tubs, sinks and wash-stands in dwellings:

Frontage of Building.	Stories in Height.						
	1.	1½.	2.	2½.	3.	4.	5.
Under 25 feet.	\$2.50	\$3.00	\$3.50	\$4.50	\$5.00	\$5.50	\$6.00
From 25 to 30 ft.	3.00	3.50	4.50	5.00	5.50	6.00	7.00
From 30 to 35 ft.	3.50	4.50	5.00	5.50	6.00	7.00	7.50
From 35 to 40 ft.	4.50	5.00	5.50	6.00	7.00	7.50	8.00
From 40 to 45 ft.	5.00	5.50	6.00	7.00	7.50	8.00	8.50
From 45 to 50 ft.	5.50	6.00	7.00	7.50	8.00	8.50	9.00

#### Access Rate—

Per family .....	\$1.50
When more than one family in house (no front- age), each family .....	2.50
Bath tubs (with shower bath free).....	1.00

#### Shower Baths—

If not attached to bath tub.....	1.00
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#### Water Closets—

For first, if self-closing valve.....	1.50
For each additional, if self-closing valve.....	1.00
For first, if not self-closing .....	2.50
For each additional .....	1.50
In tenements used by more than one family classified as above, per family.....	\$2.50 or 1.50

## Evasive Closets—

Charged the same as if water was connected.

Urinals in private dwellings ..... 1.50

Thermostats in private dwellings ..... 50

## B. SPECIFIC WATER RATES.

## Access Rate—

Per family (see Dwelling Table)..... 1.50

## Barber Shops—

Per chair, for first chair ..... 2.00

For each additional chair ..... 1.50

## Bars—

With water and tap and basin, each tap and basin 3.00

## Bath Tubs—

In other than private houses, each tub..... 2.00

## Shower Baths—

In other than private houses, each..... 2.00

## Billiard Rooms—

For general use, in addition to specific rates, each  
table ..... 1.00

## Blacksmith Shops—

Per fire, for first fire ..... 2.00

For each additional fire ..... 1.50

## Boarding Houses—

In addition to regular family, rates for each  
boarder ..... 40

## Boilers for Heating—

Private dwellings, water system, in November only .....	50
Private dwellings, steam, in November only....	1.00
Boilers for steam power or heating buildings, if not metered, per H. P. ....	1.00

## Building Purposes—

Stone used, per cord .....	08
Brick used, per 1,000 .....	05
Plastering, two coats, per 100 square yards....	15
Plastering, three coats, per 100 square yards...	20
Cement sidewalk or flooring, per cubic yard....	02

## Churches—

For general inside use additional to specific rates, per square foot .....	½c
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## Club Rooms—

For general use additional to specific rates, per square foot .....	½c
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## Closets—

In tenements, used by more than one family, per family, if self-closing .....	\$1.50
In tenements, used by more than one family, per family, if not self-closing .....	2.50
In other places, per closet .....	2.50
All evasive closets charged as if water were directly connected.	

## Concert Halls—

In addition to specific rates, per square foot....	½c
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## Cooper Shops—

In addition to specific rates, if not metered.....	\$4.00
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## Cows—

Per head ..... 60

## Engines—

Gas, with water connection, per H. P. .... 1.00

Gas, with tank, re-using water, per H. P. .... 1.00

## Fish Markets—

In addition to specific rates ..... 5.00

## Fountains—

Lawn fountains or whirligigs ..... 4.00

Soda fountains without water connection ..... 1.00

Soda fountains with water connection, \$3.50 and upwards.

## Greenhouses—

Per square foot area .....  $\frac{1}{2}$ oc

## Horses—

Per head ..... 80

When hose is used to wash wagons or carriages ..... \$1 to 5.00

## Liquor Stores—

Wholesale, in addition to specific rates, per square foot area .....  $\frac{1}{4}$ oc

## Lodge Rooms—

For general use, in addition to specific rates, per square foot area .....  $\frac{1}{4}$ oc

## Lodging Houses—

In addition to specific rates, for each bed ..... 40

## Manufacturing Establishments—

If not metered, will pay in addition to specific rates for general use ..... \$2.00 to 20.00

## Motors—

For beer pumps, if not metered .....	10.00
All others metered.	

## Milk Coolers—

For each cooler (to be paid in May).....	2.50
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## Offices—

With water fixtures .....	2.00
Without water fixtures .....	1.40

## Oyster Markets—

In addition to specific rates .....	4.00
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## Photograph Galleries—

In addition to specific rates.....	4.00
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## Printing Offices—

In addition to specific rates .....	4.00
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## Restaurants—

In addition to specific rates .....	4.00
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## Saloons—(see Bars.)

## Sprinkling Connections—

For lawns, per square yard of lawn area sprinkled when over 5,000 square feet, payable in May..	¼c
For street washer or store fronts, per lineal foot, under 5,000 square feet and over 30 feet front, in block .....	04
For street washer or store fronts, per lineal foot, under 5,000 square feet and over 30 feet front, corners .....	07
For street washer or store fronts, per lineal foot, under 5,000 square feet and under 30 feet of lot block .....	1.20

For street washer or store fronts, per lineal foot,  
under 5,000 square feet and under 30 feet front  
of lot corner ..... 2.10

Street sprinkling contractors, per 100 lineal feet  
of street sprinkling per season, including the  
use of hydrants as permitted by the Bureau of  
Water ..... 20

#### Urinals—

In all places (except residences), per urinal tap,  
or three feet of trough ..... 3.00

#### Fire Sprinkler Connection—

Fire use only ..... 10.00

#### Flushing Sewers—

6-inch sewer, each 100 feet or less..... 1.00

12-inch sewer, each 100 feet or less..... 1.50

18-inch sewer, each 100 feet or less..... 2.00

And upwards in proportion.

And in addition \$5.00 for use of hydrant.

#### Settling Trenches—

First 100 feet of any trench..... 2.00

Each add. 100 feet or less of 2 ft. wide..... 30

Each add. 100 feet or less of 3 ft. wide..... 45

Each add. 100 feet or less of 4 ft. wide..... 60

Each add. 100 feet or less of 5 ft. wide..... 75

Each add. 100 feet or less of 6 ft. wide..... 90

Each add. 100 feet of gas trench..... 25

And in addition \$5.00 for use of hydrant.

#### METER RATES.

C. 1. For water taken by meter, the following rates  
are established:

For the first 3,000 cubic feet, or 22,500 U. S. gallons, each month, 6 cents per 1,000 gallons.

For all over 22,500 U. S. gallons each month, 2 cents per 1,000 gallons.

The following consumers are subject to meter measurement only:

- Asylums.
- Bakeries.
- Baths.
- Breweries.
- Brick yards.
- Apartment houses.
- Office buildings.
- Department stores.
- Business blocks.
- Aquariums.
- Distilleries.
- Elevators (grain).
- Elevators (hydraulic).
- Boilers (in lieu of H. P. rate).
- Livery stables.
- Hotels.
- Laundries.
- Malt houses.
- Manufacturing establishments.
- Rectifying establishments.
- Slaughter houses.
- Tenement houses.
- Railroad stations.
- Penstocks.
- Newspaper plants.
- Public buildings.



Charitable institutions.

Gas works.

County buildings.

Packing houses.

Soap factories.

Tanneries.

Theaters.

Motors of all kinds, including church organ motors.

Schools—private and parochial.

Syphons.

Hospitals.

Shops.

Colleges.

Printing establishments.

§ 77c. 2. No meter, however, will be furnished for any purpose, unless the annual amount per meter is at least:

\$ 5.00	for a	$\frac{5}{8}$ -inch	meter.
10.00	for a	$\frac{3}{4}$ -inch	meter.
12.50	for a	1 -inch	meter.
20.00	for a	1 $\frac{1}{2}$ -inch	meter.
35.00	for a	2 -inch	meter.
50.00	for a	3 -inch	meter.
100.00	for a	4 -inch	meter.
200.00	for a	6 -inch	meter.
300.00	for an	8 -inch	meter.
400.00	for a	10 -inch	meter.
500.00	for a	12 -inch	meter.

Said minimum rate to be paid semi-annually in advance.

C. 3. If a meter or other water register at any time fails to register the quantity of water, the quantity shall be determined and the charge made, based on the average

quantity registered during such preceding period of time prior to the date of failure, as the Deputy Water Commissioner may direct.

C. 4. No deduction will be made from the bills on account of leakage. Bills for meter or other registered rates are due and payable monthly, as per Sec. 62 of these ordinances.

C. 5. All defects in meters must be reported at the office of the Bureau of Water for repair and correction.

C. 6. All persons using water for elevators or other power purposes shall keep the registers in proper working order. In case of failure of any of said registers, the owner or occupant of the premises shall forthwith have the same repaired and report the same to the Bureau of Water.

C. 7. All meters and other registers must at all times be accessible to the bureau's employes for examination and inspection.

#### WATER RATES FOR MUNICIPAL USE.

D. 1. The Board of Fire Commissioners shall provide annually in the estimates of the Fire Department submitted to the Comptroller, for an amount equal to \$15.00 per annum for each and every fire hydrant maintained by the Bureau of Water, and the Comptroller shall report the same to the Common Council, who shall include the amount in the general tax levy of the City for the ensuing year. The amount thus raised shall be credited by the Comptroller to the Water Fund, and charged to the Fire Fund on the first day of January of each year.

D. 2. The Superintendent of Education shall provide annually, in the estimates of the School Department

submitted to the Comptroller, for an amount equal to two (2) cents per 1,000 U. S. gallons for all water used in the public schools and supplied by the Bureau of Water, and the Comptroller shall report the same in the estimates for the department to the Common Council, who shall provide for the amount in the general tax levy of the City for the ensuing year. The amount thus raised shall be credited by the Comptroller to the Water Fund, and charged to School Fund on the first day of January each year.

D. 3: The Police Commissioners shall provide annually, in the estimate of the Police Department submitted to the Comptroller, for an amount equal to two (2) cents per 1,000 U. S. gallons for all water used in the police stations and building supplied by the Bureau of Water, and the Comptroller shall report the same in his estimates for the department to the Common Council, who shall provide for the amount in the general tax levy of the City for the ensuing year. The amount thus raised shall be credited by the Comptroller to the Water Funds, and charged to the Police Funds on the first day of January each year.

D. 4. The Park Commissioners shall provide annually, in the estimates of the Board of Park Commissioners submitted to the Comptroller for an amount equal to two (2) cents per 1,000 U. S. gallons for all water used by the parks and park buildings, supplied by the Bureau of Water, and the Comptroller shall report the same in his estimates for the department to the Common Council, who shall provide for the amount in the general tax levy of the City for the ensuing year. The amount thus raised shall be credited by the Comptroller to the Water Funds and charged to the Park Funds on the first day of January each year.

D. 5. Any department of the City using the water service of the Bureau of Water, in addition to those here-

inbefore mentioned, shall provide annually, in its estimates submitted to the Comptroller, for an amount equal to two (2) cents per 1,000 U. S. gallons for all water used in the department, supplied by the Bureau of Water, and the Comptroller shall report the same in his estimates to the Common Council, who shall provide for the amount in the general tax levy of the City for the ensuing year. The amount thus raised shall be credited by the Comptroller to the Water Funds, and charged to the department on the first day of January each year.

#### PIPE EXTENSIONS.

E. 1. The construction of all general force or supply mains and all repairs of all mains shall be paid for from the Pipe Extension Account of the Water Fund.

### CHAPTER XXXIII.

#### OF THE JUBILEE WATER WORKS.

§ 1. All applications for the use of the water of the Jubilee water works, or for its introduction into any house, building or other premises, or for the extension of any pipe for the conveyance of such water, shall be made in writing to the commissioners of said water works, and be subscribed by the applicant, and state fully and truly all purposes for which it is required; and the said applicant shall, without concealment, answer all questions put to him, her or them, by the said commissioners, touching its consumption or use.

§ 2. No person or persons shall use the said water in any house, building or other place, except after such application shall have been made, and permission granted by the commissioners.

§ 3. No alteration or addition whatever, in or about any public or private pipe, shall be made by any person or persons, without permission in writing first had from the Water Commissioners; and all lateral or service pipes shall be laid and kept in good repair, and protected from the frost, by and at the expense of the applicant, and under the direction of the Water Commissioners.

§ 4. The superintendent shall, at all times, be in readiness to tap and make necessary insertions into the main pipe upon receiving reasonable notice of the wish of the applicant to that effect.

§ 5. The Water Commissioners and superintendent shall at all reasonable times have free access to all parts of any and all premises in which said water is used; and the said commissioners may, at any time, make such restrictions in the use of such water as, in their judgment, may be necessary.

§ 6. Every person who shall violate any of the provisions of the preceding sections shall forfeit and pay a penalty of \$10 for each and every offense.

§ 7. Every person who shall hinder or obstruct the commissioners or superintendent of the Jubilee water works in the performance of any duty imposed upon him or them by the Charter or Ordinances shall forfeit and pay a penalty of \$25 for each and every offense.

§ 8. Every person applying for permission to use said water, and who shall fraudulently conceal or misrepresent the situation or the condition of his property or the purpose, manner or extent for, or to which the water is to be used by such applicant, or shall wilfully or unreasonably waste said water, shall be liable to pay a penalty of \$25.

§ 9. The rates, rents and charges for the use of the water aforesaid are hereby fixed at the following sums for each and every year's use thereof :

*First*—For its use by every ordinary family owning or occupying a dwelling house one story high, \$3.

*Second*—For its use by every ordinary family owning or occupying a one and one-half story dwelling house, \$4.

*Third*—For its use by every ordinary family owning or occupying a two-story dwelling house, \$5.

*Fourth*—For its use by any inn, tavern or house of entertainment, \$11.

*Fifth*—For its use in any house, shop or petty grocery, or place where intoxicating or malt liquors are kept for sale or dealt out by the dram or glass, \$6.

*Sixth*—The said water shall not be used by any person or persons, companies or corporations, for any purpose or in any manner not in this section enumerated, except by special permission, in writing, of the Water Commissioners, under a penalty of \$10 for each and every offense. The Water Commissioners shall have power to make special contracts with any and all persons, companies or corporations for the use of said water in cases not above specified; provided always the supply of water shall be such as to warrant such special contracts for use of said water, after reserving a full supply for the uses above specified.

§ 10. It shall be the duty of the Commissioners, on or before the 1st day of May of each year, to make, certify and deliver to the Common Council a complete list and description of all the different lots and premises, as they are described on the map of the Parish tract in the assessors' office, on which the said water shall be used, and which shall be liable under the Ordinances to be taxed for the use of said water, and affix to each separate

lot or parcel of land the sum or amount which each such lot shall be chargeable with, according to the rate hereby fixed, estimating the same for each fiscal year; and the Commissioners shall at the same time report what amount, if any, they deem necessary for the extension, maintenance and repairs of said water works and their appurtenances, over and above the amount which will be realized from the rents and charges for the use of said water.

§ 11. The Common Council shall direct the assessors, in each year, to assess the several sums or amounts so reported by the Water Commissioners upon the several lots or premises so reported, at the same time and upon the same roll, but in a separate column, upon which shall be assessed the amount that the Common Council shall deem necessary to be raised for the extension and maintenance of the Jubilee water works over the amount which will be realized for the use of said water. The taxes thus imposed shall be a lien and charge upon land on which they shall be imposed, and shall be collected in the same manner with other local taxes of said City.

§ 12. All sums of money which shall be paid into the Treasury of the City under and by authority of any act or acts relating to the subject of procuring a supply of wholesome water for the use of the inhabitants of the Parish tract, including all rents, taxes, fines and penalties, shall be kept by the Treasurer, in an account separate and distinct from all other accounts, and shall be denominated the Jubilee water fund; which said fund shall also be liable for all expenditures necessary or incident to the procuring and distributing of said water.

§ 13. Any person who shall wilfully or maliciously destroy or injure, or assist in destroying or injuring, any pipe, reservoir or aqueduct of the works above mentioned, or any structure or building belonging or per-

taining thereto, or any part of them or either of them, shall forfeit the sum of \$25 for each and every offense.

§ 14. It shall be the duty of the Board of Commissioners to report to the Common Council, on or before the 31st day of December, in each year, the condition of the Jubilee water fund, of all moneys collected and from what source received or to be collected, belonging to said fund, and of all expenses and disbursements made and chargeable to said fund during the preceding year.

## CHAPTER XXXIV.

### AMUSEMENTS.

§ 1. For the purpose of providing for the regulation and licensing of theatrical, dramatic and operatic entertainments, shows, amusements, field games and public exhibitions of every kind intended to amuse, instruct or entertain, where such entertainments, shows, amusements, games and exhibitions are given for gain or for admission to which a fee is charged, such entertainments, shows, amusements, games and exhibitions are divided into sixteen classes, as follows:

First Class—All entertainments of a theatrical, dramatic or operatic character shall belong to and be known as entertainments of the first class.

Second Class—All lectures, readings or recitations, exhibitions of painting or statuary or other exhibitions of art shall belong to and be known as entertainments of the second class.

Third Class—All musical entertainments consisting solely of vocal and instrumental music, or either, and not of the nature of an opera, but being what is commonly



styled "concerts," shall belong to and be known as entertainments of the third class.

Fourth Class—All circuses, menageries, or combined circuses and menageries and all caravans shall belong to and be known as entertainments of the fourth class.

Fifth Class—All sideshows, concerts, minstrel or musical entertainments given under a covering of canvas or within any structure or enclosure intended for temporary use and capable of easy transfer and removal shall belong to and be known as entertainments of the fifth class.

Sixth Class—All exhibitions of moving pictures known as mutoscope, kinoscope, cinematograph or other like automatic or moving picture devices, and all penny arcades, so-called, or similar entertainments, shall belong to and be known as entertainments of the sixth class.

Seventh Class—All baseball and football games, played in any building or under canvas or other covering, or within any enclosure, shall belong to and be known as entertainments of the seventh class.

Eighth Class—All swings and all itinerant shows, such as bird shows, galvanic batteries, lifting machines, blowing and striking machines and all other exhibitions and devices and performances given or performed from place to place in the City, shall belong to and be known as entertainments of the eighth class

Ninth Class—All poultry shows, horse shows, stock shows, flower shows, dog shows, cat shows, and all other shows or exhibitions of a like character, shall belong to and be known as entertainments of the ninth class.

Tenth Class—All merry-go-rounds, revolving wheels carrying passengers, slides and all similar amusement devices shall belong to and be known as entertainments of the tenth class.

Eleventh Class—When several amusement enterprises, such as shooting the chutes, revolving wheels, merry-go-rounds, shooting galleries, giant swings, panoramas, musical and theatrical entertainments and various other devices or entertainments are carried on or conducted in any garden, park or other enclosure, whether carried on or conducted as one enterprise or by several concessionaries, and whether one admission fee is charged for admission to all such entertainments, or a separate fee is charged to each amusement enterprise, the various entertainments offered or conducted shall, for the purpose of this chapter, be considered as one enterprise and shall belong to and be known as entertainments of the eleventh class.

Twelfth Class—Exhibitions of fireworks shall belong to and be known as entertainments of the twelfth class.

Thirteenth Class—All rinks or places where roller skating or ice skating is conducted or carried on as an amusement, or where instruction is given in skating on roller skates or ice skates, shall belong to and be known as entertainments of the thirteenth class.

Fourteenth Class—All museums of anatomy and all exhibitions of monstrosities or freaks of nature shall belong to and be known as entertainments of the fourteenth class.

Fifteenth Class—All automobile shows or exhibitions of automobiles, locomobiles, autocars and horseless carriages of like nature shall belong to and be known as entertainments of the fifteenth class.

Sixteenth Class—All exhibitions, performances, entertainments or amusement or other devices not included in any of the foregoing classes, shall belong to and be known as entertainments of the sixteenth class.

§ 2. Entertainments of the first, second and third class shall be given only in a duly licensed place. The fees for all licenses shall be as follows:

For entertainments of the first class, \$100 per annum.

For entertainments of the second class, the fee shall be fixed by the Mayor.

For entertainments of the third class, the fee shall be fixed by the Mayor.

For entertainments of the fourth class, \$75 to \$200 a day, or fraction thereof, at the discretion of the Mayor.

For entertainments of the fifth class, \$5 for each day, or part thereof.

For entertainments of the sixth class, \$100 per annum for permanent arcades or places of entertainment; and for other and temporary exhibitions, \$5 per day or fraction thereof.

For entertainments of the seventh class, the owners or lessees of grounds used for games of baseball or football, to which admission fees are charged, or which are used directly or indirectly for profit or gain, shall pay a license fee of \$100 per annum.

For entertainments of the eighth class, \$5 per week or fraction thereof.

For entertainments of the ninth class, \$10 for each week or fraction thereof.

For entertainments of the tenth class, \$5 for each week or fraction thereof.

For entertainments of the eleventh class, \$100 per annum.

For entertainments of the twelfth class, \$25 for each day or fraction thereof.

For entertainments of the thirteenth class, \$100 per annum.

For entertainments of the fourteenth class \$100 per annum.

For entertainments of the fifteenth class, \$10 for each day or fraction thereof.

For entertainments of the sixteenth class the amount of the license fee to be charged shall be determined in each case by the Mayor, in his discretion.

Where any entertainment, show, exhibition, performance or amusement enterprise embraces two or more of the classes above enumerated, such entertainment, show, exhibition, performance or amusement enterprise shall be classified and charged for as belonging wholly to that class for which the highest license fee is hereby fixed.

§ 3. No person sixteen years of age or under shall be admitted to any entertainments of the first, fifth, sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth or sixteenth class unless accompanied by one of his or her parents, or by his or her guardian.

§ 4. No person or corporation, either as owner, lessee, manager, officer or agent, or in any other capacity, shall give, conduct, produce, present or offer for gain or profit, any of the entertainments, exhibitions or performances mentioned or included in any of the sixteen classes specified and defined in this chapter, at any place in the City other than within a duly licensed theater, opera house, hall or other enclosure or place without a license issued for that purpose, which said license shall be issued by and procured of the Mayor upon payment of the fee herein prescribed; except that no license fee shall be charged for amateur athletic games. Any person or corporation violating any of the provisions of this section shall be liable to a penalty of not less than \$10 nor more than \$200 for each offense; and each and every day upon which any such person or corporation shall give,

conduct, produce, present or offer any such entertainment, exhibition or performance contrary to or in violation of any of the provisions of this section shall constitute a separate and distinct offense.

§ 5. No license shall be issued under the provisions of this chapter for any auditorium, room or place used for the purposes specified in the first, fourth or fifth class, as defined in this chapter, unless the Deputy Building Commissioner shall have first certified in writing to the Mayor that the auditorium, room or place for which such license is sought complies with all the requirements of the building ordinances.

§ 6. Every license issued under the provisions of this chapter shall at all times during the term for which it was issued, be posted in a conspicuous place at or near the principal entrance of the premises described in such license, so that the same may be easily seen and read by any person passing in or out of such premises.

§ 7. Every license granted under the provisions of this chapter, and all the privileges belonging thereto, shall at all times be subject to the ordinances of the City in force when such license shall be issued or which shall thereafter be adopted, so far as the same shall be applicable thereto.

§ 8. All licenses for entertainments, where a license is required, shall contain a proviso that no gaming, raffle, lottery or chance gift distribution of money or articles of value shall be connected therewith or allowed by the person obtaining such license, or in anywise permitted or held out as an inducement to visitors; such license shall also state the number of persons such licensed theater, hall, building or place has accommodations for, and no more than that number shall be allowed to occupy such theater, hall, building or place at any one time.

§ 9. No license shall be issued to any person or corporation to conduct in any building which fronts on any street, a place of amusement wherein an apparatus commonly known as a caroussel or merry-go-round is operated, unless the applicant for such license shall present to the Mayor a written consent or petition favorable to the same from persons owning a majority of the frontage of lots on the same street or streets within 250 feet on each side of the lot or lots upon which said building is located, and like consent from the owners of a majority of the 500 feet of frontage on the opposite side of the street or streets, determined by measuring 250 feet each way from a point opposite the middle of the frontage of the land upon which said building is located.

§ 10. All licenses herein provided for shall be procured from and issued, in his discretion, by the Mayor; and any such license may be revoked by the Mayor, in accordance with section 52 of the Charter. All licenses shall expire on the 30th day of May in each year.

§ 11. No licenses shall be issued for any place operated under the Liquor Tax Law for the sale of ale, beer or liquors at retail, in which singing, dancing and music, and exhibitions of skill and athletic performances are allowed, or in which singing and music only are allowed. No vocal or instrumental music of any description shall be allowed in any saloon or restaurant or similar public place without a permit therefor first being obtained from the Mayor, who may, in his discretion, withhold, refuse or revoke such permit. There shall be paid to the City a fee of \$10 for each such permit.

§ 12. No public lecture, concert or entertainment of any kind, for which an admission fee is charged, shall be given in any room in the City of Buffalo, unless the owner or lessee of the building in which such lecture, concert or entertainment is given, shall have posted in a

conspicuous place upon one of the walls of such room a certificate of the Chief of the Fire Department to the effect that said building complies in all respects with the Charter and Ordinances of the City relating to fire escapes, means of exit and safety of construction. Such certificate must have been given and shall be dated during the same calendar year in which such lecture, concert or entertainment shall be given. A fee of \$2 shall be paid by the applicant for such a certificate to the said Chief before such certificate shall be granted.

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## CHAPTER XXXV.

### OF FINES.

§ 1. All fines imposed by the Police Justice or by the Police Court shall be paid by the officer who shall receive them into the City Treasury, at least once in each month, except such fines as are by law to be paid to some other office designated.

§ 2. The Police Justice, or the officer who shall receive the fines imposed by the Police Court, shall report to the Common Council at least once each month, in separate items, the amount so paid, as required by section 1 of this chapter, into the City Treasury, and to the Board of Police Commissioners.

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## CHAPTER XXXVI.

### PETITIONS FOR PAVING AND REPAVING.

§ 1. All petitions for local improvements shall be first filed with the City Clerk and by him presented to the Board of Aldermen.

§ 2. It shall be the duty of the City Clerk to stamp or otherwise endorse upon every such petition the day, hour and minute of its receipt, and before so stamping or otherwise endorsing the same, he shall enter in a record, to be kept by him for such purpose and to be known as "Record of Petitions for Local Improvements," a brief description of the work petitioned for, and the day, hour and minute of the receipt thereof by him. Said record shall be so prepared and kept that the entry therein with respect to each successive petition shall occupy only one line, and shall follow on the next line below the entry as to the last preceding petition received. Every such petition shall be void unless each name upon it shall be the bona fide signature of the person indicated by such name, who, at the time of signing, shall have written opposite his signature the day of the month and the year when such signature was written. Nor shall any such petition be valid unless every signature appearing thereon shall have been written in ink or with indelible pencil and shall bear date within six months prior to the date of presentation of said petition to the City Clerk. Every petition which does not in all respects comply with the conditions prescribed by this section shall be rejected.

## CHAPTER XXXVII.

### COMPULSORY EDUCATION.

§ 1. The Superintendent of Education, for the purpose of enforcing the school laws of this State, as provided by chapter 421 of the Laws of 1874, as amended by chapter 372 of the Laws of 1876, shall divide the City of Buffalo into three districts, as nearly equal as can be practically done, and the Mayor of the City of Buffalo, upon the recommendation of the Superintendent of Edu-



cation, shall appoint three suitable persons, to be called examiners or attendance officers, one for each district so composed, who shall receive from the City of Buffalo an annual salary each of \$850. The said examiners or attendance officers shall be subject to the direction of the Superintendent of Education, and shall make to him such reports at such times as he may require. The Superintendent of Education shall cause to be printed and furnished each of said examiners all necessary blank forms to carry out the provisions and requirements of said laws. The examiners shall each in his district designate the time of making the examinations as required to be done in their several school districts, and they shall at all times designated make such examinations, note the result thereof upon the blank forms thus furnished by entering the names, sex, ages, times of employment, places of residence, dates and number of certificate produced by the employer legally entitled to such employment, showing the children employed by him. A separate return shall be made for each place of employment examined, which shall in each instance be dated and certified to by the person having charge of the establishment.

The examiners shall personally visit each minor present between the ages of eight and fourteen years in such establishment at the time of the examination, and shall take the statement of such minor and compare the same with the statement of such person in charge of the establishment.

As soon as the examination in any district is complete, the examiner shall make a report to the City Comptroller, and the same shall be filed in his office.

§ 2. The certificate required by section 2 of said act, as amended in 1876, may be given by the principal of any one of the public schools of the City where the child for whom it is given has attended school the requisite

length of time to entitle him or her to such certificate, or the principal teacher in any of the select or private schools where the said child has attended; but if said child is instructed at home pursuant to said section, the person giving such instruction may make such certificate, but in such case the certificate shall state each of the branches taught such child, the time occupied each day and the number of days in each consecutive week on which such instruction was given.

§ 3. It shall be the duty of the examiners to see that sections 1, 2, 3, 4 and 5 of said act, as amended in 1876, are enforced, and report in writing to the Comptroller of the City of Buffalo all violations thereof, pursuant to section 5 of said act, and such examiners shall in all respects perform the duties assigned by said act to a trustee of a school district.

§ 4. Whenever (under section 6 of said act) the Superintendent of Education becomes satisfied of the inability of the parents, guardians or persons having control of any child or children to furnish the books required to be furnished to enable such child or children to attend school, he shall report the facts to the Common Council, and they shall direct him to furnish said books, and upon his certificate specifying the items furnished, shall direct an order to be drawn upon the Treasury to pay the same.

§ 5. Whenever the mental or physical condition of any child between eight and fourteen years of age is such as to render attendance on school of instruction inexpedient or impracticable, a certificate of such condition by some reputable physician shall be furnished to the examiner, who shall file it with the City Comptroller the same as other certificates required under this act.

§ 6. It shall be the duty of any policeman of the City who shall, within the school hours of any school day or any day when the schools are in session, find any child

between the ages of eight and fourteen loitering or idling about the streets of the City or other public places in the City, unattended by any suitable person, to ascertain the name and residence of such child, and shall notify the examiner, who shall at once notify through the mail the parents, or guardian, or person having control of such child, to take charge of said child and prevent it from idling or loitering in the streets or other public places in the City, and keep it at school the requisite number of weeks specified in said act, or that said child will be dealt with as an habitual truant. And whenever any person shall make complaint to the examiner that any such child is in the habit of loitering or idling in the streets or public places of the City during the school hours of any school day, or day when schools are in session, it shall be the duty of the examiner to inquire into the facts of such case, notify the parents, guardian or person having the care and control of such child as aforesaid; and in case such notice is not complied with at once, to report the same to the Corporation Counsel, who shall thereupon, if the requirements of this section have been complied with, direct a justice of the peace of said City to issue his warrant to any police officer of the City of Buffalo, commanding him to arrest such child and bring him or her forthwith before some justice of the peace for said City.

§ 7. Whenever any person shall make the statement in relation to any child under his or her control, specified in section 7 of said act, it shall be the duty of the examiner to whom such statement is made to submit a report in writing of the acts therein to the Corporation Counsel, who shall thereupon require a justice of the peace of the City thereupon to issue a warrant for the arrest of such child, which shall be in the form and in the manner provided in the preceding section.

§ 8. Whenever any child shall be brought before a justice of the peace as hereinbefore stated, it shall be the

duty of such justice, before proceeding with the examination, to cause a reasonable notice to be sent to the parents or guardian, or person having the care or control of such child, if any such person can be found; also to cause notice of such arrest and intended examination to be sent to the Corporation Counsel, who shall have charge of such examination on the part of the prosecution.

The justice of the peace before whom such examination is conducted, shall have the same authority concerning such examination and control over the same as in other examinations now conducted before him according to law, and may, in his discretion, temporarily and for further examination, commit such child to the Protestant Orphan Asylum on Edward Street in said City, or to the Society for the Protection of Destitute Roman Catholic Children at the City of Buffalo, as provided in section 9 of this chapter.

§ 9. If, after such examination, the justice of the peace, before whom the same was had, shall be satisfied that such child is an habitual truant within the intent and meaning of said act, and being such truant, is between the ages of eight and fourteen years, he shall enter his judgment forthwith accordingly, and shall thereupon require a bond to be executed to the City of Buffalo with one or more sureties, to be approved by said justice, in at least the sum of two hundred and fifty dollars, conditioned that for the term of one year such child shall be kept from idling or loitering in the streets or other public places of the City, and in regular attendance at school for the number of weeks specified in said act for such term of one year; and upon the execution and approval of said bond, as aforesaid, and the payment of all proper costs, the justice shall cause the same to be forthwith filed in the office of the Comptroller of the City, and said child shall be discharged, provided always, that no child shall be discharged more than once during the same

year. But in case of failure or inability to give such security, or in case such child shall before and during the same year have been brought before a justice of the peace, pursuant to said act, and shall have been discharged upon the execution of a bond, as hereinbefore provided, such justice shall issue his commitment upon the judgment of conviction entered by him as aforesaid, sending said child for the term of one year, if said justice shall ascertain said child to be of Roman Catholic parentage, to the "Society for the Protection of Destitute Roman Catholic Children at the City of Buffalo," or if such justice shall ascertain such child to be of Protestant parentage, to the Protestant Orphan Asylum on Edward Street in said City; and before issuing any such commitment, the justice shall make proper inquiry by the examination of witnesses, under oath, to ascertain to which of said classes the parents of such child belong.

§ 10. Whenever any child, by continued good behavior and satisfactory progress in study, shall satisfy the authorities where he or she is an attendant that such child will, if released, attend some regular school of the City, upon the recommendation of the Superintendent of the institution to which such child has been committed, the Common Council may release such child absolutely or conditionally and during good behavior.

§ 11. When any child shall be committed in default of giving security, who has not previously in the same year been discharged upon giving security as hereinbefore provided, the justice who issued the commitment may at any time afterwards cause said child to be brought before him for the purpose of taking security as hereinbefore provided, and upon such security being perfected such child shall be discharged upon paying all costs prescribed by law.

## CHAPTER XXXVIII.

## FOR THE PROTECTION OF THE POLICE PATROL AND SIGNAL APPARATUS.

§ 1. No person shall make or cause to be used or have in his possession any impression, imitation, or duplicate of any police patrol-box or signal-box key without the express permission of the Board of Police under a penalty of \$50 for each and every offense.

§ 2. No person shall give or cause to be given any false alarm through or by means of the police signal telegraph or any of the apparatus connected therewith with intent to deceive, or pull the hook of any signal box except when police assistance is actually required, or tamper, meddle or interfere in any manner with the said boxes or cut, break, injure, deface or remove any of the street stations or sentry boxes or any of the wires, supports or other parts or appliances connected with said telegraph, or with any portion of the police patrol and signal apparatus; or make any connection or communication so as to interrupt or interfere with the proper working of said telegraph; or wrongfully injure, break or destroy any apparatus, machinery or fixtures connected therewith, or post any bill or advertisement upon any of said street stations or boxes, or place or cause to be placed any snow, ice or other substance or thing against the door of any such box in such manner as to obstruct or interfere with the opening thereof. Any person violating any of the provisions of this section shall forfeit a penalty of not less than \$50 nor more than \$100 for each and every offense, and if the violation is by a minor, the parent or guardian of such minor shall be liable for the penalty imposed to the same extent as if the violation had been committed by said parent or guardian.

## CHAPTER XXXIX.

## GENERAL PENALTIES PRESCRIBED.

§ 1. Every violation of any of the Ordinances of the City of Buffalo shall be punishable by a fine of not less than one dollar nor more than two hundred and fifty dollars in every case wherein no punishment or fine for a violation thereof is provided.

## CHAPTER XL.

## REGULATING BOOTBLACKS.

§ 1. No person or persons known as bootblacks, shall hereafter engage in such business, trade or vocation in any of the streets, avenues, parks or other public places of the City, without a permit from the Mayor, as hereinafter provided.

§ 2. The Mayor is hereby authorized to grant a permit in writing to any person to engage in the trade, business or vocation of bootblack in the streets, avenues, parks or other public places of the City, provided, however, that no such permit shall be granted without the giving of satisfactory assurance of the good character in writing by the parent or guardian of such applicant or some other competent and suitable person. All permits granted under this ordinance shall be for a period of not more than one year and may be renewed annually.

§ 3. Each and every person receiving such permit as herein provided for shall forthwith present the same to the Superintendent of Police, whose duty it shall be to supply such person with a badge and number made of metal. Said badge to be and remain the property of the

City of Buffalo, and shall be returned to said Superintendent of Police at the expiration of the time for which said permit was granted, or at any time should said permit be revoked. The Superintendent of Police shall endorse such number upon the permit and cause a record to be made of the name of each person to whom a permit is granted with his place of residence, the business he is permitted to pursue under this ordinance, and the number with which he is supplied. The Superintendent of Police on issuing each and every permit including renewals, shall collect a fee of ten cents from each person to whom the badge and number therein provided for are issued. The amount of such fees shall be paid into the City Treasury to the credit of the Police Fund.

§ 4. Each and every person to whom a number and badge are issued shall, while engaged in such business, trade or vocation, wear such badge in such manner that the same may be plainly seen by the public.

§ 5. The Mayor may revoke the permit herein provided for if any person to whom the same is granted is guilty of disorderly conduct or of using profane, obscene or indecent language or of committing any act of a dishonest nature or of a violation of any of the ordinances of the City of Buffalo, or laws of the State or of the United States.

§ 6. A failure to comply with the provisions of this ordinance shall be punishable by a fine of not less than \$1 nor more than \$10 for each and every offense.

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## CHAPTER XLI.

### NIGHT LUNCH WAGON ORDINANCES.

§ 1. The Mayor is hereby authorized to issue licenses to persons to occupy part of the street with night lunch



wagons, at such place or places after 9 o'clock P. M., and in such manner as he may designate; no person or firm shall be permitted, however, to keep or maintain more than two such vehicles or wagons at any one time.

§ 2. Every person to whom any license shall have been issued pursuant to the provisions of this chapter shall pay a license fee of \$6 per month for each wagon or vehicle so licensed as aforesaid, and shall present to the Mayor at the time of making application for such license a bond in the penalty of \$600, executed by himself and two sureties to be approved by the Mayor, and conditioned that such applicant shall pay all fines or penalties which may be imposed upon him for a violation of any City ordinance while engaged in such business or for a refusal to comply with any regulation or directions which the Mayor may make by virtue of any authority conferred upon him by any ordinance and relating to the subject for which such licenses shall be granted, and to hold the City harmless from any loss or damage it may sustain or become liable for by reason of the granting of such license.

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## CHAPTER XLII.

### SMOKE, SOOT, DUST, ETC.

§ 1. It shall not be lawful within the limits of the City of Buffalo for any person or persons, firm or corporation, or any servant, agent, or employe of any person, firm or corporation, to permit or allow, or cause to be permitted or allowed, the discharge or escape into the open air of large quantities of smoke, soot, dust, gas, steam or offensive odor to escape in such manner or in such quantities as to cause or have a natural tendency to cause injury, detriment, or annoyance to any person or persons or the public, or to endanger the comfort, repose,

health or safety to any person or persons, or the public, or in such manner as to cause or to have a natural tendency to cause injury or damage to business or property.

§ 2. Nor shall any person or persons, firm or corporation, owning or operating any boat, locomotive engine, or other engine, or any machinery used or employed in said City, nor shall any servant, agent, or employe of any such person, firm or corporation, permit or allow, or cause to be permitted or allowed, the discharge or escape in the open air, of large quantities of smoke, cinders, soot, dust, gas, steam or offensive odor to escape in such manner or in such quantities as to cause, or to have a natural tendency to cause injury, detriment, or annoyance to any person or persons, or to endanger the comfort, repose, health, or safety of any persons or the public, or in such manner as to cause injury or damage to business or property.

§ 3. No person or persons, firm or corporation, shall, in the said City, permit or allow or cause to be permitted or allowed the escape into the open air of quantities of fine sand, dirt, or particles of earth or other material, in such manner as to cause or to have a natural tendency to cause injury, detriment or annoyance to any person or persons or to the public, or to endanger the comfort, repose, health, or safety of any person or persons or the public, or in such manner as to cause, or to have a natural tendency to cause injury or damage to business or property.

§ 4. It shall be the duty of the Board of Public Works to investigate all complaints made to it of a violation of any of the provisions of this ordinance and report the same to the Corporation Counsel; it shall be the duty of each inspector connected with the Bureau of Streets of said City, and of all police officers of said City, to immediately report to said board all persons, firms or

corporations guilty of a violation of this ordinance, together with the names and addresses of all witnesses having knowledge concerning or being in the possession of facts showing such violation; each and every such inspector or police officer shall have the right and authority at all reasonable hours to visit and inspect premises and all machinery, boilers, furnaces (or other appliances connected therewith, necessary to such inspection), for the purpose of ascertaining the kind or character of fuel used and the manner of using the same, and any other fact or facts showing compliance with or violation of this ordinance.

§ 5. A violation of this ordinance shall be punishable by a fine of not to exceed \$250 for each and every offense.

## CHAPTER XLIII.

### INTELLIGENCE OFFICES.

§ 1. Any person, association or corporation desiring to establish or keep in the City of Buffalo an intelligence office or employment bureau for the purpose of providing situations for those seeking work or employment, or of providing laborers or servants for those seeking to employ laborers or servants, shall first make application in writing to the Mayor of the City for a license to establish or keep such intelligence office or employment bureau; and in such application shall state the name of the applicant and the place where the intelligence office or employment bureau is to be established or kept.

No person, association or corporation shall establish or keep in the City of Buffalo an intelligence office or employment bureau without first obtaining a license therefor

from the Mayor of the City. Before granting such license the Mayor may refer the application to the Superintendent of Police for investigation. The name of the licensee and the place where the intelligence office or employment bureau is to be established or kept shall appear upon the face of every such license.

§ 2. Every person, association or corporation licensed to establish or keep an intelligence office or employment bureau in the City of Buffalo shall enter in a book, to be provided by the Mayor, the name of each applicant for employment and opposite such name, the age, sex and place of residence of the applicant, and the amount of fee charged such applicant; and shall also enter in such book the name of each person applying to employ laborers or servants, and opposite such name, the place of residence of such person and the amount of fee charged such person. Such entries shall be made in the order in which applications are received and promptly at the time they are received at such intelligence office or employment bureau. Such book shall be open at all reasonable times to the inspection of the Mayor or of any person appointed by him to examine or inspect the same.

§ 3. Every person, association or corporation licensed to establish or keep an intelligence office or employment bureau, as aforesaid, shall give to each person from whom a fee is received a receipt stating the amount received, the name of the person paying the same and the character of the work or employment to be provided, which receipt shall bear upon its face a copy of this section and also the following section :

“Every intelligence office or employment bureau, kept or established under a license as herein provided, shall be open for business between the hours of 10 o'clock and 12 o'clock in the forenoon, and 3 o'clock and 6 o'clock in the afternoon, and may be open at all times between

the hours of 8 o'clock in the morning and 8 o'clock in the evening, Sundays excepted, and at no other time."

§ 4. Any person, association or corporation licensed to establish or keep an intelligence office or employment bureau, as herein provided, may demand and receive :

Of each female applying for a situation where the wages to be paid are over \$4 a week .....	\$1.00
Of each female applying for a situation where the wages to be paid are \$4 a week or less .....	.50
Of each male applying for a situation where the wages to be paid are over \$9 a week .....	2.00
Of each male applying for a situation where the wages to be paid are \$9 a week or less .....	1.00
Of each person applying to employ laborers or servants .....	1.00

—to be paid at the time when the entries are made in the book kept as provided in section 2 of this chapter. No greater fee shall be charged.

In case no situation is provided for a person seeking employment, or in case no laborer or servant is furnished to a person seeking to employ a laborer or servant, within ten days from the date of the payment of said fee, then one-half of such fee shall be refunded to the person paying the same upon demand, provided, however, that if a situation be provided for any person applying therefor, and the person applying shall accept the same and engage to perform the duties thereof, then no part of the fee paid shall be refunded.

§ 5. Every person, association or corporation licensed to establish or keep an intelligence office or employment bureau as herein provided, shall post in each room in which the business is carried on, two copies of this chapter to be provided by the Mayor; and shall also post the

license to establish or keep such intelligence office or employment bureau in some conspicuous place upon the premises where the business is carried on, and shall post on the outer door of such premises a sign giving the name of the licensee and stating the fact that a licensed intelligence office or employment bureau is established and kept upon such premises.

§ 6. No license granted under the provisions of this chapter shall be assigned, and no intelligence office or employment bureau shall be kept or established under such license at any place other than that designated therein, without the consent of the Mayor. No intelligence office or employment bureau shall be established or kept in a saloon or in any place where intoxicating liquors or beverages are sold, or in a room connecting with a saloon or a place where intoxicating liquors or beverages are sold.

§ 7. The Mayor shall charge for every license granted under the provisions of this chapter \$24 a year, and at the same rate for a shorter time; but no fee less than \$2 shall be charged. Every such license shall expire on the first day of May next succeeding the day on which it is granted, and no license shall be granted for a shorter time. All licenses granted pursuant to the provisions of this chapter may be revoked by the Mayor, as provided by section 52 of the Revised Charter of the City of Buffalo.

§ 8. Any person who shall establish or keep within the City of Buffalo an intelligence office or employment bureau without obtaining a license therefor or contrary to any of the provisions of this chapter, or who shall violate any of the provisions of this chapter, shall be subject to a fine of not less than \$25 nor more than \$250.

§ 9. Any person engaged in the business of keeping an intelligence office or employment bureau, either as

principal or agent, who shall directly or indirectly make use of any false representation, false pretense, or any imposition, fraud or deceit whatsoever, for any immoral purpose, or for the purpose of obtaining a fee, or gratuity or other thing of value, except the fees hereby authorized, or who shall be guilty of extortion, or of taking or demanding any article or thing or any fee, except the fees hereby authorized, shall pay a fine of not less than \$25 nor more than \$250.

§ 10. This chapter shall not apply to free public employment bureaus established as provided by Article III of the Labor Law, nor to employment bureaus or intelligence offices established or maintained by incorporated charitable institutions where no fee is charged. Nor to intelligence offices or employment bureaus established or maintained by incorporated fraternal benevolent associations, providing situations for its members only and for no other persons.

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## CHAPTER XLIV.

### WILLIAMS MEMORIAL LIBRARY.

§ 1. The Mayor of the City of Buffalo, the Comptroller of the City of Buffalo and the Superintendent of Education of the City of Buffalo are hereby constituted the trustees of the Sherman Williams Memorial Library Fund bequeathed to the City of Buffalo by Charles H. Williams on April 9, 1894. It shall be the duty of such trustees to invest and keep invested the sum of forty-five hundred dollars (\$4,500) in safe interest-bearing securities and to expend annually the interest and income thereof for the purchase of such books appertaining to school work, as shall be from time to time selected by the principal of the Buffalo Central High School, with

the approval of the Superintendent of Education of the City of Buffalo and his successors in office for the use of the boys' department of said school. It shall be lawful for said trustees to expend from time to time a reasonable amount of said income for the purpose of increasing book space in the book cases provided by the provisions of said trust.

§ 2. It shall be the duty of the trustees of said Sherman Williams Memorial Library Fund to annually report to the Common Council of the City of Buffalo the manner in which the said fund has been invested, the condition of said fund, the amount earned by said fund, a list of the books purchased each year, and an inventory showing in detail the number of books on hand in said library and purchased with the interest and income of said fund. The principal of the Central High School is hereby made the custodian of the library and he is hereby empowered to make such rules and regulations as may seem advisable to preserve and make useful such library.

§ 3. The trustees of said library are hereby given power to carry out the terms of the trust known as the Sherman Williams Memorial Library Fund, and all of their acts heretofore performed are hereby ratified in every respect.

## CHAPTER XLV.

### PUBLIC POLICY QUESTIONS.

§ 1. Upon filing with the City Clerk of a written petition signed by five per centum of the registered voters of the City of Buffalo, as shown by the last registration list, or upon a resolution of the Common Council of said City, passed by a majority vote thereof authorizing it, it shall be the duty of the proper election officials to submit any question or questions of public policy



so petitioned for or authorized, to the electors of said City at any general election in order to obtain the opinion of such electors thereon; provided that such petition is so filed, or such resolution becomes of force, not less than sixty days before the date of the election at which such question or questions are to be submitted. Not more than three questions proposed by petition shall be submitted at the same election, and such questions shall be submitted in the order of filing the petitions.

§ 2. The City Clerk shall publish in the official paper, and in three other daily papers of the City, a notice that such question or questions are to be voted upon at the next election. The notice shall be published twice a week for three weeks prior to the election.

§ 3. Every question submitted to the electors shall be submitted in the manner and form in which constitutional amendments or other public measures are submitted to a vote of the electors.

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## CHAPTER XLVI.

### LANDS FOR PUBLIC SCHOOL.

§ 1. Whenever the Common Council of the City shall determine to purchase any lands or premises to be used for the purpose of erecting or maintaining thereon a public school, or which lands or premises are to be used in connection with said public school, the Comptroller shall cause a notice to be published in the official paper of the City daily, Sundays and holidays excepted, for ten days, inviting sealed proposals or offers to sell the City lands or premises as required. All proposals must be in writing signed by the owner of the property or the duly authorized agent giving a correct description of the land offered for sale, together with the price asked

therefor. Such price shall include the cost and expense of such advertisement and all necessary costs and charges to perfect title to such property. Every proposal must be filed with the Comptroller not later than twelve o'clock noon on the day following the date of the last publication of said notice, at which time all such proposals shall be publicly opened by the Comptroller and the contents thereof made known to the public. The Comptroller shall immediately thereafter submit to the Common Council each and every such offer or proposal received in accordance with this Ordinance.

## CHAPTER XLVII.

### DANCING SCHOOLS.

§ 1. No person, association, corporation member of copartnership or firm shall conduct a dancing school, or place for instruction and practice in dancing in this City, without having obtained from the Mayor a license authorizing such person, association, corporation, or firm to carry on the same at a place designated therein and subject to the conditions contained in this chapter.

§ 2. The Mayor may from time to time grant to such citizens as he shall deem proper and who shall produce to him satisfactory evidence of their good character a license authorizing such citizen or citizens to conduct such dancing school or place of instruction and practice in dancing, which license shall designate the building in which such person or persons shall conduct such school, and no person, association, corporation, member or members of a copartnership or firm shall, directly or indirectly, conduct any such school without being duly licensed, nor in any other building than the one designated in said license. Every license hereby authorized

shall be of force for one year from the date of its issue and no longer.

§ 3. No wine, beer or other malt, spirituous or intoxicating liquors shall be sold in or carried into the building in which such dancing school, or place for instruction and practice in dancing is conducted, nor be sold or carried into any building connected with such dancing school, or place for instruction and practice in dancing. No girl under the age of sixteen years shall be admitted to such dancing school, or place for instruction or practice in dancing, unless accompanied by her guardian or one of her parents. No dancing shall be permitted on Sunday nor on other days, in dancing schools or places for instruction or practice in dancing, after eleven o'clock in the evening, except on evenings when socials or parties are held or given in connection with a dance, when the closing hour shall be twelve o'clock midnight.

§ 4. Every person, association, corporation or co-partnership receiving a license as provided in this chapter shall pay into the City Treasury therefor the sum of \$25.00. The Mayor shall have full power and authority to revoke any such license for cause.

§ 5. Every person, association, corporation or co-partnership violating any of the provisions of this chapter shall be liable to a penalty of not less than \$10 nor more than \$100 for each offense, and for every day he or they shall conduct a dancing school without a license or contrary to the provisions of this chapter, he or they shall be liable to a like penalty; and also to the forfeiture of his or their license as provided in the preceding section.

## CHAPTER XLVIII.

## THE PLAYGROUND COMMISSION OF BUFFALO.

§ 1. There is hereby created the Playground Commission of the City of Buffalo, which shall consist of seven members, to be appointed by the Mayor and serve for four years. Vacancies caused by resignation, death or disability of any appointed member of the Commission shall be filled by the appointing power for the unexpired term. The members of said Commission shall be citizens of Buffalo holding no other city office. They shall forthwith, upon their appointment, take the constitutional oath of office, to be administered by the City Clerk. No member of said Commission shall receive any compensation for his services, but each commissioner and each employe of the Commission shall be entitled to receive from the City his actual disbursements for expenses necessarily incurred in the discharge of any duty ordered or authorized by the Commission.

§ 2. As soon as possible after this chapter takes effect said Commission shall be appointed and shall at once meet and appoint a secretary, who shall not be a member of said Commission. The secretary's salary or compensation shall be fixed by said Commission, with the concurrence of the Common Council manifested by ordinance. The Commission shall have power to remove said secretary, or any of its employes, at pleasure.

§ 3. The said Playground Commission shall have power and it shall be its duty to manage, control and embellish all municipal playgrounds in the City of Buffalo which heretofore have been or shall hereafter be provided or established, and to supervise, direct and regulate the use thereof for playground purposes, and may appoint and employ, in addition to the secretary, a superintendent of playgrounds and such directors and other employes as may be authorized by the Common Council by

ordinance. Said Commission shall fix the salaries or compensation of all said employes, with the concurrence of the Common Council manifested by ordinance. No public school building, nor any ground appurtenant thereto, nor any playground adjoining any school yard, shall be used for municipal playground purposes and subject to the control of said Commission, without the written consent of the Superintendent of Education. Said consent shall be entered by the secretary on the records of the Commission, and said records shall be full and complete, showing the location and boundaries of each playground subject to the control of the Commission, and the acts, proceedings, receipts and disbursements of said Commission relating thereto.

§ 4. The said Commission shall make such selection and location of playgrounds, in view of the present condition and future growth and wants of the City, as it shall deem best; and it shall forthwith report such selection and location to the Common Council. Upon the approval thereof, by resolution of the Common Council, any parcel of land so selected, located and recommended shall immediately thereafter be and become a public playground subject to the jurisdiction and control of said Commission; provided, that if any further act or proceeding is necessary to acquire title to said land or jurisdiction thereover, such act or proceeding shall be immediately begun by the Common Council or other officer, board or body authorized to act or proceed in the premises.

§ 5. Upon the written request or with the written consent of the Superintendent of Education, the Commission may assume charge and control of drills or games to be conducted in any school building or schoolyard properties in the City and its directors and employes shall thereupon have authority to conduct and supervise such drills or games in any school building or schoolyard so designated by the Superintendent of Education, to the

extent and in the manner specified by said Superintendent.

§ 6. Said Playground Commission may, at any time, make requisition upon the Commissioner of Public Works for one or more surveyors or civil engineers to make surveys or prepare maps, and the Commissioner of Public Works shall thereupon provide such surveyors or engineers as may be necessary, and the maps and surveys made by them, or any of them, shall be kept on file in the office of the Playground Commission.

§ 7. The Playground Commission shall have power to make rules and by-laws for the ordinary transaction of its business, to prescribe and define the respective duties of its employes, and, subject to the control of the Common Council, it shall possess all the power and authority necessary for the use, regulation and supervision of the playgrounds of the City. With the consent of the Common Council the Commission may discontinue any playground or part thereof, which shall thereupon be restored to the jurisdiction and control of the public or municipal board, body or officer from which it was acquired by the Commission; or, in case it was acquired for playground purposes from private owners, it shall be restored to the control of the Common Council for any lawful use.

§ 8. In the month of July of every year, the Playground Commission shall make a full and complete report to the Common Council of its proceedings, and a detailed statement of its receipts and expenditures for the preceding calendar year. It shall be the duty of the secretary of the Commission to deliver to the Comptroller, on or before the first day of February of every year, a full and detailed estimate of the expenses and the amount of money required by said Playground Commission for the next fiscal year. And a full statement of expenditures and disbursements made by or through the

Playground Commission, during the previous calendar year, showing in detail the specific items and purposes for which they were made. Before its delivery to said Comptroller, said estimate shall be approved by resolution of the Commission. It shall be the duty of the Comptroller to consider such estimate as a part of the estimates of the city government for the ensuing fiscal year and to treat it as the estimates of other officers and departments are required by law to be treated. The Common Council shall every year grant to the Playground Commission such sum of money as it shall require and as to the Common Council shall appear reasonable and just for the acquisition, use, government and maintenance of such playgrounds and for keeping in repair the improvements and structures thereon, and paying the wages and salaries of the employes of the Commission, and for furnishing a suitable office and supplies for said Commission; such sum shall be included in the annual estimate of the City and the money so granted shall be paid out of the General Fund. No moneys in excess of the sum so appropriated annually shall be expended, nor any liability in excess thereof incurred by the Playground Commission for any further purpose, without the previous consent of the Common Council, nor until the necessary funds therefor shall have been provided according to law; nor shall money appropriated or raised for one purpose be expended for any other purpose, without the consent of the Common Council. Except as expressly authorized by this Chapter, or lawfully authorized by the Common Council, the Playground Commission shall have no power or authority to create any debt, obligation, claim or liability which shall be binding upon the City of Buffalo.

§ 10. The office of any of the Playground Commissioners who shall not attend the meetings of the Commission for three successive months after having been duly notified of said meetings, and without reason there-

for satisfactory to the Commission, or without leave of absence from it, shall, by resolution of the Commission, be declared vacant.

§ 11. The Playground Commission may, from time to time, prepare and recommend to the Common Council such ordinances as shall be deemed necessary for the use, regulation, protection and government of the said playgrounds.

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## CHAPTER XLIX.

### COMMISSION FOR PROVIDING SCHOOL CHILDREN'S LUNCHES.

§ 1. There is hereby created the commission for providing school children's lunches, which shall consist of seven members, all of whom shall be women, and two of whom shall be teachers of domestic science in the public schools, to be appointed by the Superintendent of Education, to serve for four years. Vacancies caused by resignation, death or disability of any appointed member of the commission shall be filled by the appointing power for the unexpired term. The members of said commission shall be citizens of the City of Buffalo. They shall forthwith upon their appointment take the constitutional oath of office, to be administered by the City Clerk. No member of said commission shall receive any compensation for her services, but each commissioner and each employe of the commission shall be entitled to receive from the city his or her actual disbursements for expenses necessarily incurred in the discharge of any duty ordered or authorized by the commission.

§ 2. As soon as possible after the commission hereby authorized shall be appointed, said commission shall meet and appoint a secretary, who shall be a member of said commission, and who shall receive no compensation for



her services as such secretary. Such secretary shall serve during the pleasure of the commission, and it shall be her duty to keep a record of the proceedings of the commission, and annually, during the month of July, to render a report to the Common Council, under the direction of the commission, which shall contain a brief statement of the proceedings and acts of the commission during the preceding year, and such recommendations with respect to the work of the commission and its extension and improvement, as the commission shall direct.

§ 3. The Superintendent of Education shall have general charge, in co-operation with the commission, of the furnishing of lunches at their cost to the city to children in the public schools, and shall establish a general plan for the furnishing of such lunches, the purchasing of necessary materials and supplies, the employment of such persons as shall be necessary to assist the teachers and pupils in the domestic science department of the public schools in the carrying out of such plan, which shall be and be deemed a part of the course of instruction in domestic science. The Superintendent of Education shall have power from time to time to designate the public schools in which such plan shall be put into operation; provided, however, that the expense incurred hereunder over and above the amounts received from said school children for lunches furnished shall not exceed for the school year commencing September 1, 1911, the sum of \$2,000, and in subsequent years such sum as shall be appropriated for that purpose in the annual estimates of the city. All moneys received for lunches served shall be paid monthly by the Superintendent of Education into the City Treasury, and shall be credited to the account of the fund provided for that purpose. All purchases hereby authorized shall be made by the Superintendent of Education, and all disbursements shall be made subject to his supervision in the same manner as provided by the charter and ordinances

of the City of Buffalo in the case of other expenses of the City payable out of the General Fund.

§ 4. It shall be the duty of said commission from time to time to inspect the methods employed in the preparation of such lunches, and the food so furnished. The said commission shall meet at such times as it may fix, at least once in each month during the school year, and may make such recommendations for the improvement of methods, the extension of the plan or otherwise as it may deem best.

§ 5. The Secretary of the commission shall give at least six days' notice by mail to each member of the commission of each meeting thereof and any member who shall absent herself from three successive meetings without reason therefor satisfactory to the commission, or without leave of absence, shall, by resolution of the commission, cease to be a member thereof, and the vacancy thereby created shall be filled as hereinbefore provided.

§ 6. The Superintendent of Education shall make a report annually to the Common Council at the first meeting in July each year, which shall show the amount of money expended in providing lunches for the preceding fiscal year, the amounts of money received for the same, and such other information as will in his judgment be of interest to the Common Council and to the public.

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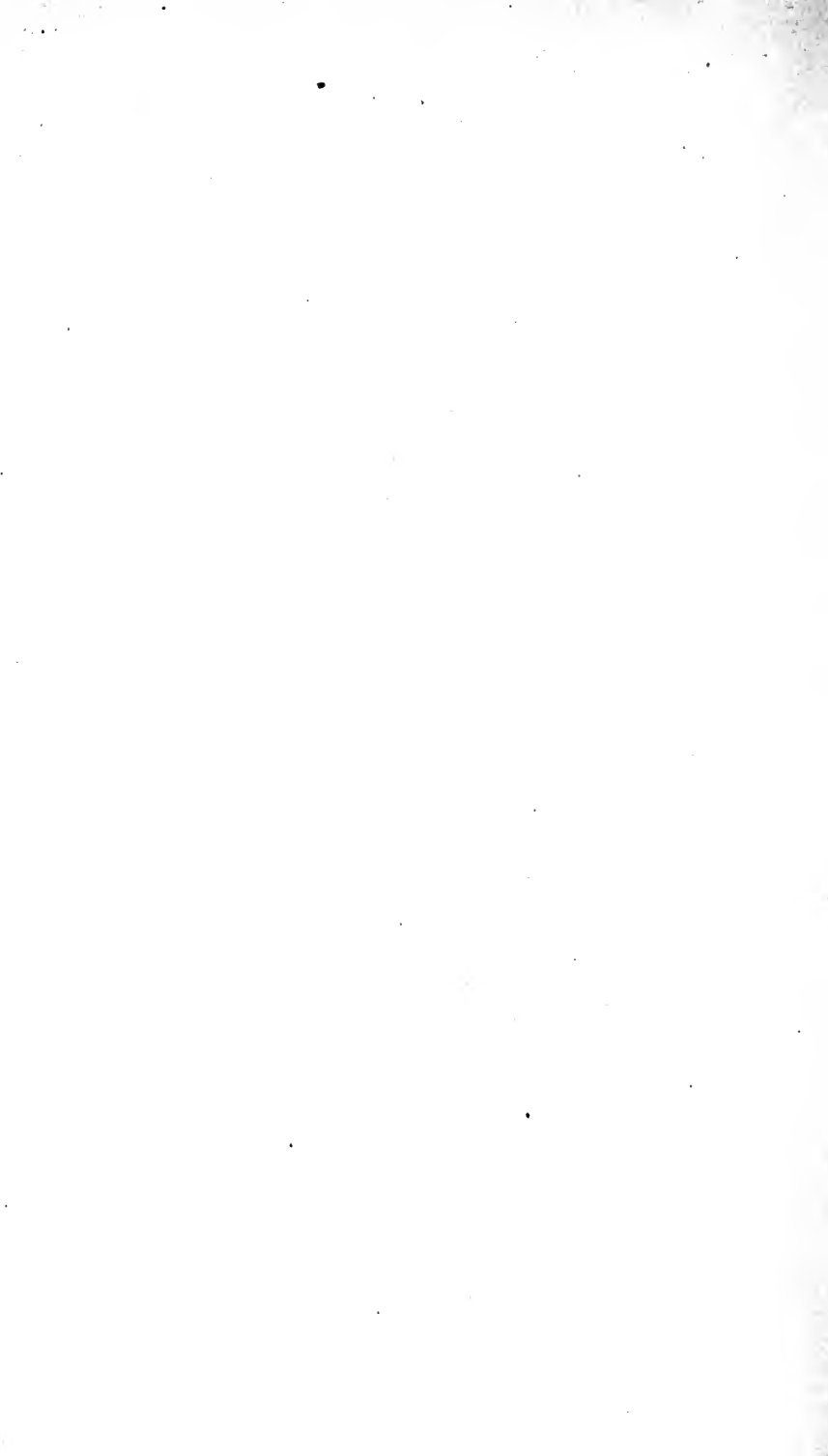
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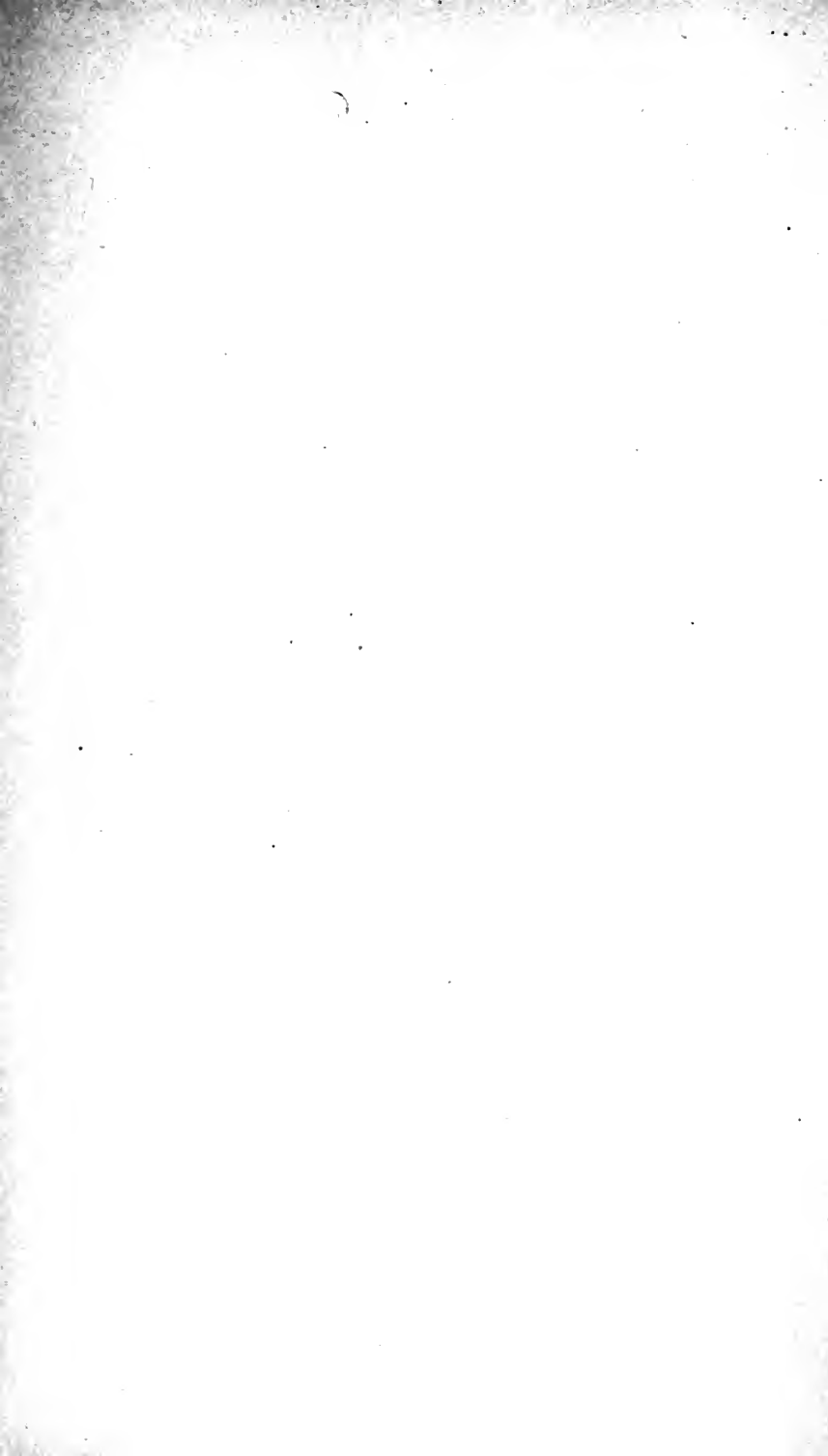


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