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BOROUGH ORDINANCE

An ordinance for the Government of New Florence Borough in Westmoreland County

Section 1. The Borough Auditors shall annually not later than the 1st Monday in November meet and examine, audit and adjust the books, papers and accounts of the Borough Treasurer, for the preceding fiscal year which shall in all cases, end on the last day of October.

Section 2. They shall cancel all orders and vouchers which are by them allowed, and shall immediately make and present to Council a written report of the receipts and expenditures of the Borough for the preceding year, and also to return to the Borough Clerk, all orders or vouchers by them cancelled.

Section 3. If any person shall destroy, or injure in any way, any public property within the Borough, such person so offending, shall forfeit and pay for the use of the Borough, for every such offence, a fine of not less than one dollar nor more than thirty dollars, beside the amount costs and expenses of repairing the same, provided that when the injury is accidentally done, no further fine than the cost and expense of repairing the same shall be imposed.

Section 4. Any person who shall take or cause to be taken, any sand, sod or earth from any street, alley or piece of ground belonging to the Borough shall be fined not less than one dollar nor more than ten dollars, provided, that said penalty shall not be imposed, when the said sand, sod or earth is taken in pursuance of a contract with the Borough.

Section 5. Any person wishing to erect, repair or remove any building excavate or wall cellars or vaults or make any improvements, the doing of which would in any way encumber or would in any way obstruct any sidewalk, street or alley, shall a printed or written permit from the Borough Treasurer, which permit shall describe the locality of such contemplated improvements, and specify the time required to do the same.

Section 6. No permit shall be granted for a longer term than six months, and in no case allow the blocking up, or obstructing of any street or part of a street, or sidewalk, other than opposite and immediately in front of the lot to be improved, and the material used, shall be put up in regular and compact form or heaps, placing lumberboards and scantling lengthwise along the street or alley, and piling stone and brick in oblong, the longest side running with

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the street leaving the gutter free and unmolested, and in no case shall the permission to obstruct, extend to more than $1/3$ the width of the street except when buildings are to be removed bodily across the street (or along the street) from one lot to another, in which case special permits may be granted authorizing the same.

Section 7. For the right to obstruct or incumber the sidewalks, streets or alleys, as heretofore specified, for one week or less, a fee of fifty cents shall be paid to the Borough Treasurer, for the use of the Borough, and for all additional time, at the rate of twenty-five cents per week, all parts or fractions of a week to be charged as a whole week, and all material or rubbish shall be removed by the party obtaining the permit, before the expiration of the same, and for the privilege of removing a house or other building bodily across or along a street, a fee of one dollar per day for each day or part of a day so occupied shall be charged.

Section 8. Any person violating any of the law or ordinance contained in the foregoing section (7) shall be subject to a fine not less than one, or more than ten dollars.

Section 9. Within ten days succeeding the third Tuesday in October the Burgess elect shall appear before the Council, and take upon himself the oath of affirmation of office prescribed by law, and it is hereby made the duty of Council to give him reasonable notice of such meeting.

encl - Section 10. It shall be the duty of the Burgess to sign all orders drawn on the Treasurer, but only for the payment of such bills as have been approved, and directed to be paid by Council; He shall have charge of the Seal of the Borough and shall affix the same to all documents requiring to be thus authenticated.

Section 11. The Burgess in conjunction with the Council shall have control of the High Constable and all public officers employed by him or by authority of the Borough, and shall have power, in case of emergency, to appoint special policemen, provided such appointment shall not continue for longer than two days at any one time, unless the same shall be approved by Council.

Section 12. The Burgess shall take care that the public peace is preserved and shall enforce obedience to all municipal laws and regulations, and shall, from time to time prepare and transmit to Council a message calling their attention to such subjects as may in his judgement require their action.

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Section 13. The Borough Clerk shall draw orders on the Treasurer for the amount of all bills which have passed council, keeping a register thereof; Shall carefully file for preservation all returns, and other documents belonging to the Borough, shall amke out Borough duplicates for the use of the Borough, and shall annually in conjunction with the Treasurer immediately after the Auditors settlement make and submit to Council a report of the financial condition of the Borough including a statement of the receipts and expenditures for the pre-
ceding year.

Section 14. He shall record all ordinance in the proper book, which have been passed by Council, and have been approved by the Burgess, and shall perform such other appropriate duties as may be required by Council.

Section 15. He shall keep correct minutes of the proceedings of Council, and when required furnish a copy thereof for publication; also to collect all fines from Councilman and give notice to members of Council of all called meetings, and when a resolution requiring executive action, is passed by Council, to give written notice of the same to the Burgess or other officer whose duty it may be to carry it into effect and also to present without unnecessary delay after their passage, to the Burgess for his approval, all ordinances which shall have passed Council making a record of the date when presented.

Section 16. Within ten days succeeding the 3rd Tuesday in October, the Council elect shall meet for organization and shall each of them be sworn or affirmed according to law, the President and Borough Clerk shall then be elected, a majority of the full Council shall be necessary to a choice and shall proceed at the same time, or as soon thereafter as practicable to elect the following Borough officers; Treasurer, Street Commissioner and Borough Assessor, all of which officials shall take upon themselves an oath or affirmation to discharge their several duties with fidelity within ten days of their election.

Section 17. No person or persons shall exhibit within the limits of t the Borough any theatrical or dramatic entertainment, or shall act, exhibit, play or perform any opera, circus, riding or horsemanship, menagerie or exhibition of animals, panorama, painting, sculpture, curiosity, tricks of ledgermain, concert or any other exhibition, entertainment, show or amusement of whatever name or nature, for which any fee or reward is received or asked, without a license for that purpose forst had, and obtained from the Burgess and Treasurer which said license shall express for what it was granted, and the time it was to be continued; The amount of said license shall not be less than two (2) dollars or more than twenty (20) dollars for each and every day, or part of day that the same may be exhibited,

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the amount of the license to be determined by the Burgess, who, shall notify the Treasurer of the same - provided, that for lectures on scientific or literary subjects, exhibitions of fairs or paintings or statuary given or made by citizens of the Borough, musical parties or concerts for benevolent or charitable purposes, no license or permit shall be required.

Section 18. No person shall act, exhibit, show or perform, or cause to be acted, shown or exhibited or performed, any obscene, indecent, or blasphemous play, farce, opera, public exhibition, show or entertainment.

Section 19. Any person violating any provision, law or ordinance contained in either the 17th or 18th sections of this ordinance, shall upon conviction thereof, be fined not less than ten, or more than two hundred dollars.

Section 20. The Burgess, High Constable or Police of the Borough, or any of them shall have power in case of a fire or other assemblages, to disperse all crowds and collections of idle, disorderly or suspicious persons, and otherwise to preserve order, and to prevent the commission of offenses on such occasions, and any person interfering with or refusing to obey such officers in discharge of their duties under this section shall pay a fine of not less than \$10.00 or more than \$100.00.

Section 21. All fines and forfeitures under the provisions of the ordinances of the Borough shall be recovered by a summary conviction before the Burgess, and in all cases of conviction, the party convicted, shall be liable to pay in addition to the fine or forfeiture, the legal fees and costs, which have accrued in the case.

Section 22. In case any persons or persons sentenced by the Burgess, under the provisions of any ordinance of the Borough, shall neglect or refuse to pay the same, together with the fees and costs thereon, such persons may be committed to the lockup house for a period not exceeding the time prescribed by law, and the fine together with the fees and costs, may be collected by proceeding before a Justice of the Peace.

Section 23. The fees and costs of the Burgess, High Constable and Policemen, shall be the same as prescribed by law for Justices of the Peace and Constables of this Commonwealth for like services, provided that the Borough shall in no case be liable for the costs and fees of such officers.

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Section 24. If any person shall in any manner interfere with, or obstruct any officer or other person acting under the authority of the Borough, in discharge of his duty, or shall resist the execution or enforcement of any ordinance of the Borough, or resolution of Council, such person shall pay a fine of not less than \$10.00 or more than \$100.00.

Section 25. It shall be the duty of the High Constable and Police to enforce all the Borough laws, ordinances and regulations, to make or cause to be made to the Burgess, complaint of every infraction of said laws, ordinances and regulations which shall come to their knowledge and procure the necessary proof thereof and in subordination to the Burgess shall preserve the peace and quiet of the Borough and shall quell all vice and other disturbances.

Section 26. The High Constable shall post or cause to be posted, in the manner prescribed by law, all notices of elections held in pursuance of any resolutions of Council, and all ordinances enacted by Council, and when any law or resolution of Council requires personal notice to be given relative to any proceeding before council, shall serve such notice as may be required by law or resolution of Council, and shall see that the Council room is duly prepared for the meeting of Council, and be present during its session. He shall also execute all warrants and processes issued by the Burgess.

Section 27. It shall be the duty of the High Constable to keep and feed all such persons as may be confined in the lockup house or be in his custody otherwise, in pursuance of the ordinances of the Borough. He shall be entitled to charge and receive such compensation for boarding prisoners as may be allowed and designated by Council, which said fees shall be charged against the said prisoner or prisoners as costs, provided that the Borough shall not be liable to the High Constable for such boarding bills.

Section 28. The High Constable shall give bond in such sum and with such security as may be approved by Council, the bond together with his oath of office shall be filed within ten days of the time he receives notice of his election, provided, that if Council shall agree to it, by a majority of a full board, he may perform those duties at a later period.

Section 29. If the High Constable or any Police officer shall neglect or refuse to enforce any of the laws, ordinances or regulations of the Borough, after their attention shall have been called thereto by any citizen of the Borough, such officer shall be fined in any sum, not less than \$1.00 or more than \$100.00 in addition to any other penalty his neglect may subject him to.

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Section 30. Any person selling, exposing or offering for sale, within the limits of the Borough, any tainted, unsound or unwholesome meat or other provisions, shall upon conviction thereof, be fined not less than one, or more than ten dollars for each and every such offence.

Section 31. No person shall cast earth, brick, stone, coal or wood, filth mortar, lime, shavings, manure, or substance of any kind, except articles for the purpose of immediately loading, removing or storing away, on any lane, street, square, alley or sidewalk within the Borough, under a penalty of not less than one dollar, or more than ten dollars, besides the expense of removing the same if removed by the Borough, provided, that this section shall not apply to building material or other obstructions authorized by proper permits from the Borough, nor material used in laying or repairing sidewalks.

Section 32. Any person who shall place any wagon, cart, or carriage of any kind whatever, on any public square, street or highway within the Borough, excepting alleys, and shall suffer the same to remain more than two hours, except for the purpose of loading or unloading, on being convicted thereof shall forfeit and pay for such offence, a fine of not less than one dollar, or more than five dollars,

Section 33. Any person who shall place any wagon, cart, sled, sleigh or other vehicle, or horses or other animals thereto attached, on any of the crossings at the intersections of the streets or alleys in the Borough shall forfeit and pay a fine of not less than one dollar or more than ten dollars for each and every offence,

Section 34. The occupant or possessor of any lot within the Borough, shall, when requested by notice from the Street Commissioner, remove all wood, coal, barrels, boxes or other obstructions which may be without legal authority on the sidewalks, squares, streets, or alleys in front of or adjoining the lot occupied by such person, from and off the said sidewalks, squares, streets, or alleys, and any person neglecting or refusing to remove the same shall be fined not less than one dollar or more than twenty dollars for each and every offense.

Section 35. Every privy within the Borough shall be walled, or substantially planked so as effectually to prevent it from caving in on the line of the adjoining property. It shall be made close and private and be kept from nauseous and offensive smell to the neighborhood; and when a privy, vault or sink for a privy shall be otherwise than as aforesaid constructed or kept, the same is hereby declared a public nuisance, and the owner, possessor or occupier of the same neglecting the correction or removing said nuisance after being notified by the Street Commissioners to do so, shall forfeit and pay the sum of five dollars, and shall also forfeit and pay for every week the same is

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continued after said notice, the further sum of ten dollars.

Section 36. Any person who shall keep or suffer to remain on his or her premises or private property, any dead carcass, garbage, offal, putrid meat, nauseous liquor or other offensive or unwholesome matter, or cast the same upon any lot, square, street, sidewalk, or alley or piece of ground, within the Borough or near the limits thereof as to annoy and be offensive, the same is hereby declared to be a common nuisance, and shall be removed, and the person so offending shall forfeit and pay for each offense besides the expense of removing the same, not less than one dollar nor more than twenty dollars.

Section 37. Any person who shall drive or cause to be driven, any wagon, cart or other vehicle containing manure, filth or rubbish of any kind, ~~xxx~~ through any square, street or alley in the Borough, shall have a sufficiently tight bed thereon, so as to effectually prevent the contents from falling out and being scattered over the ground, and any person so violating the provisions of this section shall be fined not less than one dollar nor more than five dollars.

Section 38. No person shall keep in any house, shop, cellar, or any other building or inclosure upon his or her premises, more than 30 pounds of gun powder at any one time and all the gunpowder so kept shall be safely secured, and any person violating the provision hereof, shall pay a fine of not less than five dollars nor more than fifty dollars.

Section 39. No stove pipe shall project through the side of any building of any kind within the Borough and all pipes, flues or chimneys shall be carried up in a safe and secure manner through the building in which they may be placed, and their ends shall project through the roof a secure distance, not less than two feet, and any person violating the provisions herein contained, shall forfeit and pay for every such offense a fine of five dollars, and for every week the same may be continued, the further sum of five dollars.

Section 40. Any person who shall wilfully ride or drive any horse, mare or gelding, or mule, at a ~~slow trot~~ faster gait than a slow trot, within the limits of the Borough shall forfeit and pay for every such offense a fine of not less than one dollar, nor more than twenty dollars.

Section 41. It is hereby declared a public and common nuisance, for any stallion or jack to be led to, or seffered to cover a mare, within the limits of the Borough, and any person owning or having in charge such stallion or jack violating the provisions of this section, shall pay a

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fine of not less than five dollars nor more than ten dollars.

Section 42. It shall be the duty of the High Constable and Police, at all times to apprehend all suspected night-walkers, malefactors, vagabonds, rogues and disorderly persons, who may be found upon the streets, corners or alleys, and the sidewalks of public places, drinking saloons or other places within the Borough, and bring all such persons before the Burgess to be examined, and such above described persons as shall be convicted of disorderly conduct calculated to disturb the peace, or if being found gathered together in disorderly assemblages, shall be fined not less than one dollar, nor more than ^{Ten} twenty-five dollars for each and every offense.

Section 43. All persons are strictly forbidden and prohibited standing, lounging or loitering near to any church or building in the Borough during the time of holding any service or meeting therein, or in anywise preventing or obstructing the free ingress or egress of any person in attendance thereat, and all persons so offending shall forfeit and pay a fine not less than one dollar nor more than ten dollars.

✓ Section 44. Any person or persons who shall be engaged in fighting, quarrelling or otherwise creating disturbances within the limits of the Borough, shall pay a fine of not less than one dollar nor more than twenty-five dollars.

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✓ Section 45. Any person who shall wilfully discharge any gun or firearms, except in necessary defence of person or property within the limits of the Borough, or who shall throw any metal, stone, brick, bullet or other missile, or who shall explode any torpedo, bomb, firecrackers, or fireworks in the streets, or raise any false alarm of fire or other calamity, shall for every such offence, forfeit and pay a fine of not less than one dollar nor more than ten dollars, in addition to any damage accruing from such a violation of this ordinance.

Section 46. It shall be the duty of the Burgess and officers acting under the authority of the Borough who may receive any of the funds of the Borough from any source whatever, to pay to the Borough Treasurer on or before the 5th day of each month the full amount received or collected by them respectively during the last preceding month. The full amount received or collected by them and so paid over to the Treasurer shall be considered as part of the funds of the Borough, such payments shall be accompanied by a statement of the same from which said sums were received. They shall also report to council at least once a month the amount of money received by them since their last report and the source from which said money was received, and upon what account paid, with a statement of what amount, if any, is yet due the Borough and from whom due.

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Section 47. It shall be the duty of the Burgess, Street Commissioners or any person, officer or committee, acting under the authority of the Borough, who shall employ any person, or contract any debts in behalf of the Borough, to certify and report the same to the Council at the first regular meeting of the body in the month immediately succeeding, stating the amount of the said debt and what it was contracted for with the name of the claimant, and any bill not presented as above stated, shall be verified by oath or affirmation of the claimants, and the costs of such oaths or affirmation, shall be paid by the party making the same.

✓ Section 48. The officers of the Borough shall each receive the salary or compensation hereinafter specified, Viz; The Borough clerk shall receive per annum, the Street Commissioner shall receive for each day actually employed in the service of the Borough \$1.50, the High Constable shall receive, besides such fees and costs he may be entitled to, ten percent of the taxes collected by him upon the Borough duplicate and paid over to the Treasurer; the Treasurer shall receive five mills on the dollar upon all money received by him from different sources and paid out upon the Borough orders, provided that Council may at the time of the appointment or swearing in, of any of the above named officers, raise or lower the said fees or salaries, as they may deem just and proper.

✓ Section 49. The above salaries shall be paid by orders drawn in the usual form on the Treasurer in pursuance of a resolution of Council.

Section 50. The Street Commissioner shall be in strict subordination and subject to the directions of the Burgess and Council and shall have full power and authority in carrying out his instructions, or in the enforcement of ordinances to make contracts and have all needful aid, subject to the approval of Burgess and Council.

Section 51. He shall give immediate notice to all persons whose buildings fences or other property of any kind whatsoever may encroach upon the streets, alleys or sidewalks or other property of the Borough and if the same is not removed within 2 months after such notice, it shall be the duty of the Street Commissioner to remove the same without delay, at the expense of the Borough, and make return thereof to Council as soon as Practicable thereafter, with the cost of removing same, verified by oath or affirmation; whereupon the Burgess in addition to any fine which may be imposed according to the ordinances of the Borough shall proceed according to law, to recover the amount so expended, for the removal of such obstruction with 20 percentum added thereto, which sum or sums shall be paid into the Treasury for the use of the Borough.

Section 52. It shall be the duty of the street Commissioners to enforce all regulations and ordinances passed by the Council relating to streets, alleys and sidewalks, gutters, sewers, culverts, bridges or nuisances and shall not permit any stagnant water or other nauseous or offensive matter whereby the health of the inhabitants may be endangered, to remain within the limits of the Borough, whether on public or private property.

Section 53. It shall be the duty of the Street Commissioners to pay close attention to matters pertaining to the Borough in order to ascertain if any of the ordinances have been, or are being violated and shall have immediate information to the Burgess of any violation he may discover; He shall have full power and authority to enter into or upon any private property, and remove therefrom any and all nuisances found thereon, at the expense of the owners or occupants thereof.

Section 54. The Street Commissioner shall have charge of all tools belonging to the Borough, and shall be accountable therefor. He shall keep an account of all expenditures in his department, designating the different items and things so expended.

Section 55. He shall prepare and present to Council at least once a month, a correct statement of all expenditures in his office during the preceeding month, with the name of each person, employed by him, showing the time when and how such person was employed by him, amount of daily pay, with the whole amount due to each person up to the time of such presentation.

Section 56. If the Street Commissioner shall wilfully neglect or refuse to perform any duty required of him by the ordinances of the Borough, after his attention shall have been called thereto by any citizen of the Borough, He shall pay a fine of not less than one dollar, in addition to any other penalty his neglect may subject him to.

Section 57. The Treasurer within ten days of the time he receives notice of his election or appointment shall give bonds with such security and in such amount as Council may determine upon, his bond shall be filed with the Borough Clerk, and he shall assume the duties of his office on the first Monday of November, except the present year (1869) in which he will assume said duties as soon as he may be duly qualified.

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Section 58. He shall receive all monies accruing to the Borough in any way whatever and pay the same out on orders drawn by the Burgess and countersigned by the Clerk and shall deliver to his successor in office, all books, money and property belonging to the Borough in his possession or under his control.

Section 59. He shall keep the accounts of his office in an intelligible manner wherein the receipts and expenditures shall be exhibited, and shall at all times during office hours, when required to do so, exhibit the same for inspection of the Burgess or any member of the Council.

Section 60. The Treasurer shall have power and is hereby authorized to grant licenses and permits in accordance with the ordinances of the Borough to such persons as may apply and pay for the same, and shall keep a correct account thereof with the revenue derived therefrom.

Section 61. He shall when requested to do so by the Borough Auditors, produce his books, papers, vouchers, and accounts and aid the Auditors in making settlement of the Borough accounts. He shall assist the Borough Clerk in making out his annual report on the financial condition of the Borough.

Section 62. Any person who shall indecently expose his person within the limits of the Borough, shall be fined not less than one dollar, nor more than five dollars for each and every offence.

✓ Section 63. Any person residing within the limits of the Borough, having in their possession or owning any dogs, shall pay a tax of 50 cents for one dog, \$1.00 for one Bitch, for each additional dog a tax of one dollar will be charged.

✓ Section 64. The Treasurer is authorized and directed to keep a register of all dogs which may be returned to him in accordance with the ordinances of the Borough, and to furnish a proper certificate to the party registering the same, and to keep a correct account of the revenue derived therefrom.

Section 65. Any person who shall wilfully suffer his horse, mare, mule, gelding, hog or goat to run at large in the Borough shall for each offence forfeit and pay for each of the said animals, so running at large, the sum of one dollar, and any of the before

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mentioned animals so found running at large shall be considered as a public and common nuisance and it shall be the duty of the high constable, Street Commissioner or any policeman to seize and take into custody and impound every one of the said animals so found running at large; And if after four days notice no person shall come forward and claim the same, and pay the said fine, costs and charges attending the seizing and keeping the same, every such animal shall be sold at public sale by the High Constable or Street Commissioner, and after retaining a reasonable amount of costs and expenses, he shall pay the balance, if any, to the Treasurer of the Borough.

Section 66. The width of the pavements on Ligonier Street shall be 10 feet; and on other streets (50 ft), 8 feet wide, porticos, porches, steps, cellar doors shall extend only 5 feet upon the pavements, unless they extend to the full width, in which case the posts of the said porches, porticos shall be on line with curb stone and bottom shall from part of pavement, said pavements to have a slope of two inches, and bottoms of porches and porticos to have same slope. Any persons building porches or porticos, before grade of pavements has been established, does so at their own risk, and shall raise or lower same at their own expense.

New Florence, Pa. Dec. 7 - 1869

J. H. GEARY,
Secretary

Approved
B. STEWART
Burgess