





*See Page 7 and 24*

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continues

ordinances

passed in 1888

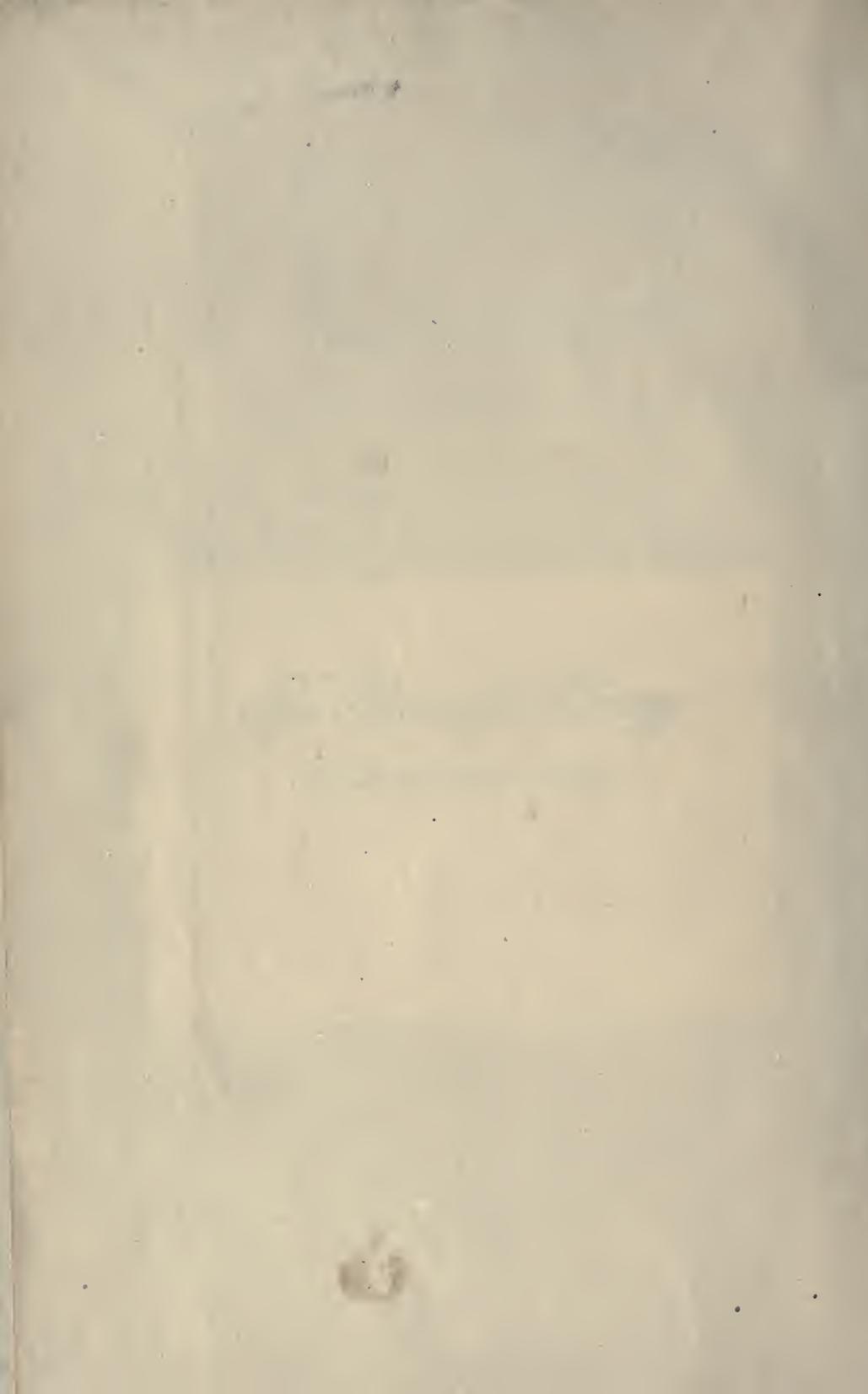
but also earlier ones

including City Ch.

of 1840

Person & circumstances  
of City ordinance

300-



# ORDINANCES

OF

OGDEN CITY, UTAH.

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TO WHICH ARE PREFIXED A LIST OF THE CITY  
GOVERNMENTS FROM 1869 TO 1881,

THE CHARTER OF THE CITY AND AMENDMENTS.

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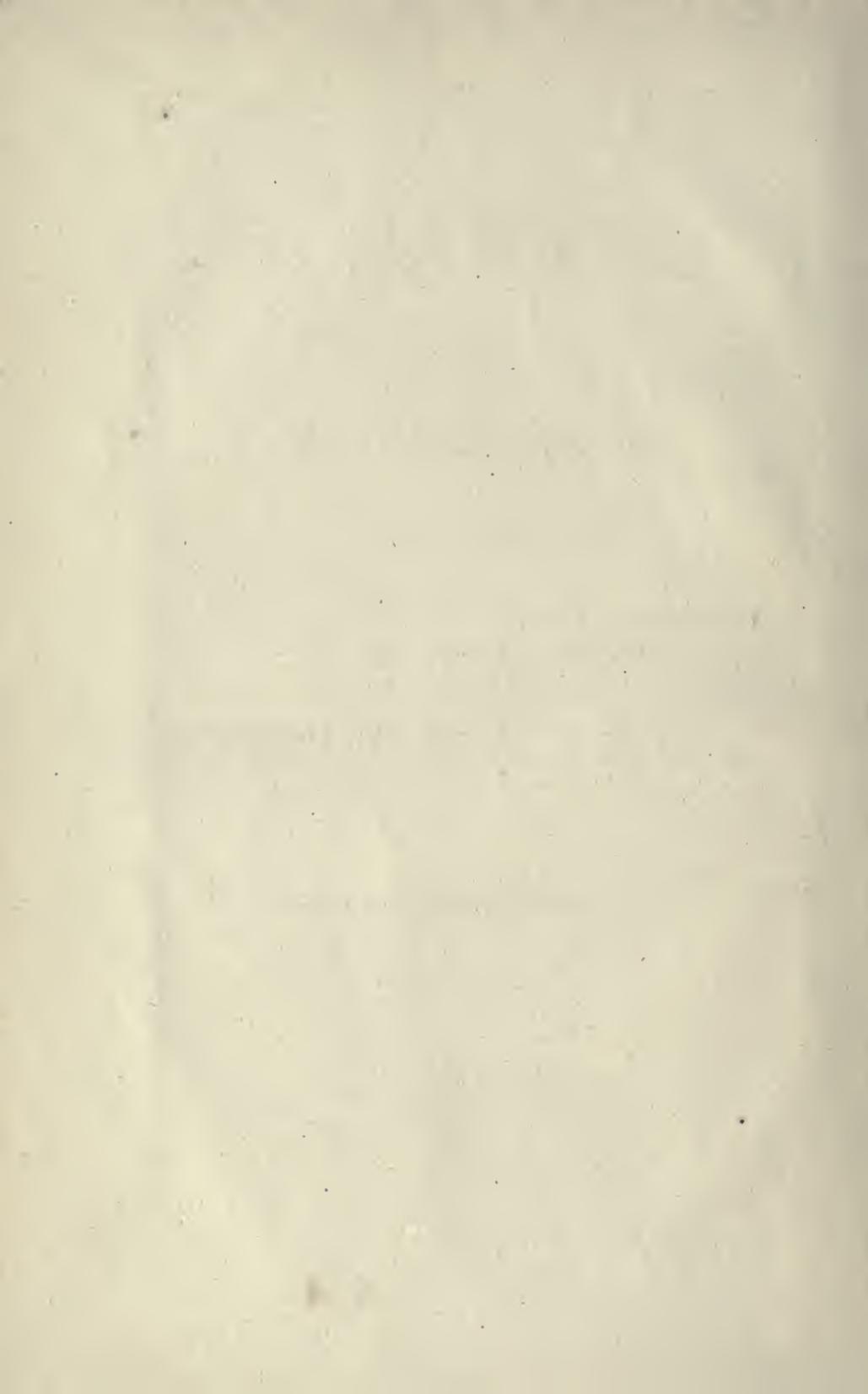
BY AUTHORITY OF THE CITY COUNCIL.

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SALT LAKE CITY, UTAH:  
DESERET NEWS COMPANY, PRINTERS AND PUBLISHERS

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1881.



# AUTHORIZATION.

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CITY COUNCIL CHAMBER,

Ogden, February 4th, 1881.

*Resolved*, That five hundred copies of Revised Ordinances of the City of Ogden, passed by the City Council, be printed and published in a book form, and the committee on printing are authorized and directed to procure and supervise the same.

Passed February 4th, A. D., 1881.

L. J. HERRICK,

Mayor.



Attest: JAMES TAYLOR,  
City Recorder.



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# HISTORICAL.

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## MEMBERS OF THE CITY COUNCIL:

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ELECTED FEBRUARY, 1869.

*Mayor.*—LORIN FARR.

*Aldermen.*—FRANCIS A. BROWN, LESTER J. HERRICK  
ANDREW J. SHUPE.

*Councilors.*—JAMES MCGAW, WALTER THOMSON, WIL-  
LIAM W. BURTON, JOSIAH LEAVITT, ISRAEL CANFIELD.

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ELECTED FEBRUARY, 1871.

*Mayor.*—LESTER J. HERRICK.

*Aldermen.*—FRANCIS A. BROWN, WALTER THOMSON  
WILLIAM W. BURTON.

*Councilors.*—ISRAEL CANFIELD, DAVID MOORE, WINS-  
LOW FARR, CHARLES W. PENROSE, HORATIO B. SCOVILLE.

---

ELECTED FEBRUARY, 1873.

*Mayor.*—LESTER J. HERRICK.

*Aldermen.*—WALTER THOMSON, F. A. BROWN, DAVID  
MOORE.

*Councilors.*—ISRAEL CANFIELD, C. W. PENROSE, D. M.  
STUART, JOSEPH PARRY, WINSLOW FARR.

HISTORICAL.

ELECTED FEBRUARY, 1875.

*Mayor.*—LESTER J. HERRICK.

*Aldermen.*—WALTER THOMSON, DAVID MOORE, F. A. BROWN.

*Councilors.*—ISRAEL CANFIELD, C. W. PENROSE, D. M. STUART, JOSEPH STANFORD, JOSEPH PARRY.

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ELECTED FEBRUARY, 1877.

*Mayor.*—LORIN FARR.

*Aldermen.*—WALTER THOMSON, F. A. BROWN, JOHN REEVE, F. A. MILLER. \*

*Councilors.*—C. W. PENROSE, ROBERT McQUARRIE, JOB PINGREE, JOSEPH PARRY, BARNARD WHITE.

---

ELECTED FEBRUARY, 1879.

*Mayor.*—LESTER J. HERRICK.

*Aldermen.*—C. F. MIDDLETON, D. M. STUART, JOSEPH STANFORD, W. B. HUTCHINS.

*Councilors.*—W. W. BURTON, ISRAEL CANFIELD, EDWIN STRATFORD, ROBERT McQUARRIE, R. S. WATSON.†

---

ELECTED FEBRUARY, 1881.

*Mayor.*—LESTER J. HERRICK.

*Aldermen.*—DAVID M. STUART, C. F. MIDDLETON, JOSEPH STANFORD, and Wm B. HUTCHINS.

*Councilors.*—N. C. FLYGARE, JOB PINGREE, WINSLOW FARR, Wm. W. BURTON, and S. H. HIGGINBOTHAM.

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\* Appointed. Fourth Ward organized Jan. 8th, 1880.

† Resigned March 5th, 1880. Richard Ballantyne was appointed by the Council to succeed him, April 16th, 1880.

HISTORICAL.

STANDING COMMITTEES, 1879.

*On Municipal Laws.*—JOSEPH STANFORD, WM. W. BURTON, and ROBERT S. WATSON.\*

*On Water Supply.*—EDWIN STRATFORD, DAVID M. STUART, and ROBERT McQUARRIE.

*On Streets.*—JOSEPH STANFORD, C. F. MIDDLETON, and I. CANFIELD.

*On Claims.*—ROBERT S. WATSON, WM. W. BURTON, and EDWIN STRATFORD.

*On Public Buildings.*—WM. B. HUTCHINS, DAVID M. STUART, and ROBERT McQUARRIE.

*On Public Works.*—DAVID M. STUART, JOSEPH STANFORD, and ROBERT S. WATSON.

*On Public Grounds.*—ROBERT McQUARRIE, WM. W. BURTON, and I. CANFIELD.

*On Fire Department.*—I. CANFIELD, EDWIN STRATFORD, and WM. B. HUTCHINS.

*On Sanitary Regulations.*—C. F. MIDDLETON, EDWIN STRATFORD, and DAVID M. STUART.

*On Finance.*—WM. W. BURTON, ROBERT S. WATSON, and JOSEPH STANFORD.

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\* Resigned March 5th, 1880. C. F. Middleton appointed April 16th, 1880, and Richard Ballantyne appointed to take R. S. Watson's place on the other Committees.

HISTORICAL.

STANDING COMMITTEES, 1881.

*On Municipal Laws.*—JOSEPH STANFORD, WM. W. BURTON, and C. F. MIDDLETON.

*On Water Supply.*—C. F. MIDDLETON, WINSLOW FARR, and DAVID M. STUART.

*On Licenses.*—JOB PINGREE, S. H. HIGGINBOTHAM, and WM. B. HUTCHINS.

*On Streets.*—JOSEPH STANFORD, WM. W. BURTON, and C. F. MIDDLETON.

*On Claims.*—D. M. STUART, WM. W. BURTON, and S. H. HIGGINBOTHAM.

*On Public Buildings.*—N. C. FLYGARE, JOSEPH STANFORD, and WINSLOW FARR.

*On Public Works.*—C. F. MIDDLETON, S. H. HIGGINBOTHAM, and JOB PINGREE.

*On Public Grounds.*—S. H. HIGGINBOTHAM, WM. W. BURTON, and WM. B. HUTCHINS.

*On Fire Department.*—WINSLOW FARR, N. C. FLYGARE, and S. H. HIGGINBOTHAM.

*On Sanitary Regulations.*—DAVID M. STUART, WINSLOW FARR, and N. C. FLYGARE.

*On Finance.*—WM. W. BURTON, C. F. MIDDLETON, and JOSEPH STANFORD.

HISTORICAL.

OFFICERS OF THE COUNCIL, 1881.

*Recorder.*—JAMES TAYLOR.

*Treasurer.*—AARON F. FARR.

*Assessor & Collector.*—THOMAS D. DEE.

*Marshal.*—ALMA KEYES.

*Attorneys.*—RICHARDS & WILLIAMS.

*Captain of Police.*—ALMA KEYES.

*Supervisor of Streets.*—CHARLES WELCH.

*Water Master.*—THOMAS DOXEY.

*Sealer of Weights and Measures.*—DAVID E. BROW-  
ING.

*Inspector of Buildings.*—N. C. FLYGARE.

*Sexton.*—ISRAEL CANFIELD.

*Superintendent of Water Works.*—THOMAS DOXEY.

*Medical Board of Examiners.*—JOHN D. CARNAHAN,  
WM. L. MCINTYRE, and E. G. WILLIAMS.

*Quarantine Physician.*—WM. L. MCINTYRE.

*Stock Inspector.*—H. V. SHURTLIFF.

*Inspector of Provisions.*—DAVID E. BROWNING.

*Chief of Fire Department.*—ALMA KEYES.

*Jailor.*—JAMES M. BROWN.

*Poundkeeper.*—DAVID M. STUART.



# CHARTER OF OGDEN CITY,

## AND AMENDMENTS.

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### AN ACT TO INCORPORATE OGDEN CITY.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that district of country in Weber County, embraced in the following boundaries, to wit: Beginning at the mouth of Burch Creek Cañon, thence running due west to a point due south of the confluence of Weber and Ogden rivers, thence due north, passing through the junction of Weber and Ogden rivers to the street running east between ranges five and six, North Ogden survey, thence east to the base of the mountain, thence in a southerly direction along the base of the mountain to the place of beginning, shall be known and designated by the name and style of Ogden City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, with perpetual succession, and shall have and use a common seal, which they may change and alter at pleasure.

SEC. 1. That the first section of an act incorporating Ogden City be so amended that said city be bounded on the south by a parallel line running east and west, one-half mile south of the southern boundary

line of township six north, United States survey. So much of section one of an act entitled an act incorporating Ogden City, approved January eighteenth, eighteen hundred and sixty-one, as conflicts with this act, is hereby repealed. (Amendment of February 15, 1872.)

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

SEC. 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

SEC. 4. An election shall be held on the second Monday in February next, and every two years thereafter, on said day, at which there shall be elected, one mayor, three aldermen, and five councilors; and the persons respectively receiving the highest number of votes cast in the city, for said offices, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

SEC. 5. The first election under this act shall be conducted in the following manner, to wit: The county clerk of Weber County shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Weber County, at least one week previous to the day of election. Said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful discharge thereof. The poll shall be open at eight o'clock a.m., and shall close at six o'clock p. m. At the close of the election, the judges shall seal up the ballot box and the list of names of the electors and transmit the same, within two days, to the county clerk of Weber County. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish, within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

SEC. 6. All subsequent elections held under this act shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

SEC. 7. The city council shall be judge of the qualifications, elections and returns of their own members; and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present,

and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

SEC. 8. The city council may hold stated meetings, and special meetings may be called by the mayor, or any two aldermen, by notice to each of the members of said council, served personally or left at their usual place of abode.

SEC. 9. The city council shall have power to appoint a marshal, recorder (who shall be the auditor of public accounts), treasurer, assessor and collector, supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all officers, jurors and witnesses.

SEC. 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in his defense, and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

SEC. 11. When any vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of

this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he may be required to give bonds as shall be prescribed by city ordinance, which oath and bond shall be filed with the city recorder. All persons appointed under this act to any office shall be commissioned by warrant under the corporate seal signed by the city recorder.

SEC. 12. The city council shall have power to divide the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

SEC. 13. The mayor and aldermen shall be conservators of the peace within the limit of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers of jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city, by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a mayor or alderman's court in the same manner as are or may be provided by statute for appeals from justices' courts, and they shall account for, and pay over to the city treasury within three months all fines and forfeitures received by them, by virtue of

their office, and they shall each keep a docket, subject at all times to the inspection of the city council and all other parties interested.

SEC. 14. All process issued by the mayor or an alderman shall be directed to the marshal, or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance.

SEC. 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceeding in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city, and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinances.

SEC. 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to his hand, by virtue of his office, upon orders signed by the auditor of public accounts; and shall report to the city council a true account of his receipts and disbursements, as they may require.

SEC. 17. The city council shall have power, within the city, by ordinance, to annually levy and collect

taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to wit: Not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto, in the immediate vicinity thereof.

SEC. 18. The city council shall have the management and control of the finances and property of said city.

SEC. 19. To require and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

SEC. 20. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

SEC. 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday of April in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

SEC. 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

SEC. 23. To appropriate and provide for the payment of the expenses and debts of the city.

SEC. 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding twelve miles next beyond the boundaries thereof.

SEC. 25. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants;

to declare what shall be nuisances, and prevent and remove the same.

SEC. 26. To provide the city with water, to dig wells, lay pump logs and pipes, and erect pumps in the street for the extinguishment of fires, and the convenience of the inhabitants.

SEC. 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, rosin or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

SEC. 28. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks or crosswalks, and open, widen, straighten or vacate streets and alleys and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

SEC. 29. To provide for the lighting of the streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

SEC. 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

SEC. 31. To license, regulate, prohibit or restrain the manufacturers, sellers or vendors of spirituous or fermented liquors, tavern keepers, dram or tipping

shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous, or fermented.

SEC. 32. To license, tax and regulate auctioneers, merchants, retailers, grocers, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

SEC. 33. To regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any shopkeeper, grocer or trader, to be drunk in any shop, store, grocery, outhouse, yard, garden or other place within the city, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

SEC. 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

SEC. 35. To license, tax, regulate, suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming, and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblage; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

SEC. 36. To regulate, license, suppress or pro-

hibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

SEC. 37. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rates of portorage.

SEC. 38. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and flues thereof and stove pipes, and to organize and establish fire companies.

SEC. 39. To regulate and order parapet walls and other partition fences.

SEC. 40. To establish standard weights and measures to be used in the city, in all cases not provided for by law.

SEC. 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

SEC. 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer,

whisky and brandy, and all other spirituous or fermented liquors.

SEC. 44. To regulate the weight and quality and price of bread sold and used in the city.

SEC. 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

SEC. 46. To provide for the taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons, and others for any default in the premises.

SEC. 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to provide for the putting up of posts in front of city lots to fasten their horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

SEC. 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys and public grounds, with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber firewood, posts, awnings, signs, adobies or any material or substance whatever.

SEC. 49. To restrain, regulate or prohibit the running at large of cattle, mules, sheep, swine, goats and

all kinds of poultry; and to authorize the distraining, impounding the same and collecting penalty and cost incurred thereby, and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

SEC. 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

SEC. 51. To direct the location and management of, and regulate breweries and tanneries, and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and all establishments and places where nauseous, offensive or unwholesome business may be carried on.

SEC. 52. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction of the same by any officer of said city.

SEC. 53. To direct and regulate the planting and preserving trees in the streets and public grounds, and

regulate the fencing of lots within the boundaries of the city.

SEC. 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the said city.

SEC. 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the observance of the ordinances of the city council.

SEC. 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

SEC. 57. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months, or both.

SEC. 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties

for the breach of any ordinances; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

SEC. 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

SEC. 60. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

SEC. 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

SEC. 62. When it shall be necessary to take pri-

vate property for opening, widening, or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

SEC. 63. All jurors impaneled to enquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council, their inquest in writing, signed by each juror.

SEC. 64. All ordinances, resolutions and regulations now in force in Ogden City, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

SEC. 65. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the ordinance incorporating Ogden City, shall be vested in and prosecuted by the corporation hereby created.

SEC. 66. All plots and surveys of lands, lots or other places within said city, heretofore surveyed by the surveyor, and all plots and surveys of lands, lots or other places that may be hereafter surveyed, and all certificates of surveys given by him, shall be deemed valid by this act.

SEC. 67. All property, now belonging to Ogden

City, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall respectively continue in the same, until superseded in conformity to the provisions thereof, but shall be governed by this act.

SEC. 68. This act shall not invalidate any act done by the present city council of Ogden City, or by its officers, nor divest their successors under this act of any right, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

SEC. 69. All officers of the city, created conservators of the peace by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

SEC. 70. Nothing in this act shall be so construed as to deprive the present city council of Ogden City of any power or authority conferred upon them by the ordinance incorporating said city, and the act amendatory thereto; but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified or repealed by this act, until said city council are superseded by the election and qualification of their successors under this act.

SEC. 71. That an ordinance to incorporate Ogden City, approved February 6th, 1851, be and is hereby repealed, and an act in relation to the assessment and collection and expenditure of a tax for road and other purposes within incorporated cities, approved January 4th, 1853, so far as the same applies to Ogden City, be and is hereby repealed.

SEC. 72. The city council shall cause to be published in some newspaper published in Ogden City, or posted up in three public places, on or before the first day of December in each year, a statement of the amount of the city revenue, specifying in said statement whence derived and for what disbursed.

Approved January 18, 1861.

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AN ACT AMENDING THE CHARTERS OF  
INCORPORATED CITIES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the mayor and aldermen of each incorporated city shall be justices of the peace within the limits of their respective cities, and be commissioned as such by the governor; and shall have jurisdiction in cases arising under the rules, laws and ordinances thereof; also in cases arising under the laws of the Territory; and all fines, penalties and forfeitures collected by them, arising under the ordinances of said city, shall be paid into the treasuries of their respective cities, and all fines,

penalties and forfeitures collected by them, arising under the laws of the Territory, shall be paid into their respective county treasuries.

SEC. 2. All cases arising under the ordinances of any city, may be commenced by affidavit and warrant issued thereon: *Provided*, any officer having probable cause to believe an offense has been committed, may arrest any supposed offender, before affidavit filed or warrant issued. The affidavit shall be sufficient, if it refer to the ordinance by its title and date.

SEC. 3. The city council of any city shall have power to provide by ordinance for imprisonment and forfeiture in cases of violation of city ordinance: *Provided*, that justices of the peace, within and for the respective cities, shall have exclusive jurisdiction in all cases of fines for crimes or misdemeanors, arising under the ordinances of the city, where the fine does not exceed one hundred dollars, or imprisonment not exceeding six months, or both fine and imprisonment.

SEC. 4. (Repealed.)

SEC. 5. The city councils of the respective cities, for the purpose of protecting property against loss by fire, may, by ordinance, define the limits of fire districts, and prohibit the erection of wooden buildings therein.

SEC. 6. To license, tax and regulate lawyers, surgeons, physicians, dentists and other like professions; and prevent, by penalties, quacks and other pretenders.

SEC. 7. To license, tax and regulate bankers, agents, expressmen, express companies, telegraphers, photographers, assayers, smelters, crushers, and other like occupations or pursuits.

SEC. 8. The city councils of the respective cities are hereby empowered by ordinance to prevent, punish or prohibit every kind of fraudulent device and practice, and all games of hazard; and punish the keepers of houses wherein the same is conducted.

SEC. 9. To license, tax, regulate and suppress billiard tables, pin alleys, or tables and ball alleys; to suppress or restrain bawdy and other disorderly houses, and punish the keepers thereof.

SEC. 10. So much of the city charters of the several cities as conflict with the foregoing sections of this act, are hereby repealed.

SEC. 11. (Amended Salt Lake City charter.)

Approved February 15, 1872.

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AN ACT AMENDING CERTAIN CHARTERS OF  
INCORPORATED CITIES.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the city councils of Ogden, Provo, Logan and Corinne cities respectively, shall have power, and are hereby authorized:

First—To license, tax and regulate livery stables.

Second—To license, tax and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen and all others who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Third—To establish, erect and control hospitals, infirmaries and medical colleges; to purchase grounds for their erection and improve and adorn the same.

Fourth—To purchase and improve suitable grounds for a house of correction; to erect a jail and other buildings thereon, and adopt such rules and regulations for the government and punishment of offenders therein, as said respective city councils may from time to time deem expedient.

Fifth—To direct and control the locations of railroad tracks and depot grounds within the city, and regulate or prohibit the use of locomotive engines thereon, and may require the cars to be used within the inhabited portions thereof to be drawn or propelled by other power than that of steam.

Sixth—To regulate and control the locations of gasworks, canals, telegraph poles, and all improvements of a similar nature.

Seventh—To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to authorize the distraining, impounding or sale of the same, for the penalty and costs incurred thereby; and to impose penalties for any violation of city ordinance in relation thereto.

SEC. 2. The respective city councils of the aforesaid cities shall have power to levy and collect on real estate (or land claims and improvements thereon) in

any district or divisions benefited, within the limits of their respective cities, a sufficient tax to defray the expenses of leveling, paving, macadamizing or planking, and opening and keeping in repair the streets and sidewalks, of constructing sewers and drains, and keeping the same in repair, and of erecting lamps and lighting the streets in such respective districts or divisions:

*Provided*, the money thus raised shall be exclusively expended for such purpose in the district where such taxes are assessed, and by such person or persons as the city council may appoint. The amount to be assessed for any such improvement shall be determined by the respective city councils, who shall appoint three commissioners, reputable citizens, to make such assessment, who shall be sworn to faithfully and impartially execute their duties.

Before entering on their duties, the commissioners shall give six days' notice of the time and place of meeting, to all persons interested. The commissioners shall assess the amount, directed by their respective city councils, on the real estate (or land claims and improvements), by them deemed benefited by any such improvement in proportion to the benefit resulting thereto.

When the commissioners of their respective cities shall have completed this assessment and made a correct copy thereof, they shall deliver the same to the city recorder within thirty days after their appointment, signed by all the commissioners. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein, when the city council shall hear appeals and objections and correct or confirm said assessment.

When the said assessment shall have been com-

pleted, the city recorder shall, within ten days thereafter, make a correct tax list, which shall be delivered to the collector or any authorized agent, appointed by the city council, who shall collect said taxes within such time as may be prescribed by said council.

If any assessment is set aside by order of any court, the city council may cause a new one to be made in like manner for the same purpose, for the collection of the amount so assessed.

If the first assessment prove insufficient, another may be made in the same manner, or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Approved February 15, 1872.

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AN ACT AMENDING THE CHARTERS OF  
INCORPORATED CITIES.

SEC. 1.—*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*—That the city councils of the respective cities of this Territory are hereby empowered, by ordinance and enforcement thereof, to compel persons to keep the sidewalks in front of their respective places of business free from obstructions.

SEC. 2. To construct water works and reservoirs, lay water pipes, erect hydrants, and to keep the same in repair, to supply the said cities with water, and regulate, control and protect the same, and for such

purposes the city council of any city shall have power to levy and collect a tax on real estate in any district or division of such city specially benefited by any such improvement, sufficient to defray the expenses thereof: *Provided*, That an amount equivalent to the money thus raised shall be expended for such purposes exclusively within the district where such taxes are assessed and by such person or persons as said city council may appoint. The city council of the city where such tax may be levied, shall determine the amount to be assessed for any of the purposes above named; and the assessment shall be apportioned in the district to be benefited by the improvement in which such assessment is made, either according to the extent of frontage of the property to be assessed, or upon real estate, including the improvements thereon, and in proportion to the benefits respectively resulting thereto by virtue of such improvement, as may be directed by such city council, but in no case shall such assessment exceed one half of one per cent. on the property assessed: *Provided*, That if the apportionment is according to frontage, due allowance may be made in case of corner lots. Such city council shall appoint three commissioners, reputable citizens, who shall be sworn to faithfully and impartially execute their duties. Before entering upon their duties, the commissioners shall give at least six days' notice by publication in some newspaper of general circulation in such city, or otherwise, as may be directed by such city council, to all persons interested. The commissioners shall assess the amount according to the apportionment previously directed by such city council, on the real estate benefited by such improvement. When the commissioners shall have completed their assessment and made a correct copy thereof, they

shall deliver the same to the city recorder, of such city, within thirty days after their appointment, signed by all the commissioners. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein when such city council shall hear appeals and objections and correct and affirm said assessment. When said assessment shall have been completed, such city recorder shall, within ten days thereafter, make a correct tax list which shall be delivered to the city collector of said city or any other authorized agent appointed by such city council, who shall immediately proceed to collect such taxes, with the same authority, and in like manner, as other taxes are collected in such city. If the first assessment prove insufficient, another may be made in the same manner, or, if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

SEC. 3. When improvements, of the kind mentioned in the preceding section, have been made in any city, and the expense thereof has been paid out of the general funds of such city, or the obligation therefor has been incurred by it, the city council thereof shall cause to be levied and collected a sufficient tax on the real estate especially benefited by any such improvement, or improvements, for the purpose of reimbursing such city for the costs thereof; the levy and collection of such tax to be made in the manner provided in the preceding section.

SEC. 4. Every assessment made in accordance with the foregoing provisions from the date of the

completion thereof shall be a lien upon the real estate upon which it is levied.

SEC. 5. That in convictions for misdemeanor (as defined by the Penal Code of Utah, approved February 18, 1876,) committed within the limits of any city, where the arrest is made by an officer of such city, the fines accruing therefrom shall be paid into the treasury of said city, and the imprisonment shall be in the city jail thereof, or in the county jail at the expense of such city.

SEC. 6. All city recorders, treasurers, marshals and assessors and collectors, shall be elected by the people in the same manner and for the same term, as members of the city council are elected.

SEC. 7. No member of any city council shall hold or be appointed to any office which shall have been created, or the salary of emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term.

Approved February 22, 1878.

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AN ACT AMENDING AN ACT AMENDING THE CHARTERS  
OF INCORPORATED CITIES, APPROVED  
FEBRUARY 22, 1878.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section

2 of "An Act amending the Charters of Incorporated Cities," approved February twenty-second, eighteen hundred and seventy-eight, is hereby amended by striking out all the words from the word "and," in the twenty-second line, to the word "assessed" inclusive, in the twenty-sixth line, and inserting the following in lieu thereof: "In proportion to the benefits respectively resulting thereto by virtue of such improvement, as may be directed by such City Council," and by inserting after the words "such city," in the fifty-sixth line of said section, the words: "*Provided*, That in no case shall more than fifty per cent. of any tax assessed under this Act be collected in any one year."

SEC. 2. That section 3 of the before-mentioned Act is hereby amended by striking out the word "when," at the commencement of said section, and inserting the word "where" in lieu thereof.

Approved February 20, 1880.

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AN ACT TO AMEND AN ACT TO INCORPORATE OGDEN CITY,  
APPROVED JANUARY 18, 1861.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That "An Act incorporating Ogden City," approved January 18, 1861, is hereby amended as follows: The twenty-first section of said Act is hereby amended by striking out from the third line the word "April," and inserting in lieu thereof the word "June."

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SEC. 2. The twenty-second section of said Act is hereby amended by adding after the word "name," in the fourth line of said section, the words "or by distress and sale of any property belonging to persons so indebted."

SEC. 3. The fifty-seventh section of said Act is hereby amended by striking out from the sixth and seventh lines thereof, the words "not exceeding one," and inserting in lieu thereof the words "in any sum less than three."

SEC. 4. Any person elected to any office may be removed for cause from such office by a vote of two-thirds of the City Council; he shall be furnished with the charges, and have an opportunity to be heard in his defense; and the Council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

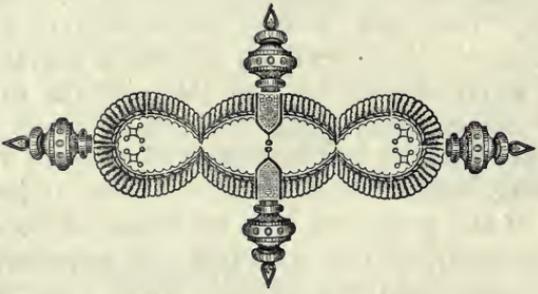
SEC. 5. The City Council shall have the right and power, by ordinance, to appropriate from time to time, so much of the water of any spring or stream flowing in or into said city, or which may be near or adjacent to said city, as it may deem necessary for the present or future use of said city and its inhabitants; and any ordinance which it may have already enacted, or which it shall hereafter enact, appropriating the water of any such spring or stream, shall, from date thereof, be deemed and taken to be an appropriation of such water, and said City Council may prohibit any person from using or appropriating such water without permission from the proper city authorities: *Provided*, That this section shall not authorize said City Council to appropriate any water previously appropriated by

any person, nor to interfere with any vested rights then existing in any such water.

SEC. 6. That the City Council shall have the right and authority to borrow, not exceeding twenty-five thousand dollars of money as a direct loan to the city, or to issue bonds of the city, payable within ten years, at such time and place and bearing such rate of interest, not exceeding seven per cent. per annum, payable semi-annually or yearly, as it may deem expedient, and it may also provide that such bonds or indebtedness shall not be liable to taxation by the city: *Provided*, That the money borrowed, or the proceeds of such bonds shall be expended for the erection of water works for the city, within or without the corporation, after due notice given in the manner provided by law for notice of general election in said city, which notice shall state the objects and amount of the proposed loan or issue of bonds, the rate of interest, and time and place of payment of the debt or bonds, and the electors shall vote "yes" or "no," on each proposition. If a two-thirds majority of the voters of the property taxpayers cast, are in the affirmative, the City Council may proceed to borrow the money or issue the proposed bonds in such denominations or sums as they may deem proper, and to sell the same. But said bonds shall not be sold for less than their par value, nor shall they, or any debt created pursuant to the provisions of this Act, bear a greater rate of interest than seven per cent. per annum, payable annually or semi-annually.

Approved February 20, 1880.

The first of these is the *Chakra*, or wheel, which is a symbol of the sun, and is also a symbol of the universe. It is a wheel with eight spokes, and is surrounded by a ring of fire. The second is the *Shankha*, or conch shell, which is a symbol of the ocean, and is also a symbol of the universe. It is a shell with a spiral pattern, and is surrounded by a ring of fire. The third is the *Padma*, or lotus, which is a symbol of purity, and is also a symbol of the universe. It is a lotus flower with eight petals, and is surrounded by a ring of fire. The fourth is the *Chakra*, or wheel, which is a symbol of the sun, and is also a symbol of the universe. It is a wheel with eight spokes, and is surrounded by a ring of fire.



The fifth is the *Chakra*, or wheel, which is a symbol of the sun, and is also a symbol of the universe. It is a wheel with eight spokes, and is surrounded by a ring of fire. The sixth is the *Shankha*, or conch shell, which is a symbol of the ocean, and is also a symbol of the universe. It is a shell with a spiral pattern, and is surrounded by a ring of fire. The seventh is the *Padma*, or lotus, which is a symbol of purity, and is also a symbol of the universe. It is a lotus flower with eight petals, and is surrounded by a ring of fire. The eighth is the *Chakra*, or wheel, which is a symbol of the sun, and is also a symbol of the universe. It is a wheel with eight spokes, and is surrounded by a ring of fire.

# REVISED ORDINANCES

OF

## OGDEN CITY.

(CONSOLIDATED.)

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AN ORDINANCE REVISING AND CONSOLIDATING THE  
ORDINANCES OF OGDEN CITY.

WHEREAS, It is desirable and expedient that the ordinances of Ogden City should be revised and consolidated, and arranged in appropriate chapters and sections; that omissions should be supplied and defects amended, and that the whole should be rendered plain and concise, intelligible to all, and in harmony with the laws of this Territory; therefore,

*Be it ordained by the City Council of Ogden City,*  
in manner following, that is to say:

## CHAPTER I.

THE CITY CHARTER TO HAVE THE FORCE AND EFFECT  
OF AN ORDINANCE.

SEC. 1. Force and effect of the City Charter.

SEC. 2. Penalty for violating its provisions.

SEC. 1. The act of incorporation of Ogden City, approved January 18, 1861, and all acts amendatory thereof, are hereby declared to have the same force and effect within the limits of said city as if the provisions thereof had been specially ordained by the City Council of said city.

SEC. 2. The punishment for the violation of any of the provisions of said act of incorporation, and of all acts amendatory thereof, and of all ordinances of said city when no other penalty is prescribed, shall be by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment at the discretion of the court.

Approved January 27, 1881.

## CHAPTER II.

## MEETINGS OF THE CITY COUNCIL.

## SEC. 1. Regular and special meetings.

SEC. 1. The City Council shall hold their regular sessions on the first and third Friday of every month, provided that such meetings do not occur on legal holidays, and may hold adjourned meetings, from time to time, as business may require ; and the Mayor or any two Aldermen may call special meetings by notice to each of the members of said Council, served by the Marshal or left at their respective places of abode.

Approved January 27, 1881.

## CHAPTER III.

## AUTHORIZING THE MAYOR TO SIGN PAPERS.

## SEC. 1. Authorization.

SEC. 1. The Mayor of Ogden City is hereby authorized to sign his name officially for and on behalf of Ogden City ; and to make the necessary oaths and

acknowledgments to deeds, bonds, bills, notes, contracts and obligations, when the same are authorized by the City Council ; and to seal and deliver the same, as the act and deed of said city when it is a party, and such signature is necessary.

Approved January 27, 1881.

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## CHAPTER IV.

### ESTABLISHING THE CITY SEAL.

#### SEC. 1. Impression.

SEC. 1. The seal heretofore provided and used by and for Ogden City, described as follows: One and five-eighths inches in diameter, the impression of which represents a beehive on a stand in the centre, with a rose on either side of the bee hive, with bees surrounding the hive, and an inscription around the outer edge thereof of "Ogden City, U. T., Corporate Seal," is hereby declared to have been, that it now is and hereafter shall be the Corporate Seal of Ogden City.

Approved January 27, 1881.

## CHAPTER V.

## IN RELATION TO CITY ORDINANCES.

SEC. 1. Repeal of ordinances not to bar proceedings.

SEC. 2. Construction of terms.

SEC. 3. Plural to include singular.

SEC. 4. Masculine to include feminine, and individual to include corporations.

SEC. 5. Repealing ordinance itself repealed not to revive the former ordinance.

SEC. 6. Ordinances last passed to be enforced.

SEC. 1. No action, cause of action, prosecution, suit or proceeding, pending at the time any ordinance or resolution, or any part thereof, shall be repealed, shall, in any way, be affected by such repeal; but all such actions, causes of action, prosecutions, suits or proceedings, shall, in all respects, continue as if such ordinance or resolution, or any part thereof, had not been repealed.

SEC. 2. Whenever the term "heretofore" occurs in any ordinance or resolution, it shall be construed to mean any time previous to the day when such ordinance or resolution takes effect; and whenever the term "hereafter" occurs, it shall be construed to mean any time after such ordinance or resolution takes effect.

SEC. 3. Whenever, in an ordinance or a resolution, words in the plural number are used in describing or referring to any matters, parties or persons, any

single matter, party or person shall be deemed to be included, and *vice versa*.

SEC. 4. Whenever any subject, matter, party or person, is referred to in any ordinance or resolution by words importing the singular number or the masculine gender, such words shall be deemed to include the plural number and feminine gender, and bodies corporate as well as individuals. This rule shall apply in all cases, unless otherwise expressly provided in any ordinance or resolution, or there be in the subject or context something repugnant to such construction.

SEC. 5. When any ordinance repealing a former ordinance, clause, or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision, unless it be expressly provided.

SEC. 6. If any ordinance or resolution shall be found to be in conflict with or repugnant to any other ordinance or resolution, that which shall have last been approved shall prevail; and so much and such parts of any prior ordinance, provision or resolution, as shall be inconsistent with such last ordinance, clause, provision or resolution, shall be deemed to be repealed thereby.

Approved January 27, 1881.

## CHAPTER VI.

## DIVIDING OGDEN CITY INTO WARDS.

- SEC. 1. Ogden City divided into four Municipal Wards.
- SEC. 2. Boundaries of First Ward.
- SEC. 3. Boundaries of Second Ward.
- SEC. 4. Boundaries of Third Ward.
- SEC. 5. Boundaries of Fourth Ward.

SEC. 1. Ogden City is hereby divided into four Municipal Wards, as follows, to wit:

SEC. 2. All that district of country commencing at the intersection of the centre of Fourth and Spring Streets, thence south along the centre of Spring Street and its extension to the corporate line, thence east to the base of the mountains, thence north along the base of the mountains to the south boundary of Section twenty-two (22), T. 6 N. R. 1 W., thence west along the south boundaries of sections twenty-two (22) and twenty-one (21), T. 6 N. R. 1 W., to a point due north from the centre of Spring Street, thence south to the place of beginning, shall constitute the First Ward.

SEC. 3. All that district of country commencing at the intersection of the centre of Spring and Fourth Streets, thence south along the centre of Spring Street and its extension to the south corporate line, thence west along the south corporate line to the west corporate line, thence north along said line to a point due west of the centre of Fourth Street, thence east along

the centre of Fourth Street to the place of beginning, shall constitute the Second Ward.

SEC. 4. All that district of country commencing at the intersection of the centre of Spring and Fourth Streets, thence north along the centre of Spring Street and its extension to the south boundary of section twenty-one, T. 6 N. R. 1 W., thence west along the south boundary lines of sections twenty-one (21), twenty (20) and nineteen (19), T. 6 N. R. 1 W., to the west boundary of the corporation, thence south along said boundary to a point due west of the centre of Fourth Street, thence east along the centre of Fourth Street to the place of beginning, shall constitute the Third Ward.

SEC. 5. All that district of country commencing at the south-west corner of section twenty-one (21), T. 6 N. R. 1 W., thence west along the south boundaries of sections twenty (20) and nineteen (19), T. 6 N. R. 1 W., to the west boundary of the corporation, thence north along said boundary to the north boundary of the corporation, thence east along said north boundary to the base of the mountains, thence south along the base of the mountains to the south boundary of section twenty-two (22), T. 6 N. R. 1 W., thence west along the south boundaries of sections twenty-one (21) and twenty-two (22), T. 6 N. R. 1 W., to the place of beginning, shall constitute the Fourth Ward.

Approved January 27, 1881.

## CHAPTER VII.

## STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUNDS.

- SEC. 1. Streets named and located.
- SEC. 2. Streets to be uniformly graded.
- SEC. 3. Duties of committees and engineers.
- SEC. 4. Duties of persons grading.
- SEC. 5. In relation to sidewalks.
- SEC. 6. Same.
- SEC. 7. Same.
- SEC. 8. Shade trees.
- SEC. 9. Bay and other windows.
- SEC. 10. Areas and vaults—Regulations.
- SEC. 11. Awnings, balconies, etc.
- SEC. 12. Signs and advertisements.
- SEC. 13. Piles of lumber and excavations.
- SEC. 14. Sidewalks, of what constructed—Penalty.

SEC. 1. The street connecting on the north and south with the boundary lines of the corporation with what is known as the Territorial Road, shall be known as Main Street.

The first street west of Main, running from a point twenty-five rods west of First Street, to Eighth Street, shall be known as Young Street.

The second street west of Main, running from First Street to Eighth Street, shall be known as Franklin Street.

The third street east of Main Street, running from First Street to Eighth Street, shall be known as Wall Street.

The first street east of Main Street, running from Park Street to Eighth Street, shall be known as Spring Street.

The second street east of Main Street, running from Park Street to Eighth Street, shall be known as Smith Street.

The third street east of Main Street, running from Bluff Street to Eighth Street, shall be known as Pearl Street.

The fourth street east of Main Street, running from Bluff Street to Eighth Street, shall be known as Green Street.

The fifth street east of Main Street, running from Park Street to Eighth Street, shall be known as East Street.

The first street south of Ogden River, on the bench, shall be known as Bluff Street.

The first street south of Bluff Street on the Bench, shall be known as North Street.

The second street south of Bluff Street, running from East to Main Street, shall be known as Park Street.

The third street south of Bluff Street, on the Bench, and extending west to Middleton's survey, near the Weber River, shall be known as First Street.

The first street south of First Street, running from East Street to the western boundary of the townsite, shall be known as Second Street.

The second street south of First Street, running from East to Wall Street, shall be known as Third Street.

The third street south of First Street, running from East Street to the C. P. R. R. main track, thence diverging northerly by way of the wagon bridge across the Weber River, terminating at the city limits, near Edmund Robbins' residence, shall be known as Fourth Street.

The fourth street south of First Street, running

from East Street to the east side of the U. P. R. R. main track, shall be known as Fifth Street.

The fifth street south of First Street, running from East Street to the east side of the U. P. R. R. main track, shall be known as Sixth Street.

The sixth street south of First Street, running from East Street to the U. P. R. R. depot grounds, shall be known as Seventh Street.

The seventh street south of First Street, running from East Street to a point one hundred feet west of the U. P. R. R. main track, shall be known as Eighth Street.

All the aforementioned streets shall be six rods wide: *Provided*, the following exceptions shall be made—Main Street shall be eight rods wide; Fourth Street, from Weber wagon bridge, to the corporation line, shall be four rods wide; Seventh Street, from Wall Street to the U. P. R. R. depot grounds, shall be three rods wide; Eighth Street from a point west of Wall Street three hundred and seventy feet, six rods wide—from this point fifty-three rods west intersecting county road, four rods wide; Young Street, from First Street to its terminus north, shall be four rods wide.

The south half and north-east quarter of block eighteen, Plat A, Ogden City survey, shall be known as Union Square.

The whole of block twenty-eight, in Plat A, Ogden City survey, shall be known as Lester Park Square.

The whole of block fourteen, in Plat B, Ogden City survey, shall be known as Liberty Square.

The foregoing streets, alleys and grounds shall be and the same are hereby, under the names designated, dedicated to the public use of Ogden City forever, subject to such changes, improvements and modifications

as the City Council may at any time adopt: *Provided*, however, that all occupations by lease or otherwise of any such grounds previously entered into by authority of the City Council shall not be annulled or in any manner impaired during the period of any such contract.

SEC. 2. The streets of Ogden City shall, as soon as practicable, be brought to a uniform grade throughout their entire extent; and the monumental rock, situated opposite the northwest corner of Main and Fourth Streets, in said city, and possessing an elevation above the sea level of 4,307 784-1000 feet, is hereby constituted the Bench Mark, with reference to which said grades shall be determined. Every grade hereafter agreed upon for any street, alley, highway or sidewalk, within said city, shall be fixed and established by ordinance of the City Council, adopted after the subject of such grade has been referred to the Committee on Streets, and a report made thereon, accompanied by a profile from actual survey by the City Engineer; and all grades so fixed shall be duly established and recorded with the profiles thereof, in a suitable book to be prepared and kept by the City Engineer and entitled "The Record of Official Grades of Ogden City."

SEC. 3. It shall be the duty of the Committee on Streets, aided by the City Engineer, to locate and definitely determine the grades of the streets and sidewalks of said city, assuming as a datum therefor the mean level of the ocean, as recorded on said monumental rock. They shall also cause to be prepared and filed in office of the City Recorder, a correct record of all grades so located, which record shall consist of a descriptive profile of the contour of the streets and

sidewalks, the grades as located, with their ascent or descent marked thereon, their changing points, and all other necessary information. Said record shall be certified to by said Committee and Engineer, and shall thereafter be subject to the inspection of all citizens during usual office hours.

SEC. 4. It shall be the duty of all persons making or grading sidewalks to make all such improvements to conform to the sidewalk grade. Any person violating this requirement shall be subject to a fine in any sum less than one hundred dollars for each and every day such violation shall remain.

SEC. 5. The sidewalks in Ogden City shall, and are hereby declared to be, sixteen feet wide, measured outward from the boundary lines of the blocks as platted on the official map of said city, except on Main Street, where they shall be twenty feet wide; the east side of Wall Street, from First to Third Street, where they shall be ten feet wide; and Eighth Street from Spring Street to its western terminus, where they shall be ten feet wide.

SEC. 6. The curb of every sidewalk shall be set in two feet from the outer edge, and shall correspond to the official grade of the street of which such sidewalk shall form a part; and said curbstone shall be the inner edge of the water course, except when otherwise provided by the City Council.

SEC. 7. Every sidewalk shall be constructed to the satisfaction of the Committee on Streets, so as to have an even surface, and shall rise from the curb at the rate of one-fifth of an inch to every foot of width.

SEC. 8. All shade trees planted on the sidewalks in said city shall be set two feet in from the outer line of the sidewalk.

SEC. 9. No person shall maintain, or construct, or place, or cause to be constructed or placed, on premises belonging to him or in his possession, or under his control, any building, bay or oriel window which shall extend over the line of the street, without permission of the City Council.

SEC. 10. No person shall construct, or suffer to be constructed, under the sidewalk adjoining any premises belonging to him, or in his possession, or under his control, any area or vault, except in conformity with the following regulations :

1. Areas shall be constructed and used only for the purpose of affording light to basements or cellars, and for receiving and shipping goods and merchandise, and they shall be securely enclosed, and covered with substantial gratings constructed with spaces not to exceed one inch in width between the bars, or thick dead-light glass, permanently fixed flush with the surface of the sidewalk.

2. No vault shall extend beyond the official line of the sidewalk. The outer walls of such vaults shall be constructed under or within the official line of the sidewalk, and shall be of brick or stone, or brick and stone together, not less than twelve inches in thickness in any case; and if the same be more than six feet in height, then not less than sixteen inches in thickness for the lower half thereof, and not less than twelve inches in thickness for the upper half; and all such walls shall have footing courses projecting at least six inches on the inside thereof. All sidewalks over vaults

or areas shall be securely supported by arches constructed of brick, stone or iron, so as to be capable of sustaining at least six hundred pounds weight to every superficial foot thereof, and the use of wood to sustain or support sidewalks over vaults or areas is hereby prohibited.

No aperture through the sidewalk into a vault shall exceed a superficial area of twenty-four square feet. Every such aperture shall be covered with an iron cover when not in actual use.

Every such covering shall have a bearing of at least one inch, and shall be so placed as to be flush with the surface of the sidewalk.

No door step of any building shall project or extend more than three feet from the line of any lot.

SEC. 11. No person owning or occupying any building fronting upon any public street, shall construct or cause to be constructed or maintained, any awning, shade or balcony before such building and extending over the sidewalk, except in accordance with the following provisions :

1. Such awning, balcony or shade, shall be securely placed and supported without posts.

2. The lowest part thereof shall be at least ten feet above the level of the curb, except awnings, which may be two feet lower.

3. Every awning, shade or balcony, not extending to the line of the curb, shall have a gutter and a spout to conduct the water to the building and thence to the outer line of the sidewalk.

4. No awning, shade or balcony, shall extend beyond the outer line of the sidewalk.

SEC. 12. No person owning or occupying any

building or premises, fronting upon a public street, shall :

Place or cause to be placed, or maintain, or suffer, upon the front of such building or premises, any sign or advertisement, except such as do not project into or across such sidewalk ;

Place or cause to be placed, maintain, or suffer, upon the front of such building or premises, any sign or advertisement which shall project over or upon the sidewalk more than one foot ;

Suspend, or cause to be suspended, maintain, or suffer, over the street or sidewalk in front of such building or premises, any sign, advertisement or flag, except upon holidays, election days and days of public parade or display. And all such posts, signs and awnings, which are not in conformity with the provisions of this chapter, are hereby declared to be a nuisance, and if not removed within thirty days after the publication of this ordinance may be removed by order of the City Council at the owner's expense.

SEC. 13. If any person shall place or leave any pile or piles of lumber, wood, or other material or thing, upon any lot in the city, or shall excavate any lot or part of lot contiguous to any sidewalk, and shall leave the same open and exposed in such a manner as to endanger the safety of persons passing along any street, avenue, alley or sidewalk, such person shall be deemed guilty of committing a nuisance, and on conviction thereof, be fined in any sum not exceeding one hundred dollars.

SEC. 14. Every person owning a city lot adjoining any sidewalk, is hereby required to gravel, plank or pave said sidewalk : *Provided*, the City Council

may, by resolution, at any time, order the sidewalks on the business streets to be constructed of plank, asphaltum or rock.

SEC. 15. All persons failing to construct sidewalks in front of their premises after having had sixty days' notice, shall be considered delinquents, and the Supervisor of Streets is hereby authorized to construct or complete the same at the expense of such delinquents, and may recover the costs thereof from the goods, chattels and effects of the said delinquents, by suit in the name of Ogden City.

Approved January 27, 1881.

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## CHAPTER VIII.

### DUTIES OF OFFICERS.

#### *Recorder.*

SEC. 1. Recorder to attend Council meetings and keep a record.

SEC. 2. To keep Seal of City and attest deeds, etc.

SEC. 3. To pay over all moneys monthly to Treasurer.

SEC. 4. To audit public accounts, and issue orders for the liquidation of claims.

SEC. 5. To report quarterly to the City Council the amount of revenue, and for what disbursed.

SEC. 1. It shall be the duty of the City Recorder to attend at every meeting of the City Council and keep a record of the proceedings thereof. Whenever required by the Mayor or two Aldermen, he shall issue to the City Marshal a notice to the members of the City Council, of any special meeting of the Council, and

shall notify any and all Committees of the Council, of the business entrusted to them. He shall carefully keep and preserve all papers and books which may come into his possession as Recorder, filing and arranging them in a manner convenient for reference. He shall make out and record all abstracts of election returns, and shall make and record an abstract of all bonds issued by the city, all deeds of or other papers showing a title to any real estate belonging to the city, the same to be kept in books provided for that purpose. He shall record, in a suitable book, and in order of date, all ordinances and resolutions passed by the City Council, and shall keep in a separate book a record of the proceedings of said Council. He shall keep a regular account of debtor and credit between Ogden City and the Treasurer of said city.

SEC. 2. The Recorder shall keep the seal of the city, and shall duly attest thereby all deeds and papers required to be so attested, when ordered by the City Council. He shall attest all orders issued by the City Council, and all orders or warrants for the payment of money, and shall enter the same in numerical order in a book to be kept for that purpose. He shall keep a register of all licenses granted in said city, noticing the time when issued, the business or purpose for which issued, and for how long. He shall, whenever necessary, furnish the Marshal with a copy of the register of all licenses in force.

SEC. 3. The Recorder shall, monthly, pay over to the Treasurer, all money or other property belonging to the city, and coming into his hands by virtue of his office. He shall have power to take acknowledgments, administer oaths, and receive and approve bonds. He

shall have and keep a plat of all surveys within said city.

SEC. 4. The Recorder shall examine and audit all public accounts connected with the financial affairs of the city, and issue orders upon the Treasurer in liquidation of claims allowed, or appropriations made by the City Council. He shall have the custody of and keep all books, papers, records, mortgages, bonds and other securities appertaining to the fiscal affairs of the city, which are not required by ordinance to be kept in some other office or place.

SEC. 5. The Recorder shall make a report to the City Council quarterly, setting forth a statement of the amount of city revenue, specifying from whence derived and for what disbursed. He shall deliver to his successor in office all books, moneys, accounts, or other property in his custody belonging to the city, as soon as his successor shall be qualified.

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*Treasurer.*

- SEC. 1. Duties.
- SEC. 2. Disbursements how made.
- SEC. 3. To make reports.
- SEC. 4. Not to use city moneys—Penalty.
- SEC. 5. Books of account.

SEC. 1. The Treasurer shall receive all moneys belonging to the city, whether the same be raised by taxation or otherwise, and shall give receipts therefor,

specifying the date of payment, the amount and upon what account paid; and he shall keep in suitable books a separate account of each fund, whether from taxation, licenses, fines or otherwise. He shall be the custodian of all other property of the city, the custody of which is not otherwise provided for.

SEC. 2. The Treasurer shall disburse the funds and surrender the property of the city only upon orders signed by the Recorder and ex-officio Auditor of Public Accounts and sealed with the corporate seal, except as hereinafter provided. He shall keep in suitable books and under appropriate headings, an account of all disbursements, stating the date of such disbursements, to whom made, and on what account.

SEC. 3. The Treasurer shall, at the end of every quarter, or oftener if required, make a report in writing to the Mayor and City Council, showing the state of the Treasury at the date of such report. Said report shall give a statement of all moneys received into the Treasury, and on what account; the amount disbursed and the balance of money in the Treasury; and shall be accompanied by all warrants redeemed and paid by him, stamped or marked "paid;" and he shall give a list of said warrants, stating the number and amount of each.

SEC. 4. The Treasurer shall keep moneys in his hands belonging to the city, separate and distinct from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporate money or other property in his custody and keeping, for his own benefit, or that of any other person or persons whomsoever; any violation of this provision shall

subject him to immediate removal from office by the City Council, who shall declare such office vacant; and the City Council shall appoint a successor, who shall hold his office for the remainder of the term of such officer so removed.

SEC. 5. The Treasurer's books of account shall be furnished by, and be the property of the city, and shall, together with moneys, papers or other property in his possession belonging to the city, be delivered to his successor in office immediately after said successor shall have been duly elected and qualified.

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*City Attorney.*

- SEC. 1. Duties.
- SEC. 2. Same.
- SEC. 3. Same.
- SEC. 4. Same.
- SEC. 5. Record—Docket—Settlement.
- SEC. 6. To report—Compensation.
- SEC. 7. May appoint a deputy.

SEC. 1. It shall be the duty of the City Attorney to prosecute and defend in all courts, and in all actions on behalf of Ogden City; and defend in all actions against any officer or agent of said city on account of official acts.

SEC. 2. To take appeals or sue out writs of error on behalf of the city or any officer as aforesaid, with the consent and approval of the Mayor, and make the

necessary affidavits, and execute the necessary bonds in the name of the city.

SEC. 3. To advise the City Council or their committees or any city officer, on such legal questions as may arise in relation to the business of the city.

SEC. 4. The City Attorney having personal knowledge of any violation of a city ordinance, or upon receiving reliable information of any such violation, shall immediately institute the necessary steps to bring the offender to justice.

SEC. 5. He shall keep a record showing all claims of the city placed in his hands for collection, all moneys received by him on account of the city, and all payments made by him to the City Treasurer, and also keep a docket book, in which he shall enter an abstract of suits pending in any court, and judgments in favor of, or against said city. He shall, at the end of each quarter, or oftener if required, settle with the City Recorder and pay to the City Treasurer all moneys in his hands belonging to the city.

SEC. 6. The City Attorney shall report quarterly, or oftener if required, to the City Council the condition of the business of the city in his hands or under his control, and for all services rendered as herein required, such compensation shall be allowed as shall be determined by the City Council.

SEC. 7. The City Attorney may, with the approval of the Mayor, appoint a deputy, who shall take the oath of office, perform the same duties, and for whose acts, as such deputy, the City Attorney shall be responsible.

*Marshal.*

- SEC. 1. Duties.
- SEC. 2. May arrest with or without warrant.
- SEC. 3. To abate nuisances.
- SEC. 4. May demand aid.
- SEC. 5. Further duties.
- SEC. 6. May appoint deputies.

SEC. 1. It shall be the duty of the City Marshal, and he is hereby authorized and empowered to diligently enquire into any and all violations of the city ordinances, and all neglect to comply with the requirements thereof by any person or persons, and he shall prosecute all those guilty thereof. He shall use due diligence to ferret out all disorderly houses in the city, and all persons carrying on any business in said city without a license, in all cases where a license is necessary, and make complaint thereof before the Mayor or any Alderman.

SEC. 2. He may arrest and take into custody with or without a warrant, any person of a suspicious character, any vagrant, or any person who shall be found by him violating any ordinance of the city, and shall bring such person before the Mayor or any Alderman for trial, without unnecessary delay; and pending any trial he may secure the presence of persons arrested, by bail or by confinement in the city jail, subject, however, to the orders of the Mayor or Alderman.

SEC. 3. The City Marshal shall, under the direction of the City Council, cause any nuisance to be abated, and may give the necessary orders for the removal or abatement of any nuisance by the person committing the same, or suffering or permitting the

same to be committed on his premises, or on premises under his control; and he may arrest and hold for trial any person guilty of committing such nuisance.

SEC. 4. In the exercise of his power and duties in arresting any person accused or suspected of crime, or in the suppression of any riot or unlawful assembly, or in preventing the commission of any offense against the city, he shall have the power, whenever the same is necessary, to require the aid of any police officer or of any citizen, and any person who shall refuse or wilfully neglect to obey the summons of the Marshal in such cases, shall on conviction thereof be fined in any sum not exceeding fifty dollars.

SEC. 5. The City Marshal shall, by himself or his deputy, attend all regular and special meetings of the City Council; shall have charge of the City Hall, and see that the same is kept clean, and lighted and warmed when necessary; shall act as doorkeeper or sergeant-at-arms, and shall execute all orders of the Mayor or City Council. He shall bring all persons who are under arrest for the violation of any city ordinance before the Mayor or Alderman's Court, whenever required so to do by rule or order of said Mayor or Alderman, and shall make or cause to be made the necessary written complaints against such persons for the offenses for which they were arrested. He shall perform such other duties as may be required of him by resolution or order of the City Council.

SEC. 6. The Marshal may appoint one or more deputies by whom he may perform any of the duties herein imposed, and whose powers for those purposes shall be the same as those of the Marshal. The Marshal shall be responsible for all the official acts of

his deputies or any of them, and no compensation shall be paid such deputies by the city. No Deputy Marshal shall have or exercise or attempt to exercise any control over the police of the city, or any of them, except under the orders and direction of the Marshal.

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*Police Commissioners.*

SEC. 1. Mayor and Aldermen to constitute the board.

SEC. 2. Offending officers to be suspended.

SEC. 3. Trial of charges by the board.

SEC. 4. Decision after trial.

SEC. 5. Local policemen provided for.

SEC. 1. The Mayor and Aldermen shall constitute the Board of Police Commissioners of Ogden City, whose duty it shall be to regulate and control the police force of the city.

SEC. 2. Upon information on oath being laid before the Board of Police Commissioners of the city, that any officer or person acting in that or a similar capacity has violated the provisions of this ordinance, it is hereby made the duty of said Board to at once suspend such officer or person from duty, without pay, and to investigate the same as soon as possible, and if the charge against such officer or person be sustained, then the said Board shall forthwith dismiss said officer or person from said Police Department, and bring the necessary charges against him in the Alderman's court.

SEC. 3. Within two days after the Board of Police

Commissioners shall be furnished with written charges against any police captain or police officer, the said Board or any three of them, shall fix a time for the trial of said charges, and notify the accused thereof— which time shall not be less than two days, nor more than eight days thereafter. At the time appointed, the Police Commissioners shall meet and proceed to hear, consider and decide upon such charges, the chairman to be one of the board chosen by the Commissioners assembled to hear said charges. The accused shall have the right to defend in person and by counsel. The chairman of the Board shall have power to issue subpoenas to compel the attendance of witnesses, to administer oaths and to punish for contempt.

SEC. 4. Within three days after the hearing provided for in Section 2, the Police Commissioners shall render their decision upon the charges made:

If the accused be found not guilty of any offense or misconduct, or any inefficiency, specified in the charges, he shall be reinstated;

If guilty, he may be suspended or removed from office, in the discretion of said Commissioners;

If he be reinstated by the Commissioners, he shall be entitled to his pay the same as if he had not been suspended;

If he be suspended, he shall not be entitled to pay during the time such suspension shall continue;

If he be removed from office, his pay shall cease from the time of his suspension.

SEC. 5. In addition to the regular police officers, the Board of Police Commissioners are authorized and empowered to appoint local policemen, upon the petition of citizens and property owners who may desire

their services, whenever, in the judgment of said Commissioners, the necessities of said city require such appointments to be made, and to make and prescribe rules and regulations for their government: *Provided*, they shall receive no pay from the city.

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### *Supervisor of Streets.*

- SEC. 1. Street Supervisor to take charge of all streets, alleys, sidewalks and highways.
- SEC. 2. To enforce ordinances and resolutions relating to the same.
- SEC. 3. To take charge of and work prisoners.
- SEC. 4. May appoint assistant supervisors.
- SEC. 5. To report.
- SEC. 6. Shall take charge of all tools used in his department, and deliver the same to his successor.

SEC. 1. It shall be the duty of the Supervisor of Streets to take charge of all the streets, alleys, sidewalks and highways in the city, and superintend all work done thereon, whether under contract or otherwise: *Provided*, that he shall at all times be subject to and act under the direction of the City Council. During the progress of any improvement he shall, at least once a month, report the progress and condition of such improvement; and he shall faithfully observe and report whether any breach is made in the terms of any contract in pursuance of which any such work or improvement is in progress; and no work done upon the streets or alleys under any contract shall be paid for in full until the Supervisor of Streets shall report the same to be complete, nor until such report shall be endorsed by the Committee on Streets and accepted by the City Council.

SEC. 2. The Supervisor of Streets shall see that all ordinances, resolutions or orders of the City Council, relating to streets, alleys, sidewalks and other public grounds and places, are properly enforced and obeyed; and he is authorized and required to take such measures as may be necessary to keep the streets, alleys, crosswalks, sidewalks and all public grounds free from filth and all nuisances.

He shall have power to forthwith arrest, without warrant, any person who shall interfere with him in any manner in the discharge of his duties. He shall not purchase any dirt, stone, lumber or other material, nor excavate nor haul any dirt for any person without the consent of the City Council. Any violation of the foregoing provisions by the Street Supervisor, shall be deemed a misdemeanor, and, on conviction thereof, he shall be fined not to exceed one hundred dollars.

SEC. 3. It shall be the duty of the Street Supervisor, by himself or deputy, to take charge of and work on the streets of this city, or on the public grounds or walks, or elsewhere within the city, all prisoners sentenced to perform such labor.

SEC. 4. The Supervisor may appoint Assistant Supervisors in the several wards, as he may deem necessary (provided that the names of such Assistant Supervisors shall be submitted to the City Council for approval), who shall be under his direction, and for whose official acts he shall be responsible.

SEC. 5. The Supervisor shall make a full report quarterly, in writing, to the City Council, of all things done, and of all moneys expended in his department, and for what purpose expended.

SEC. 6. It shall be the duty of the Street Supervisor to take charge of all tools or other material or property belonging to the city and employed in working the streets. He shall deliver up to his successor in office, or to whomsoever the City Council may authorize to receive the same, all books, papers, vouchers and all tools and property of every kind and description under his control and belonging to the city, and shall leave a list of the same with the City Recorder. He shall perform such other duties, not inconsistent with his office and not herein mentioned, as the City Council shall require.

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*Water Master.*

SEC. 1. Duties.

SEC. 2. May appoint assistants.

SEC. 3. Shall make dams, gates, etc.

SEC. 4. Penalties for injuring dams, gates, etc.

SEC. 5. Penalty for taking or altering course of water.

SEC. 6. Duties of inhabitants of districts.

SEC. 7. Watermaster shall adjudicate difficulties.

SEC. 8. Watermaster shall report.

SEC. 1. It shall be the duty of the City Water Master to see to the erection and repairs of such gates, locks, dams or sluices as may be necessary to regulate within the city the waters flowing therein, and divide the same through the city as shall best serve the public interest, for irrigation purposes.

SEC. 2. It shall be the duty of the City Water Master to divide the city into districts, and appoint one

or more Assistant Water Masters in each of said districts, who shall act under his direction. And such assistants shall divide the water to the inhabitants of their respective districts, in such manner and quantities as shall be just.

SEC. 3. The City Water Master shall make and keep in repair such dams, gates or sluiceways as may be necessary to admit an equal and fair distribution of water to the several districts of the city; and such dams, gates or sluiceways shall be under his immediate control, or the control of such deputies in the respective districts as he may appoint.

SEC. 4. Any person who shall remove, break, or otherwise injure or destroy any such lock, canal, dam, gate or sluiceway, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding six months, or both such fine and imprisonment.

SEC. 5. Any person who shall take, or alter the course of, the water intended for irrigation purposes, without the consent of the Water Master, or the person then holding the right of said water, shall be liable to a fine in any sum not exceeding fifty dollars for each offense.

SEC. 6. It shall be the duty of the inhabitants in each district to make and keep in repair, under the direction and control of the Water Master or his deputies, such locks, dams, gates or sluiceways as may be necessary to secure an equal and a fair distribution of water to the several districts.

SEC. 7. It shall be the duty of the Water Master to adjudicate all difficulties arising from the distribution of water in the several districts.

SEC. 8. The Water Master shall report, in writing, quarterly, his proceedings to the City Council, and recommend such improvements as he may deem necessary for their action.

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*Sealer of Weights and Measures.*

SEC. 1. Weights and Measures to be examined and tested.

SEC. 2. Register to be kept—False measures—Report.

SEC. 3. Weights, etc., must be inspected.

SEC. 4. Fees of Sealer.

SEC. 5. Sealer to inspect when required.

SEC. 6. Spring balances prohibited.

SEC. 7. Deputies provided for.

SEC. 1. The Sealer of Weights and Measures shall, twice every year, at intervals not exceeding six months, and oftener if required, examine and test the accuracy of all weights, measures, scales or other things used by merchants and others for weighing or measuring anything bought or sold by them; he shall stamp with a suitable seal, to be prescribed by the City Council, all weights, measures and scales so used, which he may find conform to, or which he may cause to conform to, the standard prescribed by the laws of this Territory, and he shall deliver to the owner thereof a certificate of the accuracy of such weights and measures.

SEC. 2. It shall further be his duty to register the names of all persons whose weights, measures or scales he may find to be accurate or may cause to be rendered accurate. He shall seize in the name of the city all false weights, measures and scales which he may find and which the owner has neglected to make conformable to the provisions of this ordinance, and shall immediately report such person to the Mayor or any Alderman; he shall also further report in writing every six months to the City Recorder the names of the owners and the number of weights, measures and scales examined.

SEC. 3. All persons using weights, measures, scales or other things for weighing or measuring any article bought or sold in this city, shall cause the same to be examined, tested and sealed as hereinbefore provided, and any person failing so to do shall be liable to pay a fine of not less than one nor more than fifty dollars for each offense.

SEC. 4. The Sealer of Weights and Measures shall be entitled to receive for each examination, testing, sealing and certifying, as hereinbefore required, the following fees, which shall be collected from the owner or owners of the weights, measures, scales or other articles to be inspected :

Any ground, floor, platform, counter or other scales by which may be weighed not exceeding two hundred pounds, . . . . .	25c.
Any such instrument by which may be weighed over two hundred and less than six hundred pounds, . . . . .	50c.
Over six hundred pounds and less than twelve hundred pounds, . . . . .	\$1.00

Over twelve hundred pounds, . . . . \$1.50  
 For any yard stick, dry or liquid measure, . . . 10c.  
 Any nest or set of measures, . . . . . 25c.  
 And the weights attached to any scale shall, as to the compensation of the Sealer of Weights and Measures, be considered a part of the scale: *Provided*, that where any such weight, measure or instrument, previously inspected, shall, upon subsequent examination, be found correct, and shall not be required to be stamped a second time, the aforesaid Sealer of Weights and Measures shall not receive more than one-half the compensation provided for, which amount shall be paid by Ogden City.

SEC. 5. The Sealer of Weights and Measures shall examine and test any of the before-mentioned instruments for weighing or measuring, on application by any person who shall tender to him the fees which, by the preceding section, he is authorized to receive, and he shall, in every case where he may employ labor or material in making accurate any weight or measure, be entitled to extra compensation therefor, and to retain the article upon which such labor or material has been employed, until compensated therefor.

SEC. 6. It shall not be lawful for any person buying or selling any article of merchandise bought or sold by weight, to use within the limits of the city any species of spring balances to determine the weight of such articles so bought and sold. And any person violating the provisions of this section shall, on conviction thereof, be fined in any sum not less than one dollar nor more than ten dollars, and costs of prosecution, for each offense.

SEC. 7. The Sealer of Weights and Measures may appoint one or more deputies, subject to the approval of the City Council, and such deputies shall qualify in like manner and perform the same duties and be entitled to the same fees as are herein provided for the Sealer of Weights and Measures.

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*Engineer.*

- SEC. 1. City Engineer to make survey and estimate.
- SEC. 2. To ascertain the grade of streets.
- SEC. 3. To make survey and plat of proposed streets.
- SEC. 4. Initial point of city surveys defined.
- SEC. 5. Duplicate plats of surveys to be filed.
- SEC. 6. Metes and bounds to be defined by City Engineer.
- SEC. 7. Fees.

SEC. 1. It shall be the duty of the City Engineer, in connection with the Street Committee, at any time when required by the City Council, to survey and plat, and make as accurate an estimate as practicable of any improvement in the streets, alleys and highways of Ogden City, contemplated by said Council; and in making such survey the said Engineer shall designate, by suitable marks and stakes placed in the ground, the situation and character of such improvement as surveyed and estimated by him, so that the same may be observed and examined by any person desiring to contract for doing the same.

SEC. 2. The City Engineer shall, as soon as practicable, ascertain and designate upon suitable plats thereof to be by him prepared, the grade of each cross-

ing in all the streets and alleys in said city within the city plat, and shall also designate the same by some suitable post or mark fixed at each crossing, or upon some permanent monument near thereto, and shall report to the City Council for their consideration, and in case the City Council shall make any change in the grade so reported, the Engineer shall designate such change upon the monument so placed by him or designated as aforesaid.

SEC. 3. Whenever required by the City Council, the City Engineer shall survey and plat any street or highway contemplated to be opened in said city, and shall return such plat to the City Council with such notes and explanations as shall present a clear description of the route of such contemplated street and highway, with a designation thereon of the lands or lots through which the same will pass, and the proprietor or owner of each part or parcel thereof, with the amount of land proposed to be taken from each. Whenever required so to do he shall fix and determine according to the plat of said city, the corners of any lot within the same where the grade of the street has been established, and shall fix a stake at each corner on the front and rear of such lot, marking thereon the number of feet or inches the top of such stakes are above or below the grade.

SEC. 4. The point of intersection of the base and meridian lines as established by the United States survey, Salt Lake meridian, shall be the initial point of all surveys within Ogden City, and all surveys shall conform to the original survey, as near as may be.

SEC. 5. It shall be the duty of the City Engineer

to make and attest a duplicate plat of the surveys and subdivisions of all property surveyed and subdivided within the limits of Ogden City, and file the same in the City Recorder's office, and all errors and discrepancies in original surveys or re-surveys shall be noted and filed in like manner, as soon as determined, and such duplicate plats are hereby declared to be official plats of said city: *Provided*, however, that nothing herein contained shall be deemed an acceptance of the control or responsibility of streets, alleys or sidewalks not accepted or declared open by the City Council.

SEC. 6. It shall be the duty of the City Engineer to determine the corner or boundary lines of any block, lot or part of a lot within the city when required by any person so to do, and furnish such person a certificate of such survey when required: *Provided*, that the lawful fees are tendered him for such services.

SEC. 7. The fees of the City Engineer shall be for all services rendered as herein required, not exceeding eight dollars per day, one dollar per hour for the time necessarily spent in such labor.

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### *Sexton and Burying Grounds.*

- SEC. 1. Duties.
- SEC. 2. Authorized to sell lots.
- SEC. 3. Compensation.
- SEC. 4. Porter provided for—Compensation.
- SEC. 5. Location of lots and graves to be reported.
- SEC. 6. All burials to be in the Cemetery, except by permission.
- SEC. 7. Disinterments—Injuries.
- SEC. 8. Burial of murderers in cemetery prohibited—Penalties.

SEC. 1. It shall be the duty of the Sexton to take

charge of the public burying grounds in Ogden City; to see to the digging of graves, furnishing of coffins, and conveying the dead when called upon so to do by any person entitled to bury in said grounds; and to keep a record of all deaths of persons buried in said burying grounds which shall come under his observation, or shall be reported to him by the citizens of the city, which record shall include the name of the person deceased, with his or her parents' names; where and when born; the time of death and cause thereof; together with the name of the physician or nurse who attended such person.

SEC. 2. The Sexton is hereby authorized to sell lots in said grounds, and to collect all dues arising from such sales; and all such sales shall be reported by him to the Treasurer; and all moneys received by him therefor, less ten per cent., which shall be retained by him as a commission, shall be paid into the City Treasury as often as once a quarter. He shall give to each purchaser a certificate of payment for, with a description of the lot or lots so purchased. And the Mayor of the city is hereby authorized to make to said purchaser, a good and sufficient title to said lot or lots, on presentation to him of said certificate and cost of deed. The price of each of said lots shall not exceed the sum of three dollars.

SEC. 3. The Sexton is hereby authorized to collect from those requiring his services, not more than the following compensation:

For furnishing and staining a plain coffin,	
per foot, running measure, . . . . .	\$1.25
For digging grave four feet in length and	
under, . . . . .	2.00

For all graves over four feet in length,	\$3.00
All graves shall not be less than six feet in depth, and the above price shall include the replacing of the earth in all graves dug by the Sexton.	
For conveying coffin to any part of the city, per mile or fractional part thereof,	\$ .50
For conveying the dead from any part of said city to the cemetery in the hearse,	2.50
For recording as required in this ordinance,	.50

SEC. 4. The Sexton is hereby authorized to appoint a Porter for the cemetery, subject to the approval of the City Council. It shall be the duty of said Porter to take charge of and improve the cemetery grounds under the direction of the Sexton, for which service he shall be compensated at the rate of two dollars per day for the time spent in such service.

SEC. 5. The owners of lots, or the relatives or friends of deceased persons buried in said grounds, are hereby required to erect bounds or monuments at the corners of their lots, or headboards with the names of the deceased thereon, indicating the lot or grave of persons so buried, and to report the same, together with the information desired, to the Sexton; and if any person fails to erect such bounds, monument or board, it shall be done by the Sexton at the expense of the person owning or burying in such lot.

SEC. 6. No person or persons shall be allowed to inter their dead within the limits of this city, except in the public cemetery, unless by permission of the City Council; and no persons shall bury in said cemetery, without first obtaining title to the lot on which they

bury, or permission of the person owning the lot if sold, or of the Sexton if unsold.

SEC. 7. No person shall disinter any body buried in said grounds, except under the direction of the Sexton, or shall injure any monument, shrub, tree or any other property belonging to said grounds or being thereon.

SEC. 8. There shall not be interred within the limits of any cemetery in this city, the body of any person known to the law as a murderer; and any person violating any provision of this ordinance, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

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### *Inspector of Buildings.*

SEC. 1. To inspect buildings and materials.

SEC. 2. To enforce ordinances—Compensation.

SEC. 3. To abate cause of danger from fire.

SEC. 4. Inspectors and persons under his directions not to be obstructed—Penalty.

SEC. 5. Penalty.

SEC. 1. It shall be the duty of the Inspector of Buildings, when called upon, to examine all public and private buildings, bridges, dams, locks, gates, reservoirs, aqueducts or other public works, and certify as to the strength, safety, workmanship and general condition of the same. He shall also, when requested, inspect all building material which may be offered

for sale, measure all buildings, building material, mason and other mechanical work, and, when required, certify to the measurement thereof, which certificate shall be evidence of the things therein certified to.

SEC. 2. Said Inspector shall, when he may deem it necessary, carefully inspect buildings in the course of construction, and shall cause to be carried into effect all ordinances providing for the prevention of fires; and he may require the removal, or prevent the construction of any fireplace, chimney, flue, hearth, stove or pipe in any building, which may seem to endanger life or property; and may direct the construction of safe places of deposit for ashes; and may require the removal of all shavings, straw, packing, papers, or other rubbish from back yards, buildings or other places, by the owners or occupants thereof, and for all such service he shall be paid one dollar per hour by the parties requiring such service, or in behalf of whose property the same shall be rendered.

SEC. 3. It shall be the duty of said Inspector to examine carefully, under the direction of the City Council, any cause from which immediate danger from fire may be apprehended, and remove or abate, with the consent of the Mayor or any Alderman (in case of neglect of the owner or occupant), any cause from which danger may be apprehended, and to cause all buildings, chimneys, flues, stoves, pipes, hearths, ovens, boilers, ash-houses, and other apparatus used in any building which shall be found in such condition as to be considered unsafe, to be, without delay, at the expense of the owner or occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

SEC. 4. If any person shall obstruct or hinder the Inspector of Buildings, or any person acting under the direction of said Inspector, in the performance of his duties under the preceding section, such person for every such offense shall forfeit and pay the penalty of twenty-five dollars.

SEC. 5. Any person who shall neglect or refuse to conform to the provisions of this chapter or the instructions of said Inspector as herein provided, after having been served with a notice in writing setting forth distinctly some one of the dangers hereinbefore stated, with instructions to remedy the same without delay, shall be liable, for each offense, to a fine in any sum not exceeding one hundred dollars.

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*Inspector of Provisions.*

- SEC. 1. Duties.  
SEC. 2. Power of seizure.  
SEC. 3. To report.

SEC. 1. It shall be the duty of the Inspector of Provisions, when requested by the Mayor or any Alderman, to inspect all meats, flour, vegetables or other provisions, and certify to the quality of the same, for which service he shall receive at the rate of three dollars per day.

SEC. 2. Should any person be found offering to the public provisions unfit for use, the Inspector is hereby authorized to seize the same in the name of

the city; he shall prosecute such offenders and shall hold such provisions subject to the direction of the Mayor or Alderman before whom the person so offending shall be brought.

SEC. 3. Said Inspector shall make a report of his proceedings quarterly, or oftener if required, in writing to the City Council.

### *Inspector of Stock.*

SEC. 1. Inspector to take charge of market and keep record—Compensation.

SEC. 2. Prohibition—Penalty.

SEC. 3. Stock to be inspected—Penalty.

SEC. 4. Animals to be inspected—Brands to be reported.

SEC. 5. Penalty.

SEC. 1. It shall be the duty of the Stock Inspector to take charge of the stock market, and to receive all stock that shall be brought thereto for sale or inspection. He shall also keep a book, in which he shall record a true description, including marks and brands, of all stock inspected by him, and the names of persons bringing such stock to said market for sale or inspection. Said Inspector shall be entitled to receive as compensation from any person requiring a certificate of inspection, the sum of twenty-five cents for the first, and ten cents for each additional animal inspected and certified to. He shall, as often as once in three months, and oftener if required by the City Council, submit to the Treasurer a full report of all business

done and moneys received as Inspector, and shall, at such periods; pay into the Treasury one-half of all moneys so received.

SEC. 2. All persons are hereby forbidden to sell, or offer for sale, any beef cattle in any street, lane, alley or other public place within the limits of the city, without having the same inspected by the Stock Inspector, and any person so offending shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

SEC. 3. All butchers or other persons keeping a slaughter house within the limits of the city, shall obtain from said Stock Inspector a certificate of inspection of all beeves slaughtered by them, before the same shall have been slaughtered; and any butcher or slaughterman who shall kill animals for beef without first obtaining such certificate, shall be deemed guilty of a misdemeanor, and shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

SEC. 4. All persons having licenses to sell horses, mules or cattle, at public or private sale, shall, before offering such animals for sale, have them inspected by the Stock Inspector, who shall record a general description of the same, including marks and brands; and if any animal so offered for inspection or sale shall have any recorded mark or brand of any resident of Utah Territory, and shall not be in possession of the owner of such mark or brand, it shall be the duty of said Inspector to immediately report the facts of such case to some police officer.

SEC. 5. Any person neglecting or refusing to comply with the provisions of this subdivision shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

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*Inspector of Liquors.*

- SEC. 1. Liquors and wines to be inspected.
- SEC. 2. U. S. standard adopted.
- SEC. 3. Fees.
- SEC. 4. Fees to be paid but once—Prohibition.
- SEC. 5. Reducing strength and adulteration forbidden.
- SEC. 6. Reports.
- SEC. 7. Penalties.

SEC. 1. All persons receiving, storing or vending spirituous liquors and wines within the limits of Ogden City, are hereby required to have the same—except such as are brought in bottles—inspected and tested by the Inspector of Liquors, before offering said liquors and wines for sale. Any persons failing to comply with the provisions of this section, shall be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

SEC. 2. It shall be the duty of said Inspector to inspect all liquors which may be subject to inspection, according to the proof standard established by the United States statutes, and to mark on the barrel or vessel containing such liquor, the quantity and strength thereof, the date of inspection, and the name of the Inspector.

SEC. 3. It shall be the duty of said Inspector to inspect and test all liquors contained in casks, barrels or other vessels, within the limits of said city, twice within each year from and after the passage of this ordinance, at intervals not exceeding seven months, or when called upon by the Mayor or any Alderman of the city for such purpose. And said inspector shall be entitled to receive from the owner of the liquors inspected, the following prescribed fees, to wit:

For inspecting and testing one cask or vessel of liquor, \$1.00.

For inspecting and testing all over one cask or vessel in the same lot, each, 50 cents.

SEC. 4. All liquors offered for sale within the city shall be liable to inspection at any time, but the owner thereof shall not be liable to pay for more than one inspection of the same liquor.

SEC. 5. Any person who shall alter, change or deface the Inspector's mark on any barrel, cask or other vessel containing liquors so inspected or offered for sale, or shall reduce in strength or adulterate the same, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, for every such offense.

SEC. 6. It shall be the duty of said Inspector to make to the City Recorder of the city, semi-annually, or oftener if required by the City Council, a report of the quantity, kind and strength of liquors inspected by him, and the names of the persons offering such liquors for sale. He shall also make report forthwith, to the Mayor or any Alderman of the city, of any and all liquors which he may find adulterated, or changed

from the proof marked on said casks, barrels or vessels as hereinbefore required.

SEC. 7. Any person violating the provisions of this chapter shall be liable to a fine in any sum not exceeding one hundred dollars for each offense, or to imprisonment not exceeding six months, or to both fine and imprisonment.

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*Medical Board of Examiners.*

SEC. 1. Duties.

SEC. 2. Practitioners to obtain certificates.

SEC. 3. Penalty.

SEC. 1. It shall be the duty of the Medical Board of Examiners, consisting of three or more competent persons, who shall be appointed by the City Council, to examine into the abilities of all applicants for a certificate of qualifications to carry on, within the limits of Ogden City, the business or profession of physician, druggist, apothecary, dentist, surgeon, oculist, aurist or accoucheur. The said Board of Examiners, after said examination, shall give to each competent person so examined, a certificate of qualification, on which shall be stated the name of the person so examined, the date of the examination and the business or profession such person may wish to carry on; and the certificate shall be signed by said Board of Examiners. The Board of Examiners shall hold their office during the pleasure of the City Council.

SEC. 2. No person shall, within the limits of

Ogden City, carry on any of the businesses or professions named in Section 1 of this chapter, without first obtaining from said Board of Examiners a certificate of qualification.

SEC. 3. Any person violating the provisions of this chapter shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

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*Jailor.*

SEC. 1. Duties—Shall enforce rules.

SEC. 1. It shall be the duty of the Jailor to take charge of the city prison, to cause the same to be warmed and lighted when it shall be necessary, and to keep it clean and in proper order. He shall have the custody of the inmates thereof, and shall see to feeding and otherwise caring for them. He shall furthermore see that all rules prescribed by the City Council for the government of the prison are carried into effect.

Approved January 27, 1881.

## CHAPTER IX.

CREATING CERTAIN OFFICES AND RELATING TO THE  
TENURE THEREOF.

SEC. 1. Names of appointive offices.

SEC. 2. Tenure of offices.

SEC. 1. There are hereby created the following named offices, which shall be filled by appointment by the City Council, to wit:—Attorney, Captain of Police, Supervisor of Streets, Water Master, Sealer of Weights and Measures, Inspector of Buildings, Sexton, Inspector of Spirituous and Malt Liquors, Superintendent of Water Works, Medical Board of Examiners, Quarantine Physician, Stock Inspector, Inspector of Provisions, Chief of Fire Department, and Police Commissioners, the respective duties of which, together with the duties of the elective offices, shall be defined by ordinance.

SEC. 2. All officers appointed by the City Council shall hold their offices during the pleasure of said Council, unless otherwise provided by ordinance.

Approved January 27, 1881.

## CHAPTER X.

## CRIMES AND PUNISHMENTS.

- SEC. 1. Assault—Penalty.
- SEC. 2. Assault and beat—Penalty.
- SEC. 3. Disturbing the peace—Penalty.
- SEC. 4. Riots—Penalties—Proclamation—Arrests.
- SEC. 5. Assistance to be given—Penalty.
- SEC. 6. Disturbing public assemblies—Penalty.
- SEC. 7. False alarm of fire—Loud noises—Indecent or abusive language or conduct—Penalty.
- SEC. 8. Drunkenness—Penalty.
- SEC. 9. Escape of prisoners—Penalty.
- SEC. 10. Abetting escape of prisoners—Penalty.
- SEC. 11. Penalty for refusing aid.
- SEC. 12. Malicious mischief—Penalty.
- SEC. 13. Maiming or poisoning domestic animals.
- SEC. 14. Cruelty to animals—Penalty.
- SEC. 15. Fast driving—Driving on sidewalks—Penalty.
- SEC. 16. Destruction of marks and bounds—Penalty.
- SEC. 17. Posting bills or notices without permission.
- SEC. 18. Defacing bills or notices—Penalty.
- SEC. 19. Malicious destruction of property—Deadfalls, pits, gins and traps—Penalty.
- SEC. 20. Using flippers and slings—Flying kites—Playing ball on the streets—Penalty.
- SEC. 21. Unwholesome food and drink—Penalty.
- SEC. 22. Deposit of rubbish on streets—Penalty.
- SEC. 23. Gambling houses—Penalty—Keeper—Owner of.
- SEC. 24. Gambling—Penalty.
- SEC. 25. Sabbath breaking—Penalty.
- SEC. 26. Profaning—Penalty.
- SEC. 27. Obscene—Penalty.
- SEC. 28. Indecent—Penalty.
- SEC. 29. Prostitution—Penalty.
- SEC. 30. Liquors not to be sold or given to children or apprentices—Penalty.
- SEC. 31. Enticing minors or others—Penalty.
- SEC. 32. Mendicancy forbidden—Diseased or unsightly persons not to expose themselves to public view—Penalty.
- SEC. 33. Vagrants—Penalty.
- SEC. 34. Certain characters declared to be vagrants.
- SEC. 35. Mode of procedure against vagrants.

SEC. 36. Feeding putrid meat to swine—Penalty.

SEC. 37. Fowls not to run at large.

SEC. 38. Discharging firearms.

SEC. 39. Breastwork required.

SEC. 40. Lawful breastwork.

SEC. 41. Pardons.

SEC. 42. Mayor to report fines remitted and pardons granted.

SEC. 1. If any person within the limits of Ogden City shall assault another, he shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment in the city jail not exceeding three months.

SEC. 2. If any person within the limits of the city assault and beat another, he shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment in the city jail not exceeding six months, or both.

SEC. 3. Every person who, within the limits of the city, shall maliciously and wilfully disturb the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight, or fighting, is punishable by fine not exceeding two hundred dollars, or by imprisonment in the city jail not exceeding two months.

SEC. 4. When three or more persons assemble together, and in a violent and tumultuous manner commit an unlawful act, or do a lawful act in an unlawful, violent or tumultuous manner, to the disturbance of the peace, within the limits of the city, it shall be deemed a riot, and every such offender shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or both fine and imprisonment: and the Mayor or any

Alderman is hereby authorized to make proclamation among the persons so assembled, or as near to them as he can safely come, charging and commanding them, in the name of the city, to immediately disperse and peacefully depart to their habitations or lawful pursuits; and if, upon such proclamation being made, such persons shall not obey the same, said Mayor or Alderman may command the Marshal, the police, and the full power of the city to arrest the offenders, and bring them before him, to be dealt with according to the provisions of this section.

SEC. 5. Any person neglecting or refusing to give prompt assistance after the making of the aforesaid proclamation, and a call for his services having been made to secure any offenders mentioned in the preceding section, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment.

SEC. 6. Every person who shall excite disturbance or contention at a public house, court, election, or any lawful meeting of citizens within the limits of the city, shall be liable to a fine in any sum not exceeding fifty dollars, or to imprisonment not exceeding ten days, or to both fine and imprisonment.

SEC. 7. If any person shall disturb the peace or quiet of any other person or persons, family, lawful assembly or neighborhood, within the limits of the city; by giving any false alarm of fire; by loud or unusual noises; by indecent, abusive or obscene language or conduct; by threatening, quarreling, ringing of bells, blowing of horns or other instruments, or by any other means or device whatever, such person shall be liable

to pay a fine not exceeding one hundred dollars or to be imprisoned not exceeding ninety days, or both, at the discretion of the court, for each offense.

SEC. 8. Any person found drunk in any street, lane, alley or other public place in said city, shall be liable to a fine not exceeding twenty-five dollars for each offense, and any person found drunk elsewhere in said city, on complaint being made to any peace officer, shall be liable to arrest and punishment by fine not exceeding twenty dollars.

SEC. 9. If any person within the limits of this city, convicted of crime and sentenced to imprisonment, shall escape from confinement or custody, he shall be liable to be punished by imprisonment not exceeding the time for which he was first imprisoned, to commence from and after the expiration of the original term of his imprisonment.

SEC. 10. Any person within the limits of this city, who shall aid or assist any other person to escape from lawful confinement, or who shall aid or assist another to escape from any peace officer of said city, shall, on conviction, be liable to a fine of not less than five nor more than one hundred dollars, or to imprisonment not to exceed three months, or to both fine and imprisonment for each offense. And any officer negligently permitting any one to escape shall, upon conviction, be liable to be fined and imprisoned to the extent of the unpaid judgment or unexpired term of imprisonment of the person so escaping.

SEC. 11. Any person refusing, when called upon by the Marshal or other peace officer of said city, to

aid in arresting or securing an offender, shall be liable to a fine in any sum not less than five nor more than fifty dollars for each offense.

SEC. 12. Any person wilfully or maliciously destroying or injuring any public or private property, within the limits of the city, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment.

SEC. 13. Any person who shall wilfully and maliciously kill, maim or disfigure any horse or other domestic animal within the limits of this city, the property of another, or maliciously administer poison to any such animals, or expose any poisonous substance, with the intent that the same shall be taken by them, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment.

SEC. 14. Any person who shall maliciously and cruelly beat, torture or injure any horse, ox or any other animal, within the limits of the city, whether belonging to himself or any other person, shall be liable to a fine in any sum not more than one hundred dollars, or to imprisonment not exceeding sixty days, or to both fine and imprisonment.

SEC. 15. If any person shall furiously or immoderately ride or drive any horse, mule or other animal or animals, at a greater speed than ordinary travel on the highway, on any street or avenue of said city, such person shall be liable to a fine in any sum not exceeding fifty dollars. It shall be the duty of the Marshal

and members of the police force to arrest forthwith all persons violating the foregoing provision of this section. If any person shall ride, lead or drive any horse, mule or other animal, or drive any vehicle upon any sidewalk in the city, except at regular crossings, or suffer any horse or other animal to stand thereon, such person shall, on conviction thereof, be fined in any sum not to exceed ten dollars.

SEC. 16. Any person who shall wilfully or maliciously take down, injure or remove any monument erected, or any tree marked as a boundary of any tract of land, or city lot, or street; or destroy, deface or alter the marks of any monument, or injure or destroy any shade or fruit tree within the limits of the city, shall be liable to a fine in any sum less than three hundred dollars, or imprisonment not exceeding six months, or to both fine and imprisonment.

SEC. 17. Any person who shall print, paint, write, mark or in any way post up any notice, card, advertisement or other device, upon any wall, fence, tree, post, building, bridge or other property, or cause the same to be done without the permission of the owner or agent thereof, or of the Mayor, if public property, within the limits of the city, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment for each offense.

SEC. 18. If any person shall, without authority, tear down or deface any ordinance, bill, notice, advertisement or any other paper of a business or legitimate character, lawfully posted up within the limits of said city, at any time before the object of such notice has

been accomplished, he shall be liable to a fine of not more than one hundred dollars, or to imprisonment not exceeding one month for every such offense.

SEC. 19. Any person who shall wilfully or maliciously injure, deface or destroy any building or fixture thereof, or wilfully or maliciously injure, destroy or secrete any goods, chattels or valuable papers of another, or maliciously prepare any deadfall, or dig any pit, or set a gin, or arrange any other trap, to injure another's person or property, within the limits of said city, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment.

SEC. 20. Any minor or other person, who shall use any flipper or sling for amusement or for destroying birds, or for any other purpose; or who shall fly kites or play ball on the streets of the city; or who shall mischievously remove any gate, sign or other such property, within the limits of the city, shall be liable to a fine of not more than five dollars, or to imprisonment not more than three days, or to both fine and imprisonment, for each offense.

SEC. 21. Any person who shall sell, or expose for sale, any bad beef, pork, mutton, or other meat; stale or otherwise impure flour, meal, grain, vegetables or fruit, or adulterated or unwholesome spirituous or malt liquors, or other beverages intended for drinking; or any kind of provision, preparation, condiment or seasoning for meats or drinks, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment; and such provisions or drinks shall

be forfeited to the city, and the court having jurisdiction may order the same to be destroyed.

SEC. 22. It shall be unlawful for any person to place or leave, or permit to be placed or left within the limits of any street, avenue, alley or sidewalk of this city, any wagon, cart, dray, barrow, hand-cart, sleigh or other vehicle, or any lumber, wood, timber or any other article or thing whatsoever, in such a manner as to obstruct or interfere with the public use of any such street, avenue, alley or sidewalk, gutter or water-course in the city by fencing, or by filling or removing therefrom any earth, stone or other material, or to interfere in any manner therewith except by permission of the City Council; and every person so doing shall be deemed guilty of committing a nuisance, and on conviction thereof, shall be fined in any sum not less than five dollars nor more than one hundred dollars, and in addition thereto may, in the discretion of the court, be imprisoned not to exceed thirty days.

Any person who shall throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, dirt, filth or rubbish of any kind whatever, in any street, sidewalk, water-course, ditch, lane, alley or public place in this city, except at such place as shall be designated by the Street Supervisor, shall be liable to a fine not exceeding twenty-five dollars for each offense.

SEC. 23. If any person shall keep a house, shop, or any other place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop or other place under his control or care to play at cards, dice, faro, roulette, keno or any other game for money or other property, or things representing

money or other property, within the limits of said city, such offender for such offense shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment. In a prosecution under this section, any person who has the charge of, or attends to any such house, shop or place, may be deemed the keeper thereof; and any person renting out a house or place for the purpose of gambling, shall be liable to the penalties prescribed in this section.

SEC. 24. Any person who shall play at any game of dice, faro, roulette, keno or other game of chance, resorted to for gambling or fraudulent purposes, for property, money or thing representing property or money, within the limits of said city, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment. Whenever any peace officer of said city has reasonable grounds for believing that in any house or place in the city the business of gambling is being carried on, it shall be lawful for such peace officer to enter such house or place with or without warrant, and such officer is hereby authorized to seize all instruments or devices there found used for the purposes of gambling, and to arrest any person having charge of such house or place, and all others there found engaged in playing at any game for money or other property.

SEC. 25. Any person who shall be convicted of skating, ball playing, hunting, fishing or any other kind of sporting, or who shall keep open any bar, shop, store or any other place to carry on any kind of business or amusement or unnecessary business or

labor, or who shall barter, sell or give away any spirituous, vinous or fermented liquors, except for medicinal purposes, within the city limits, on the first day of the week, commonly called Sunday, shall be liable to a fine in any sum not exceeding one hundred dollars.

SEC. 26. Any person profaning the name of the Deity within the limits of the city, shall be liable to a fine not exceeding ten dollars, or to imprisonment not exceeding five days, or to both fine and imprisonment.

SEC. 27. Any person who shall sell, circulate or exhibit any obscene print, picture or figure, or any obscene literature, or shall utter or speak any obscene or lewd language, within the limits of the city, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both such fine and imprisonment for each offense.

SEC. 28. Any person who shall be found guilty of designedly making any indecent or obscene exposure of his or her person, or the person of another, or shall indecently exhibit any horse, bull, or other animal, or shall be guilty of lewd or lascivious conduct or prostitution, within the limits of said city, shall be deemed guilty of misdemeanor, and shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment for each offense.

SEC. 29. If any person shall keep a house of ill-fame, bawdy-house or other disorderly house or place resorted to for illicit sexual commerce, prostitution or lewdness, or who shall lease or assist in leasing any

house or portion of a house for such purpose, within the limits of said city, he or she shall be fined in any sum less than three hundred dollars, or be imprisoned not exceeding six months, or both. Whenever any peace officer of the city has reasonable grounds to believe that any house or place is kept for the purpose named in this section, it shall be lawful for such officer to enter such house or place with or without warrant, and to arrest all offenders therein found, and take such offenders before the Mayor or any Alderman of the city, for examination and trial.

SEC. 30. Any person who shall, within the limits of the city, sell or give away any ardent spirits or other intoxicating liquors to any child under eighteen years of age, without the consent of the parents or guardians of such child, or to any apprentice, without the consent of his or her master or mistress, or to any Indian, shall, for each offense, be liable to a fine of not more than one hundred dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment.

SEC. 31. Any person who shall use any influence, directly or indirectly, to induce, persuade or entice any female from her husband, parents or guardian, or to alienate her feelings therefrom; or who shall use any influence to entice or persuade any minor, male or female, from his or her parents, guardians or other persons having charge of the same, without the consent of such parents, guardians or other persons, shall be liable to a fine of not more than one hundred dollars, or to imprisonment not more than three months, or to both fine and imprisonment.

SEC. 32. No person shall, either directly or indirectly, whether by look, word, sign or deed, practice begging or mendicancy within the limits of the city, or on any of the streets, highways, thoroughfares or public places thereof; nor shall any person who is diseased, maimed, mutilated or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares or public places in the city, therein or thereon expose himself or herself to public view. Any person violating any provision of this section shall be liable to a fine of not more than ten dollars, or to imprisonment not more than thirty days, or to both fine and imprisonment.

SEC. 33. Persons within the limits of the city, who have the physical ability to work, not having visible means of support, living idly, or who are found loitering about the streets or public places, or lodging in the night time upon the premises of others, and not giving a satisfactory account of themselves, and all common drunkards, shall be deemed vagrants, and on conviction shall be liable for each offense to a fine in any sum less than one hundred dollars, or to imprisonment not exceeding ninety days, or both fine and imprisonment.

SEC. 34. All keepers or exhibitors of any gaming table or device, and all persons who travel from place to place for the purpose of gambling, and all persons upon whom shall be found any instrument or thing used for the commission of burglary, or for picking locks or pockets, and who cannot give a good account of the possession of the same, every lewd and dissolute person who lives in and about houses of ill-

fame, and every common prostitute, shall be deemed a vagrant.

SEC. 35. It shall be the duty of the Mayor or any Alderman of said city having personal knowledge, or on complaint being made under oath that any person within the limits of the city, is a vagrant of any one of the classes designated in the last preceding section, to cause such person to be brought before him, and if upon examination, such person be found guilty of vagrancy, he or she, for each offense, shall be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or to both fine and imprisonment, and may be required to give bonds with good and sufficient sureties in a penal sum of not more than one thousand dollars, conditioned that the said defendant will, for the space of six months next ensuing the execution of said bond, be of good behavior, and in default thereof he may be committed to the city prison until such security is given, not exceeding ninety days.

SEC. 36. All persons owning swine are hereby forbidden to feed the same upon meat, blood or entrails in a putrid or decayed state, or other unwholesome food, calculated to engender disease in the flesh of such animals, under the penalty of not more than one hundred dollars for each offense.

SEC. 37. All fowl, such as turkeys, ducks, geese and hens found running at large at any time between the first day of March and the first day of October, shall be forfeited to and be liable to be killed by any person upon whose premises they may be found trespassing.

SEC. 38. Any person discharging any gun or pistol within the limits of the city, between the hours of sunset and sunrise, or on the Sabbath day (except in case of necessary defense of self, family or property, or in the case of any civil officer in the discharge of his duty), shall be liable to a fine in any sum not exceeding twenty-five dollars for every such offense.

SEC. 39. Any person discharging firearms within the city, without a lawful breastwork for the protection of the citizens, or at any time other than as mentioned in the next preceding section, shall be liable to a fine not exceeding ten dollars for every such offense.

SEC. 40. A breastwork or battery for target shooting, to be deemed lawful, shall be a wall eighteen inches thick, six feet high in the back, six feet wide, with side wings one foot thick, each extending two feet, increasing flaringly to the front, and six feet high, of adobies, brick or mud, or an equivalent thereto of any other material.

SEC. 41. The Mayor is authorized and empowered to grant full pardons for violation of the ordinances of the city, or to remit so much of any fine or penalty as belongs to the city, together with costs of prosecution, when to him it shall seem just and reasonable.

SEC. 42. It shall be the duty of the Mayor to report quarterly to the City Council the number of fines remitted and pardons granted.

Approved January 27, 1881.

## CHAPTER XI.

## RELATING TO THE POLICE DEPARTMENT.

- SEC. 1. Duties of Captain of Police—To report quarterly.
- SEC. 2. Policemen to take an oath of office.
- SEC. 3. Powers.
- SEC. 4. Register of arrests and entries, how made.
- SEC. 5. Transcript of entries.
- SEC. 6. Duties of police in case of fire.
- SEC. 7. Police uniforms and badges.
- SEC. 8. Police uniforms and badges described.
- SEC. 9. Prohibition against police discharging persons from custody.
- SEC. 10. Police officers not to solicit business for attorneys.
- SEC. 11. Officer must enter name and charge at once, and notify attorney requested by prisoner.
- SEC. 12. Penalty.

SEC. 1. The Captain of Police shall, under the direction and control of the Police Commissioners, have the direction and control of the police, and may in any case of breach of ordinance, arrest the person or persons so offending, or report the same forthwith to the Mayor or any Alderman, and shall be under the direction of the Mayor in maintaining the peace and good order of the city. He shall report quarterly, or oftener if required, in writing to the City Council, a true and certified account of the number of arrests, and class of crimes that have come within his knowledge, and also the amount of service performed by each policeman.

SEC. 2. Every policeman appointed shall take an oath for the faithful performance of his duties as policeman, and shall see that the ordinances of the city

are complied with; he shall also watch the conduct of persons of known or suspected bad character, and shall report such persons to the Captain of Police, whose duty it shall be to report to the Mayor without delay.

SEC. 3. Any policeman may arrest and bring offenders before the Mayor or Alderman, with or without process, and shall be subject to the orders and directions of the Captain of Police.

SEC. 4. The Captain of Police shall provide, and cause to be kept, at the Police Station in the City Hall, a register of arrests. Upon such register there shall be entered as soon as an arrest shall be reported, a statement, showing in a clear and distinct manner, the date and hour of such arrest, the name of the person arrested, the name of the officer making the arrest, the name of the complaining witness and his place of residence, the offense charged, and a description of any property found upon or in possession of the person arrested.

SEC. 5. The Captain of Police shall make or cause to be made and delivered to the officiating Alderman, at or before nine o'clock in the forenoon of every day, Sundays excepted, a report of all the entries of arrests made in the Register of Arrests.

SEC. 6. In case of fire, the Captain of Police shall proceed with all the force off duty, and be vigilant in preserving order and preventing crime, in the immediate vicinity of the fire.

SEC. 7. The Captain of Police and all officers of

the permanent police force, shall wear, when furnished by the city, uniforms and badges of office, upon all occasions, when on duty, with such exceptions on the part of officers performing detective service as may be permitted by the Captain of Police.

SEC. 8. The full dress of the members of the police force shall be of blue cloth, indigo dyed and all wool.

*For the Captain.*—The dress shall be a double-breasted frock coat; the waist to extend to the top of the hip and the skirt to within one inch of the bend of the knee; two rows of police buttons on the breast, eight in each row, placed in pairs, the distance between each row, five and one-half inches at the top and three and one-half inches at the bottom; stand-up collar, to rise no higher than to permit the chin to turn freely over it, to hook in front at the bottom; cuffs three and one-half inches deep, and to button with three small buttons at the under seam; two buttons on the hips, one button on the bottom of each skirt-pocket welt, and two buttons intermediate, so that there will be six buttons on the back; collars and cuffs to be of dark blue velvet; lining of the coat black; the pantaloons plain; black neck-cloth and white collar; the vest single-breasted, with eight buttons placed at equal distances. The wreath on the hat to enclose the word "Captain," in gold.

*For Police Officers.*—The dress shall be a single-breasted frock coat, with rolling collar; the waist to extend to the top of the hip and the skirt to within one inch of the bend of the knee; nine buttons on the breast, two buttons on the hips, two buttons on the bottom of each pocket, and three small buttons on the under seam of the cuffs; pantaloons plain; white

shirt collar; black neck-cloth; vest single-breasted, with nine buttons placed at equal distances.

The overcoat, for the Captain of Police and all police officers, shall be of blue cloth, indigo-dyed, double-breasted, rolling collar, waist to extend to one inch below the hip, skirt to three inches below the bend of the knee, swell edge stitched one-fourth of an inch from the edge. Will have eight regulation police buttons on each breast, six on back and skirt and three on the cuffs. Buttons on the breast shall be placed in two rows at a distance between rows of seven inches at top and three and one-half inches at bottom, measured from centres, and in such a manner as to form, when the coat is buttoned, direct lines from top to bottom.

*Badges, Stars, Hats and Buttons.*—The Captain and police officers shall wear badges, stars, hats and buttons, the same as the samples kept on hand at the City Hall.

*Clubs.*—Shall be the same as the sample club kept in the office of the Captain of Police.

SEC. 9. Neither the Captain of Police, nor any police officer, shall discharge any person arrested, from custody, except by order of the officiating Alderman or other competent authority.

SEC. 10. It shall be unlawful for any Captain of Police, police officer or any other person connected with the police department, to solicit from any person legal business for himself or another, or to recommend, or suggest to any person, whether in legal detention or not, that any particular person practising law should be employed for the defense of such person or any other person.

SEC. 11. It shall be the duty of every police officer or person connected with the Police Department, making the arrest of any person, or confining any person in the city or other prison, to immediately enter or cause to be entered the name of such person in the Register of Arrests, the charge upon which such person has been arrested, or is detained, and the place and time of such arrest, together with the name of the officer making such arrest, or such detention, which book shall be kept in the Police Station; and it shall be the duty of such officer or person so making such arrest or detention, if he shall be requested so to do by the person so arrested or detained, to notify at once any attorney-at-law designated by said person, and having an office in Ogden City, that said person so detained wants to see him; said notification may be either personal or by notice left at the office of said attorney. The person so notified shall have the right, and it shall be the duty of the person having charge of the place of such detention, to permit such person to confer at once with the person so detained and who has desired to see him.

SEC. 12. Any officer or person mentioned in Section 2 of this chapter, who violates any of the provisions of this chapter, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment not to exceed one hundred days, or by both such fine and imprisonment.

Approved January 27, 1881.

## CHAPTER XII.

MODES OF PROCEDURE IN CASES ARISING UNDER CITY  
ORDINANCES.

- SEC. 1. Issue warrant.
- SEC. 2. Peace officers to arrest.
- SEC. 3. Any person may arrest.
- SEC. 4. Detention.
- SEC. 5. Witnesses limited.
- SEC. 6. Recognizance.
- SEC. 7. Pleading.
- SEC. 8. Docket.
- SEC. 9. Imprisonment at labor.
- SEC. 10. Returns of sale.
- SEC. 11. Challenge—Verdict.
- SEC. 12. Threats—Penalty.
- SEC. 13. Search for stolen property.
- SEC. 14. Search of person.
- SEC. 15. Reward.
- SEC. 16. Criminal prosecutions to be conducted in the name of Ogden City.

SEC. 1. Whenever a complaint is made before the Mayor or any Alderman of Ogden City, on oath or affirmation, or if the Mayor or any Alderman has personal knowledge that a breach of the ordinances of the city has been committed, he shall forthwith issue a warrant, directed to the Marshal, commanding him or any of his deputies to arrest the accused and bring him forthwith before said Mayor or Alderman for examination or trial.

SEC. 2. Any peace officer of the city witnessing any breach of the ordinances shall arrest the offender, or cause it to be done, with or without process, and bring him before the Mayor or an Alderman, to be

dealt with according to the provisions of the ordinances without delay.

SEC. 3. Any person may arrest another in the commission of an offense against the ordinances of the city, and shall, without unnecessary delay, take the offender before the Mayor or any Alderman, or deliver him to the nearest police officer of said city.

SEC. 4. When any person shall be brought before the Mayor or any Alderman, charged with the commission of an offense, such person shall be examined or tried without unnecessary delay: *Provided*, that when necessary such person may be detained in the city prison not to exceed forty-eight hours before trial.

SEC. 5. The court shall issue subpoenas, directed to the proper officer, for the witnesses, if required, and shall forthwith proceed to hear the evidence, and determine upon the complaint alleged: *Provided*, that neither party shall have more than three witnesses to prove any one fact, except at his own expense, and that complaint in writing shall not be necessary, unless demanded by the defense.

SEC. 6. Upon good cause being shown, the court may postpone the trial, and shall require the defendant to enter into recognizance with sufficient security, to appear at such time as the court may determine, to answer the complaint made against him. If he fail to give such security, he shall be held in custody, or be committed to prison until the time of trial.

SEC. 7. The defendant on being brought before the court, shall be informed of the charge preferred against

him, or the complaint when made in writing shall be read and he shall be inquired of, whether guilty or not guilty. If he plead guilty the court may inquire into the extent of guilt and render judgment; if he plead not guilty, or refuse to answer, the evidence on the part of the prosecution shall be heard, then that of the defense; after which, if either party can satisfy the court, that important evidence which he can procure is still wanting, reasonable time may be granted to procure such evidence. When all the evidence is heard, the prosecution and defense may make such remarks as shall be deemed proper, and the court shall render judgment as soon as practicable.

SEC. 8. The court shall keep a docket book, in which shall be entered the title and the nature of the complaint, the names of the witnesses who testified in the case, the proceedings thereon and the judgment of the court.

SEC. 9. If the defendant fails to pay the fine and costs awarded in the judgment against him, the court shall issue an execution against the defendant, committing him to imprisonment either with or without labor, and with or without a ball and chain attached to his person: *Provided*, that property may be delivered to, or the same may be taken by the officer, in sufficient quantity to satisfy said execution, which shall be disposed of as hereinafter directed.

SEC. 10. When property is delivered or taken to satisfy a judgment, the Marshal shall give not less than five days' public notice of the time and place of sale, and description of the kind of property to be sold, allowing ten days from the levy of execution to

the day of sale, unless the interests of the defendant shall require a shorter time, and shall sell the same, or as much thereof as may be necessary, and make returns within five days from the day of sale, and pay over to the court the proceeds arising therefrom, and the excess, if any, shall be paid over to the defendant; and all fines collected by the Mayor or Alderman shall be paid into the City Treasury, monthly, or oftener if required.

SEC. 11. If required by either party, the court shall issue a *venire*, requiring the Marshal, or his deputy, to summon six competent persons, or a less number if agreed upon by the parties, to serve as jurors, who may be objected to for cause: *Provided*, that either party shall be entitled to three peremptory challenges. If any are removed, their places shall be filled; and when the number is complete, they shall be sworn to give a just verdict, according to the evidence, and to have no communication with any person but the court personally, or through the officer, or with a fellow juror, in reference to the case before them, until they have agreed upon a verdict, or been discharged. The court may direct the jury to bring in a sealed verdict in case of an agreement during recess.

SEC. 12. Upon complaint being made in writing and under oath, before the Mayor or any Alderman that any person has threatened to commit an offense against the person or property of another, said Mayor or Alderman may issue a warrant reciting the substance of the complaint, commanding the Marshal or any of his deputies forthwith to bring the person so charged before him to answer said complaint, and if, on examination, the court is satisfied from the testi-

mony that there are sufficient grounds to fear that such an offense will be committed by the person complained of, he shall require the offender to enter into recognizance in any sum less than three hundred dollars to keep the peace towards the people of said city, and particularly towards the complainant, for a term not exceeding six months. If the offender fail to give bonds with securities when required, he may be imprisoned until he give such bonds, not, however, exceeding sixty days, and for a violation of said bond a judgment may be rendered for the penalty thereof, by the officer who may have the warrant or to whom it may have been returned.

SEC. 13. Whenever a complaint shall be made before the Mayor, or any Alderman, in writing and under oath, of property being stolen or embezzled, and the person making the complaint believes such property to be concealed in any house, or place (describing the property and place) within the limits of the city, and the Mayor or Alderman is satisfied that there is reasonable ground for such belief, he shall issue a warrant commanding the Marshal or any of his deputies to search diligently the house or place where such property is believed to be secreted, and said Marshal shall make returns without delay; and all property recovered under such process shall be subject to the order of the court.

SEC. 14. Persons taken into custody charged with larceny, shall be liable to be searched by the officer making the arrest, for money or other property described in the complaint, and if found the same may be taken and held subject to the order of the court, and persons arrested for an offense may be disarmed.

SEC. 15. The Mayor is authorized to issue his proclamation offering a reward of such an amount as he, in his discretion, may deem proper for the arrest and delivery to the proper officer, of any person who may be charged with crime committed within the city, whenever he shall have knowledge of such occurrence or receive information in relation thereto from any responsible person or persons.

SEC. 16. All criminal prosecutions arising under the ordinances of the city, must be commenced and carried on in the name of Ogden City.

Approved January 27, 1881.

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## CHAPTER XIII.

### FIRE DEPARTMENT.

- SEC. 1. Formation of Engine Co. No. 1 authorized—Duties of Members.
- SEC. 2. Hook and Ladder Co. No. 1 authorized—Duties.
- SEC. 3. Rules and duties.
- SEC. 4. Officers to be sworn.
- SEC. 5. Chief Engineer, when appointed.
- SEC. 6. Duties of Chief Engineer.
- SEC. 7. Chief Engineer to report quarterly.
- SEC. 8. To examine buildings, etc.
- SEC. 9. Licensed expressmen required to assist.
- SEC. 10. Persons offering hindrance to officers, or injuring engines or apparatus—Penalty.
- SEC. 11. Officers to have power of policemen.
- SEC. 12. Companies to determine their own uniform.
- SEC. 13. Signals.
- SEC. 14. Night watch.
- SEC. 15. Compensation.

SEC. 1 There is authorized the formation of a Fire Department in Ogden City, the first company of which

shall be known by the name of "Engine Company No. 1," and shall be composed of thirty-two able-bodied men, residents of said city, viz.: Chief Engineer, Foreman, Secretary, Treasurer, Steward, and twenty-five members, whose duty it shall be to keep their engine and implements in good order and ready for use and drill, and, on the alarm of fire, they are hereby required to leave all other business and repair to the engine house, with all possible speed, and remove their engine to the place of fire, and operate for the extinguishment of said fire, under the direction of the Chief Engineer, or his assistant.

SEC. 2. There may be organized in said city, a hook and ladder company, to be known by the name of "Hook and Ladder Company, No. 1," which shall be composed of twenty able-bodied men, residents of said city, viz.: A Foreman, Assistant Foremen, Secretary, Treasurer, and fifteen members, whose duty it shall be to keep their implements in good order and ready for use, and on the alarm of fire they are hereby required to remove their implements to the place of fire, and do duty under the directions of the Chief Engineer, or his assistant.

SEC. 3. The Chief Engineer may, when required by the City Council, enlist men to compose the companies hereinbefore provided for, who shall proceed to elect their officers by ballot, from their own number, under his direction, and they shall adopt such rules and regulations as may be deemed necessary. All vacancies that may occur from death, resignation, removal or otherwise in said companies, shall be filled by a majority vote of the officers and members present at any regular meeting.

SEC. 4. The Chief Engineer and all officers of said companies, before entering upon the duties of their respective offices, shall be sworn before the City Recorder, faithfully to perform the duties thereof.

SEC. 5. As soon as practicable after the organization of the City Council in February, biennially, there shall be appointed by said Council a Chief Engineer of the Fire Department of this city, who shall hold office during the pleasure of the Council.

SEC. 6. It shall be the duty of the Chief Engineer, in all cases of fire, to take and have control of all members of the Fire Department, and of all persons present at such fires; and he shall take all proper measures for the extinguishment of fires, the protection of property, and the preservation of order at and in the vicinity of fires, and to secure the observance of all ordinances and regulations respecting fires. After the engines have been withdrawn from any fire, he shall still have charge of the premises, and shall cause strict watch to be kept about the fire for the space of twenty-four hours, or until the fire shall have been entirely extinguished.

SEC. 7. It shall be the duty of the Chief Engineer to report to the Mayor and City Council quarterly, and oftener if required, the condition of the fire engines, fire alarms, and all other fire apparatus belonging to the city, also to recommend such additions to, and alterations and improvements of the same, as he may deem expedient. He shall at all times be subject to the control and direction of the Mayor and City Council.

SEC. 8. The Chief Engineer shall examine every building or house within the fire limits and outside of said limits when he may deem it necessary, once in each year, and for the purpose of ascertaining all or any violations of any ordinance or regulation in force in relation to the prevention of fires; he shall also examine all hearths, chimneys, stoves, pipes, and all chemical apparatus which in his opinion may be dangerous in causing or promoting fires; he shall also examine any and all buildings or other places where gunpowder, hemp, flax, tow, hay, straw or other combustible materials may be deposited, and may give such directions as he may deem necessary in each case relative to the removal of such material or the correction and remedy of any defect therein. In case of the neglect or refusal of any owner or occupant to comply with the directions so given, the Chief Engineer may proceed to carry out the orders or cause the same to be done, and the expense thereof shall be paid by the person so failing or refusing to comply; and such person shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding fifty dollars.

SEC. 9. It shall be lawful upon any alarm of fire, for the Engineer or Foreman of any fire company, the Mayor, or the City Marshal, to require the aid of any licensed expressman, with his team, or the aid of any citizen or by-stander, in drawing any fire engine or fire apparatus to the fire; and every person so called upon who shall knowingly refuse or neglect to obey the lawful orders of any such officer, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five dollars for every such offense.

SEC. 10. Any person who shall wilfully offer any hindrance to any officer or fireman in the performance of his duty at a fire, or while going to the same, or shall in any manner wilfully injure any fire engine or fire apparatus, or shall give any false alarm of fire, or shall drive any vehicle over any hose or fire apparatus belonging to Ogden City, or to any fire company existing in the city, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed one hundred dollars for every such offense, and in addition thereto may be imprisoned not to exceed thirty days.

SEC. 11. All officers of the Fire Department and of fire companies in this city shall, at and during all fires, have all the powers of policemen, and any person who shall resist any such officer in the lawful discharge of his duty at such times, shall be subject to the same penalty as for resisting policemen.

SEC. 12. The several companies may determine their respective uniforms, and shall wear such insignia to be furnished by the city as the Mayor and Council may from time to time direct, and no person other than an active fireman shall be permitted to wear such insignia at any fire.

SEC. 13. In case of fire, the signal shall be two strokes of the fire bell for north, three for south, four for east, and five for west of said bell.

SEC. 14. The names and places of residence of the engineers, officers and members of each company shall be posted up in the police station by the secretary of the company. Whenever any fire shall happen

in the night, the policeman on duty at the City Hall shall ring the alarm, and the police night watch shall give notice to the engineers, officers or firemen nearest the engine house, and alarm the citizens by the cry of fire, mentioning the street where the fire may be found.

SEC. 15. All officers, and members of companies of the Fire Department shall receive such compensation as the City Council may from time to time determine.

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## CHAPTER XIV.

### RELATING TO FIRE LIMITS AND THE PREVENTION OF FIRES.

- SEC. 1. Fire limits defined.
- SEC. 2. Kinds of building materials to be used.
- SEC. 3. Chimneys—Stove pipes condemned.
- SEC. 4. Size of chimneys.
- SEC. 5. No pipe near woodwork.
- SEC. 6. Forge and furnace chimneys.
- SEC. 7. Chimneys to be cleaned, how.
- SEC. 8. Removal of frame buildings.
- SEC. 9. Combustible materials—Stables—Lights.
- SEC. 10. Smoking meat, boiling tar, etc.
- SEC. 11. Penalties.

SEC. 1. All of block twenty-five (25), the west half ( $\frac{1}{2}$ ) of block twenty-six (26), the northeast quarter ( $\frac{1}{4}$ ) of block seventeen (17), the north half ( $\frac{1}{2}$ ) of block eighteen (18), the northeast quarter ( $\frac{1}{4}$ ) of block nineteen (19), the east half ( $\frac{1}{2}$ ) of block twenty-four (24), the southeast quarter ( $\frac{1}{4}$ ) of block thirty-

three (33), the south half ( $\frac{1}{2}$ ) of block thirty-two (32), and the southwest quarter ( $\frac{1}{4}$ ) of block thirty-one (31), of Plat A, Ogden City survey, are hereby established as fire limits.

SEC. 2. It shall be unlawful within said limits to erect any building, the outer walls of which are, in whole or in part, constructed of wood, except so much as may be necessary for door and window frames, cornice, doors, sash and shutters; and the roofs of all buildings hereafter erected or newly roofed, within said limits, shall be covered with metal or other incombustible material; and each building shall be separated from all others by a party wall of brick, rock, concrete or other incombustible material, not less than nine inches thick from front to rear, and from the foundation to no less than two feet above the roof, so as to separate any communication of wood between said building and any other building.

SEC. 3. All buildings now erected, or which may hereafter be erected or altered within the above described limits, shall have chimneys of either brick, adobies or stone attached to them; and the owner or owners, or the person or persons having control of any building or buildings now erected within said limits, which have stovepipes projecting through the roof, or out of the side, and wherein fire is used, are hereby required to build flues or chimneys of brick, adobies or stone in said building or buildings; and all stovepipes now in use projecting through the roof, or out of the side of any building, shall be removed by the owner or owners, or the person or persons having control thereof: *Provided*, that whenever chimneys of brick, adobies or stone are used or attached to build-

ings, the same shall be carried up at least four feet above the extreme height of the building to which they are attached; and should such chimneys be deemed by the Inspector of Buildings, unsafe to the building or buildings adjoining, they shall be carried up at least four feet above the extreme height of said building or buildings adjoining. All chimneys in frame buildings shall be built so as not to increase in size from the foundation. When flues are built in brick, adobie or rock walls, the same shall be carried up at least two feet above the top of the fire wall, and be subject to the same rule as the chimneys, and no flue or chimney shall have any joist or timber resting on or entering into the same, further than will leave at least six inches between the end thereof and the inside of the chimney or flue. Every chimney or flue shall be plastered on the inside with good plastering mortar, or the joists shall be struck smooth on the inside.

SEC. 4. No chimney or flue shall, in any case, be less than eight by eight inches, and if intended for two full stories, not less than eight by twelve inches, and for three stories or more, not less than eight by sixteen inches.

SEC. 5. No stove or other apparatus in which fire is to be kept shall be set nearer than eight inches to the floor, except such as have no fireplace on the lower plate; such can be set within four inches of the floor on which they stand; and the top and side plates thereof shall not be set less than twelve inches from any wood partition, or other wood-work, without protecting the same effectually from fire, by a metallic or other covering; and no pipe belonging thereto shall be put up, unless it shall be conducted into a chimney

made of brick, adobie, stone or other incombustible material.

SEC. 6. All forge and furnace chimneys or flues shall be raised at least four feet above the roof, by or through which they pass, and shall have a deadening flue, or fire spark arrester of woven wire placed on the top or within such chimney.

SEC. 7. The owner of any house, shop or building shall cause the chimneys or flues thereof to be swept out as often as may be necessary to keep them clean. Any person failing to do so shall be liable to a fine in any sum less than one hundred dollars.

SEC. 8. No lumber or frame building within the fire limits shall be removed to any other part of said limits. Whenever it may become necessary to remove any wooden building from within the fire limits to any other part of the city, permission shall be obtained from the City Council; and the owner of such building shall leave the streets over which such building shall be moved in as good order as they were before such removal, and he shall make such removal continuous, day by day, Sundays excepted, until completed, with the least possible obstruction to the thoroughfares thus occupied; and he shall keep a watchman in or around such building from sundown to sunrise continuously during the time of such removal; and the said removal shall be subject to the control and direction of the Street Supervisor.

SEC. 9. No person shall, within said fire limits, keep any hay, straw, shavings or other like combustible material, in stack or pile, without having the same

enclosed, so as to protect it from flying sparks of fire; and no owner or occupant of a livery or other stable, or any other person, shall use therein or in any other place containing hay, straw or other combustible matter, any lighted candle or other light, except the same be enclosed in a lantern or other suitable covering to protect the same.

SEC. 10. It shall be unlawful, within said fire limits, to smoke meat, or boil pitch, tar, resin, turpentine, varnish or other highly inflammable material, in any room or place, except the same be fireproof; or to kindle a fire either in or out of a stove or furnace, except the same be enclosed in a building.

SEC. 11. Whoever shall, in person or by another, erect any building or become the owner of any building which may be erected within said fire limits, except in the case of privileges, in violation of Sec. 2 of this ordinance, shall be liable to a fine in any sum less than one hundred dollars; and if he shall permit the same to remain after having had ten days' notice to remove it, he shall be liable to a fine of twenty-five dollars for each day the same remains, and for the violation of any provision of this Ordinance, not hereinbefore provided for, the penalty shall be a fine in any sum not exceeding one hundred dollars for each offense.

Approved October 1, 1880.

## CHAPTER XV.

*ARTICLE I.—Manner of Obtaining Licenses.*

SEC. 1. Unlawful to engage in businesses mentioned in this chapter without licenses.

SEC. 2. How to obtain licenses.

SEC. 1. It shall not be lawful within the limits of Ogden City for any person to engage in any business hereinafter mentioned, without first obtaining a license therefor.

SEC. 2. All applications for license, under the provisions of this chapter, shall be made in writing to the Mayor, and shall state the time when such business shall commence, the place where to be carried on, and the amount of capital invested in such business, and the amount, as hereinafter provided, shall be paid in advance to the City Treasurer. All licenses shall be issued and signed by the Mayor, or presiding officer of the City Council, and attested by the City Recorder under the seal of the city. The City Recorder shall keep an alphabetical list of all licenses issued, stating the number, name, time, place and kind of business, and the amount paid, with such remarks as may be necessary.

*ARTICLE II.—Merchants.*

SEC. 1. Merchants defined.

SEC. 2. Value of goods.

SEC. 3. Statements to be filed.

SEC. 4. Restriction.

SEC 1. Whosoever shall engage in the business of buying or selling goods, wares or merchandise of any kind, at any place within the limits of Ogden City, is declared to be a merchant.

SEC. 2. Each merchant, on making application to the Mayor for license, shall make a statement of the average annual cash value of all goods, wares and other merchandise which he may have in his possession, whether owned by him or consigned to him for sale during such period, which statement shall be sworn to before the Mayor or the City Recorder, by the merchant making it, or his duly authorized agent.

SEC. 3. The Recorder shall file all such statements in alphabetical order, and yearly, half-yearly or quarterly licenses may be issued thereon, as follows, viz.:

Over \$250,000 and not exceeding \$300,000 shall constitute 1st class, and pay at the rate of \$900.00 per annum.

Over \$200,000 and not exceeding \$250,000 shall constitute 2nd class, and pay at the rate of \$800.00 per annum.

Over \$150,000 and not exceeding \$200,000, shall constitute 3rd class, and pay at the rate of \$700.00 per annum.

Over \$100,000 and not exceeding \$150,000 shall constitute 4th class, and pay thereon \$460.00.

Over \$75,000 and not exceeding \$100,000 shall constitute 5th class, and pay \$300.00.

Over \$50,000 and not exceeding \$75,000 shall constitute 6th class, and pay \$240.00.

Over \$40,000 and not exceeding \$50,000 shall constitute 7th class, and pay \$160.00.

Over \$35,000 and not exceeding \$40,000 shall constitute 8th class, and pay \$120.00.

Over \$30,000 and not exceeding \$35,000 shall constitute 9th class, and pay \$108.00.

Over \$25,000 and not exceeding \$30,000 shall constitute 10th class, and pay \$88.00.

Over \$20,000 and not exceeding \$25,000 shall constitute 11th class, and pay \$80.00.

Over \$15,000 and not exceeding \$20,000 shall constitute 12th class, and pay \$60.00.

Over \$10,000 and not exceeding \$15,000 shall constitute 13th class, and pay \$40.00.

Over \$8,000 and not exceeding \$10,000 shall constitute 14th class, and pay \$32.00.

Over \$6,000 and not exceeding \$8,000 shall constitute 15th class, and pay \$24.00.

Over \$4,000 and not exceeding \$6,000 shall constitute 16th class, and pay \$20.00.

Under \$4,000 shall constitute 17th class, and pay \$12.00.

SEC. 4. The provisions of this article shall not be construed to authorize any person to sell spirituous, vinous or fermented liquors.

*ARTICLE III.—Hotel Keepers.*

SEC. 1. Hotel or tavern-keepers defined.

SEC. 2. Number of rooms.

SEC. 3. Statements to be filed.

SEC. 1. Whoever shall keep any public house with lodging rooms and dining hall for the accommodation of guests within Ogden City, is declared to be a tavern or hotel-keeper.

SEC. 2. Each tavern or hotel-keeper, on making application to the Mayor for license, shall make a statement of the number of rooms of all kinds his house contains, which statement shall be sworn to before the Mayor or the City Recorder, by the tavern or hotel-keeper, or his duly authorized agent.

SEC. 3. The Recorder shall file all such statements in alphabetical order, and yearly licenses may be issued therefrom, at the following rates per annum, viz.:

Over 100 rooms with dining hall shall constitute 1st class, and shall pay \$120.00.

Over 75 to 100 rooms shall constitute 2nd class, and pay \$100.

Over 50 to 75 rooms shall constitute 3rd class, and shall pay \$80.00.

Over 25 to 50 rooms shall constitute 4th class, and shall pay \$50.00.

Twenty-five rooms and under shall constitute 5th class, and shall pay \$25.00.

*Provided*, licenses may be granted for lodging rooms exclusively at half the foregoing rates.

*ARTICLE IV.—Banks, Bankers, Brokers and Exchange Dealers.*

SEC. 1. Checks, etc.

SEC. 2. Amount of capital.

SEC. 1. No person, corporation, association or firm shall carry on the business of dealing in, buying or selling, or discounting any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds or other kinds of writings obligatory; or in gold, silver or bullion, within Ogden City, without first obtaining a license under the provisions of this article.

SEC. 2. Each banker, broker or exchange dealer, on making application for license, shall make a statement under oath, sworn to before the Mayor or City Recorder, of the amount of capital to be employed; such statements shall be filed in alphabetical order, and yearly, half-yearly or quarterly licenses may be issued thereon, as follows, viz.:

With capital of \$100,000 and not less than \$200,000, \$75 per quarter.

With capital of less than \$100,000 and over \$50,000, \$40 per quarter.

With capital of less than \$50,000 and over \$25,000 \$25 per quarter.

With capital of \$25,000 or less, \$15 per quarter.

*ARTICLE V.—Restaurants.*

SEC. 1. Defined.

SEC. 2. Applicant to make statement.

SEC. 3. Statement to be filed; rates.

SEC. 1. Whoever shall keep any house or place for furnishing meals without lodging within Ogden City, is declared to be a restaurant keeper.

SEC. 2. Each restaurant keeper, on making application to the Mayor for license, shall make a statement of the greatest number of persons he can furnish with meals at one time, which statement shall be sworn to, before the Mayor or City Recorder, by the restaurant keeper or his duly authorized agent.

SEC. 3. The City Recorder shall file all such statements, and yearly licenses may be issued thereon as follows, viz.:

For all restaurants able to accommodate twenty-four to thirty-six guests at one time, \$30.

For all restaurants able to accommodate sixteen to twenty-four guests at one time, \$20.

For all restaurants able to accommodate less than sixteen at one time, \$12.

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*ARTICLE VI.—Livery and Feed Stable Keepers.*

SEC. 1. Livery and feed stable keepers defined.

SEC. 2. Statement to be made on application.

SEC. 3. Statements to be filed; rates of license.

SEC. 1. A livery stable keeper is one who keeps

for hire horses, carriages, or other vehicles; and a feed stable keeper is one who provides feed and stabling for animals not his own.

SEC. 2. Each livery stable keeper, on making application to the Mayor for license, shall make a statement of the greatest number of animals and vehicles of all descriptions kept by him, which statement shall be sworn to, before the Mayor or City Recorder, by the livery stable keeper or his duly authorized agent.

SEC. 3. The City Recorder shall file all such statements, and may issue yearly, half-yearly or quarterly licenses thereon at the following rates per annum, viz.:

For 10 vehicles and over, with animals, \$100.00.

For any number of vehicles over five and less than 10, with animals, \$60.00.

For less than five vehicles, with animals, \$30.00.

For feeding stables exclusively, \$24.00.

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*ARTICLE VII.—Selling Fresh Meats.*

SEC. 1. License to be obtained.

SEC. 2. What application must contain.

SEC. 3. What license must contain.

SEC. 4. Penalty.

SEC. 1. It shall not be lawful for any person to carry on the business of selling fresh meats within the limits of this city, without first obtaining a license therefor.

SEC. 2. All applications for license to carry on the business aforesaid shall be made to the Mayor in

writing, who is hereby authorized to grant such licenses on payment into the City Treasury of the sum of twelve dollars per quarter, in advance. Said application shall specify where the business is to be carried on, when it shall commence, and shall be signed by the applicant.

SEC. 3. In the license to sell fresh meats, it shall state where the business is to be carried on; but such license shall not authorize such business to be carried on at any other place than that designated therein. Such license shall not be transferable, nor shall it authorize any person to carry on such business other than as named therein.

SEC. 4. Any person failing to comply with the provisions of this article, shall be liable to a fine not exceeding one hundred dollars.

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*ARTICLE VIII.—Billiard and other Gaming  
Tables, and Pin Alleys.*

SEC. 1. Billiard and pool tables—Rates of license.

SEC. 2. Other tables.

SEC. 3. Pin alleys.

SEC. 4. Bonds.

SEC. 1. A keeper of a billiard or a pool table is one who possesses or keeps, or has the control or management of, one or more billiard or pool tables whereon others are permitted to play, and for the use of which,

or privilege of playing thereon, or for the hire thereof, any money or its equivalent, or any check or counter in lieu of money, shall be paid or received; and all billiard or pool tables within Ogden City shall be held and taken to be so kept, and to come within the meaning of this article, except such as may be kept within dwelling houses for the owner's recreation, and not for the purpose of letting the same to others to play thereon for money, or anything representing or in lieu of money, or for wagers or bets; and there shall be levied and collected in advance for every license to keep billiard and pool tables as aforesaid, \$15 per quarter for each table.

SEC. 2. There shall be levied and collected for every license to keep bagatelle, borondulette, pigeon-hole, or other kinds of tables, on which games are played, other than billiard and pool tables, for each table the sum of ten dollars per quarter, payable quarterly in advance. And no such tables or billiard or pool tables shall be kept in any saloon, or any other public place for use, without a license therefor shall be first obtained, according to the provisions of this chapter.

SEC. 3. A keeper of a pin alley is one who owns, possesses or keeps such alley (without regard to the number of pins used), on which persons are permitted to play; and for license to keep a pin alley, there shall be levied and collected quarterly in advance, the sum of \$10 on each alley or runway.

SEC. 4. All persons, other than saloon keepers, obtaining license under this article shall give bonds to the city of Ogden, with at least two sureties, to be

approved by the Mayor, in the penal sum of \$300, conditioned that the party so licensed shall faithfully observe and keep all the provisions of this article, and that he will prohibit music, dancing, drunkenness and all riotous or disorderly conduct on his premises.

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*ARTICLE IX.—Brewers and Distillers.*

- SEC. 1. License must be obtained.
- SEC. 2. What application must contain.
- SEC. 3. License, when granted—Rates.
- SEC. 4. Not transferable.
- SEC. 5. Penalty.

SEC. 1. No person within the limits of Ogden City, directly or indirectly, in person or by another, shall manufacture, for or on his account, any spirituous or fermented liquors, for sale, without a license first had and obtained according to the provisions of this article.

SEC. 2. Applications for license under the provisions of this article shall be made in writing to the Mayor and City Council, and shall state the full name of the applicant, and if a firm, the full name of each member thereof, and the place where such business is to be carried on.

SEC. 3. On payment into the City Treasury of the amount herein named, and the fulfillment of all other requirements of this article, the Mayor and City Council may cause to be issued by the Recorder a license to carry on the business asked for, for the period of three months, in the tenement or building designated in the application, at the following rates,

viz.: As a brewer to manufacture ale, beer or porter, to be sold only at wholesale, by the keg or barrel, in quantities not less than four gallons, or in bottles not less than one dozen, and not to be drank on the premises, twenty-five dollars per quarter.

As a distiller, to manufacture spirituous liquors, to be sold only at wholesale, by the keg or barrel, in quantities not less than four gallons, or in bottles not less than one dozen, and not to be drank on the premises, fifty dollars per quarter.

SEC. 4. No license granted under the provisions of this article shall be assignable or transferable, or authorize any person or persons other than those named in the license, to carry on the business therein specified. Nor shall any person or persons carry on any business named in this article at any other place than the one designated in the license therefor, without the consent of the City Council first had and obtained thereto.

SEC. 5. If any person shall engage in the manufacture of any spirituous or fermented liquors at any house or place within this city without first having obtained a license therefor as hereinbefore provided, or if any person licensed as a brewer or distiller shall sell, give away or dispose of any spirituous or fermented liquors on Sunday, or give or sell to any minor or Indian in any quantity, or sell or dispose of any spirituous or fermented liquors in quantities less than hereinbefore prescribed, or sell any such liquors or suffer them or either of them to be sold or to be drank on his premises, without first having taken out a license as liquor dealer at such premises, he shall, on conviction of either offense, be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment

not exceeding one hundred days, or to both such fine and imprisonment, at the discretion of the court.

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*ARTICLE X.—Hawkers and Peddlers.*

SEC. 1. License must be obtained.

SEC. 2. Rates.

SEC. 1. All hawkers and peddlers are hereby required to obtain license under the provisions of this chapter, and shall pay therefor, per annum, the sum hereinafter named.

SEC. 2. For a license to carry a basket for the sale of notions, \$6.00.

For a license to carry a pack for the sale of merchandise, \$30.00.

For a license to peddle merchandise from a wagon, or other vehicle, \$60.00.

*Provided*, that quarterly licenses may be issued at the foregoing rates.

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*ARTICLE XI.—Sundry Vocations.*

SEC. 1. Businesses to be licensed.

SEC. 2. Rates.

SEC. 3. Exemptions.

SEC. 4. Same.

SEC. 1. It shall not be lawful for any person to exercise, within Ogden City, the business of drummer

or commercial traveler or agent, runner or buyer on the street, real estate or land agent, smelting or crushing ores, assaying, bill poster, insurance agent, photographer, machine agent, expressing, telegraphing, telephoning, intelligence office, running omnibusses, cars, cabs, hacks or other vehicles, portorage, or to conduct or manage any theatre, circus, menagerie, exhibition, show or amusement, skating rink, shooting gallery, ball or concert room, without first obtaining license therefor.

SEC. 2. There shall be levied and collected quarterly in advance, for every license granted for the business or object herein specified, as follows:

First.—Upon the license of every person who engages in the business or occupation or calling of what is commonly known as a commercial traveler, or drummer, or commercial agent or traveling agent, who sells or offers to sell or solicits for the sale of any goods, or wares, or merchandise, \$10.00.

Second.—Upon a runner's license, \$3.00.

Third.—Upon a real estate or land agent's license, \$4.00.

Fourth.—Upon a license for smelting or crushing ores, \$10.00.

Fifth.—Upon an assayer's license, \$3.00.

Sixth.—Upon a bill poster's license, \$2.00.

Seventh.—Upon an insurance agent's license, for each company represented, \$2.00.

Eighth.—Upon a photographer's license, \$5.00.

Ninth.—Upon a sewing machine agent's license, \$5.00.

Tenth.—Upon an express agent's or company's license, \$5.00.

Eleventh.—Upon a license for every telegraphing company, \$6.00.

Twelfth.—Upon the license of a telephone company, \$3.00.

Thirteenth.—Upon an intelligence office keeper's license, \$2.00.

Fourteenth.—Upon a license to run an omnibus, \$4.00.

Fifteenth.—Upon a license to run a car, cab, hack or other vehicle, \$3.00.

Sixteenth.—Upon a porter's license, \$2.00.

Seventeenth.—Upon a license for a theatre, \$10.00.

Eighteenth.—Upon a license for a circus or equestrian exhibition, for each performance or exhibition, \$50.00.

Nineteenth.—Upon a license for a traveling menagerie, for each performance or exhibition, \$25.00.

Twentieth.—Upon a license for a concert, ball, lecture, tricks of legerdemain, or any other exhibition, show or amusement, for each performance or exhibition, \$3.00.

Twenty-first.—Upon a license for a skating rink, \$10.00.

Twenty-second.—Upon a license for a shooting gallery, \$10.00.

SEC. 3. Nothing in this article shall be construed to apply to free lectures or concerts, or social gatherings for charitable purposes.

SEC. 4. If any person shall furnish such evidence as shall satisfy the City Council that he or she by reason of misfortune or physical infirmities merits exemption from the provisions of any section or clause

of this article, a free or gratuitous license may be issued to such party by the Mayor and attested by the City Recorder.

Approved January 31, 1881.

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## CHAPTER XVI.

### TO PROVIDE FOR ASSESSING AND COLLECTING CITY TAXES.

- SEC. 1. Rate of assessment.
- SEC. 2. Exemptions.
- SEC. 3. How assessed.
- SEC. 4. Same.
- SEC. 5. Tax constitutes a lien.
- SEC. 6. Real estate.
- SEC. 7. Corporations.
- SEC. 8. Railroads.
- SEC. 9. Notice to be given.
- SEC. 10. Oaths administered—Deputies.
- SEC. 11. Blank assessment list.
- SEC. 12. Duties of Assessor.
- SEC. 13. Duties of City Council and Recorder.
- SEC. 14. The City Council a board of equalization.
- SEC. 15. Recorder may be present.
- SEC. 16. Duties of Collector.
- SEC. 17. When real estate sold.
- SEC. 18. May be redeemed.
- SEC. 19. Money paid to redemptioner.
- SEC. 20. When not redeemed.
- SEC. 21. Collector when exonerated.
- SEC. 22. Auditor to keep account.
- SEC. 23. Taxpayer to be credited.
- SEC. 24. Money to be paid into the treasury.

SEC. 25. Election of Assessor.

SEC. 26. Meaning of terms.

SEC. 27. Ordinances repealed.

SEC. 1. There is hereby directed to be assessed and collected annually, beginning with the year 1880, an *ad valorem* tax on all property within the limits of Ogden City Corporation, made taxable by the laws of the Territory of Utah, for the following named purposes, to wit: Not to exceed five mills on the dollar to defray the contingent expenses of the city; not to exceed five mills on the dollar to open, improve and keep in repair the streets of the city.

SEC. 2. All property, real and personal, situated and being in this city, is taxable, except:

First.—Property owned by the United States.

Second.—Bonds and other obligations of the United States.

Third.—Property owned by this city, by Weber County, by Utah Territory, or by any school district.

Fourth.—Houses and other buildings and land occupied for public worship, owned by any religious denomination, so long as the same are used for public worship, and no income is derived therefrom; but this subdivision does not include the residence of the minister, parson or other person attendant upon such denomination.

Fifth.—Property owned by any scientific, charitable or benevolent society, so long as such property and the income that may be derived therefrom are used exclusively for the public good.

Sixth.—Public libraries and libraries of literary and scientific associations, when no income is derived therefrom.

Seventh.—Private libraries and libraries of pro-

fessional persons, not exceeding three hundred dollars in value.

Eighth.—Public squares and public grounds, used for amusement and pleasure, when no income is derived therefrom.

Ninth.—Shares of stock in corporations when the property of the corporation is taxable.

Tenth.—Cemeteries and graveyards when used for interring the dead.

Eleventh.—Property owned by any fire or military company, when used only for the public good, and no income is derived therefrom; mining claims and the products of mines and the ore in the mines.

Twelfth.—Wearing apparel, beds, bedding, stoves, chairs, etc., not exceeding one hundred dollars in value for each family.

SEC. 3. Property other than money, shall be assessed at a fair cash valuation. Money loaned, on hand or on deposit, shall be assessed at its legal value. Real estate shall be listed as real estate, and personal property shall be listed as personal property. Real estate taxable under this ordinance, shall be listed and assessed as valued on the 1st day of January in each year; all other property taxable under this ordinance, shall be listed and assessed as valued on the day of assessment. From credits taxable under this ordinance, debts due and owing by the party to be assessed shall be deducted in listing and assessing.

SEC. 4. Shares of stock in national banks shall be listed and assessed to the shareholders. Shares of stock in corporations other than national banks, when the same are taxable, money and taxable bonds, shall be listed and assessed to the shareholder, moneyholder,

or bondholder. Property held in trust by an executor, administrator or other trustee, shall be listed to such executor, administrator or trustee.

SEC. 5. Property shall be assessed to the owner, if known; if the owner be unknown, then to an unknown owner. The tax shall attach to and constitute a lien on the property assessed from the day of assessment. If the taxpayer own both real estate and personal taxable property, the tax on the personal property shall also be a lien on the real estate. In each and every case the lien shall be paramount to all other liens whatsoever, and it shall not be removed therefrom until the tax is paid, or until the title vests thereto, under a sale thereof, by virtue of proceedings to enforce payment of the tax.

SEC. 6. In assessing real estate, it shall be referred to with reasonable certainty, as to locality and quantity; it shall be sufficient to give the number of the lot, block and plat, when so platted and numbered; and on other lands, the approximate area within the section or other legal subdivision of the United States or city surveys.

SEC. 7. The property, real and personal, of corporations shall be assessed, and the tax collected to the same extent as if such property were owned by individuals.

SEC. 8. In all cases where a railroad, owned by any person, partnership, firm, company or corporation, shall be located and constructed in this city, such road and the real and personal property appertaining thereto, shall be assessed in the same manner as other

property. The president or other officer of such company or corporation, shall, on demand, give to the Assessor a statement containing a description of such road, and the real and personal property appertaining thereto, within the city, with the fair cash value thereof. Also the number of locomotives and cars of every description, commonly known as rolling stock, and their fair cash value; the whole length of said road, and the length of that portion thereof in this city, and an apportionment of the valuation of such rolling stock to this city, the same to be estimated according to the proportion to which the portion of said road, in this city, bears to the whole length of said road.

SEC. 9. In all cases when the property of a corporation is to be assessed, the Assessor shall issue a written notice to the president, secretary, superintendent or person in charge of the property of such corporation, that an assessment is to be made, requiring such president, secretary, superintendent or person in charge of said property, to make a statement, upon his oath or affirmation, of the real and personal property of such corporation, situate and being in this city, and deliver the same to the Assessor within ten days from date of said notice. It shall be sufficient to deposit said notice in the post office, postage prepaid, directed to such corporation at the place where it keeps its principal office or place of business.

SEC. 10. The Assessor and Collector is hereby empowered to administer oaths in the discharge of his official duties, and shall require persons to give a statement of their taxable property under oath, and he is hereby authorized to appoint, when necessary, one or more deputies, who shall be invested with the same

power as their principal, and for whose official acts he shall be responsible, and they shall qualify and give bonds with good and sufficient sureties to said Assessor and Collector, to be approved by him and filed with the city Recorder.

SEC. 11. The Assessor may, when he deems it necessary, leave with the person to be assessed, or at his residence or place of business, a blank form of the assessment list—and with corporations, firms or associations, suitable forms—requiring the taxpayer to fill out and swear to the same, except as to values, before some officer authorized to administer oaths, and return the same to the Assessor within ten days from date of service; and any person, corporation, firm or association furnished with said blank forms, must comply with the requirements thereof, or be liable to a fine not to exceed ninety-nine dollars for each and every such neglect. If any person shall wilfully and knowingly make a false list to the Assessor, or make a false statement of his property, or property under his control, he shall be deemed guilty of a misdemeanor, and may be fined in any sum less than one hundred dollars, or imprisonment in the city jail not exceeding one hundred days, or both. The City Recorder shall furnish to the Assessor suitable books and blanks conveniently ruled and headed for designating the property to be assessed, which books shall constitute the assessment roll.

SEC. 12. After the first day of January and before the first Monday in June in each year, the Assessor shall ascertain by diligent inquiry and examination, all property in this city, real and personal, subject to taxation; also, so far as practicable, the names of all per-

sons, corporations, companies or firms owning, claiming or having the possession or control thereof, and shall determine the fair cash value of such property, and shall so list and assess the same to the person, firm, corporation, association or company owning or having the possession, charge or control thereof, and make returns to the City Council. But the time for making returns may be extended or additions made thereto by order of said Council. No assessment of property or charge for taxes or assessments thereon shall be considered illegal on account of any irregularity or informality in the tax list or assessment rolls, or on account of the assessment rolls or the tax list not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the assessment and collection of taxes, not affecting the substantial justice of the tax or assessment itself, shall vitiate or in any way affect the tax or assessment. If at any time after the assessment is made, and during the year, it should be ascertained that any taxable property has not been assessed, the Assessor may assess the same, and make report thereof to the City Council, who shall cause the same to be entered in the Collector's roll for collection.

SEC. 13. The City Council shall, on the return of the assessment roll, appoint a time to hear complaints and determine the Assessor and Collector's compensation; also determine the rate per cent. of the city tax for the current year. The City Recorder shall, within twenty days after the receipt of the assessment roll, set the amount of tax in the proper column, opposite the

name or description of property, and furnish the Assessor and Collector with said assessment roll. On receipt of the assessment roll from the Recorder, the Collector shall furnish to each tax-payer by mail, postage prepaid, or leave at his residence or usual place of business (if known), a notice of the amount of tax assessed against him, and where and when payable, and return said assessment roll to the City Council.

SEC. 14. The City Council shall constitute a board of equalization, and shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom; and if the board of equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the Recorder to give notice to the persons interested, by letter, postage prepaid, deposited in the post-office, or otherwise, naming the day when they shall act in the case, and allowing a reasonable time for such parties to appear.

SEC. 15. During the sessions of the board, the Assessor may be present, and shall have liberty to make any statement touching questions before the board. The board may remit or abate the taxes of any insane, idiotic, infirm or indigent person to any amount not exceeding five dollars for the current year. During the session or as soon as possible after the adjournment of the board of equalization, the Recorder shall enter upon said assessment roll all the changes and corrections made by the board, and shall add up the columns of valuation; and, on or before the first day of September, he shall make and deliver to the Assessor and Collector a true copy of the corrected roll, with

the total amount of taxes to each person, firm, corporation or association, carried out in separate money columns, which copy shall be duly certified to by the Recorder; and he shall file the original assessment roll in his office. The City Council shall have power, on satisfactory proof being produced that any property has been assessed twice in the same year, or to a wrong owner, to correct said assessment and abate the tax thereon, or if the tax has been paid to refund the same, and if the property has been erroneously assessed to a wrong person, to assess the property to the owner, if known.

SEC. 16. On receipt of the assessment roll from the Recorder, the Collector shall proceed to collect the taxes, and pay the amount collected into the City Treasury, monthly, or oftener if required. All taxes provided for in this ordinance shall be due and payable on the 1st day of September annually. Any and all taxes remaining unpaid on the 31st day of October in the year the taxes are assessed, shall be deemed delinquent; and it shall be the duty of the Collector to levy upon enough taxable personal property of the tax-payer, to pay the taxes and costs, and proceed to sell the same in the manner hereinafter provided. Before making said sale, he shall give the owner, if known, and an inhabitant of the city, a notice in writing of the time and place of sale; he shall also cause public notice to be given, not less than ten nor more forty days, of the time and place of sale, and the kind of property to be sold, by posting up said notice in not less than three public places in the city; if real estate is to be sold, one of said notices must be posted upon the premises. When personal taxable property of a delinquent taxpayer is not found by the Collector,

or if found, is insufficient in amount to pay his taxes and costs, then the Collector is also authorized to levy upon and sell enough of any real estate belonging, or assessed to, such delinquent tax-payer, to pay the taxes due and all costs thereon; but if the property is not susceptible of division, he may sell the whole thereof. The property of non-residents or of persons unknown, shall not be sold for taxes without giving notice of such sale by advertising at least five times in some newspaper published in this city or Territory, commencing at least twenty days previous to the date of sale. The Collector shall be entitled to the same fees, as costs, as is a sheriff or constable, for like services. The Collector is hereby authorized and empowered to collect taxes at the rate per cent. of the previous year, at any time after the property has been assessed, in all cases where he has reasonable grounds for supposing that such property will be removed from the city previous to the regular time for collecting. Whenever property shall be sold for taxes, the amount, if any, remaining over and above the tax and costs, shall be paid into the City Treasury subject to the order of the person whose property was sold.

SEC. 17. When real estate is sold for taxes, the Collector shall issue a certificate to the purchaser, reciting substantially the facts of the non-payment of the tax, levy upon, advertisement and sale of said real estate, which certificate shall be *prima facie* evidence of the facts therein recited; a duplicate of such certificate shall be filed by the Collector in the office of the Recorder of the county: *Provided*, that if at such sale no person shall bid and pay the Collector the amount of tax and costs required to be paid as aforesaid on any real estate, the Collector shall strike off the

same to the city, and shall make to Ogden City corporation a certificate similar to that given to other purchasers, and such sale to the city shall have the same effect as if made to an individual; and the Auditor shall credit the Collector with the amount of tax due thereon and costs to date of sale.

SEC. 18. Real estate sold for taxes as aforesaid, may be redeemed by any person having any interest therein, at any time within two years after the date of the sale thereof, by such person paying into the City Treasury for the use of the purchaser, or his legal representatives, the amount paid by said purchaser, and all costs, as aforesaid, with interest, at the rate of one and one-half per cent. per month, on the whole, from the day of sale to that of the redemption, and all taxes that have accrued thereon, and which have been paid by the purchaser after his purchase to the time of redemption. And the Treasurer shall execute duplicate receipts therefor, one of which may be recorded by the County Recorder of Weber County, and when so recorded or filed for record, it shall have the effect to nullify or satisfy the certificate of the sale of such property for the delinquent taxes and costs.

SEC. 19. Money paid into the treasury in redemption of real estate, purchased at a tax sale, and to which money such purchaser, or his assignee, is entitled, shall be paid to him by the Treasurer, upon his application therefor and producing the duplicate certificate of the purchase or a copy thereof certified by the Recorder and endorsing thereon a receipt for the amount.

SEC. 20. If any property, sold as aforesaid, be

not redeemed within the time, and in the manner aforesaid, on presentation of the Collector's certificate of said sale, the City Recorder shall make out and deliver a deed therefor, conveying the same to the individual purchaser, assignee or city, as the case may be; which deed shall recite, substantially, the amount of tax, the year for which it was assessed, the day and year of the sale, the amount for which the real estate was sold, a full description thereof and the name of the purchaser, assignee or city, as the case may be, and when attested by the corporate seal, such deed shall be *prima facie* evidence of the facts recited therein.

SEC. 21. Whenever the Collector shall furnish satisfactory proof to the City Council that he has exhausted all the the taxable property, real and personal, of any delinquent taxpayer, the City Recorder shall credit the Collector with the amount of the tax of such delinquent remaining unpaid.

SEC. 22. It shall be the duty of the Auditor to keep an account with the Assessor and Collector, debiting him with the amount of tax assessed, and crediting him with the amount paid into the City Treasury, the amount remitted, and compensation allowed him for his services.

SEC. 23. Whenever any tax is paid in full to the Collector, he shall mark the word "paid" on the tax roll opposite the name of the tax-payer, and shall give a receipt therefor.

SEC. 24. On or before the 31st day of March in each year, the Assessor and Collector shall make full

payment into the City Treasury for all taxes due, and settle up his accounts with the Auditor. If any taxes shall remain unpaid to the Assessor and Collector on the 31st day of March, he shall have, in his own individual right, a right of action, the same as on express contract for the direct payment of money, against each delinquent. And no property of such delinquent shall be exempt from execution on a judgment in such cases.

SEC. 25. The Assessor and Collector, to be elected on the second Monday in February, A. D. 1881, and biennially thereafter, shall enter upon the duties of his office on the first day of April next following his election, and shall qualify at least five days prior thereto.

SEC. 26. Whenever the terms mentioned in this section are employed in this ordinance, they are employed in the senses hereinafter affixed to them, except where a different sense plainly appears :

First—The term person, when applicable, includes firm, partnership, joint stock company, association and corporation ;

Second—Words in the singular may include the plural, and words in the masculine may include the feminine ;

Third—The term property includes both real estate and personal property, as hereinafter defined ;

Fourth—The term personal property includes money and all other property, tangible and intangible, except real property ;

Fifth—The term intangible property includes shares of stock in corporations and in joint stock companies, and taxable bonds ;

Sixth—The term real property includes land, land claims and all improvements thereon ;

Seventh—The term real estate includes the ownership of, or claim to, or possession of, or right of possession to, any real property in this city ;

Eighth—The terms writing and written, include printing and printed, and the terms printing and printed include writing and written.

SEC. 27. All ordinances heretofore passed in relation to assessing and collecting city taxes, superseded by or in conflict with any of the provisions of this ordinance, are hereby repealed: *Provided*, always, that such repeal shall not affect, or in any wise impair any right accruing or any liability, forfeiture or penalty incurred under such repealed ordinances, or affect any suit, prosecution or proceeding begun or pending previous to the said repeal; but all rights, forfeitures, liabilities or penalties incurred under said ordinances may be enforced, the same as if such repeal had not been made; nor shall such repeal affect the right to any office or change the term or tenure thereof.

Approved March 16th, 1880.

## CHAPTER XVII.

REGULATING ELECTIONS AND PROVIDING FOR THE  
REGISTRATION OF VOTERS.

- SEC. 1. Elections, when held.
- SEC. 2. Who shall be elected.
- SEC. 3. Registration officers.
- SEC. 4. Duty of Assessor and Collector.
- SEC. 5. Oath of applicant.
- SEC. 6. Duty of City Recorder.
- SEC. 7. Same.
- SEC. 8. Notice of election.
- SEC. 9. Judges of election.
- SEC. 10. Council to provide ballot box, etc.
- SEC. 11. Envelopes to be provided.
- SEC. 12. Elections, how conducted.
- SEC. 13. Same.
- SEC. 14. Votes to be canvassed.
- SEC. 15. Canvass and count.
- SEC. 16. Subsequent proceedings.
- SEC. 17. Result to be declared.
- SEC. 18. Tie, how disposed of.
- SEC. 19. Ballots to be destroyed.
- SEC. 20. Oath of office.
- SEC. 21. Bonds to be given.
- SEC. 22. Compensation.
- SEC. 23. Effect of omission.
- SEC. 24. Making false returns, etc.—Penalty.
- SEC. 25. Bribery—Penalty.
- SEC. 26. Intimidation—Penalty.
- SEC. 27. Ordinances repealed.

SEC. 1. The Municipal Election of the City shall be held on the second Monday of February, 1881, and biennially thereafter, for the election of the following officers for the city, viz.: One Mayor, four Aldermen, five Councilors, one Recorder, one Treasurer, one Mar-

shal and one Assessor and Collector, who shall hold their offices for two years and until their successors are elected and qualified.

SEC. 2. No person shall be elected or appointed to any office of said city unless he is a citizen of the United States, and has been a constant resident of said city for one year next preceding such election or appointment. Neither shall any person be eligible to vote at any election unless possessing the qualifications of a voter, as prescribed by the laws of the Territory of Utah, and has been a constant resident in the city during the six months next preceding said election. No officer or soldier of the United States army, or other person subject to its military authority, shall be eligible to office or entitled to vote at any municipal election in the city, unless his home or place of residence was therein at the time of engaging in such service.

SEC. 3. The Assessor and Collector in and for the city, is hereby constituted the Registration Officer, and is authorized to appoint one or more deputies, when necessary, to aid him in carrying out the provisions of this ordinance. The list of voters made by the Assessor and Collector in the year 1879, and subsequently revised by him, is hereby approved and adopted as the registration list of the city.

SEC. 4. It shall hereafter be the duty of the Assessor and Collector, in person or by deputy, at the time of making each annual assessment for taxes, to take a transcript of the next preceding registration list, and proceed to the revision of the same, and for this pur-

pose he shall visit every dwelling house in this city, and make careful inquiry if any person whose name is on his list has died or removed from the city, or is otherwise disqualified as a voter therein, and if so, erase the name therefrom; or whether any qualified voter resides therein whose name is not on the list, and if so, to add the name thereto, subject to the conditions named in section five hereof.

SEC. 5. The Assessor and Collector shall, each year, give at least ten days' notice by having the same inserted in some newspaper having a general circulation in this city, or by posting the same up in three public places therein, that he will, during the week commencing on the third Monday in December next, be in attendance at his office for the purpose of registering all applicants for registration who are entitled thereto, and he shall, during the time named in said notice, be in attendance at his office, and shall enter upon his registry list the names of all applicants who appear and subscribe in substance the following oath or affirmation:

TERRITORY OF UTAH, }  
 OGDEN CITY. } ss.

I, — — —, being first duly sworn, depose and say that I am over twenty-one years of age and have resided in Ogden City for six months next preceding the date hereof, and (if a male) am a ("native born" or "naturalized," as the case may be) citizen of the United States, (or, if a female) I am "native born" or "naturalized," or the "wife," "widow" or "daughter,"

(as the case may be) of a "native born" or "naturalized" citizen of the United States.

Subscribed and sworn to before me this——day of  
——, A. D. 18—.

—— ——— Assessor.

Upon the receipt of such affidavit, the Assessor as aforesaid shall place the name of such voter upon the registry list and deliver the same together with all affidavits, within five days after the expiration of said week, to the City Recorder.

SEC. 6. The City Recorder shall carefully preserve all said affidavits, and registry list, and shall make a copy of each registry list, and cause the same to be posted up at least twenty days before the day of election, in some conspicuous place, at or near the place of election, and shall make and transmit another copy to the Judges of Election.

SEC. 7. It shall be the duty of the City Recorder to give notice on the lists so posted up, that any Alderman in and for the city will hear objections to the right to vote, of any person registered, until the fifth day next preceding the election; said objections shall be heard only when made in writing, by a qualified voter, and delivered to the said Alderman at least ten days prior to the day of election, who shall issue a written notice to the person objected to, stating the place, day and hour when the objection will be heard and giving not less than two days in which to appear. The person making the objection shall serve, or cause to be served, said notice upon the person objected to, and shall make returns of said service to said Al-

derman, before whom the objection shall be heard, unless at the time set for hearing he shall be unable to hear the same, in which case the objection, notice and return may be taken before any other Alderman, who shall hear and determine the case the same as if it had originally been commenced before him.

The objection shall state the particular ground upon which it is made, and the notice shall also contain a statement thereof, so that the person objected to may be fully apprised of the nature of the objection, and he shall not be required to answer to any objection of which he shall not have had such notice. Upon hearing the case if said Alderman shall find that the person objected to is not a qualified voter, he shall within three days prior to the election, transmit a certified list of the names of all such unqualified persons to the Judges of Election, and such Judges shall strike out such names from the registry list, before opening the polls. The polls shall be open to receive votes at the hour of eight o'clock in the morning and continue open till six o'clock in the evening.

SEC. 8. The City Recorder shall cause to be written or printed, a notice, designating the offices to be filled, the day when the election shall be held, the place for holding the polls, and the time when the same will open and close.

He shall date said notice and cause a copy thereof to be posted up at least fifteen days before the election, in at least three places in this city, which are best calculated to give notice to all the voters therein.

SEC. 9. The Council shall, at least twenty days before any election, appoint three capable and discreet persons, one at least of whom shall be of the

political party that was in the minority at the last previous election, if any such party there be, to act as Judges of general and special elections, and shall designate one of the persons appointed, to preside, and the other two to act as Clerks of said election. And the Recorder shall make out certificates of said appointments, and transmit them to the persons so appointed, who previous to entering upon the duties of said office shall take and subscribe an oath before some person duly authorized to administer the same, to the effect that they will well and faithfully perform all the duties of said offices, to the best of their ability, and that they will studiously endeavor to prevent any fraud, deceit or abuse at any election over which they may preside. If any of such judges decline to serve or fail to appear, the voters first assembled on the day of election, to the number of not less than six, at, or immediately after the time designated for opening the polls, may elect a judge or judges to fill the vacancy, and the persons so elected shall qualify as hereinbefore provided.

SEC. 10. The Council shall provide the necessary books, stationery and a ballot box, which ballot box shall be made of galvanized iron, of suitable size, with Yale or other safe lock, and two keys. One of the keys to be kept by the Judges of Election, and one by the City Recorder. There shall be a hole in the top of said ballot box, of sufficient size to admit a single ballot.

SEC. 11. The City Council shall provide the Judges of Election with a sufficient number of plain envelopes for election purposes, which envelopes shall be uniform in color and size, without any mark, writing,

printing or device upon them; and no other kind shall be used at any given election. Before opening the polls the ballot box shall be carefully and publicly examined by the Judges of Election, who shall satisfy themselves that nothing is therein. It shall then be locked and the key thereof delivered to the presiding Judge, and said box shall not be opened during the election.

SEC. 12. At the opening of the polls at all general and special elections, the Judges of Election shall designate one of the Judges acting as Clerk, who shall have in custody the registry list, and whenever any ballot shall be deposited in the ballot box he shall write the word "voted" opposite to the name of the person casting the vote, and the other Judge acting as Clerk, shall write the name of the voter and the number of the vote upon a list to be made by such Judge.

SEC. 13. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for, with a designation of the office to be filled; which ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and delivered to the presiding Judge of Election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot box, without any mark whatever being placed on such envelope.

SEC. 14. As soon as the polls shall be closed, the Judges of Election shall immediately proceed to canvass the votes and continue without adjournment until completed.

All candidates voted for may be present, either in person or by representative, to witness said canvass. If any envelope shall be found to contain two or more ballots of the same kind, one only shall be counted; if it shall contain two or more ballots designating more than one person for the same office, neither ballot shall be counted for either of such persons. If any ballot shall designate more than one person for the same office, such ballot shall not be counted for either of such persons.

SEC. 15. The canvass shall commence by the Judges who have acted as Clerks comparing their respective lists, and ascertaining therefrom the number of votes cast.

The box shall then be opened and the ballots therein contained counted by the Judges.

The presiding Judge shall then proceed to open the ballots and call off therefrom the names of the persons voted for, and the offices they are intended to fill. The Judges acting as Clerks shall take an account of the same, and all the ballots shall be immediately returned to the ballot box, which box shall immediately be locked and securely sealed.

SEC. 16. After the canvass shall have been completed, the Judges of Election shall add up and determine the number of votes cast for each person for the several offices, which result shall be placed on the lists made by the Judges acting as Clerks of the election, and the Judges shall thereupon certify to the correctness of the same, and deliver all lists securely sealed, together with the ballot box, to the City Recorder personally, within twelve hours after the completion of the count.

SEC. 17. On receipt of the ballot box and returns of election, the City Recorder shall, in presence of a committee appointed by the City Council for that purpose, break the seal of the returns, and all candidates may be present, as provided in section fourteen of this chapter, and said Recorder and said Committee shall carefully examine the returns; and if no irregularity or discrepancy appear therein, affecting the result of the election of any candidate, they shall accept said returns as correct; but if the right of any person voted for is in any way affected, then the Recorder and Committee shall open the ballots, and canvass the same, so far as to determine the rights of the person whose office may be affected. They may also cause to appear before them, any person whom they may deem proper and take their testimony in relation to said election. After the completion of said canvass, the City Recorder and Committee shall declare the result thereof, and the City Recorder shall immediately make out and transmit a certificate of election to each person elected to any office.

SEC. 18. Whenever a tie shall occur between two or more persons for the same office, the Recorder shall notify each of such persons thereof; such notice shall state the time, place and manner in which the tie is to be decided, and if neither of such persons appear by self or agents, the office shall be deemed vacant; if only one appear, the Recorder shall issue a certificate of election to such person, and the person or persons who do not appear, shall be deemed to have waived all right to said office. If two or more appear, the tie shall be decided by lot in the presence of the Recorder.

SEC. 19. Immediately after the inspection of the ballots they shall be returned into the box, which shall be locked and securely sealed, and so preserved for ten days after the result of the election has been declared; and immediately after the expiration of the ten days, if no notice of contest has been filed, the City Recorder shall, in the presence of at least one member of the City Council, destroy all of said ballots.

SEC. 20. The City Recorder shall as soon as possible after the result of the election has been determined, make out a general abstract thereof in duplicate, and certify to the correctness thereof; one of which he shall file, and the other he shall post up in his office, and every person elected or appointed to an elective, judicial or administrative office, shall, before he enters upon the duties thereof, appear before the Recorder and take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory and the ordinances of this city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability, and shall file the same with said Recorder. The Mayor shall, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require, and if any person elected or appointed to any office in the city shall, for thirty days after such election or appointment, fail to qualify and enter upon the duties of such office as required by law, the City Council may declare said office vacant and proceed to fill the same as other vacancies are filled.

SEC. 21. The Mayor and Aldermen, before entering upon the duties of their respective offices, shall

give bonds with approved securities, each in the penal sum of five thousand dollars, to the people of Ogden City, conditioned for the faithful performance of the duties thereof, which bonds shall be approved by the Recorder and filed in his office.

SEC. 22. The Assessor, the Aldermen, City Recorder and Judges of Election, shall receive for their services such compensation as the City Council shall determine.

SEC. 23. Any omission or irregularity of the Assessor, or other officer pertaining to election matters, shall not invalidate any election, or authorize the rejection of any legal votes cast, except to the extent that such omission or irregularity shall have prevented a fair vote.

SEC. 24. Any person who shall falsely make any return, or falsely make any certificate, or who shall in any manner procure or assist in making the same, or who shall make any false affidavit to the Assessor, or who, having entered upon the duties of any of the offices provided for in this ordinance, shall wilfully fail or neglect to perform the same, or who shall disturb or be guilty of any riotous, boisterous or indecent conduct, at any municipal election, or disturb or interfere with the canvassing of votes or making returns thereof, shall be deemed guilty of an offense, and shall be punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment not exceeding ninety-nine days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 25. Any person who shall give, or promise,

or offer to give, to an elector, any money, reward or other valuable consideration, for his or her vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person, for such elector's vote, or the withholding thereof, or any elector who shall receive, for himself, or for another, any reward or other valuable consideration, for his vote at an election, or for withholding the same, shall be deemed guilty of an offense, and shall be punished as prescribed in section twenty-four of this chapter, and shall also forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SEC. 26. Any person who shall offer any threat or intimidation, to any elector, for the purpose of influencing his or her vote, or who shall examine any ballot offered or cast at the polls, or found in the ballot box, for any other purpose than to ascertain what candidate has been elected, or who votes more than once at any one election, or knowingly offers to vote two or more ballots at any one time, or in any manner changes any ballot after the same has been deposited in the box, or adds or attempts to add any ballot to those legally polled, shall be deemed guilty of an offense, and shall be punished as hereinbefore prescribed.

SEC. 27. All ordinances or parts of ordinances superseded by or in conflict with any of the provisions of this chapter, are hereby repealed.

Approved December 3, 1880.

## CHAPTER XVIII.

## RELATING TO THE CITY ESTRAY POUND.

- SEC. 1. Estray pound provided for.
- SEC. 2. Poundkeeper.
- SEC. 3. Blank books to be provided.
- SEC. 4. Duties of Poundkeeper.
- SEC. 5. Damage done by animals.
- SEC. 6. Notice to be posted.
- SEC. 7. Estray animals provided for.
- SEC. 8. Proceeds of sales.
- SEC. 9. Stock doing damage or at large.
- SEC. 10. Account book to be kept.
- SEC. 11. Fees.
- SEC. 12. Obstructing those impounding—Penalty.

SEC. 1. There shall be provided and kept in repair by the City Council of Ogden City, a good and substantial Estray Pound within the limits of the city.

SEC. 2. The City Council shall appoint a Poundkeeper, who shall take an oath of office conditioned for the faithful performance of his duties. He shall hold office for two years unless sooner removed by the City Council, or until his successor is appointed and qualified.

SEC. 3. The City Council shall provide suitable blank books for the use of the Poundkeeper, including a pound book, which shall be open to public inspection at all reasonable hours.

SEC. 4. The Poundkeeper shall receive and take good care of all estray animals committed to his charge,

and register them forthwith in his pound book. The registration shall state when, and from whom received, where found, the amount of damage done, if any, and set forth the kind of animal, color, stripes, marks, brands, approximate age, and such other description as may aid the owner to identify his animal. The Poundkeeper shall receive and file all bills duly presented for damage done by said animals; he shall use due diligence to find the owner or owners of said animals by record of brands and otherwise. But he shall not deliver any animal to its owner or any other person, until all costs and the damage done by said animals are paid or satisfactorily arranged.

SEC. 5. All damages done by any animal shall be forthwith appraised by any disinterested citizen, who may make a reasonable charge for such service, and shall set forth in said appraisal, in writing, a description of the animal, the time and place of damage, the amount of damages, together with his charges, the name of the owner of the animal, if known, and the name of the person so damaged, which appraisal, if not paid or satisfactorily arranged for by the owner, or if the owner be not found, shall, together with the animal, be delivered to the City Poundkeeper: *Provided*, that if the owner deem the appraisal too high, said owner may choose another appraiser, who, with the first, may make a new appraisal; or when they cannot agree, they two may choose a third, and the three may proceed to make a final appraisal.

SEC. 6. The Poundkeeper shall, within twenty-four hours after receiving any animal, post up in two of the most conspicuous places in the city, a notice containing a copy of the description of said animal in

the pound book, and stating that if said animal be not claimed and taken away within five days after said notice, it will be advertised and sold at public sale to the highest responsible bidder. And in all cases where the owner of said animal is known to him he shall immediately notify such owner of the same.

SEC. 7. The Poundkeeper shall provide forage or pasturage for all stray animals in his charge, or place them in the care of some responsible person for feeding and pasturing. He shall advertise for sale all animals remaining unclaimed at the expiration of the five days mentioned in the preceding section, by posting in this city notices in two of the most conspicuous places, and advertising once and not more than three times in some newspaper having general circulation in this city. Said notice and advertisement shall give a full and correct description of the animals to be sold, and state the time and place of sale, and that if not claimed and taken away within ten days from the date of said notice and advertisement, he will expose said animals at public sale, and sell them to the highest responsible bidder.

SEC. 8. The Poundkeeper, after deducting the costs and damages, shall pay into the City Treasury the proceeds of said sales, to be held subject for six months to be drawn by the former owners of the animals. The ownership of such animals to be determined by the Poundkeeper, who shall, on satisfactory evidence being presented, issue an order on the Treasurer for the amount.

SEC. 9. Any cattle, horses, mules, jacks or jennies, sheep, goats or swine found doing damage or running at large within the limits of the City, are hereby

declared estrays, and may be taken up by any person and driven to the City Pound; and said animals may be held by the Poundkeeper, and sold as provided in this chapter.

SEC. 10. The Poundkeeper is hereby required to keep in suitable books, and in a legible manner, an accurate account of all his receipts and disbursements. He shall semi-annually, or oftener if required by the City Council, make a full and detailed report of his proceedings—showing the number of animals sold, the amounts received therefor, the amounts paid for forage, pasturage, advertising and expense of sales. He shall pay into the City Treasury monthly, or as directed by the City Council, all funds in his possession belonging to the city.

SEC. 11. Fees for impounding and registering shall not exceed one dollar a head for horses, mules, cattle or swine, nor ten cents for calves, goats or sheep. One-half of said fee shall be paid into the City Treasury. Charges for feeding animals shall be governed by the price of forage and pasturage at the time they are fed. Fees for making enquiries for the owners of the animals, shall not exceed a reasonable compensation therefor.

SEC. 12. Any person who shall attempt by force, threats or intimidation to prevent another from driving stray animals to the City Pound, or shall obstruct the Poundkeeper in his official duties, shall be liable to be fined in any sum not exceeding twenty-five dollars, or to be imprisoned for one month, or both, for each offense.

Approved January 27, 1881.

## CHAPTER XIX.

## IN RELATION TO QUARANTINE.

SEC. 1. Quarantine limits.

SEC. 2. Board of Quarantine.

SEC. 3. Duties of Quarantine Board—Infected persons, effects and premises.

SEC. 4. Names of Quarantine Physicians to be published—Physicians and nurses to report cases of infection, etc.

SEC. 5. Penalty.

SEC. 1. The corporate limits of Ogden City and twelve miles from said limits along all railroads running into the city, are hereby declared subject to quarantine regulations.

SEC. 2. The Quarantine Physician or Physicians, with the Mayor, shall constitute the Board of Quarantine, whose duty it shall be to make and enforce quarantine regulations within the above quarantine limits. The compensation of said Quarantine Physician or Physicians shall be determined by the City Council.

SEC. 3. If any person shall be found infected with small-pox, or any other contagious disease, within the aforesaid quarantine limits, the Board of Quarantine shall cause him to be removed forthwith to such place, within said limits, as said Board may direct, if in their judgment the safety of the public, or of the person so infected, shall render his removal necessary; or if the said Board shall deem it advisable for the person so infected to remain in his usual place of abode, or in the premises where he was found affected, for care and

treatment, the said Board shall compel the strict quarantining of said place by causing a yellow flag to be kept displayed conspicuously upon such premises during the period of danger, by giving notice in the most public manner practicable that said premises are infected, and by regulating or prohibiting ingress and egress to and from said premises, until all danger from infection therein shall have ceased, and said premises shall have been thoroughly disinfected. If the effects of any person shall be found in a condition liable to engender any contagious disease, the same shall, at the discretion of the Board, be removed or destroyed at the expense of the owner thereof. And in the event of the removal of any infected person, the premises from which he is removed and the household exposed to infection shall be strictly quarantined until all danger from infection shall have passed, and such measures for the purification of said premises shall have been taken as in the judgment of the Board shall be necessary.

SEC. 4. The name of the Quarantine Physician shall be published during the continuance of the contagion, in some newspaper printed in Ogden City. All physicians or other persons attending upon the sick, having a knowledge of the existence of any malignant contagious disease, within the aforesaid quarantine limits, are hereby required to report the same forthwith to a member of the Board of Quarantine. Any physician, nurse or other person exposed to such contagious disease, is hereby forbidden to mingle with or be in the presence of others not affected with the contagion, in such clothing as may have been used where there was such disease, or to otherwise expose any person to such contagion.

SEC. 5. Any person neglecting or refusing to comply with the foregoing requirements, or with any regulations made by the Board of Quarantine, shall be liable to a fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both.

Approved January 27, 1881.

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## CHAPTER XX.

### IN RELATION TO WATER, WATER DITCHES AND CULVERTS.

SEC. 1. Suitable ditches to be made.

SEC. 2. Box culverts.

SEC. 3. Allotment of water.

SEC. 4. Overflowing.

SEC. 5. Sluiceways.

SEC. 6. Ditches to be kept in repair.

SEC. 7. Delinquents assessed.

SEC. 8. Fine.

SEC. 9. Ditches across public roads.

SEC. 10. Infringements.

SEC. 11. Ditches in private grounds.

SEC. 1. All owners or occupants of lots in Ogden City, requiring water from a main ditch for irrigation or other purposes, are hereby authorized and required to dig suitable ditches to convey the water across the sidewalks, to or from their respective lots.

SEC. 2. All persons having ditches across the sidewalks to or from their respective lots, are hereby required to make good box culverts and keep them in repair, the covering of the culverts to be on the same grade as the sidewalks, and to put suitable water-tight

gates at the ditch entrance of the culverts; and when their times for irrigating expire they shall securely close said gates.

SEC. 3. All persons using ditch water on their lots, during the period when it is allotted by the water-masters, and after official notice of said allotment, at any time or in any quantity not so allotted to them, shall be liable to a fine in any sum not exceeding fifty dollars.

SEC. 4. All persons having ditches running in front of their lots, between the street and sidewalk, or having ditches in their lots, are hereby required to so make and maintain said ditches that the water shall not flow therefrom to the injury of said streets or sidewalks, or to the waste of said water during any period of its allotment for irrigation.

SEC. 5. All persons desiring to place dams or sluiceways in the water ditches, are hereby required to obtain permission from and construct them under the direction of the Water Master having jurisdiction, and to keep them in proper order, as provided for in the fourth section of this chapter.

SEC. 6. All owners of city lots, or parts of city lots or farming lands, within the limits of Ogden City, are hereby required to make and keep in repair the ditches opposite their lots, or parts of lots, or farming lands.

SEC. 7. When it is necessary to make and repair ditches, to convey water for irrigation and other purposes, it shall be the duty of the Water Master to give

to the persons concerned therein reasonable notice of the time and place such work is to be done, and it shall be the duty of such persons to make their proportions of said ditches, or the repairs thereon, and in case of refusal or neglect to comply with said notice of the Water Master having jurisdiction, said Water Master is hereby empowered to have the necessary work done, and the cost of said work shall be assessed proportionately to the farming lands, lots or parts of lots of said delinquents benefited by said water, and the amount thereof shall be a lien upon said land, lots or parts of lots, the same as city taxes.

SEC. 8. All persons so using water as to cause, through their failure or neglect, damage to any lot, street, sidewalk, ditch, bridge, or other property, shall be liable to a fine in any sum not exceeding fifty dollars for such offense, and to pay all damages accruing thereby.

SEC. 9. All persons are hereby forbidden to run water or dig ditches across any of the public roads or streets within the limits of this corporation, for the purpose of conveying water for irrigation or other purposes, unless they bridge, pave or enclose the same under the direction of the Street Supervisor.

SEC. 10. The Water Master having jurisdiction is hereby required to notify all persons infringing upon the provisions of this chapter; and, upon their refusing to comply with its requirements, he shall report them and their infringements to the Mayor or any Alderman of this city, who shall cause the offenders to be brought before him, and, upon conviction, they shall be liable to a fine in any sum not exceeding twenty-five

dollars for each offense, and to pay all damages that may accrue therefrom.

SEC. 11. In cases where persons are obliged to convey water across grounds between their premises and a public water ditch, which they are hereby authorized to do, they are hereby required to do so under the direction of the City Water Master, and with the least possible injury to the said property and owners thereof, both in digging the requisite ditches and in managing the water therein; and for failure or neglect in so doing they shall be liable to pay all damages caused thereby. When public water ditches pass through private grounds, the right of way therefor is hereby guaranteed subject to the provisions herein prescribed. Any person having the right to use water therefrom is hereby authorized to pass along said ditches, as occasion may require, during the time said person holds said right; said passing to be under the supervision of the Water Master having jurisdiction.

Approved January 27, 1881.

## CHAPTER XXI.

RELATING TO THE KEEPING AND DISPOSING OF  
GUNPOWDER AND OTHER EXPLOSIVE  
MATERIALS.

- SEC. 1. Dealers must be licensed.
- SEC. 2. Retail dealers defined—Restriction.
- SEC. 3. In relation to purchasers.
- SEC. 4. How much may be kept by others.
- SEC. 5. Sign to be displayed.
- SEC. 6. Quantity to be conveyed.
- SEC. 7. Penalty.

SEC. 1. No person shall be permitted to engage in the business of handling, selling or otherwise disposing of gunpowder, gun cotton, nitro-glycerine, dynamite or other explosive substances in this city except in the manner and upon the terms prescribed in this chapter. Those who keep on hand or sell any of said articles in greater quantities than is hereinafter prescribed for retail dealers shall be deemed wholesale dealers, and before beginning such business must procure a license from the City Council and pay therefore the sum of five dollars per quarter. They shall keep all such substances, except when transporting them in the regular course of business, in a magazine of such construction and in such location as shall be prescribed by the City Council; and in so transporting them no unnecessary delay shall be allowed and all possible care shall be taken.

SEC. 2. Retail dealers must obtain a license from the City Council and pay therefor the sum of two dol-

lars per quarter. They may conduct such business in any part of the city, provided the location selected be not deemed unsafe by the City Council. Such dealers shall not at any time keep on hand more than fifty pounds of gunpowder, and the same must be stored as far away from fires and artificial lights, of whatever nature, as possible, and no person shall handle or in any manner dispose of such gunpowder except by the light of day, unless the same be in canisters, securely sealed.

SEC. 3. Purchasers of powder at magazines, other than retail dealers, must not permit the article or articles purchased to be kept or stored in any part of the city, but if it be necessary to convey the same through any of the streets, no greater delay than is actually necessary must take place in conveying it beyond the city limits.

SEC. 4. No person other than wholesale or retail dealers shall be allowed to have on hand for his own or others' use, in any part of this city, a greater quantity of gunpowder than one pound, and none of the other explosives herein mentioned whatever.

SEC. 5. It shall be the duty of every person or firm to whom such license herein referred to shall be granted, to keep a sign in a conspicuous place at the front of his place of business, to wit, the word "Gunpowder," in printed or painted capital letters, of a large size.

SEC. 6. No person shall convey or carry any of the explosive substances herein mentioned in quantity exceeding one pound, through any street or alley in

the city, unless the same be secured in tight canisters or kegs, so as to prevent the same from being spilt or scattered, and in no quantity exceeding one hundred pounds, except under the direction of a police officer.

SEC. 7. Any person violating any of the provisions of this chapter shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

Approved January 31, 1881.

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## CHAPTER XXII.

### RELATING TO PAWNBROKERS.

- SEC. 1. Good character required.
- SEC. 2. Bond—Sureties.
- SEC. 3. Accounts to be kept.
- SEC. 4. Note to be given.
- SEC. 5. Books to be open to inspection.
- SEC. 6. Fine.
- SEC. 7. Sale of pawns.
- SEC. 8. Notice of sale.
- SEC. 9. Surplus money.
- SEC. 10. Shall not purchase second-hand articles offered as a pawn.
- SEC. 11. From whom to take nothing in pawn.
- SEC. 12. Penalty.

SEC. 1. All persons before receiving license as pawnbrokers shall produce, to the Mayor or City Council, satisfactory evidence of their good character and fitness to engage in or carry on such business.

SEC. 2. Every person so licensed shall, at the

time of receiving such license, give bonds with two sureties, to the acceptance of the City Recorder, in the sum of two hundred and fifty dollars, conditioned for the due observance of all ordinances passed by the City Council, or in force respecting pawnbrokers, at any time during the continuance of such license, and shall keep posted up in his place of business a copy of all ordinances of the city relating to pawnbrokers.

SEC. 3. Every pawnbroker shall keep a book, in which shall be clearly written, at the time of each loan, an accurate account or description of the goods, article or thing pawned, the amount of money loaned thereon, the time of pledging of the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing.

SEC. 4. Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article or thing, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the last preceding section, and no charge shall be made or pay received by any pawnbroker for any such entry, memorandum or note.

SEC. 5. The said book shall, at all reasonable times, be open to the inspection of the Mayor, Recorder or Aldermen of the city, or of any person who shall be duly authorized in writing for that purpose, by either of them, and who shall exhibit such written authority to such pawnbrokers.

SEC. 6. Every pawnbroker who shall violate, or

neglect, or refuse to comply with any or either of the provisions of the second, third, fourth or fifth sections of this chapter, shall, on conviction thereof, be liable to a fine in any sum not exceeding fifty dollars for any such offense.

SEC. 7. No pawnbroker shall sell any pawn or pledge until the same shall have remained three months in his possession, and all such sales shall be at public auction and not otherwise, and shall be made or conducted by such auctioneer as shall be approved of, for that purpose, by the Mayor.

SEC. 8. Notice of every such sale shall be published, for at least five consecutive days previous thereto, in one or more of the daily newspapers having general circulation, printed in Ogden City; and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the sale is to be conducted, and a list of the goods or articles to be sold.

SEC. 9. The surplus money, if any, arising from such sale, after deducting the expense of said sale, the amount of the loan and the interest due on the same, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place: *Provided*, such person cannot be found and does not apply for said surplus money within three months from the date of sale, then it shall revert to the public school fund of the First School District of Weber County.

SEC. 10. No pawnbroker shall, under any pretense whatever, purchase or buy any second-hand furniture,

metals or cloths, or any other article or anything whatever, offered to him as a pawn or pledge.

SEC. 11. No pawnbroker shall receive any goods, article or thing, in pawn or pledge, of a person who is intoxicated, and known to be a habitual drunkard, a thief or an insane person, or on being notified in writing by any responsible person of the character, habits or condition of such person or persons; nor shall said pawnbroker receive a pawn or pledge of any person under sixteen years of age.

SEC. 12. Every pawnbroker who shall violate, or neglect, or refuse to comply with either of the provisions of the seventh, eighth, ninth, tenth and eleventh sections of this chapter, shall, for every such offense, forfeit and pay a sum not exceeding one hundred dollars into the City Treasury.

Approved January 27, 1881.

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## CHAPTER XXIII.

### RELATING TO RAILROADS.

- SEC. 1. Regulations.
- SEC. 2. Bridges, etc.—Grades.
- SEC. 3. Obstructions.
- SEC. 4. Crossing tracks.
- SEC. 5. Speed.
- SEC. 6. Rights reserved.

SEC. 1. All railroad companies who have constructed, or hereafter may construct a railroad, or any railroads, within the limits of Ogden City, shall be

subject to the following regulations. All such companies or the grantees thereof shall, at their own expense, construct and keep in good repair all water sects, drains, sewers, street crossings or receiving basins, and all fixtures connected therewith, and the distribution of water in said city as may be affected thereby. The construction, alterations and repairs to be done under the direction of the City Water Master, subject to the approval of the City Council.

SEC. 2. It shall especially be incumbent on all railroad companies, at their own expense, to construct arches and bridges for all the cross streets, now or hereafter to be made, which will be intersected by the embankments or excavations of their railroads, and also to make such embankments or excavations as in the opinion of the City Council may be required to make the passage over the railroad and embankments easy and convenient for all the purposes for which streets are usually used, and also such drains and sewers as their embankments and excavations may make necessary. And, further, said companies shall make their railroad paths conform to what is or may hereafter be the regulation or grade of the street or place through which their railroads pass; and no company shall have the right to take up, remove, carry away, or cause or permit to be taken up, removed or carried away, any rock, gravel, earth or other material from any street or public place, for making embankments, grades or for any other purpose, except by permission of the City Council, and under the direction of the Street Supervisor.

SEC. 3. If at any time after the construction of any railroad it shall appear to the City Council that any

part thereof shall constitute an obstruction or impediment to the ordinary use of any street or place, or be run contrary to the regulations of the city, the said railroad company or the officers thereof shall, on the requisition of the City Council, forthwith provide a remedy for the same, satisfactory to said Council; or, if they fail to find such remedy, they shall, within one month after such requisition, proceed to remove such railroad obstruction or impediment, and to replace the street or place in as good condition as it was before the said railroad was laid down; and should the said company or officers neglect or refuse to obey such requisition, the City Council may, upon the expiration of the time limited in such notice, cause the obstruction or impediment to be removed, and the street or place to be restored, as aforesaid, at the expense of the said railroad company.

SEC. 4. Nothing in any ordinance or resolution granting the right of way or franchise for a railroad, shall be construed to prohibit any other railroad company from crossing any railroad track already laid, and when any railroad shall intersect or cross any other railroad, the rails shall be so cut or altered as to permit the cars to pass without obstruction; and any person wilfully obstructing any railroad herein provided for, shall, on conviction thereof, be liable to a fine in any sum less than three hundred dollars, or to imprisonment not exceeding six months, or both.

SEC. 5. The tracks of all railroads hereafter constructed, shall be laid in the centre of the streets, unless otherwise directed by the City Council, and all trains running therein are hereby prohibited from running at a greater speed than eight miles per hour; and

the bells on locomotives in motion shall in all cases be rung continuously in the inhabited portions of the city; and all trains are required to come to a full stop before crossing any other line of railroad, and at a distance of not less than ten feet therefrom; and when two trains arrive at the same crossing simultaneously, the train on the first constructed track shall have precedence in crossing; and no train, engine or cars shall be allowed to stand in the street or upon the sidewalks or crossings, to obstruct ordinary travel thereon, or admittance to or from the offices or depot grounds of such railroad company; but whenever it may be necessary for any train to become stationary for the purpose of discharging passengers, freight or otherwise, the railroad companies shall open their trains at the crossing of every street over the railroad track or depot grounds. Any violation of this section by any officer in charge of, or having control of, any such train, shall be deemed guilty of a misdemeanor, and be liable to a fine of not more than three hundred dollars for every such offense.

SEC. 6. The right of regulating railroads and the speed of cars shall not, by virtue of any grant or contract, be construed to mean that such right passes to the grantee; but such rights, together with all other powers vested in said Council for the regulating, controlling or removing of railroads within the city, are expressly retained and reserved.

Approved January 27, 1881.

## CHAPTER XXIV.

## IN RELATION TO DRUGS AND MEDICINES.

SEC. 1. Drugs and medicines to be labeled—Prescriptions to be filed.

SEC. 2. Register to be kept—Nature of.

SEC. 3. Penalty.

SEC. 1. All physicians, druggists, apothecaries and other persons who prepare and put up drugs and medicines in this city, are hereby required to label the same with an adhesive label, on which shall be written or printed, in a legible manner, in the English language, the names of such drugs and medicines. All prescriptions given by any person for drugs and medicines, shall be written in the English language, shall contain the name of the person prescribed for, and be dated and signed by the person prescribing; and all such prescriptions shall be filed and carefully preserved for future reference by the person who fills them.

SEC. 2. All physicians, druggists, apothecaries or other persons who prepare and put up drugs and medicines, are hereby required to keep a register, in which shall be recorded, in a legible manner, the names and places of residence of all persons who may purchase any deadly poison. The name of the poison purchased shall be legibly written or printed in the English language on an adhesive label, which shall be conspicuously placed on the bottle, vessel or package containing such poison; and in addition the word "Poison" shall be plainly written or printed on such label.

SEC. 3. Any person violating any provision of this chapter, shall be liable, on conviction, for each offense, to a fine in any sum not exceeding one hundred dollars, or imprisonment not exceeding one hundred days, or both.

Approved January 27, 1881.

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## CHAPTER XXV.

### RELATING TO BUTCHERING AND SLAUGHTER-HOUSES.

- SEC. 1. License to be obtained.
- SEC. 2. Manner of obtaining license—Price of same.
- SEC. 3. Record to be kept.
- SEC. 4. Cleansing.
- SEC. 5. Examining books.
- SEC. 6. Fine.

SEC. 1. It shall not be lawful for any person to erect any slaughter-house or yard, or engage in the business of butchering within the limits of Ogden City without first obtaining a license therefor, nor at any place or places other than such as may be designated by the City Council of the city.

SEC. 2. Applications for license, under the provisions of this chapter, shall be made to the Mayor and City Council in writing, and licenses shall be issued and signed by the Mayor or presiding officer of the City Council, and attested by the City Recorder, under the corporate seal, on the payment into the City Treasury, by the person so licensed, of the sum of twelve dollars per annum in advance.

SEC. 3. All persons licensed as butchers in Ogden City shall keep books in which they shall record a faithful description of the age, size and color of all animals by them killed, with the brands and ear marks thereon, together with the name of the person from whom received and the time when killed; which book shall be open to the inspection of the public.

SEC. 4. All persons engaged in the business of butchering within the limits of this city are hereby required to thoroughly cleanse their slaughter-houses and yards once every twenty-four hours, and to remove from their premises and deposit all offal in such manner and at such place or places as may be designated by the City Marshal or his deputy.

SEC. 5. It shall be the duty of the City Marshal or his deputy (as often as may be deemed necessary) to visit the slaughter-houses within the limits of this city, to examine the books and see that a faithful record is made of all animals killed, and that the slaughter-houses are thoroughly cleansed, as provided in section four of this chapter.

SEC. 6. Any person violating the provisions of this chapter shall be liable to a fine in any sum not more than one hundred dollars, and on a second conviction in addition thereto his license may be declared forfeited.

Approved January 27, 1881.

## CHAPTER XXVI.

## NUISANCES.

SEC. 1. Nuisances defined.

SEC. 2. Dead animals, unsound provisions, etc.

SEC. 3. Dead animals, putrid meat and fish to be buried.

SEC. 4. When abated at the expense of the city.

SEC. 5. Penalty—Notification.

SEC. 1. A nuisance is an offense against the order, economy or health of the city.

SEC. 2. If any person shall cast or leave exposed in any street, avenue, highway, alley, lot, public ground or water course, within the city, the carcass of any dead animal, or any unsound meat, fish, or other substance, or permit the same to be done with his consent, or shall make, use, keep or permit in his dwelling house, shop, store, factory, out-house, cellar, yard, lot or any other place within the city, any noxious or offensive liquid or substance, prejudicial to the health of the citizens or an annoyance to any person, or shall throw any filth, offal or other offensive matter into any street, avenue, highway, public ground, alley, lot or water course, in the city, or shall permit or cause the same to run into any street, avenue, highway, public ground, alley, lot or watercourse, such person shall be deemed guilty of committing a nuisance, and, on conviction thereof, shall be fined in any sum not exceeding twenty-five dollars for every such offense, and shall be subject to a like penalty for each and every day the same is permitted to remain in such

place, after such person shall have been notified to remove the same or shall have been convicted of committing the same.

SEC. 3. All dead animals, putrid meat, fish, etc., shall be buried by the owner thereof, at a distance from any watercourse not less than forty feet, and at a depth below the surface of the ground not less than two feet.

SEC. 4. Whenever the carcass of any dead animal or other offensive substance, injurious to the health of the public or persons in its vicinity, is found upon any ground or in any place, for the removal or abatement of which no person can be found liable, it shall be the duty of the Marshal to remove or abate the same at the expense of the city.

SEC. 5. Any owner or occupant of any soap factory, tannery, distillery, livery stable, cattle-yard or shed, barn, packing house, slaughtering house, hide-house, skinning or rendering establishment or other place in this city, who shall suffer or permit the same to become nauseous, foul or offensive, and detrimental to the health of the citizens residing or passing in the vicinity of such place, shall be deemed guilty of a nuisance, and on conviction thereof shall be fined in any sum not exceeding twenty-five dollars. But no prosecution shall be made under the provisions of this section until the Marshal shall have first notified such person to abate such nuisance.

Approved January 27, 1881.

## CHAPTER XXVII.

## CITY PRISONERS.

SEC. 1. Prisoners to be kept at hard labor.

SEC. 2. Prisoners to be in charge of Street Supervisor or his deputy—  
Shackles.

SEC. 3. Discharge of prisoners.

SEC. 1. All persons who may hereafter be confined in the city jail, because of non-payment of any fine and costs imposed for the violation of any ordinance of this city, may be kept at hard labor during confinement, and such labor shall be performed on the public streets of this city or on or about the public grounds or works elsewhere within the city, as the Mayor or City Council may in each case determine shall best promote the public interest, regard being had to the age, sex and condition of the prisoner. In like manner all persons sentenced to a term of imprisonment for the violation of any ordinance of this city, may be kept at hard labor.

SEC. 2. Prisoners put to labor on the streets or elsewhere shall be in charge of the Street Supervisor or his deputy. Any prisoner while at labor as aforesaid, without ball and chain, who shall attempt or threaten to escape, or shall offer resistance to the officer in charge of him, or shall refuse to obey the reasonable command of such officer with reference to such labor, may be shackled or ironed by such officer. No violence shall be used towards any prisoner, unnecessarily, but if any prisoner shall refuse to labor, such prisoner

shall be kept confined and fed on bread and water only, until otherwise ordered by the Mayor or any Alderman.

SEC. 3. When any person so confined and kept at hard labor shall, at one dollar per day, have earned an amount equal to the fine and costs imposed and due, the Street Supervisor or his deputy shall so inform the Mayor or Alderman who committed such person, and the said Mayor or Alderman shall thereupon discharge the prisoner.

Approved January 27, 1881.

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## CHAPTER XXVIII.

### RIDING AND DRIVING OVER OGDEN AND WEBER BRIDGES.

- SEC. 1. Regulations.
- SEC. 2. Sign, etc., forbidden.
- SEC. 3. Route to be taken.
- SEC. 4. Penalty.

SEC. 1. No person shall be allowed to ride or drive any animal faster than a walk across the bridge over Ogden River on Main Street, or the bridge over Weber River, nor to drive upon said bridges more than thirty head of cattle, horses or mules at the same time, nor to drive horses, cattle or mules upon said bridges for the purpose of corralling or catching the same.

SEC. 2. All persons are hereby forbidden to put upon said bridges any sign, bulletin board or advertisement.

SEC. 3. All persons driving any conveyance over said bridges are required to take the right hand track in every case.

SEC. 4. Any person violating the provisions of this chapter shall be liable for each offense to a fine in any sum not exceeding one hundred dollars. One-half of such fine shall go to the complainant and the other half into the City Treasury.

Approved January 27, 1881.

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## CHAPTER XXIX.

### RELATING TO THE SALE OF LIQUORS.

- SEC. 1. Dispose of.
- SEC. 2. Applications.
- SEC. 3. Licenses—Bonds.
- SEC. 4. Rates of licenses.
- SEC. 5. Not transferable—Violation of bond.
- SEC. 6. Restrictions—Penalty.
- SEC. 7. Mayor may forbid sale—When.
- SEC. 8. Duties of those selling.
- SEC. 9. Penalty for selling without license.
- SEC. 10. Penalty.
- SEC. 11. Ordinances repealed.

SEC. 1. No person shall, within the limits of Ogden City, either directly or indirectly, in person or

by another, sell, barter, or otherwise dispose of, or permit, procure or cause to be sold, bartered, delivered or in any manner disposed of, or on his account, any spirituous, vinous or fermented liquor, without a license first had and obtained therefor, as hereinafter provided.

SEC 2. Applications for license under this ordinance shall be made in writing to the Mayor, shall state the nature of the business, on what street and in what building it is to be carried on, when it shall commence and shall give the full name of the applicant, and, if a firm, the style of the firm, and the full name of each member thereof, and the names of the sureties proposed to go on the bond. Said bond to be approved by the Mayor.

SEC. 3. On payment to the City Treasury of the sum hereinafter named, and on executing and filing with the City Recorder a bond, with the approved sureties, in the penal sum of two hundred and ninety-nine dollars, conditioned for the keeping of an orderly house and a faithful observance of all the provisions of this chapter, and on surrendering to the said City Recorder the Treasurer's receipt for said license fee, he may issue to the applicant or applicants a license to carry on the designated business for the period of three months, at the place mentioned in the application.

SEC. 4. For a license for the sale of beer, ale and porter, in any quantity, for the term of three months, the applicant shall pay to the City Treasurer the sum of fifty dollars (\$50). For a bar, saloon or liquor store license, authorizing the sale of spirituous, vinous and fermented liquors in any quantity, for three

months, one hundred and fifty dollars (\$150). For a license for a private pantry or cellar, in a hotel, for the sale of liquors or wines, by the bottle, for guests exclusively, the sum of twenty-five dollars per quarter. For a license as rectifiers and wholesale liquor dealers exclusively, in any quantities less than five gallons, the sum of seventy-five dollars (\$75) per quarter.

SEC. 5. No license, granted by virtue of the provisions of this chapter shall be assignable or transferable, or authorize any person or persons not named therein, to carry on the business therein specified, nor shall such license authorize the person or persons therein named, to carry on the business specified therein, in any other house or place than that named in the license, without first having obtained an order from the Mayor or City Council.

Any person having a license to sell beer, ale and porter only, who shall permit any keg, demijohn or any other vessel containing spirituous or vinous liquors, to be or remain in his place of business, shall be deemed guilty of a violation of his bond, and be subject to the penalty prescribed in the next section of this chapter.

SEC. 6. No person holding a license granted under or by virtue of this chapter shall be permitted by himself, his agents, clerks, employees, bar tenders or friends, to sell, give or deliver, any spirituous, vinous or fermented liquors to any person under eighteen years of age, except it be on the written order of the parent or guardian of such person. Nor shall any person holding and doing business under such license, employ or allow any person under twenty-one years of age to serve at his bar, or sell or deliver such liquors

or beer on the premises, to any patron or customer. Nor shall such licensed person, by himself, his agents, clerks, bar tenders, or any other person under his control or in his employ, sell, give or deliver such liquor or beer in any quantity to a person already intoxicated nor to any Indian. Any person violating any of the provisions of this section or section five of this chapter shall be subject to a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50) for each and every offense. Any person doing business under this chapter, on being convicted of keeping a disorderly house, or on being convicted the third time of violating any of the provisions of this chapter shall, in addition to the penalties prescribed in this chapter, forfeit his license, and the use and benefit thereof.

SEC. 7. The Mayor may, by proclamation, forbid the sale, giving away or in any manner disposing of spirituous, vinous or fermented liquors on Municipal, County or Territorial election days, Fourth of July, Decoration and Thanksgiving days, all Territorial and National holidays, and at all times whenever in his judgment the peace, good order or safety of the city or the inhabitants thereof shall require it, not to exceed twenty-four hours at any one time; and all licenses granted or accepted under the provisions of this chapter, shall be granted and accepted subject to the above conditions, whether the same be expressed in the license or not. Any person who shall sell, barter, give away or in any manner dispose of any spirituous, vinous or fermented liquors in contravention of any proclamation of the Mayor forbidding the same, shall be liable to pay a fine in any sum not to exceed one hundred

dollars, or to be imprisoned not exceeding one hundred days, or both.

SEC. 8. Any person obtaining a license under this chapter shall be subject to the following regulations: He shall observe and keep inviolate all ordinances of the city and proclamations of the Mayor relating to, regulating or prohibiting the sale of spirituous, vinous or fermented liquors during the period of such license; he shall not keep open his bar or place for the sale of such liquors, nor sell, give away, or in any manner dispose of, by himself, servant or other person, any spirituous, vinous or fermented liquors after 11 o'clock p. m., nor before 5 o'clock a. m., on any day of the week nor in day time during the first day of the week, commonly called the Sabbath day: *Provided*, that this prohibition shall not apply to the keepers of drug stores when the applicant for spirituous, vinous or fermented liquor shall present a certificate signed by a recognized practising physician, certifying that it is required for medicinal purposes. He shall prohibit at his place of business all gaming with or without betting, by means of cards, dice, dominoes or other articles, every game of chance and every other description of gaming or gambling (*Provided*, that nothing in this chapter shall be so construed as to affect the use of billiard, pool or other tables for which a license is obtained under the provisions of an ordinance passed January 22, A.D. 1879), and on the proclamation of the Mayor for all the liquor and beer houses to close, he shall discontinue business during the period named in such proclamation: He shall not in anywise dispose of spirituous, vinous or fermented liquors to any person under eighteen years of age, neither shall he suffer such persons to loiter on his premises. He shall

prohibit music, dancing, drunkenness and all riotous or disorderly conduct on his premises, and shall also prohibit persons from being or remaining in his saloon or place for selling liquor or beer during the time specified in this section.

SEC. 9. If any person shall keep any house or place within the corporate limits of this city for the purpose of selling or otherwise disposing of spirituous, vinous or fermented liquors without first having obtained a license therefor as herein provided, he shall on conviction thereof pay a fine of one hundred dollars for the first offense and if convicted of a second offense a fine of one hundred dollars and be imprisoned not exceeding thirty days, and for each subsequent offense a fine of one hundred dollars and be imprisoned not exceeding one hundred days.

SEC. 10. Any person violating any provision of this chapter for which no penalty is herein provided, shall, on conviction thereof, pay a fine not exceeding one hundred dollars, or be imprisoned not exceeding one hundred days, or both, for each offense.

SEC. 11. All ordinances and parts of ordinances relating to the sale of spirituous, vinous or fermented liquors superseded by, or in conflict with this chapter are hereby repealed; the repeal of such ordinances and parts of ordinances shall not affect any rights accrued or liabilities incurred thereunder, but all such rights and liabilities may be maintained and enforced the same as if such ordinances and parts of ordinances had remained in full force.

Approved May 16, 1879.

## CHAPTER XXX.

## SECURING TEAMS.

SEC. 1. How to be secured.

SEC. 2. Penalty.

SEC. 1. Any person having charge of or being the driver of a team, shall, while such team is standing in the streets or any other public place of Ogden City, stand near the head of the same, or have hold of the lines attached to them, or otherwise secure them to some post or other substantial place of fastening prepared for that purpose, or by lead or iron weight, weighing not less than ten pounds, attached to the bit by a strap, rope or chain.

SEC. 2. Any person violating this chapter shall be liable to a fine in any sum not less than five nor more than fifteen dollars for each offense.

Approved January 27, 1881.

## CHAPTER XXXI.

REGULATING THE MEASUREMENT OF MASON WORK,  
PLASTERING AND CUT STONE.

SEC. 1. Solid.

SEC. 2. Perch.

SEC. 3. Superficial measurement.

SEC. 1. All walls of mason work, whether of stone, brick or adobies, and all flues, fire-places, ovens, boilers, cooking ranges, grate settings, furnaces, copper settings, and other like work, shall be measured by solid or cubic measurement.

SEC. 2. A perch of mason work, shall be sixteen and a half cubic feet, including openings.

SEC. 3. All paving, flagging, plain plastering, hard finish and rough casting, including openings, shall be measured by superficial measurement; also all cut stone, plain-tooled, such as door-steps, door-sills, coping and hearth-stones; but those parts only which show when set shall be measured. All window-sills, caps and water-tables shall be measured by running measurement.

Approved January 27, 1881.

## CHAPTER XXXII.

## IN RELATION TO DOGS.

- SEC. 1. Dogs to be registered.
- SEC. 2. Manner of registering.
- SEC. 3. Certificate to be obtained—Tax.
- SEC. 4. Collar to be worn—Dogs not so collared liable to be killed.
- SEC. 5. Female dogs.
- SEC. 6. Dogs not to enter places of worship—Penalty.
- SEC. 7. Fierce dogs not to run at large—Penalty.
- SEC. 8. Registered dogs not to be killed.
- SEC. 9. Mayor may order dogs to be muzzled.
- SEC. 10. Penalty.

SEC. 1. No person shall keep a dog within the limits of Ogden City without having the same duly registered as hereinafter provided, and obtaining a certificate of such registration.

SEC. 2. An entry, by the Recorder of the city in a record book to be kept by him for such purpose, of the description of the dog, together with the name of its owner or keeper, shall constitute such registration.

SEC. 3. It shall be the duty of the Recorder to register any dog on application of the owner or keeper thereof, and issue to such owner or keeper a certificate of registration, under the corporate seal, on payment by such owner or keeper to said Recorder, for the use and benefit of the city, the sum of three dollars. Such certificate shall be numbered in the order of issue, and shall be in force for one year only from and after the date of the same; but may be renewed annually on payment of the sum of three dollars, as aforesaid.

SEC. 4. All dogs so registered shall wear a suitable collar, with the name or initials of the owner or keeper, and the number corresponding with that of the certificate of registry inscribed thereon; and all dogs found running at large within the limits of the city, not so registered and collared, shall be liable to be killed by any person.

SEC. 5. Any bitch found running at large within the limits of the city, while in heat, shall be liable to be killed by any person, whether registered or not, and the owner or keeper of the same shall be liable to a fine in any sum not exceeding ten dollars for each offense and cost of prosecution.

SEC. 6. If the owner or keeper of any dog shall suffer or permit the same to enter or be in any place of worship in the city during public service therein, he shall be liable to a fine in any sum not exceeding five dollars and cost of prosecution.

SEC. 7. If the owner or keeper of any fierce, dangerous or mischievous dog shall permit or suffer the same to go at large within the limits of the city, whether registered or not, he shall be liable to a fine, for the first offense, in any sum not exceeding five dollars and cost; for the second offense, not exceeding ten dollars and cost; and on the third conviction for such offense, in any sum not exceeding fifteen dollars and cost, and be liable to pay all damages caused by said dog; and the Mayor or Alderman before whom such third conviction shall be had shall issue an order to the Marshal of the city, or any of his deputies, requiring him to immediately cause such dog to be killed.

SEC. 8. Any person who shall kill or cause to be killed any dog registered and collared, pursuant to this chapter, except as herein provided, without the consent of the owner or keeper thereof, or who shall deprive any registered dog of its collar, or put a collar as herein provided on any dog not so registered, or suffer a collar to remain on any dog after the expiration of the certificate of registration, and without such certificate being renewed as hereinbefore provided, shall be liable to a fine in any sum not exceeding twenty-five dollars.

SEC. 9. The Mayor of the city is hereby authorized to issue his proclamation forbidding the running at large of any and all dogs within the limits of the city, at any period of the year whenever, in his opinion, the public safety is in danger, or when there are mad or rabid dogs in or near the city, unless such dogs are securely muzzled with a wire muzzle, fastened on with leather straps or chains; and all dogs found running at large within the city during the time specified in such proclamation, unless muzzled as herein provided, shall be liable to be killed by any person.

SEC. 10. Any person violating the provisions of this chapter shall, when not otherwise provided, be liable to a fine in any sum not less than three dollars nor more than ten dollars and cost for each offense.

Approved May 23, 1870.

## CHAPTER XXXIII.

## RELATING TO AUCTIONEERS.

SEC. 1. License to be obtained—Bond.

SEC. 2. Duties of Auctioneers.

SEC. 3. Same.

SEC. 4. Restrictions.

SEC. 5. Proviso.

SEC. 6. Penalty.

SEC. 1. No person shall sell or expose for sale by way of vendue or auction, within the limits of the city, any property without first obtaining a license from said Council for such purpose, for which license such person shall pay into the City Treasury the sum of one per cent. of all moneys received on all goods sold by him. He shall also give bonds to the city, with approved security, in the sum of one thousand dollars, conditioned for the honest and due performance of all duties herein required to be by him performed, which bond shall be approved by and filed in the office of the City Recorder.

SEC. 2. All auctioneers so licensed shall receive all articles which they may be required to sell at auction, and give receipts therefor, if required, and at the close of any sale, shall deliver a true account of such sale, and pay the amount realized for such articles sold to the person entitled to the same on surrender of the receipt of such articles, if such receipt shall have been given, after deducting the one per cent. as mentioned in the preceding section, and a further sum as compensation for such sale, not exceeding ten per cent. on the amount of such sale.

SEC. 3. It shall be the duty of every auctioneer licensed as aforesaid, to pay the said sum of one per cent. on all goods and chattels sold by him into the City Treasury, monthly or oftener if required by the City Recorder; and in accounting for such sales, it shall be the duty of every auctioneer to make his returns to the Auditor of the city, under oath or affirmation, and exhibit to said Auditor his books of sale whenever said Auditor shall require them. And any Auctioneer refusing or neglecting to comply with the provision herein contained, shall forfeit his license and be liable to a fine in any sum not less than ten nor more than one hundred dollars for each offense.

SEC. 4. All auctioneers are hereby forbidden to sell or expose for sale any kind of property, so near to the streets as to cause people to gather in crowds on the sidewalks so as to obstruct the free use or passage over the same, or to use immoral or indecent language in crying their goods, or to make noisy acclamations, or ring bells through the streets in advertising their good and chattels.

SEC. 5. Nothing in this chapter shall be so construed as to prohibit any Sheriff, Constable or other officer from selling any property in discharge of official duty at public auction.

SEC. 6. Any person violating the provisions of this chapter, when not otherwise provided, shall be liable to a fine in any sum not exceeding one hundred dollars for each offense.

Approved May 30, 1870.

## CHAPTER XXXIV.

## OFFICIAL BONDS.

SEC. 1. Who shall give bonds and in what sum.

SEC. 2. By whom approved and with whom filed

SEC. 1. The officers of Ogden City hereinafter enumerated shall give bonds with two or more good and sufficient sureties to the city in the penal sum set opposite their respective offices, for the faithful performance of their several duties:

Mayor, \$5,000; Recorder, \$15,000; Treasurer, \$25,000; Assessor and Collector, \$10,000; Attorney, \$5,000; Aldermen, each, \$3,000; Supervisor of Streets, \$2,000; Marshal, \$2,000; Engineer, \$2,000; Water Master, \$1,000; Sealer of Weights and Measures, \$500; Pound-keeper, \$500; Inspector of Provisions, \$500; Stock Inspector, \$500.

SEC. 2. The bonds of all the officers, excepting those of the Mayor, shall be approved by the Mayor and filed with the Recorder; those of the Mayor shall be approved by the City Council: *Provided*, that the bonds of the Recorder and the Treasurer shall be filed with the Mayor.

Approved January 31, 1881.

## AN ORDINANCE

## FORBIDDING THE SMOKING OF OPIUM.

SEC. 1. Smoking prohibited.

SEC. 2. Penalty.

SEC. 1. *Be it ordained by the City Council of Ogden City,* That it shall not be lawful for any person or persons within the limits of the city, to smoke opium or to in any way advise or induce others to do so, or keep a room or place for such purpose.

SEC. 2. Any person or persons violating this ordinance shall be liable to a fine of not less than ten nor more than one hundred dollars, or to imprisonment of not less than ten nor more than one hundred days, or both, for each and every offense.

Approved September 22, 1879.

## AN ORDINANCE

## CONTROLLING THE WATER OF TAYLOR'S CAÑON.

SEC. 1. Water appropriated—Prohibition.

SEC. 2. Penalty.

SEC. 1. *Be it ordained by the City Council of Ogden City,* That, by virtue of the authority confer-

red upon them in the Charter of the city, the stream or streams of water flowing through or from Taylor's Cañon, lying east of the townsite proper, and within the incorporation, whether from spring or springs, or otherwise, are hereby set apart for the public use of the city, and for the domestic purposes of the inhabitants thereof, to be conducted through the water works or otherwise, now begun and hereafter to be completed, under such rules and regulations as may, from time to time, be ordained and adopted by the City Council of the city; and all persons are hereby prohibited from the appropriation to their private or individual use, of said stream or streams of water, or any part thereof, without having first obtained a permit from the City Council.

SEC. 2. Any person violating the provisions of this Ordinance shall be deemed guilty of trespass, and subject to a fine in any sum not less than five dollars nor more than one hundred dollars for each offense.

Approved May 20, 1879.

## AN ORDINANCE

CONSTRUING AND AMENDING AN ORDINANCE PASSED  
MAY 20, 1879, ENTITLED "AN ORDINANCE  
CONTROLLING THE WATER OF  
TAYLOR'S CAÑON."

SEC. 1. Amendment.

SEC. 2. Further amendments.

SEC. 1. *Be it ordained by the City Council of Ogden City*, That the first section of an ordinance entitled "An ordinance controlling the water of Taylor's Cañon," passed May 20, 1879, shall be construed to mean as it was intended to mean and did mean, to dedicate all the water of the streams flowing in, through or from Taylor's Cañon, east of the townsite proper of the city of Ogden, to the use of the city, and for the domestic purposes of the inhabitants thereof, and a part of which waters flow within the corporate limits of the city.

SEC. 2. And that said ordinance be amended by inserting after the word "and" following the words "townsite proper," and before the words "within the corporation," in the first section, these words, to wit: "A portion of which water flows." And it shall be deemed an offense against said ordinance for any person to divert the waters flowing in, through or from said cañon, within or without the corporate limits of the city, without the permit of the City Council so to do.

Approved June 4, 1880.

## AN ORDINANCE

GRANTING WATER FRANCHISE TO THE OGDEN  
WATER COMPANY.

SEC. 1. Grant for 25 years—Contract.

SEC. 1. *Be it ordained by the City Council of Ogden City*, That there be, and is hereby, granted an exclusive franchise, right and privilege to the Ogden Water Company, for the period of twenty-five years, to furnish the city and its inhabitants with water, the terms, specifications and covenants of the several parties being fully set out in the draft of a written agreement now before the said City Council, and read and fully considered by it and adopted in all its parts and provisions, and ordered to be entered of record with this ordinance; and the Mayor of said Ogden City is hereby authorized and directed for and on the part of the city, to sign, execute, acknowledge and deliver said contract as the obligation of the city, and to have it attested by the City Recorder and Corporate Seal of the city, and when signed by the President of said Ogden Water Company, and attested by its Secretary and public or private seal, and acknowledged before the County Recorder of Weber County, Utah Territory, by both the Mayor of the city and President of said Company, and attested, under the seal of said County Recorder, then said contract shall be deemed as fully executed and delivered by both parties, and shall be filed for record and recorded in the office of said County Recorder of Weber County, and the said record in either

the City or County Recorder's office, or a certified copy thereof, shall be evidence for either or both parties.

Approved November 5, 1880.

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### AN ORDINANCE

COMPELLING THE ATTENDANCE OF MEMBERS OF THE  
CITY COUNCIL.

SEC. 1. May enforce attendance.

SEC. 2. Fine for neglect.

SEC. 1. *Be it ordained by the City Council of Ogden City,* That when there is not a sufficient number of the members of the Council present, at any of their meetings, to form a quorum, the members present are hereby empowered to compel the attendance of absent members, and may direct the Marshal to enforce such attendance of members.

SEC. 2. Should any member of the Council refuse or neglect to attend any meeting of the Council, when notified by the Marshal that his attendance is required to form a quorum, or should any member leave the Council when in session without the consent of the Council, when such leaving would break the quorum, he shall be fined in any sum not exceeding fifty dollars by the Mayor or any Alderman who may be acting as chairman of such meeting.

Approved March 20, 1871.

## AN ORDINANCE

## RELATING TO QUAILS.

## SEC. 1. Penalty.

SEC. 1. *Be it ordained by the City Council of Ogden City,* That any person who shall kill or cause to be killed any quail or quails, within the limits of this city, shall be liable to a fine in any sum not exceeding twenty-five dollars for each offense.

Approved April 10, 1871.

## AN ORDINANCE

PREScribing A PENALTY WHERE NONE IS SPECIALLY PROVIDED, EXPLAINING AND REPEALING ORDINANCES, AND RULES OF ORDER.

SEC. 1. Prescribing a penalty.

SEC. 2. Explaining ordinances.

SEC. 3. Repealing other ordinances.

SEC. 4. Rules of order.

SEC. 1. *Be it ordained by the City Council of Ogden City:* In all cases in the Revised Ordinances, where no penalty is specifically set forth, for violation of any portion thereof, the punishment shall be by

fine in any sum not exceeding one hundred dollars, or by imprisonment not exceeding one hundred days, or by both such fine and imprisonment at the discretion of the court before whom any such offender may be tried.

SEC. 2. The ordinances shall not be strictly construed where any ambiguity or defect may exist, but with a view to carrying out the spirit thereof, and securing justice to all parties.

SEC. 3. All former ordinances and resolutions coming within the purview of these ordinances, and in conflict therewith, are hereby repealed, but this repeal shall not affect any rights, forfeitures or prosecutions accrued, incurred or begun previous hereto.

SEC. 4. The rules of order to be adopted in all meetings of the City Council shall be those prescribed in "Roberts' Rules of Order."

Approved January 31 1881

CERTIFICATE OF AUTHENTICATION.

TERRITORY OF UTAH, }  
OGDEN CITY. } ss.

I, JAMES TAYLOR, Recorder of Ogden City, do hereby certify that the foregoing Ordinances were passed on the dates therein appearing, and that the same are full, true and correct copies of the different parts of said Ordinances as they appear of record in my office.

In testimony whereof, I have hereunto set my hand and affixed the corporate seal of Ogden City, this twelfth day of February, 1881.

JAMES TAYLOR,  
City Recorder.



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## ERRATA.

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- Page 32, Sec. 7, 3d line, after "salary" omit "of" and read "or."
- Page 44, Sec. 4, 6th line, omit "twenty-one" ("21")
- Page 45, Sec. 1, 6th line, read "north" instead of "west."
- Page 45, Sec. 1, 10th line, read "west" instead of "east."
- Page 47, 29th line, omit "Square."
- Page 49, Sec. 6, 2d line, omit "in two feet from" and insert "on."
- Page 94, Sec. 28, 7th line, after "of" and before "misdemeanor,"  
read "a "
- Page 116, Sec. 3, last line, for "joists" read "joints."
- Page 118, Sec. 11, 4th line, for "privileges" read "privys."
- Page 136, Sec. 5, 3d line, read "and" instead of "an."
- Page 141, Sec. 16, 16th line, after the word "more," and before  
"forty," read "than."
- Page 177, lines 19 and 20, omit "of not more," and read "in  
any sum less."
- Page 189, Sec. 8, 12th line, omit "in day," and read "any."





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