

THE
COMPILED ORDINANCES

OF THE
CITY OF SALIDA, COLORADO

1904

Together with a Catalogue of the Town and City Governments,
Rules and Order of Business of the City Council, and
an Official Register for A. D. 1904

Printed and Published by Authority of the Mayor and City
Council of the City of Salida, Colorado

Revised, Compiled and
Arranged by

ALBERT R. MILLER
City Attorney

Denver, Colorado
The Smith-Brooks Printing Company
1904

OFFICERS FOR 1882.

Mayor.....	}	O. V. Wilson (Resigned)
		M. M. French
Clerk and Recorder.....		C. F. Gatliff
Treasurer.....		W. W. Roller
Police Magistrate.....		B. F. Garrison
Marshal.....		Baxter Stingley
Deputy Marshal.....		Jeff. Modi
Attorney.....		J. M. Lawrence

TRUSTEES.

L. W. Craig,	A. W. Jones,
J. A. Israel,	M. M. French.

OFFICERS FOR 1883.

Mayor.....		S. B. Westerfield
Clerk and Recorder.....	}	Geo. Wheeler
		J. B. Bowne
Treasurer.....		B. H. DeRemer
Police Magistrate.....		H. C. Pomeroy
Marshal.....	}Jeff. Modi
		James Bathurst
		Eli Chenowith
Attorney.....		S. W. Taylor

TRUSTEES.

E. H. Webb,	}	R. Deveraux,
Henry White,		Wm. Shaw,
		C. C. Laub.

OFFICERS FOR 1884.

Mayor.....	B. H. DeRemer
Clerk and Recorder.....	Dan Creamer
Treasurer.....	J. W. Fisher

Street Commissioner.....	A. D. Shope (Part of year)
Police.....	{ ...J. W. Fisher (Resigned) W. G. Westfall (Resigned) ...A. D. Shope (Removed)Jas. Donovan
Attorney.....	B. F. Garrison
Police Magistrate.....	{ S. W. Taylor (Resigned)J. M. McComas
Water Commissioner and Custodian of Hose House.....	{ J. D. Smith (Resigned)I. C. Smith
Fire Warden.....	J. D. Smith

TRUSTEES.

Wm. Van Every,	Geo. Sullivan,
R. Devereux,	B. Amberson (Resigned),
Robt. Patterson,	L. Wenz.

OFFICERS FOR 1887.

Mayor.....	E. W. Corbin
Clerk and Recorder.....	{ E. G. Bettis (Resigned)C. E. Grapevine
Treasurer.....	J. J. Conover
Marshal.....	Geo. A. Haynes
Police.....	Jas. Donovan
Police Magistrate.....	J. M. McComas
Town Attorney.....	B. F. Garrison
Street Commissioner.....	I. C. Smith
Fire Warden.....	J. D. Smith

TRUSTEES.

G. W. McGovern (Resigned),	Geo. Lines,
S. M. Jackson,	A. C. Ridgway,
Geo. Piper,	B. F. McPheeters.
A. J. Overholt,	

OFFICERS FOR 1890.

Mayor.....	J. Gillett
Clerk and Recorder.....	J. J. Conover
Treasurer.....	Ben Disman
Police Magistrate.....	J. M. McComas
Marshal.....	T. S. McKelvey
Police.....	{ ... Theo. Craig H. D. Spencer
Attorney.....	Theo. Martin
Street Commissioner.....	Geo. M. Crosby
Water Commissioner.....	S. F. Smith

TRUSTEES.

J. W. Deen,	R. B. Hallock,
A. E. Hanks (Resigned),	J. W. Cummins,
D. A. Creamer,	J. A. Rogers,
O. P. Titcomb (Died),	Geo. Lines.

OFFICERS FOR 1891.

Mayor.....	J. G. Hollenbeck
Clerk and Recorder.....	H. J. Burghardt
Treasurer.....	C. W. Erdlen
Marshal.....	R. L. Shewalter
Police.....	J. H. Stewart
Attorney.....	Vincent Stine (Died)
Police Magistrate.....	J. M. McComas
Street Commissioner.....	C. P. Gessert

TRUSTEES.

L. Wenz,	J. W. Deen,
F. W. Arenberg,	Geo. Lines,
Geo. Crater,	J. A. Rogers.

OFFICERS FOR 1892.

Mayor.....	I. W. Wright
Clerk and Recorder.....	H. W. Hauser
Treasurer.....	C. W. Erdlen
Marshal.....	C. C. Stevens
Police.....	{ .Amos Slater
	{ Jas. L. Pearce
	{ A. J. Thomas
Attorney.....	J. B. McCoy
Police Magistrate.....	{ J. M. McComas
	{ J. G. Hollenbeck
Street and Water Commissioner.....	{ E. A. Closson
	{ W. H. Pearce

TRUSTEES.

L. Wenz,	W. G. Sisson,
F. W. Arenburg,	Thos. Ryan,
Geo. Crater,	Jas. Droney.

OFFICERS FOR 1893.

Mayor.....	M. K. Miller
Clerk and Recorder.....	H. W. Hauser
Treasurer.....	{ C. W. Erdlen (Resigned)
	{ E. W. Hively
Marshal.....	C. C. Stevens
Police.....	{ J. M. Lawrence
	{ Chas. Ankele
Street and Water Commissioner.....	B. F. McPheeters
Police Magistrate.....	John G. Hollenbeck*

(*Held over account of failure to elect successor.)

TRUSTEES.

J. Droney,	Geo. F. Crater,
Thos. Ryan,	Alex Renwick,
W. G. Sisson,	F. W. Brush.

OFFICERS FOR 1894.

Mayor.....	M. K. Miller
Clerk and Recorder.....	C. F. Johnson
Treasurer.....	{ Alice Parks (Did not qualify) E. W. Hively (Held over)
Marshal.....	{ C. C. Stevens Chas Ankele
Police.....	{ Chas. Ankele (Resigned) A. Seivert
Attorney.....	R. Linderman
Street Commissioner.....	E. P. Gilpatrick
Police Magistrate.....	R. E. Wallace

TRUSTEES.

F. W. Brush,	D. P. Cook,
A. Renwick,	F. L. Sheldon,
Geo. T. Crater,	A. Slater.

OFFICERS FOR 1895.

Mayor.....	Finla McClure
Clerk and Recorder and Water Commissioner.....	C. F. Johnson
Treasurer.....	E. W. Hively
Marshal.....	Chas. Ankele
Police.....	A. Seivert
Attorney.....	A. R. Miller
Street Commissioner.....	J. P. Harper
Police Magistrate.....	R. E. Wallace

TRUSTEES.

D. P. Cook,	J. F. Clemm,
F. L. Sheldon,	J. F. Erdlen,
A. Slater,	R. T. Hodgman.

OFFICERS FOR 1898.

Mayor.....	F. W. Arenberg
Clerk and Recorder.....	S. M. Jackson
Treasurer.....	E. W. Hively
Attorney.....	W. Schoolfield
Marshal.....	C. B. Hays
Police.....	{ A. Renwick I. H. Howe
Street Commissioner.....	I. W. Wright
Police Magistrate.....	G. W. McGovern

TRUSTEES.

W. G. Sisson,	R. B. Hallock,
J. F. Clemm,	J. E. Hope,
B. F. McPheeters,	Geo. Montgomery.

OFFICERS FOR 1899.

Mayor.....	F. W. Arenburg
Clerk and Recorder and Water Commissioner.....	Jno. T. Ware
Treasurer.....	E. W. Hively
Marshal.....	I. H. Howe
Police.....	Jerry O'Connor
Street Commissioner.....	I. W. Wright
Attorney.....	W. Schoolfield
Police Magistrate.....	G. W. McGovern

TRUSTEES.

R. B. Hallock,	C. B. Coffin,
J. E. Hope,	C. W. Meacham,
G. A. Montgomery,	F. M. Tomlin.

OFFICERS FOR 1900.

Mayor.....	G. A. Montgomery
Clerk and Recorder.....	Jno. T. Ware

Treasurer.....E. W. Hively
 Marshal.....I. H. Howe
 Police.....Jerry O'Connor
 Attorney.....Walter McBride
 Street and Water Commissioner.....I. W. Wright
 Police Magistrate.....G. W. McGovern

TRUSTEES.

C. B. Coffin,	H. F. Cope,
C. W. Meacham,	Finla McClure,
F. M. Tomlin,	W. G. Sisson.

OFFICERS FOR 1901.

Mayor.....F. A. Dupar
 Clerk and Recorder.....A. W. Jones
 Treasurer.....E. W. Hively
 Marshal.....F. T. Herzinger
 Police.....Jerry O'Connor
 Street and Water Commissioner.....I. W. Wright
 Attorney.....A. R. Miller
 Police Magistrate.....G. S. Woods

TRUSTEES.

H. F. Cope,	W. C. Newby,
Finla McClure,	A. H. Wilson,
W. G. Sisson,	W. S. Thomas.

OFFICERS FOR 1902.

Mayor.....F. W. Arenberg
 Clerk and Recorder.....F. H. Dronney
 Treasurer.....W. T. Everett
 Marshal.....F. T. Herzinger
 Police..... { Jerry O'Connor (Resigned)
 L. J. Taliaferro

Street and Water Commissioner.....N. C. Laws
Attorney.....A. R. Miller
Police Magistrate.....G. W. McGovern

TRUSTEES.

W. C. Newby,	V. C. Davenport,
W. S. Thomas,	G. F. Rogers,
A. H. Wilson,	J. P. McCullough.

ROSTER OF CITY OFFICERS

For the Year 1903-1904

Mayor.....Finla McClure
City Clerk.....F. H. Droney
City Treasurer.....A. W. Jones
City Attorney.....A. R. Miller
City Marshal.....F. T. Herzinger
Police.....
 {L. J. Taliaferro
 { A. E. Frisch (Resigned)
 {J. Q. Rose
City Street Supervisor.....L. L. Pearce
Police Magistrate.....G. W. McGovern
City Physician.....Dr. Finla McClure (Part of Term)

COUNCILMEN.

First Ward.....
 { V. C. Davenport
 {D. P. Cook
Second Ward.....
 {G. F. Rogers
 { J. P. McCullough (Resigned)
 {F. L. Bateman
Third Ward.....
 {P. H. Pickett
 { T. J. Hampson, Sr.

ROBERTSON OF CITY OFFICERS

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CORPORATE

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PROCEEDINGS AND RECORDS

RELATING TO THE

INCORPORATION OF THE TOWN OF SALIDA CHAFFEE COUNTY, COLORADO

ELECTION NOTICE.

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.

Notice is hereby given that an election will be held at W. W. Roller & Co.'s real estate office, in the territory described hereinafter known and to be known as the Town of Salida, on Monday, the 4th day of October, A. D. 1880, between the hours of 8 o'clock A. M. and 7 o'clock P. M., for the purpose of voting "For Incorporation" or "Against Incorporation" of the territory embraced within the following described bounds, viz:

Beginning at the s. e. corner of the s. e. quarter of section 32, township 50, north of range 9 e., N. M. meridian, and running thence south twenty (20) chains to the s. e. corner of the n. e. quarter of the n. e. quarter of section five (5) of township 49 n., range 9 e. of N. M. meridian; thence west sixty (60) chains to the s. w. corner of n. e. quarter of n. w. quarter of section five (5), township 49 n., range 9 e. of N. M. meridian; thence north sixty (60) chains to n. w. corner of the n. e. quarter of the s. w. quarter of section 32, township 50 n. of range 9 e., N. M. meridian; thence e. sixty (60) chains to n. e. corner of s. e. quarter of section 32, township 50 n., range 9 e. of N. M. meridian; thence south forty (40) chains to s. e. corner of s. e. quarter of section 32, township 50 n., range 9 e., N. M. meridian, to the place of beginning, the intention being to include the s. e. quarter of section 32, township 50 n., range 9 e., and the n. half of

the n. e. quarter of section 5, township 49 n., range 9 e., and the n. e. quarter of the n. w. quarter of section 5, township 49 n., range 9 e., N. M. meridian, and e. half of s. w. quarter of section 32, township 50 n., range 9 e., N. M. meridian.

A description of the limits and plat of said proposed town are on file in the office of the Clerk of the County Court.

Dated at Salida, in the County of Chaffee, and State of Colorado, this 9th day of September, 1880.

E. B. JONES,
M. MIX,
W. W. ROLLER,
O. V. WILSON,
R. B. HALLOCK,
Commissioners.

ELECTION NOTICE.

Notice is hereby given that an election will be held at the office of W. W. Roller & Co., in the Town of Salida, Chaffee County, Colorado, on the 25th day of October, 1880, for the following officers, to hold until the first annual election thereafter:

One Mayor, one Clerk and Recorder, and four Trustees, as provided for in section 81, chapter 100, General Laws of Colorado; said election to be conducted according to the laws of Colorado.

Witness our hands, this 8th day of October, 1880.

O. V. WILSON,
W. W. ROLLER,
M. MIX,
R. B. HALLOCK,
E. B. JONES,
Commissioners.

The above named Commissioners, acting as Registering Board, will meet at the office of the Mountain Mail, on Tuesday, October 19th, 1880, for the purpose of registering the voters within the limits of the Town of Salida, for this special election.

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.

IN THE MATTER OF THE INCORPORATION OF THE TOWN OF SALIDA.

Notice is hereby given that at an election duly held on October 4, A. D. 1880, for and against the incorporation of the Town of Salida, there were seventy-two (72) ballots for said incorporation and none cast against said incorporation. A majority of said ballots cast at said election being in favor of said incorporation, said town is hereby declared incorporated and designated as an incorporated town.

Witness my hand and the official seal of the County Court, October 15, A. D. 1880.

(Seal)

J. C. HUGHES,
County Judge, Acting Clerk.

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.

I, Julius C. Hughes, County Judge of the aforesaid county and state, do hereby certify the above copy to be true and correct of the proceedings as held and on file in the matter of the incorporation of the Town of Salida.

Witness my hand and the official seal of the County Court in and for the County of Chaffee, October 15, 1880.

(Seal)

J. C. HUGHES,
County Judge, Acting Clerk.

STATE OF COLORADO,
Secretary of State's Office.

Denver, Colorado, October 5, 1901.

I, David A. Mills, Secretary of State of the State of Colorado, do hereby certify that heretofore, to wit: and on the 7th day of February, A. D. 1901, there was filed in the office of the Secretary of State of the State of Colorado the

returns of the twelfth census of the United States, showing the number of inhabitants of the Town of Salida, in said State of Colorado, to be 3,722, according to the said twelfth census.

I do further certify that the Governor, Auditor of State and the Secretary of State met at the executive office in the capitol building, at Denver, Colorado, on the 4th day of October, A. D. 1901, and ascertained that the said town of Salida was entitled to become a city of the second class.

And I further certify that James B. Orman, Governor of the State of Colorado, did, by executive order, bearing date of October 4, A. D. 1901, cause this instrument to be prepared by the Secretary of State, pursuant to the statute in such case made and provided, and did by said executive order also direct the publication of the same in some newspaper published in Denver, the state capital, and also in some newspaper published in the Town of Salida (if such there be).

In witness whereof, I, David A. Mills, Secretary of State of the State of Colorado, have hereunto set my hand and affixed the great seal of the state.

Done at Denver, Colorado, this 5th day of October, A. D. 1901.

(Seal)

DAVID A. MILLS,
Secretary of State.

(Published in The Salida Mail, Tuesday, October 8, 1901.)

RULES OF CITY COUNCIL

RESOLUTION.

Resolved, by the City Council of the City of Salida, That the following rules be adopted as the mode of procedure in all matters referred to therein.

I.

The corporate name of the body shall be the City Council of the City of Salida.

II.

The regular meetings of the body shall be held on the first and third Mondays of each month. Special meetings may be called in the manner and form prescribed by the Statutes of Colorado.

III.

A majority of the whole number of members of the City Council shall be necessary to constitute a quorum for the transaction of business, to be presided over by the Mayor, who shall have a vote therein when there is a tie vote, except in passing ordinances. Provided, That in the election of such city officers as are elected by the City Council, the Mayor may vote as other members of the Council.

IV.

Upon the organization of the City Council, the members thereof shall elect from their body a President pro tem. who, in the absence of the Mayor, shall preside at all regular or special meetings of the City Council. The President pro tem. shall further act as Mayor in case the Mayor is absent from the city, or is, from any reason, temporarily unable to perform the duties

of the office. The President pro tem. shall, in all cases, be entitled to vote as a member of the City Council.

V.

In order to expedite the business coming before the City Council, the Mayor shall, upon the organization of the Council, or as soon thereafter as possible, appoint the following committees, viz.: Streets, Alleys and Parks; Water and Fire; Finance, License and Bonds; and the Board of Health, of which last committee the Mayor shall be the Chairman. All matters, in so far as may be practical, may be referred to the appropriate committee for investigation and report, and the chairman of such committee shall, as soon as practical, report the findings of his said committee, upon which findings the City Council shall take such action as they may deem best. Provided, however, That the Mayor shall have power at any time to change the personnel of any or all of the foregoing committees.

VI.

No officer, either elective or appointive, or the head of any department of the said city, shall purchase any supplies for his department unless he shall have first obtained a requisition therefor from the Mayor, which said requisition shall be attested by the City Clerk.

VII.

No ordinance shall be adopted by the City Council unless the same has been previously introduced and read at a preceding regular meeting of the City Council and published in full in at least one of the papers of general circulation published in the City of Salida, at least ten (10) days before its passage, all of which previous introduction of such ordinance at such preceding regular meeting of the City Council, and the fact of its publication in such newspaper, shall appear in the certificate and attestation of the City Clerk on such ordinance after its adoption. All ordinances so introduced for passage and adoption by the Council shall receive three (3) readings, the second

of which may be by title. The first and second readings may be at the same meeting, and the third reading and final passage of such ordinance shall be at the first regular meeting after the publication of the ordinance, as aforesaid.

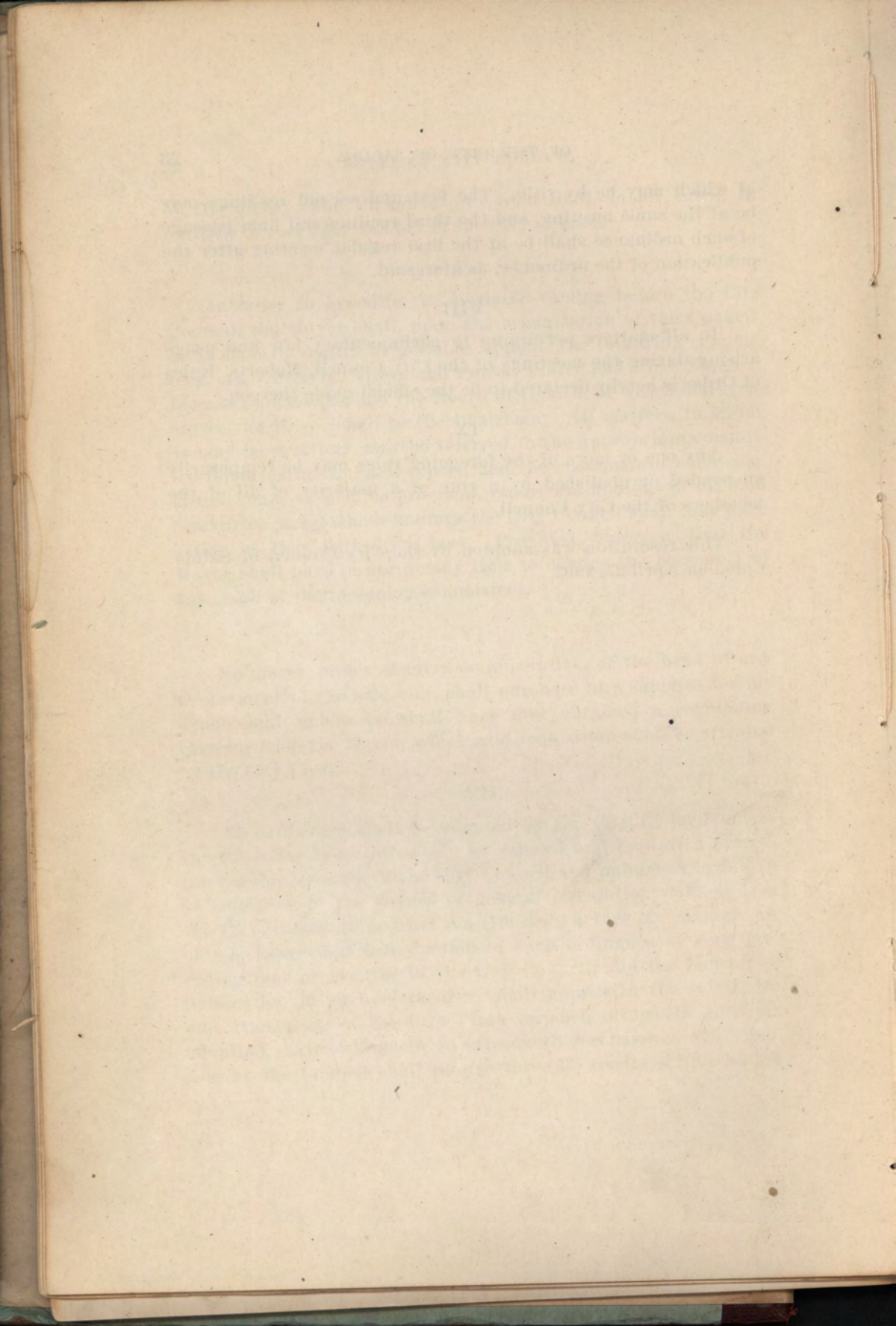
VIII.

In all matters pertaining to parliamentary law and usage arising during the meetings of the City Council, Roberts' Rules of Order is hereby declared to be the official guide thereon.

IX.

Any one or more of the foregoing rules may be temporarily suspended or abolished by a vote of a majority of all of the members of the City Council.

This resolution was adopted by the City Council of Salida, Colo., on April 27, 1903.



ORDINANCES

CHAPTER I.

ACTIONS AND PENALTIES.

An Ordinance concerning actions and penalties. Passed December 10, 1903.

1. How actions brought.
2. Fines paid to City Clerk.
3. Sheriff or Constable may serve process.
4. Suits barred in one year.
5. Commitments to city jail.
6. Marshal attend prisoners.
7. Separate apartments for male, female and juvenile prisoners.
8. Marshal keep record book.
9. Officers make reports.
10. Repealing section.

1. Section 1. All actions brought to recover any fine or enforce any penalty under any ordinance of this city, shall be brought in the name of the People of the State of Colorado, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any violation of any such ordinance, although the different causes of action existed at the same time, and if united would not have exceeded the jurisdiction of the Police Magistrate.

2. Sec. 2. All fines and forfeitures for the violation of any ordinance, shall, upon collection thereof, by the Police Magistrate, be paid by him to the City Clerk.

3. Sec. 3. Any Constable, or the Sheriff of the county, may serve any process or make any arrest authorized to be made by any officer of this city.

4. Sec. 4. All suits for the recovery of any fine, and the prosecution for the commission of any offense, made punishable

by the ordinances of this city, shall be barred in one year after the commission of the offense for which the fine is sought to be recovered.

5. Sec. 5. All commitments under any finding or judgment of the Police Magistrate shall be to the city jail. The City Marshal shall be the keeper of such jail, and at any time, as the case may require, the City Marshal or Mayor may appoint one or more assistant keepers thereof, who shall be subject to the orders of the Marshal, but shall have authority to exercise all the powers of the Marshal in his capacity as keeper of such place, so far as the exercise of such powers shall not be inconsistent with or contrary to the orders of the Marshal.

6. Sec. 6. Said Marshal shall attend to the safe keeping of all prisoners in the city jail, shall see that meals are properly provided for such prisoners, that their sleeping apartments are properly cleaned and ventilated, and shall attend to such other duties in relation to such prisoners as may be required of him by the Council.

7. Sec. 7. Male, female, and juvenile prisoners under the age of 18 years shall not be placed or kept in the same apartments, but separate apartments shall be provided for each class of said prisoners.

8. Sec. 8. The Marshal shall keep a book, to be furnished by the city, in which he shall enter the time of commitment of any prisoner, the number of times he or she shall have been committed, and such other facts as may be necessary; he shall also keep in said book an accurate account of days worked by each prisoner, when his time of imprisonment shall be out, and the fact of his discharge, and the time thereof; he shall enter therein an itemized account (including costs) of all provisions and other articles procured on account of such prisoners.

9. Sec. 9. The Marshal and all other police officers shall make a monthly report to the Council, which report shall show all arrests and fines and penalties imposed, if any. Or at any time, the City Marshal or other police officer, when required by the Council, shall make a report of any matters with which his official duties shall be connected.

10. Sec. 10. That all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

An Ordinance concerning violation of ordinances, and labor of convicts.
Passed July 20, 1901.

10-A. Failure to pay fine. Penalties.

10-B. Repealing section.

10-A. Section 1. Whenever any person or persons shall be convicted of a violation of any of the ordinances of the Town of Salida before the Police Magistrate of said town, and such person or persons shall fail or refuse to pay the fine, penalty and costs assessed against him or her on account of such violation of ordinance and conviction thereof, the said Magistrate shall order such person or persons committed to the town jail until such fine, penalty and costs shall be fully paid.

And if such person or persons so committed shall still fail or refuse to pay such fine, penalty and costs, they shall be required to work for the said Town of Salida, at such labor as his or her strength will permit, within or without such town jail, not exceeding ten hours each working day, and for such work the person so employed shall be allowed, exclusive of his or her board, two dollars per day for each day's work on account of such fine, penalty and costs.

10-B. Sec. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CHAPTER II.

ARRESTS.

An Ordinance in relation to arrests. Passed December 10, 1903.

11. Who may arrest offenders.
12. Officer shall obtain warrant.
13. Marshal or other officer summon assistance.

11. Section 1. Any officer authorized to serve a summons or execute a warrant in actions for the violation of any city ordinance, may arrest offenders without warrant, for the violation of any such ordinance, committed in his presence.

12. Sec. 2. No party thus arrested shall be detained without warrant longer than necessary to obtain the warrant required by law; and such party so arrested may be confined in the city jail, or other place of confinement, until such warrant can be obtained.

13. Sec. 3. The City Marshal or other police officer, may at any time call upon any male person above the age of eighteen years to assist in arresting or taking any person or persons against whom there may have been issued any summons or warrant by the Police Magistrate of the city, or to aid and assist in preventing any breach of the peace, or to aid and assist in making any arrest as in this ordinance provided. Any person neglecting or refusing to act when so called upon by the City Marshal or other police officer, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five dollars nor more than one hundred dollars.

CHAPTER III.

BIRTHS AND DEATHS.

An Ordinance concerning the registry of births and deaths in the City of Salida, by physicians, etc. Passed December 10, 1903.

14. Physician, etc., keep registry.
15. Make monthly reports.
16. Clerk keep record.
17. Penalties.

14. Section 1. It shall be the duty of all physicians, surgeons, and midwives to keep a register of all births and deaths, at which they have professionally attended, showing in case of birth, the time and place of birth, name of the father and mother, and the maiden name of the mother, and their residence, the sex and color of the child, and whether it be born alive or dead; showing in case of death the time, place and cause of death, when and where the disease was contracted, the name, age, sex, color and condition, whether single, married or widow, the occupation, residence, place of birth, and the name and ad-

dress of the nearest living relative of the deceased. Provided, that when two or more physicians, surgeons or midwives may have attended professionally at any birth or death, that physician, surgeon, or midwife, who is oldest shall make the registry.

15. Sec. 2. It shall be the duty of the physicians, surgeons and midwives to deposit with the City Clerk monthly reports of such births and deaths on the first day of each and every month for the preceding month.

16. Sec. 3. It shall be the duty of the City Clerk to enter in a suitable book of record, the aforesaid reports as filed by the physicians, surgeons and midwives; the aforesaid book to be provided by the City Council and to be kept for that purpose. And the City Council shall further cause to be printed a sufficient number of blanks requisite for the purposes of this ordinance, with appropriate columns for the information sought. Said book and papers shall be kept in the office of the City Clerk and delivered in sufficient number by said officer to any proper person requesting the same for use.

17. Sec. 4. Whoever shall violate any of the provisions of this ordinance or fail to comply therewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than five dollars nor more than fifty dollars.

CHAPTER 4.

CITY ORGANIZATION—OFFICERS, ETC.

An Ordinance providing that the Town of Salida be incorporated into a city of the second class, and dividing the said city into wards; defining the duties of the said officers of the said City of Salida, and fixing the salaries of said officers. Passed February 20, 1903

DIV. 1.—CITY ORGANIZATION AND OFFICERS.

18. Preamble.
19. Incorporation. Officers. Election.
20. Aldermen.
21. Duties of Mayor, etc.
22. City Clerk.
23. City Attorney.
24. Street Supervisor.
25. City Engineer.
26. Bonds of various officers.
27. Salaries.
28. Council appoint other officers.
29. Wards of the city.
30. Repealing section.

18. Whereas, The return of the census of the Town of Salida has been duly filed in the office of the Secretary of State of Colorado;

And, whereas, The Governor of said State, having ascertained, within six months thereafter, that the Town of Salida is entitled to become a city of the second class, caused a statement thereof to be prepared by the said Secretary of the State, which statement he caused to be published in a newspaper published in the city of Denver, the capital of said State, and also in The Salida Mail, a newspaper published in the said Town of Salida;

And, whereas, The said Secretary of the State also transmitted a copy of said statement to the Mayor of the said Town of Salida, and the Board of Trustees thereof deem the said change of grade desirable;

And, whereas, The regular biennial period for the election of officers properly belonging to cities of the second class, and

the first since the preparation and publication of the statement aforesaid, occurs on Tuesday, the 7th day of April, A. D. 1903;

And, whereas, Three members of the present Board of Trustees of said town were elected at the regular municipal election of 1902, for the term of two years and until their successors were duly elected and qualified, now, therefore,

Be it ordained by the Board of Trustees of the Town of Salida, Colorado:

19. Section 1. That the Town of Salida be incorporated into a city of the second class, and to that end that there be selected, at the municipal election, to be held on Tuesday, the 7th day of April, A. D. 1903, the proper officers belonging to a city of the second class, to wit: One Mayor, one Police Magistrate, one City Treasurer, one City Clerk, one City Marshal, one City Attorney, one City Engineer, one City Street Supervisor, and three Aldermen, from the wards hereinafter numbered and defined. Said Aldermen shall be divided among said wards as follows: Two from Ward No 3 and one from Ward No. 1 (as amended March 5, 1903).

20. Sec. 2. That the three members of the present Board of Trustees holding over under their terms of office shall become Aldermen for their respective wards for said City of Salida in its new grade; and the term of office of said Aldermen so holding over shall be, and is hereby, extended until their successors are elected and qualified.

21. Sec. 3. The Mayor, Aldermen, Police Magistrate and City Marshal of the said City of Salida shall perform such duties as are now prescribed for their respective offices by the Statutes of Colorado, and also such duties as may be hereafter prescribed by Statute or by ordinances of the said City of Salida.

22. Section 4. It shall be the duty of the City Clerk to record all proceedings of the City Council in a book or books provided for that purpose; he shall countersign all warrants drawn on the Treasurer under the city seal; he shall make out all licenses authorized by the ordinances of the city and countersign the same under the city seal, and before issuing any

license or warrants shall present the same to the Mayor for his approval and signature. He shall keep a full and complete record of all warrants and licenses issued, with full particulars thereof, and shall submit to the City Council at the first regular meeting in each and every month a report of all licenses and warrants issued; also a report of all moneys collected belonging to the city, submitting with said report all vouchers for money paid over to the City Treasurer. The City Clerk shall be keeper of the City Seal and shall use the same in the manner now prescribed by the Statutes of Colorado and the ordinances of the Town of Salida; he shall have the custody of and shall safely keep all records and documents of the city, except as otherwise provided by law, and shall do and perform all other duties and services that the City Council may from time to time ordain and establish.

23. Sec. 5. It shall be the duty of the City Attorney attend all regular and special meetings of the City Council; he shall, when so requested, advise the Mayor or any other city officer upon all questions of law pertaining to the official duties of any such officer. He shall draft all ordinances, contracts, leases, conveyances and all instruments of writing which may be required of him by the City Council. He shall, when requested, by the City Council, appear in behalf of the city in suits or proceedings by or against the city in any court where the same may be pending, or about to be instituted by the city, and defend or prosecute the same as the case may be, but for such services he shall receive, in addition to his annual salary herein provided, for each such suit or proceeding, such further sum as may be reasonable.

24. Sec. 6. The Street Supervisor shall have immediate charge of the streets, avenues, bridges, alleys and lanes of the city, and of all teams and men employed upon the same. He shall keep such streets, avenues and bridges and all culverts and crossings in a cleanly and safe condition, and shall report all needed improvements to the City Council; he shall have charge of the city water system and of the ditch water service, and

shall keep all in proper repair. He shall observe and execute all orders of the Committee on Streets, Alleys and Bridges, and shall perform such other duties as may hereafter be required of him by ordinance or resolution of the City Council.

25. Sec. 7. It shall be the duty of the City Engineer to inspect and pass upon the construction of all public works ordered by the city, and shall make out plans, specifications and estimates thereof. He shall do the surveying and engineering ordered by the city, and shall perform such other duties not inconsistent with his employment as the City Council may by ordinance require. He shall preserve all plans, maps, notes, surveys, books, papers and documents pertaining to his office, which shall be open to the inspection of citizens at all reasonable hours, and which shall be delivered to his successor in office or to the City Clerk, as the City Council may, by resolution, order.

26. Sec. 8. The City Marshal, Police Magistrate, City Clerk, City Attorney, City Treasurer, City Engineer and City Street Supervisor shall, before entering upon the duties of their respective offices, execute bonds to the City of Salida, which said bonds shall be furnished by some approved surety company, conditioned that they will faithfully perform the duties of their respective offices and that they will, when they vacate their respective offices, surrender and turn over to their successors all moneys, books, papers, property or other things in their custody or control belonging to the city. The penalties of the bonds required by this section shall be as follows: City Marshal, \$2,000; Police Magistrate, \$2,000; City Clerk, \$6,000; City Attorney, \$500; City Treasurer, \$10,000; City Engineer, \$500, and City Street Supervisor, \$2,000.

27. Sec. 9. The several officers of the said City of Salida shall receive the following salaries, payable monthly in warrants of said city, as follows, to wit: City Marshal, \$85 per month; City Clerk, \$75 per month; City Attorney, \$20 per month; City Treasurer, \$25 per month, and City Street Supervisor, \$75 per month. The City Engineer shall receive such compensation as

may be agreed upon by said Engineer and the City Council as the work pertaining to the said Engineer's office may be ordered by the City Council. The Police Magistrate shall receive such fees as are prescribed by law, when same are collected.

28. Sec. 10. The City Council shall, upon its organization, or as soon thereafter as practical, make such appointments as it shall deem needful for the good government of the city, and shall provide by resolution the compensation of such appointees.

29. Sec. 11. To further carry out the objects and provisions of this ordinance, the said City of Salida shall be divided into three wards, numbered One, Two and Three. Ward No. One shall comprise that territory in said city lying northwesterly of the center of F street with the Arkansas river as the northeasterly boundary thereof. Ward No. Two shall comprise "Hillside Addition," and all territory between the center of F street and the line formed by following the center of C street in a southwesterly direction from Front street to the intersection of C street with Park avenue; thence west along Park avenue to where it joins Fifth and Teller streets; thence south along Teller street to where C street branches therefrom; and thence along the center of C street to the end of said C street. Ward No. Three shall comprise all territory lying east and north of the easterly boundary of Ward No. Two. There shall be one voting precinct in each ward.

30. Sec. 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

An Ordinance concerning the city treasurer and his duties. Passed December 10, 1903.

31. Duties of Treasurer.
32. Pay out moneys.
33. Registering of warrants.
34. Monthly and yearly reports.

31. Section 1. It shall be the duty of the Treasurer to take under his charge and keep a true and accurate account of all moneys belonging to this city, stating from whom and on what account received. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging

thereto; and said books and accounts shall always be subject to the inspection of any member of the City Council.

32. Sec. 2. He shall pay from the treasury all such sums of money as may be ordered by the City Council; and upon all warrants payable out of any particular fund there shall legibly be written the name of the fund out of which they are payable.

33. Sec. 3. That whenever any warrant is presented to the Treasurer for payment and there shall be no funds for the payment of the same, it shall be his duty to register such warrant in a book kept for that purpose, wherein he shall state the date, number and amount of such warrant, and the name of the person to whom the same is payable, and together with the date of such presentation and the registration of the warrant. All warrants shall be numbered in consecutive order, and shall be paid by the Treasurer in the order in which they are numbered and registered.

34. Sec. 4. The Treasurer shall at the close of each month and each fiscal year make and deliver to the City Council, a full and complete report of his proceeding during the preceding month or year, stating the amount of moneys received, from whom and for what purpose received, and exhibiting all credits allowed by law, and the ordinances of the city. And he shall do and perform such other duties as are now or may be hereinafter prescribed by general law of the State, or by ordinance, resolution or order of the Council.

DIV. 2.—INTERFERENCE WITH OFFICERS.

An Ordinance concerning interference with officers in the performance of their duties. Penalty. Passed January 18, 1904.

35. Unlawful to obstruct, etc., officer.

36. Penalty.

35. Section 1. That hereafter it shall be unlawful for any person, in this city, to obstruct, oppose or interfere with any officer of this city, other than a police officer, while said officer is in the performance of any duty or duties pertaining to his office; or to obstruct, oppose or interfere with any work, con-

struction or regulation after the same has been performed or fixed by any such officer.

36. Sec. 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five dollars, nor more than one hundred dollars for each offense.

DIV. 3.—REMOVAL OF OFFICERS.

An Ordinance concerning city officers; their suspension and removal. Passed July 20, 1903.

37. Any city officer may be removed.
38. Charges in writing, to the City Council.
39. Service of copy of such charges.
40. Hearing upon the charges.
41. The vote thereon.
42. Procedure at hearing, etc.

37. Section 1. Any city officer guilty of a willful violation of any of his official obligations, of culpable official negligence, dereliction of duty or of conduct inconsistent with his official character, at any time during his official term, shall be subject to removal from office.

38. Sec. 2. All charges preferred against any municipal officer of the city for any cause or causes that shall be sufficient at law for the removal of any such officer shall be made in writing to the City Council, and shall clearly specify any such cause or causes of removal.

39. Sec. 3. Except in those cases in which any notice to the party accused is rendered unnecessary by law, a copy of such charges and specifications, with a notice of the time and place of hearing, shall be served upon the accused at least five days before the day of hearing.

40. Sec. 4. At the time and place so set, the City Council shall meet and proceed according to rules made and determined upon, to hear the evidence against and for the accused, adjourning from time to time as may be necessary, until all the evidence shall have been given.

41. Sec. 5. Within three days after the evidence shall have been given, the City Council shall vote by ayes and nays

upon each charge and specification separately. The question upon each charge shall be, "Is the accused guilty?" If the Council, by a two-thirds vote of all the members thereof, finds the accused guilty of any of the specified charges aforesaid, it may resolve that he be removed from office, and such office shall be deemed vacant.

42. Sec. 6. Upon any trial had as aforesaid, the accused shall be heard by himself or counsel in his defense, and the City Attorney shall attend the trial and prosecute on behalf of the city, unless he be accused, when some other person selected by the Council shall prosecute. The City Marshal or other police officer may serve any paper required to be served by any of the provisions of this ordinance, and all the proceedings of the Council as aforesaid shall be entered at large in its records.

CHAPTER V.

CITY COUNCIL.

An Ordinance in relation to the meetings, rules of procedure, of the city council.
Passed December 10, 1903.

43. Time of regular meetings.
44. Special meetings.
45. Manner of calling special meeting.
46. Rules of procedure.
47. Repealing section.

43. Section 1. That the regular meeting of the City Council of this city shall be held on the first and third Monday night of each and every month, at the city hall, and that the hour of meeting shall be at 8 o'clock of said nights; Provided, That when any such meeting night falls upon any legal holiday, then the City Council shall meet and adjourn to meet some evening prior to the next regular meeting.

44. Sec. 2. That the Mayor of said city and any three members of the City Council be and they are hereby authorized to call special meetings of the City Council for the transaction

of any and all corporate business, when, in their judgment, such special meetings shall be deemed necessary.

45. Sec. 3. That whenever they shall call special meetings of the City Council, pursuant to the second section of this ordinance, they shall give a written notice to each and every member of the Council of the time and place of such special meeting; which notice shall be served by the City Marshal at least six hours previous to the time when such special meeting shall be called to meet, and which notice may be served in writing to the member, or by leaving a copy of such notice at the place of residence of any such member of the City Council.

46. Sec. 4. That the rules of procedure of the City Council shall be those now in use by said Council, or as hereafter may be prescribed by ordinance or resolution.

47. Sec. 5. That all ordinances or parts of ordinances in conflict herewith be and are repealed.

CHAPTER VI.

CITY SEAL.

An Ordinance establishing the city seal. Passed December 10, 1903.

48. Description and device.

49. Custody and use of seal.

48. Section 1. The Common Seal of the City of Salida shall be of circular shape, in the center of which shall be the word "SEAL," engraved thereon, and the words "CITY OF SALIDA, COLORADO," surrounding the word "SEAL," and around the margin of said seal, engraved upon the face thereof in Roman capitals. Said seal above described is hereby established and declared to be the seal of the City of Salida.

49. Sec. 2. Said seal shall be kept in the office of the City Clerk, who shall be the custodian thereof. It shall be the duty of said Clerk to affix said seal to all transcripts, orders, or certificates which it may be necessary or proper to authenticate under the provisions of the Statute in such case made and provided, or any ordinance of the city, and said seal shall be affixed

to every contract, warrant, license or other instrument requiring the seal of the city under any law of the State of Colorado, or any ordinance of the city.

CHAPTER VII.

DOGS.

An Ordinance concerning dogs. Passed December 10, 1903.

50. License required.
51. Fees and issuance of license.
52. Dog wear number on collar.
53. Sluts in heat at large.
54. Mayor issue proclamation; when.
55. Officer authorized to kill unlicensed dogs.
56. When dogs shall not be at large.
57. Definition of word "dog."
58. Penalty.
59. Repealing section.
50. Section 1. No dog shall be permitted to run at large upon any street, alley, highway, common or other public place, within the corporate limits of this city, without a license first had and obtained according to the provisions of this ordinance.
51. Sec. 2. The owner or keeper of any such dog shall, on or before the first day of April of each year hereafter, pay to the City Clerk, for the use of the city, one dollar for each dog and the sum of three dollars for each bitch, which shall be the license fee for such dog or bitch for one year from said date. It shall be the duty of the City Clerk, upon such payment being made, to issue a license for the ensuing year to such owner or keeper of a dog. He shall also keep a record of such licenses as issued, showing the name of the owner or keeper, the number of the license, the license fee, and such other information as may be proper.
52. Sec. 3. It shall be the duty of any such owner, after procuring a license as herein provided, to place and keep on the neck of his or her dog, while running at large within this city, a collar made of durable material, with the metallic check

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to be furnished by the City Clerk attached thereto; and any dog running at large within this city without such collar and check shall be conclusively deemed to be without an owner and keeper, and shall be killed, as provided for in section six of this ordinance.

53. Sec. 4. No person shall permit any slut to run or be at large while in heat, within the corporate limits of this city.

54. Sec. 5. Whenever the Mayor of the City of Salida shall be of the opinion that any danger of hydrophobia exists in the city, he shall issue his proclamation, requiring all persons in the city to confine their dogs, if they have any, for such time as he may designate, during which time it shall not be lawful for any dog to run or be at large within the limits of the city, unless securely muzzled. Said proclamation shall be published in all newspapers published in the city, and shall be in force in twenty-four hours after its publication.

55. Sec. 6. It shall be the duty of the City Marshal or any policeman, or such discreet person or persons as may be thereunto authorized in writing, by the Mayor or Marshal, to kill any and all dogs which may be found running at large in this city without a collar and check, as required by Section 3 of this ordinance; and the carcasses of the dogs so killed shall be burned or buried or otherwise so disposed of as will prevent the same from becoming offensive.

56. Sec. 7. It shall be the duty of the owner or keeper of any vicious dog or dog with hydrophobia, to prevent the same from running or being at large. It shall be the duty of the City Marshal and policeman to kill all vicious dogs and dogs with hydrophobia (whether licensed or not), known to be such and running and being at large within the city limits. But the killing of any such vicious dog shall not relieve the owner or keeper thereof from his liability under the ordinance for allowing any such dog to thus run at large within this city.

57. Sec. 8. The word "dog," for the purposes of this ordinance, shall be deemed to mean dogs of every description, age and sex.

58. Sec. 9. Whoever shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than fifty dollars.

59. Sec. 10. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CHAPTER VIII.

ELECTIONS.

An Ordinance concerning municipal elections. Passed December 10, 1903.

- 60. Appointment judges of election.
- 61. Vacancy in office of judge.
- 62. Municipal elections accordance general law.

60. Section 1. Thirty days at least before the regular period for the election of municipal officers, the City Council shall by resolution, appoint for each election precinct in the several wards of this city, three capable and discreet persons, representing at least two political parties, possessing the qualifications of electors in their respective wards, to act as judges of election in each of said precincts, for which they shall have been respectively appointed, at all general and special elections, until their successors are appointed. The City Clerk shall make out and deliver, by mail or other safe conveyance, to each one of the judges so appointed, a notice in writing of their appointment.

61. Sec. 2. In case of vacancy in the office of judge of elections existing at any time, the City Council shall fill the vacancy for the unexpired term, as in the case of an original appointment. Provided, that said last specified appointment of judge of election to fill a vacancy shall not interfere with rights of qualified electors present at any place of voting to fill any such vacancy. The clerks of election shall be appointed by the judges as in the case of county elections.

62. Sec. 3. All municipal elections, both general and special, shall in all respects be held and conducted in the manner prescribed by law in the case of county elections.

CHAPTER IX.

FINANCE.

An Ordinance concerning finance. Passed December 10, 1903.

63. The fiscal year.
64. Assessable property in city.
65. The city levy.
66. Collection of city taxes.
67. Apportionment to proper funds.
68. Bills against the city.
69. Repealing section.

63. Section 1. That the fiscal year of the City of Salida shall commence on the first day of April of each year, and the City Council shall, within the last quarter of each fiscal year, pass the ordinance required by the law known as the annual appropriation bill for the next fiscal year.

64. Sec. 2. The same amount and kinds of property, real and personal, shall be exempt from assessment and taxation for city purposes, as are now or may hereafter be exempt by general law from assessment and taxation for county purposes; and all kinds of property within the city limits that are subject to assessment and taxation for county purposes shall be subject to assessment and taxation for city purposes.

65. Sec. 3. When the equalization of the value of property within the city limits, each year, by the County Commissioners of Chaffee County as required by law, shall have been completed, it shall be the duty of the City Clerk to correct the duplicate return thereof made to the City Council by the Assessor of said property, in accordance with the changes in the valuation of the same adopted by the said County Commissioners; and thereupon the City Council shall, by resolution, levy upon the real and personal estate described in said amended return such sum or sums as may be required for any purpose which they may be authorized to levy taxes; and they shall therein specify the rate of taxation as fixed by them for city purposes, upon all property within the corporate limits of the city. The City Clerk shall then certify a copy of said reso-

lution to the Clerk and Recorder of said County of Chaffee, who shall then proceed to extend the same upon the tax lists of the current year as required by law.

66. Sec. 4. The County Treasurer of other county collector of county taxes, shall collect the city taxes at the same time he collects other taxes, and he shall pay over all such taxes collected for the city to the City Treasurer at the end of each month, upon the presentation to him of an order signed by the Mayor and City Clerk; and the City Council in each year shall make such allowance, to be paid out of the general fund, to the said county officers as shall be a reasonable and just compensation for the extra labor imposed by this ordinance or general law of the State, and shall pay such other charges as by law may pertain to the collection of city taxes.

67. Sec. 5. The City Treasurer shall immediately, upon any payment to him made as provided in the foregoing section, proceed to apportion the money so paid to the general funds, in accordance with the original levy and credit the same to the appropriate fund.

68. Sec. 6. All bills against the city shall be presented in the form of an itemized account, stating especially the nature of the indebtedness, and shall be sworn to by the claimant, his agent or attorney, before the City Clerk, or some other person, duly authorized by law, to administer oaths, which affidavit may be in the following form:

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.

I, A. B., on oath, state that the foregoing account is just and true, and that it comprises all claims,
against the City of Salida, to date.

.....
Subscribed and sworn to, etc.

Provided, however, if the claim be for a fixed salary or for any certain sum by contract with the City Council, the account need not be sworn to. All such bills shall be read in open session of the Council and may be allowed, rejected, referred to any

appropriate committee or otherwise disposed of, as the Council may direct.

69. Sec. 7. That all ordinances or parts of ordinances in conflict herewith be and hereby are repealed.

CHAPTER X.

FIRE DEPARTMENT.

DIV. 1.—FIRE DEPARTMENT.

An Ordinance creating a fire department, and establishing certain regulations therefor. Passed December 10, 1903.

ARTICLE I.

70. Board of Fire Commissioners.

ARTICLE II.

- 71. Fire department and officers.
- 72. Official term of officers and firemen.
- 73. Qualification of firemen, etc.
- 74. Duties of Chief.
- 75. Duties of Captain.
- 76. Duties of firemen.

ARTICLE III.

- 77. Driving over hose.
- 78. Apparatus used only for public purposes.
- 79. Use of hydrants. Obstructions.
- 80. Destruction of buildings at or near fire.
- 81. Conduct of persons at fire.
- 82. Fire Wardens.

ARTICLE IV.

- 83. Duties of Fire Wardens.

ARTICLE I.

70. Section 1. There is hereby constituted a Board of Fire Commissioners, consisting of the Mayor, the Chief of the Fire Department and the standing committee of the City Council on fire department and water supply. The Mayor shall be ex-officio chairman of the said board. Said board shall, subject to the approval of the City Council, have the general supervision and government of the Fire Department, and shall have the power,

subject to the approval of the City Council, to adopt rules and regulations for the government of the department; and the rules and regulations now in use for said department are found on pages 215 to 217, inclusive, of the last minute book of the Town of Salida

ARTICLE II.

71. Section 1. There is hereby created a Fire Department for the City of Salida, which shall consist of a Chief, a Captain, and as many drivers, hosemen and hook and ladder and other persons as may be necessary to properly handle and manipulate the apparatus that may be in use now or hereafter purchased for said department.

72. Sec. 2. The officers and members of the Fire Department shall hold their office during good behavior and efficient service, but the Board of Fire Commissioners, subject to the approval of the City Council, shall have power to suspend or remove any officer or member of the Fire Department, except the Chief, who shall only be removed by the City Council, and to fill vacancies for the unexpired part of the year, subject to the approval of the Council.

73. Sec. 3. No person shall be elected, appointed or employed as an officer or member of the Fire Department who shall not be a citizen of the United States, and of the State of Colorado, or who is not of good moral character and of sufficient intelligence to read and write the English language, and they shall receive such compensation as the City Council may by resolution direct.

74. Sec. 4. Chief shall have control of all persons present at a fire; and to that end shall, ex-officio, be and exercise all the powers of the City Marshal thereat. He shall wear a proper badge of office, and shall, when a fire breaks out, take immediate and proper means to extinguish the same. He shall have the power, if need be, to summon any and all persons present to aid in extinguishing any fire, in removing property from any burning or exposed building, and in guarding the same; and any able-bodied person refusing to obey such summons shall be deemed

guilty of a misdemeanor, and shall, upon conviction, be fined five dollars for each offense. The Chief may prescribe limits in the vicinity of any fire within which no person may enter, except those who reside therein, members of the Fire Department, policemen and such other persons as may be admitted by the officers of the department. He shall have the power to suspend any member of the department for neglect of duty, violation of orders, drunkenness, disorderly conduct, or insubordination; and any person so suspended shall remain under suspension unless reinstated by the Board of Fire Commissioners. He shall from time to time, when required by the City Council, make a report concerning the department, the number of fires visited, his recommendations, if any, and containing such other information as may be desired by the Council.

75. Sec. 5. In the absence of the Chief, the Captain of the Fire Department shall, for the time being, have all the powers and perform all the duties of the Chief of the department.

76. Sec. 6. The Captain and other members of the department shall perform such duties as are or may be prescribed in the rules and regulations governing the department.

ARTICLE III.

77. Sec. 1. Any person who shall drive any vehicle of any kind or run a locomotive over the hose belonging to the Fire Department, while the same is being used at any fire or practice drill, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars for each offense.

78. Sec. 2. Any fire apparatus, the property of the city, shall be used only for public purposes, and shall not be used for any private purposes whatever, but shall be kept clean and in perfect working order, ready for fire at all times.

79. Sec. 3. The city hydrants shall not be used as hitching posts, and no goods, boxes or other obstruction shall be piled around any hydrant in the city. Any person violating either of the provisions of this section shall be fined not less than two dollars nor more than fifty dollars for each offense.

80. Sec. 4. When a fire is in progress, the Chief of the Fire Department, or, in his absence, his representative, may, with the advice of the Mayor of the city, or in case the Mayor is not present and in his judgment he may deem it necessary, order any building or buildings that are in close proximity thereto to be torn down, blown up or otherwise disposed of, for the sole purpose of checking the conflagration, but neither the Chief of the Fire Department nor any other officer or member of the department shall unnecessarily or recklessly destroy or injure any building or property.

81. Sec. 5. Every person present at a fire shall be subject to and obedient to the orders of the Chief, Captain, Mayor, Aldermen or the City Marshal in extinguishing the fire or removing and protecting property, and in case such person shall neglect or refuse to obey such orders, he shall, upon conviction, be fined not less than five dollars nor more than fifty dollars for each offense; and all such officers shall have power to arrest any such person and to hold him in custody until after the fire shall have been extinguished, when he shall, as soon as practicable, be taken before the Police Magistrate to be dealt with according to law.

82. Sec. 6. The Mayor, Chief of Department and the City Marshal are hereby declared Fire Wardens, ex-officio, and are authorized to do and perform the duties of Fire Wardens, as the same are now or may hereafter be prescribed by ordinance.

ARTICLE IV.

83. Section 1. It shall be the duty of the Fire Wardens, or any one of them, and they are hereby given the power to, in their discretion, examine all buildings, occupied or unoccupied, and all buildings in process of construction, and all places where ashes are kept, and manufacturing establishments, and other places where steam boilers are used, to make complaint in the Police Court of the city of all violations of the ordinances of the city in relation thereto; to from time to time inspect all stoves, fire places, hearths, grates, furnaces, boilers and other places in this city where fire may be kept, and all stove pipes,

chimneys, ovens and other apparatus or fixtures connected therewith, for the purpose of ascertaining whether the same be in a safe or proper condition, and such inspection shall be made on the request of any citizen, at any proper time, for the purpose of ascertaining the condition and safety thereof. They, or any of them, shall have power and authority to order any defect or unsafe condition in any of the foregoing to be remedied and placed in proper and safe condition; and any person or persons refusing or neglecting to obey such order, or make such necessary repairs after being so ordered as aforesaid, he shall, upon conviction, be fined in the sum of five dollars for each and every day he shall continue to use the same without making the necessary alterations and repairs as aforesaid. Any person who shall resist or obstruct any Fire Warden in the execution of any of the duties herein enjoined upon him, shall, upon conviction, be fined not less than five dollars nor more than fifty dollars for each offense.

DIV. 2.—RIGHT OF WAY.

An Ordinance concerning fire department. Passed February 20, 1903.

84. Fire Department shall have right of way. Penalties.

84. Section 1. That the Fire Department of said town shall at all times have the right of way over and upon the streets, alleys and public places in said town. And whenever an alarm of fire is given all persons occupying the streets of the town with wagons, teams, horses, carts, or vehicles of any description, along the line which the Fire Department may take to reach the fire shall yield said right of way and drive to the curb on such streets and remain there until the Fire Department shall have passed.

Any person violating the provisions of this section shall, upon conviction, be fined in any sum not less than ten dollars or more than three hundred dollars.

DIV. 3.—FALSE FIRE ALARMS.

An Ordinance concerning false alarms of fire. Penalty. Passed January, 9, 1903.

85. Penalty for giving false alarm of fire.

85. Section 1. Any person or persons, except the Fire Chief or those having authority, who shall give, or cause to be given, in said Town of Salida, a false alarm of fire, either publicly or through any alarm system in operation in said town, when, in fact, such person or persons had no good or sufficient reason for believing that there was, at the time of giving such alarm, a fire in progress threatening the destruction of property in said town, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred dollars, and not more than three hundred dollars for each offense.

CHAPTER XI.

FIRE LIMITS.

DIV. 1.—FIRE LIMITS AND REGULATIONS.

An Ordinance fixing the fire limits and establishing certain fire regulations. Passed December 10, 1903.

- 86. Fire limits.
- 87. Regulation of business therein.
- 88. Burning rubbish in fire limits.
- 89. Specifications of buildings constructed therein.
- 90. When wooden buildings repaired therein.
- 91. Storing hay, etc.
- 92. Penalty for violation hereof.
- 93. When building deemed a nuisance.
- 94. Buildings damaged by fire. Procedure to condemn.
- 95. Permit to erect building.
- 96. Repealing section.

86. Section 1. All that portion of the City of Salida embraced within the following limits shall hereafter be known as the fire limits of said city: All that part of said city lying and being between C street and H street and the narrow-gauge tracks of the D. & R. G. R. R. Co., and between Fourth street

and Front street, and blocks numbered six, nineteen and thirty-four in said city.

87. Sec. 2. No business, whether now established or hereafter commenced, shall be conducted within said fire limits, in which shavings and light combustible materials are made, unless there is constructed in connection with any such establishment or manufactory, a brick, iron or fire-proof vault, furnace or boiler, in which all shavings, sawdust, or other light combustible material may be deposited and burned without endangering the works or surrounding property, to which vault, furnace or boiler all such combustible material shall be promptly removed and burned, or unless all such combustible materials shall be removed each day to a safe distance and location without the city limits and burned.

88. Sec. 3. That hereafter it shall be unlawful for any person to burn any old paper, straw, old clothing or other combustible rubbish, on or in any street, alley, yard, lot or other place within said fire limits, but the same shall be burned in a brick, iron, or other fire-proof vault, furnace or receptacle; and every store, manufactory or other place where the aforesaid materials tend to accumulate shall be provided with such brick, iron or other fire-proof vault, furnace or receptacle for burning and disposing of such accumulations as aforesaid. And no ashes shall be kept or deposited in any part of said fire limits, unless kept in a secure metallic, earthen, brick, or stone ashpit, which shall be emptied and cleaned as soon as the same shall become filled.

89. Sec. 4. No building shall be hereafter erected within the fire limits unless the same shall be constructed in conformity with the following provisions:

First—All outside or party walls shall be made of stone, brick, or other fire-proof material.

Second—Outside and party walls in one-story buildings, not exceeding fifteen feet in height from the top of the sidewalk to the under side of the roof joists or rafters, shall be not less than eight inches in thickness, if of brick, nor less than sixteen

inches in thickness, if stone, but all outside walls in one-story buildings exceeding fifteen feet in height shall be not less than twelve inches in thickness, if of brick, nor less than eighteen inches in thickness if of stone. In all two-story buildings the outside and party walls of the first story shall be at least twelve inches in thickness, if of brick, and the like walls of the second story of same shall be at least eight inches in thickness, if of brick. In all three-story buildings the outside and party walls of the first story shall be at least sixteen inches in thickness, if of brick, and the like walls of the second story of same shall be at least twelve inches in thickness, if of brick, and the like walls of the third story of same shall be at least eight inches in thickness, if of brick; and in all buildings of more than three stories in height the outside and party walls of same, if of brick, shall be four inches thicker in the first story than the walls of the first story of the three-story building, as provided for herein, and shall not decrease in thickness more than four inches for each succeeding story, and the said outside and party walls of each story of any brick building of four stories and over shall be increased in thickness at least four inches, beginning with the first story of same, having reference to the preceding scale for the thickness of outside and party walls; Provided, That all footings of said buildings shall be at least four inches thicker than the walls of the first story of same. In all one-story buildings of brick or stone, if columns of wood shall be used as supports between the windows and doors of the same, such columns shall be solid and shall be at least six inches across the narrowest surface of same, and, if round, shall be at least seven inches in diameter at the smallest part. In all brick or stone buildings of two stories or over, if columns of the wood shall be used as supports between the windows and doors of the first story of same, such columns shall be solid and shall be increased in measurement across the narrowest surface of same at least two inches for every story above a one-story building—having reference as a basis to the columns of a one-story building, as provided for herein, and if such columns shall be round they shall

be solid and shall be increased in diameter at their smallest part at least two inches for every story above a one-story building—having reference as a basis to the round columns of a one-story building as provided herein.

Third—All joists, beams and other timber in outside and party walls shall be separated at least four inches from each other with stone or brick laid in mortar.

Fourth—All joists, beams and other timber in outside and party walls shall be separated at least four inches from each other with stone or brick laid in mortar.

Fifth—The roof of all buildings, including those designated as out-buildings, shall be covered with iron, tin, slate or other fire-proof material.

90. Sec. 5. No wooden building within the fire limits aforesaid shall be raised, except for the purpose of putting a foundation under the same, enlarged, repaired or removed to any other place within the fire limits, nor shall any such building be removed into the fire limits. A building of a wooden frame whose sides shall be covered with sheet iron or other metal shall be deemed a wooden building for the purpose of this ordinance. No additions shall be made to any wooden building. Provided, that any necessary small repairs may be made of wood to any wooden building in existence at the time of the taking of effect of this ordinance. No such small repairs in wood shall be construed to mean a general renovation of any such building or an essential modification thereof, either in the repair of the roof or otherwise. Provided, further, that any repairing may be made to a wooden building with such fire-proof material as the City Council may designate.

91. Sec. 6. No owner or lessee of any building or premises within the fire limits, nor any other person, shall place or pile, or cause to be placed or piled, within the fire limits aforesaid, any hay, straw or other combustible material for any purpose whatever, unless such material be so placed or piled within and entirely enclosed by a building.

92. Sec. 7. Any owner, builder, or any other person who shall own, build or aid in the erection of any building or part of

building within said fire limits, contrary to or in any other manner than is authorized by the provisions of this ordinance, or who shall own, remove or assist in removing any such building from without said fire limits within the same, or shall in any other manner violate any of the foregoing provisions of this ordinance, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars for each offense, and an additional fine of five dollars for each day they shall fail to comply with the provisions of this ordinance or continue in the violation thereof.

93. Sec. 8. Any building constructed, repaired, moved or enlarged in violation of the provisions of this ordinance, shall be deemed a nuisance, and the owner or builder of such building shall, in addition to the fine hereinbefore provided for, be required, as part of the judgment of the Police Magistrate, to remove within three days, the building, or part so constructed, out of the fire limits, or raze the same to the ground. If the same be not so removed or razed within three days it shall be the duty of the City Marshal to have it removed or torn down at the expense of the owner, such expense to be collected in an action of debt, or collected as a special assessment against the lot or premises upon which said building or part thereof was situate, as provided by ordinance for the abatement of nuisances.

94. Sec. 9. When any building in the fire limits not conforming to the ordinances then in force, shall be damaged by fire, decay or otherwise, to the extent of fifty per cent. of the original value thereof, such building shall be taken down and removed by the owner from the fire limits. Whenever the Mayor shall be of the opinion that any building aforesaid is so damaged, he shall notify the owner thereof to forthwith take down or remove such building from the fire limits, and if such owner shall claim that such building is not damaged to the extent of fifty per cent. of the value thereof, and for that reason shall refuse to take down or remove such building, then the Mayor shall appoint one disinterested person, the party so refusing shall appoint one disinterested person, and the two so

appointed shall choose a third person, who shall act as appraisers; such appraisers shall appoint a time for the examination of said building and notify the owner or his agent of the time appointed and that he will then be heard. They shall report to the Mayor in writing to what extent such building is damaged, a copy of which report shall be forthwith served upon such owner, or his agent, by the City Marshal; and if said report shall show that such building is damaged fifty per cent. or more of its value, then the owner or his agent shall take down or remove said building from the fire limits within twenty days; and if it shall not be done, then the Mayor shall forthwith cause the City Marshal to take such building down at the owner's cost, to be collected by suit or special assessment, as provided in Section eight of this ordinance.

95. Sec. 10. Any person hereafter desiring to erect any building whatever within the hereinbefore described fire limits shall, before commencing the erection of the same, petition the City Council of this city for a permit to build. Said petition shall state the kind of material of which said building is to be constructed, a description of the same, and its location. All permits granted in pursuance of this section shall be signed by the Mayor and attested by the City Clerk.

96. Sec. 11. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

DIV. 2.—REGULATING OPERA HOUSES, ETC.

An Ordinance regulating use of opera houses, public buildings and school houses, and providing for proper exits in the same. Duties of fire wardens Penalties. Passed March 11, 1904.

97. Exits in opera houses.
98. Character of doors and exits.
99. Aisles kept free of chairs.
100. Halls and churches; exits therefrom.
101. School houses.
102. Duties of Fire Wardens.
103. Penalties for violation hereof.
104. Vacating of structures.

97. Section 1. That hereafter, any and all opera houses constructed in this city, and upon the passage of this ordinance,

all opera houses now in use in this city, shall have, in addition to the front or street exit, an exit at or near the center of the side of said house; said exit to be of the size and character as the Fire Wardens of the city may order; shall be unlocked and ready for use at all times during any performance or gathering of any character therein, and shall open out into the alley or other unobstructed passageway to said alley.

98. Sec. 2. The front or street exit of said opera houses shall be provided with swinging doors, which shall swing in either direction, and shall be unlocked and ready for use at all times during any performance or gathering of any character therein.

99. Sec. 3. All aisles and passage ways in said opera houses shall be kept free of chairs which might be placed therein for temporary use; and nothing shall be placed therein which might interfere with the free use of said aisle or passage way.

100. Sec. 4. That all public halls and churches shall be provided with at least two exits therefrom; and where egress is had from any hall to a stairway the point of egress from such hall shall be at the place of landing of such stairway, at the immediate head of the same.

101. Sec. 5. All school houses in this city which may now or hereafter have more than two school rooms in the second story of the same, shall be provided with at least two stairways from said second story; said stairways to be of the width, and located at such points in the building, as the Fire Wardens of the city may order.

102. Sec. 6. It shall be the further duty of the Fire Wardens of this city, to order, as occasion may require, any alteration or improvements in any of the foregoing structures or buildings when the same may be necessary for the better protection of the persons therein, in the event of fire in or about said buildings.

103. Sec. 7. Any person, co-partnership or corporation, violating any of the provisions of this ordinance, or who shall neglect or fail to comply with any order or requirement of the

Fire Wardens of this city, made in conformity with the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay to the City of Salida the sum of twenty-five dollars for each day of said violation hereof, or non-compliance with said orders or requirements of the Fire Wardens.

104. Sec. 8. In addition to the penalty prescribed in the foregoing section, the Fire Wardens may order the closing up or vacating of any of the structures or buildings hereinbefore specified, until the orders and requirements of said Fire Wardens have been complied with.

DIV. 3.—STORAGE OF INFLAMMABLE MATERIALS.

An Ordinance to prohibit the storage of powder and other explosives or highly combustible material within the limits of the Town of Salida. Passed June 18, 1894.

- 105. Storage of oils, etc. Penalties.
- 106. Duty of Marshal.
- 107. Repealing section.
- 108. Time in force.

105. Section 1. That no person or persons, company or corporation, shall be allowed to store, deposit or keep within the limits of said town gun powder, blasting powder, giant powder, tar, pitch, coal oil, benzine, gasoline, turpentine, nitro-glycerine, or any of the products thereof, or any other explosive or highly combustible material in quantities greater, at any one time, than sixty (60) pounds in the aggregate of all kinds of powder and explosives; one barrel each of tar or pitch; two hundred fifty (250) gallons of coal oil, and fifty (50) gallons each of the other oils and fluids above mentioned. All retail dealers in any of such explosives, oils or fluids shall keep the same in tight, securely covered metallic cans or tanks, and in weighing or measuring out such explosives, oil and fluids, shall not leave any portion thereof scattered or spilled about or upon any part of their premises. Any person, company or corporation, or the agents or employes of any person, company or corporation, who shall store, deposit or keep any of the powders, explosives, combustibles, oils or fluids herein mentioned, within the limits of

said Town of Salida, in any amount or quantity greater than that specified in this section, or who shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined any sum not less than fifty dollars or more than three hundred dollars for each offense, together with costs of prosecution, and shall be committed to the town jail or other place of confinement until such fine and costs are paid; Provided, The period of such imprisonment shall not exceed ninety days for each offense.

106. Sec. 2. It is hereby made the duty of the Town Marshal to inspect, from time to time, the premises of all retail dealers in any of the articles enumerated in Section 1 of this ordinance, and see that its provisions are enforced.

107. Sec. 3. That an ordinance passed and approved January 18, 1887, entitled An ordinance concerning coal oil, and repealing a portion of Section 15 of an ordinance passed and approved September 21, 1885, and all other ordinances or parts of ordinances of said town in conflict with this ordinance, be and the same is and are hereby repealed.

108. Sec. 4. This ordinance shall take effect and be in force from and after the 1st day of August, A. D. 1894.

CHAPTER XII.

FRANCHISES.

DIV. 1.—WESTERN UNION TEL. CO.

An Ordinance granting to the Western Union Telegraph Company, the right to place and maintain its poles and lines in the streets, alleys and public ways of the Town of Salida, in the State of Colorado, on the terms and conditions herein stated. Passed November 15, 1897.

109. Granting right to place poles, etc.
110. Location thereof.
111. Police regulation thereof.
112. This grant not exclusive.
113. Right of town to attach police, etc., wires.
114. When ordinance in effect.
115. Forfeiture of rights.
116. Repealing section.

109. Section 1. Be it ordained by the Board of Trustees of the Town of Salida, in the State of Colorado, That the West-

ern Union Telegraph Company, its successors and assigns, are authorized to erect and maintain, on the streets, alleys and public ways of said town, the poles and fixtures and wires necessary for the purpose of supplying to the citizens of said town and to the public communication by telegraph or other improved electrical device, such use to be continued upon the terms and conditions hereinafter stated.

110. Sec. 2. The location of the poles and the lines now in use is hereby approved, and the location of all poles and lines hereafter to be erected, and any change in the location of the poles and lines now in use, or extensions thereof, shall be under the direction and control of the Board of Trustees of said Town of Salida.

111. Sec. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said Town of Salida free and harmless from all damages arising by reason of any abuse of said occupancy; this grant is made and is to be enjoyed subject to such reasonable regulations and ordinances of a police nature as said Board of Trustees of said Town of Salida is authorized and sees proper at any time to adopt, not destructive to the rights herein granted.

112. Sec. 4. The right of use herein given shall not be exclusive, and the Board of Trustees of said town reserves the power to grant a like right of way to any other telegraph company, the same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted.

113. Sec. 5. In consideration whereof, said Western Union Telegraph Company shall, and by the acceptance of this ordinance does agree, to allow the Board of Trustees of said town and its officers to attach at any time to the top cross arm of any of said poles where practicable, the town Fire Alarm and Police wires. And said poles are hereby made a municipal instrumentality for that purpose; Provided, however, said attachment shall be made and maintained under the direction of said company's manager in said Town of Salida, Colorado. The said company

shall, and will, furnish for the said town the use of its poles for the attachment thereto of its fire-alarm boxes without charge to said town.

114. Sec. 6. This ordinance shall take effect on and after its passage and the filing by said company of unconditional acceptance thereof in the office of the Clerk and Recorder of said Town of Salida, Colorado.

115. Sec. 7. That whenever said company ceases to operate a telegraph line in said Town of Salida, and ceases to use the said poles and lines herein provided for in the operation of its line of telegraph, then said Western Union Telegraph Company shall remove said lines and poles from the streets and alleys of said town within sixty days from date that said company so ceases to use and operate said lines.

116. Sec. 8. All ordinances and parts of ordinances, orders and resolutions upon the subject of telegraph poles, wires, etc., of previous date, in so far as the same relates to the Western Union Telegraph Company, are hereby repealed and annulled.

DIV. 2.—EDISON ELECTRIC LIGHT CO.

An Ordinance granting to The Edison Electric Light Company of Salida, Colorado, its successors and assigns, the right to maintain, extend and operate its electric plant in the Town of Salida, and for that purpose to maintain, extend and operate poles and wires and other equipment and apparatus in all the streets, alleys and public places of the said Town of Salida. Passed June 4, 1900.

117. Granting right to place poles, etc.
118. Location thereof.
119. Police regulation thereof.
120. This grant not exclusive.
121. Reservation of right to purchase or condemn.
122. Right of town to attach police, etc., wires.
123. Life of this franchise.
124. Repealing section.

117. Section 1. That there be and hereby is granted to The Edison Electric Light Company, of Salida, Colorado, its successors and assigns, subject to the terms and conditions herein-after stated, the right to maintain, extend and operate in the Town of Salida, its electric plant and equipment for generating,

transmitting and distributing electricity, and the right to supply to the said town and the inhabitants thereof, electric light and power for any and all purposes to which the same may be put. And for such purposes the said company, its successors and assigns, is hereby granted the right to maintain, renew and operate its poles, wires, equipment and apparatus now constructed in the streets, alleys and public places of said town, and the right to extend its lines from time to time, by constructing in all or any of the streets, alleys and public places of said town such additional poles, wires, equipment, fixtures and apparatus as may be necessary or convenient for such extension, and for supplying all reasonable demands of said town or the inhabitants thereof, for light and power, and the right to maintain and operate such extended lines, and also the right to charge and collect such tolls and charges for such light and power furnished by it as may be agreed upon between the said company and the consumer; Provided, however, and it is hereby agreed by and between the said company and said town, That said tolls and charges may equal but shall not exceed the present rates for similar service now charged by said company.

118. Sec. 2. That the location of the poles and wires of said company now in use is hereby approved, and in locating all poles and wires hereafter erected and in changing the location of any now in use, all regulations of the Board of Trustees of said town governing the manner of making such erection and of making excavations therefor, and refilling the same and the like, shall be strictly complied with.

119. Sec. 3. That the poles, wires and equipment of said company now in use and the renewals thereof shall be so maintained and those hereafter constructed shall be so placed and maintained as not to unnecessarily interfere with travel on the said streets, alleys or public places of said Town of Salida, and the said company shall hold the said Town of Salida free and harmless from all damages arising by reason of any abuse of its occupancy of said streets, alleys and other public places. This grant is made and is to be enjoyed subject to such reason-

able regulations and ordinances of a police nature as the Board of Trustees of said Town of Salida is authorized and sees fit at any time to adopt, not destructive of the rights hereby granted.

120. Sec. 4. That the rights hereby granted shall not be exclusive and the Board of Trustees of said Town of Salida reserve the power to grant like rights and privileges to any other electric light company; the same, however, not to interfere with the reasonable and proper exercise of the rights and privileges hereby granted.

121. Sec. 5. That the said Town of Salida reserves the right, and at any time, to purchase or condemn the entire works, plant and equipment of said company, its successors or assigns, at its actual cash value and at a price excluding all value of the franchise or right of way through the streets hereby granted, and also excluding any value by virtue of any contract for private rental or otherwise, entered into with the said town in excess of the actual value of the said works, plant and equipment, provided that nothing herein contained shall authorize the condemnation of the said works, plant and equipment within twenty years after the original erection or construction thereof except at periods of ten and fifteen years after the granting of the franchise therefor.

122. Sec. 6. That the said town reserves the further right to attach at any time, to any of the poles of said company where practicable, the town fire alarm and police wires and boxes, and maintain the same so attached without making any compensation to said company therefor, other than the rights hereby granted, and the said poles are hereby made a municipal instrumentality for that purpose; provided, however, that such attachment shall be made and maintained under the direction of the said company's manager.

123. Sec. 7. That this ordinance shall constitute a contract between the said Town of Salida and the said Edison Electric Light Company, its successors and assigns, and shall be in force from the time of the filing of a written acceptance

thereof by the said company with the clerk and recorder of said town, and the same and the rights, franchises and privileges herein granted shall continue in force for a period of twenty years from and after the date of the filing of such acceptance; provided, that such acceptance be so filed within sixty days from the date of the passage of this ordinance.

124. Sec. 8. That an ordinance entitled, An Ordinance granting to the Edison Electric Light Company the right to erect and maintain its poles and wires in the streets, alleys and public places of said Town of Salida, Colorado, and the right to conduct and operate its electric light system in the said town, passed and approved May 7, A. D. . . . , be and the same is hereby repealed.

DIV. 3.—COLO. TELEPHONE CO.

An Ordinance granting certain privileges to the Colorado Telephone Company in the Town of Salida, State of Colorado. Passed June 2, 1902.

- 125. Franchise for twenty years.
- 126. Location of poles, etc.
- 127. Police regulation of poles, etc.
- 128. Bond.

125. Section 1. That from and after the date of the passage of this ordinance, and for the full and complete period of twenty years, The Colorado Telephone Company, a corporation organized and existing under the laws of the State of Colorado, shall have and is hereby granted the right, privilege and license to erect in the Town of Salida such poles, wires and fixtures, and construct such underground conduits as may be necessary for the operation of a telephone exchange in said town.

126. Sec. 2. That the right and privilege is hereby granted to The Colorado Telephone Company upon, along or under all alleys and where it is necessary to extend said line across a street, and to all extensions of the same, for the placing of poles, posts, underground conduits, manholes, cables and wires and other necessary fixtures for maintaining and operating said telephone exchange and lines connected therewith. Provided, however, that no pole or poles or other fixtures shall be placed where the same will interfere with any gas lamp, electric light

or water hydrant, nor shall any such pole or other fixtures be placed in any alley, except close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with vehicles passing through such alley, or with other necessary use of the same.

127. Sec. 3. The privilege and license hereby granted and the construction of the said telephone lines shall at all times be subject to such police power, reasonable dominion and regulations as the Board of Trustees of said town may by resolution or ordinance hereafter provide, and the Board of Trustees of said town reserves to itself the right to require said telephone company, at any time, to elevate or lower the wires connected therewith at any place in said town to such height above the surface of the street as it may deem necessary, which right may be exercised by said Board of Trustees by resolution prescribing the height of the lowest wires above the surface of the street in any specified locality.

128. Sec. 4. The said telephone company shall, before it enters upon the enjoyment of the franchise herein granted, execute and deliver to the Town of Salida a bond in the penal sum of ten thousand dollars (\$10,000.00), with good and sufficient surety, to be approved by the Board of Trustees, on condition that it will hold the Town of Salida harmless from any damage occasioned by the granting of this franchise, or from any damage occasioned by the negligence or want of care on the part of said company in the construction or maintenance of its telephone system within said town.

DIV. 4.—COLO. DISTRICT TEL. CO.

An Ordinance granting to the Colorado District Telegraph Company the right to establish and maintain its lines in the streets, alleys and public places of the Town of Salida, Colorado, and to establish and maintain a messenger and parcel system; regulating the same. Passed November 26, 1903.

- 129. Granting right to maintain service.
- 130. Use poles of other companies.
- 131. This grant not exclusive.
- 132. When ordinance takes effect.

129. Section 1. That the Colorado District Telegraph Company, its successors or assigns, are authorized to maintain a

messenger and parcel system exchange in the Town of Salida, Colorado, for the purpose of supplying the citizens of the said town and the public communications by telegraph or other devices, and to maintain a system of call-boxes for messenger service, block and night watch service, and police, fire and burglar alarm circuits (not including telephone exchange or electric plants), and to furnish the said citizens of Salida and the public a messenger and parcel delivery service. Such use and rights to be and continue upon the terms and conditions hereinafter stated.

130. Sec. 2. The said Colorado District Telegraph Company, in pursuance of the above grant, are authorized to place and maintain the fixtures and wires required to properly carry out the powers granted in Section one of this ordinance.

Provided, however, That the said Colorado District Telegraph Company is prohibited from erecting any poles in the said Town of Salida, but is restricted to the use of the poles now in said town, erected by some telephone or telegraph company having a franchise to erect and maintain poles in the streets, alleys and public ways of the said town, and which said poles are in actual use by said telephone or telegraph in the prosecution of their business in said town.

Said wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall keep and hold said town free and harmless from all damages arising by reason of any abuse of said occupancy.

This grant is made and is to be enjoyed subject to such reasonable regulations and ordinances as said Town of Salida has authority and deems proper at any time to adopt, not destructive to the rights herein granted.

131. Sec. 3. The right of use herein granted shall not be exclusive, and the said Town of Salida reserves the power to grant a like right of way and franchises to any other company, the same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted to said Colorado District Telegraph Co.

132. Sec. 4. This ordinance shall take effect on and after its passage and publication, and the filing by said company for itself, its successors or assigns, of unconditional acceptance in the office of the Clerk of the said Town of Salida.

CHAPTER XIII.

GRADES.

An Ordinance establishing the grades of the Town and City of Salida, Colorado.
Passed March 30, 1903.

- 133. The datum plane, or bench mark.
- 134. The street, sidewalk and building line grade.
- 135. The official profiles.
- 136. The official grades.
- 137. Duties of City Engineer.
- 138. How cross section of street established, and determining crown of street.
- 139. Date of filing of profiles.
- 140. Repealing section.

133. Section 1. The following point is hereby established as the datum plane or bench mark for the purpose of the grades of the streets and sidewalks of the Town and City of Salida, Colorado, to wit:

A cross mark X, cut into the top of the coping stone on the southwest corner of the south side of the abutment of the east end of the Denver & Rio Grande Railroad Co.'s bridge over the Arkansas River, at a point southwesterly from the said railroad company's depot. The elevation of said datum plane, or bench mark, shall be 100 feet, which elevation equals 7,052.789 of the Denver & Rio Grande Railroad datum plane or bench mark.

134. Sec. 2. The grade upon the several streets of the said town and city shall be the grade upon the center line of said streets, and the grade between all points shall be in a uniform direct line between each two points given, ascending, descending or level, as the case may be, excepting when otherwise expressly mentioned. The grade upon the several streets for the purpose of sidewalks shall be the grade upon the curb line ad-

acent, and the grade between all points shall be in a uniform direct line between each two points given for such last named purpose, ascending, descending or level, as the case may be, excepting when otherwise expressly provided and shown upon the profiles hereinafter specified. The grade upon the building line shall be one-fourth inch for each foot in width of the adopted sidewalk space adjacent, higher than the grade of the curb immediately opposite.

135. Sec. 3. All elevations indicated in the profiles shall be from said established datum plane or bench mark, and for the accurate ascertainment and establishment of said grade of said streets and sidewalks, reference shall be had to the profiles of said streets for said several grades as surveyed and platted by F. P. Black, Civil Engineer, and which said profiles are hereby declared to be official, and shall in conjunction with this ordinance be used in all matters pertaining to said several grades.

136. Sec. 4. The grades as given in detail upon said official profiles in the Clerk and Recorder's office and authorized by the Street, Alley and Bridge Committee of the Board of Trustees and by said Board of Trustees of said Town of Salida, shall be and the same are hereby declared to be the established grades upon the streets and parts of streets therein shown.

137. Sec. 5. It shall be the duty of the City Engineer of the City of Salida to make such alterations upon the official profiles of all the several divisions, and upon the duplicates of said profiles, that may from time to time become necessary to indicate any changes that may have been made by order of the Board of Trustees or City Council, or may hereafter be ordered in the established grade of any street or part of street. The said City Engineer shall further establish the grade upon such other streets and sidewalks as the Board of Trustees or City Council may from time to time order, and make profiles thereof, and which said grades and profiles are hereby declared to be official, and shall be used in all matters pertaining to said several streets.

138. Sec. 6. The cross section of a street is established as follows: Commencing on either side of the street, the sidewalk from the outer or property line shall have a descending slope of one-fourth inch vertical to one foot horizontal to the curb line, thence dropping six inches, thence on the periphery of a segment of a circle with a radius of two feet, forming a circular concave gutter, the lowest point of which is one foot below the top and two feet from the face of said curb and terminating three feet from the face of said curb; thence ascending on a curved line to grade at the center of the street. For the purpose of determining the crown of the street, at five, ten and fifteen feet, respectively, from the center line of the street, the aforesaid curved line shall be .02, 0.2 and 0.6 of a foot lower than a line drawn from the grade on the center of the street to the grade of the curb immediately opposite said line forming either a horizontal or inclined plane, as the case may be.

139. Sec. 7. That each of said profiles was filed in the office of the Clerk and Recorder of the Town of Salida, on the thirtieth day of March, A. D. 1903, and that the said date of said filing is written by the Clerk and Recorder upon each of said profiles.

140. Sec. 8. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CHAPTER XIV.

HEALTH DEPARTMENT.

An Ordinance in relation to public health, establishing a board of health, and the office of city physician, and defining their respective duties. Passed December 10, 1903.

141. Members of Board of Health.
142. City Physician.
143. Duties of City Physician.
144. Notice of infectious disease.
145. Powers of Board of Health.
146. Abatement of nuisances.
147. Venereal diseases.
148. Statutory, etc., powers of Board of Health.
149. Penalties.
150. Repealing section.

141. Section 1. That the Mayor and two members of the City Council, to be appointed by the Mayor, shall constitute the Board of Health, who may at any time call to their assistance the City Physician and the City Marshal.

142. Sec. 2. That the office of City Physician is hereby established and the City Council may appoint a competent physician to fill the said office during its pleasure, and he shall receive such compensation as the said Council may, by resolution, establish.

143. Sec. 3. It shall be the duty of the City Physician to exercise a strict supervision over the sanitary condition of the city and report without delay to the Mayor or City Council all nuisances, the spread or prevalence of any epidemic, contagious or infectious disease, or other matters that would be detrimental to the public health.

144. Sec. 4. Whenever a householder or physician knows, or has reason to believe that any person within a family or household, has small pox, scarlet fever, diphtheria, or any other epidemic, contagious or infectious disease, dangerous to the public health, he, or she, shall within twenty-four hours give notice thereof to the City Physician or Mayor. Such notice shall be oral or in writing, and delivered to such officer personally.

In case either of said officers can not be found by said householder or physician, he may in like manner deliver the notice to the City Clerk, whose duty it shall be to forthwith transmit such notice to the City Physician or Mayor.

145. Sec. 5. The Board of Health shall have the power, and it is hereby made their duty, to take all steps by them deemed necessary to prevent the spread of infectious or contagious diseases within this city, and, in discharge of this duty, may remove, by force, if necessary, any person infected; may purchase or rent houses for hospitals, hire nurses and incur necessary expenses, and to declare and order quarantine of infected persons or places.

146. Sec. 6. The said Board of Health are further invested with power, and it is hereby made their duty, to order any nuisance or other matter or thing by them deemed injurious to the health of the city, abated or removed from any street, alley, house, lot or premises within the city limits. And the expenses incurred in such removal and abatement may be recovered in an action of debt or assumpsit against the owner of such house, lot or premises, or against the person or persons responsible for such nuisance.

147. Sec. 7. That whenever it shall become known to the Board of Health, or any member thereof, or to the City Physician, that any person or persons, or class of persons, are affected with any venereal disease that is of an infectious or contagious character and detrimental to the public welfare, the City Physician shall take such steps as he shall deem necessary to prevent the spread of the same. And, to that end, he may order a physical examination of any such person or persons, or class of persons, and for such examination he shall receive a fee of one dollar, to be paid by the person so examined.

148. Sec. 8. In addition to the powers and duties of the Board of Health and City Physician herein given, they shall have, and may exercise, all such powers and duties as, by law or the uniform decisions of the courts in such cases, shall have been decided to pertain to such boards. The said Board of Health shall have the power to make and give notice of such

rules and regulations, pertaining to sources of filth, nuisances, all epidemic and contagious diseases, quarantine regulations, and the government of pest and detention houses, as they may deem necessary.

149. Sec. 9. Any person who shall violate any of the provisions of this ordinance or shall fail to comply with or observe any rule or regulation of the Board of Health made and issued under the provisions of this ordinance, shall, upon conviction, be fined not less than five dollars, nor more than one hundred dollars, for each offense.

150. Sec. 10. That all ordinances, or parts of ordinances, in conflict herewith be, and hereby are, repealed.

CHAPTER XV.

LICENSES.

DIV. 1.—SUNDRY AVOCATIONS.

An Ordinance concerning licenses of various occupations, the license fee therefor, and penalties. Passed August 17, 1903.

- 151. Licenses may be issued.
- 152. Clerk keep register.
- 153. Auctioneers.
- 154. License fee for.
- 155. Billiard and ball alleys.
- 156. License fee for.
- 157. Minors under 16 not allowed around.
- 158. Penalty.
- 159. Peddlers. License fee.
- 160. Penalty. Exception.
- 161. Circuses, etc. Penalty.
- 162. License fee for various shows, etc.
- 163. Pawnbroker; definition of. Penalty.
- 164. License fee for.
- 165. Second-hand stores. Penalty. License fee.
- 166. Second-hand dealer keep record.
- 167. Pop corn wagons, etc. Fee.
- 168. Penalty.
- 169. Repealing section.

151. Section 1. Licenses may be issued in the City of Salida, subject to the ordinances in force at the time of issuance,

or which may be hereafter passed by the City Council. Said licenses may be granted for a period of not more than one year, and for such lesser period as may be hereinafter specified in the amount of license fee for such period, nor shall licenses be transferable.

152. Sec. 2. The City Clerk shall keep a license register, in which shall be entered the name of each and every person licensed, the date of the license, the purpose for which granted, the amount paid therefor, and the date when the same will expire.

* All licenses granted shall state substantially the foregoing facts, and shall be signed by the Mayor, and attested by the City Clerk, with the City Seal affixed thereto.

AUCTIONEER.

153. Sec. 3. No person shall sell any property at public auction, in this city, without a license therefor, first had and obtained according to the provisions of this ordinance. Provided, That all sales made under legal process or by trustees shall be exempt from the provisions of this ordinance.

154. Sec. 4. The license fee for auctioneers shall be one hundred dollars per year, fifty dollars for six months, or five dollars per day, payable in advance; and any person, firm or corporation offending against the provisions of section 3 of this ordinance shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars for each offense.

BILLIARD AND BALL ALLEYS.

155. Sec. 5. Licenses may be issued to keep billiard and pool tables, upon the payment by the applicant of five dollars per quarter for each table, or twenty dollars for the year.

156. Sec. 6. Licenses may be issued to keep ball alleys, bagatelle, pigeon hole tables and shooting galleries upon payment by the applicant for each alley or table of five dollars for each quarter, or twenty dollars per year, and for each gallery the sum of ten dollars per month.

*Amended
7-21-09*

*Amended
7-21-09*

157. Sec. 7. No person licensed for any of the purposes named in section 5 of this ordinance shall allow any person under the age of sixteen years to play on any such table, or to frequent the place where such tables are kept.

158. Sec. 8. Any person conducting any of the vocations named in Sections 5 and 6 hereof, or offending against the provisions of Section 7 hereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense.

PEDDLERS.

159. Sec. 9. Licenses may be issued to any applicant for peddling any or all articles of merchandise, upon the payment of such applicant of the sum of two and fifty one-hundredths dollars per day; and the applicant shall state the class of goods intended to be peddled, and the mode of conveyance thereof, all of which shall appear in the license granting the same, and no person so licensed shall peddle any other kind of merchandise than that specified in his license.

160. Sec. 10. Any person who shall pursue the occupation of peddling or hawking within this city, without first having obtained a license therefor, or shall violate any of the provisions of Section 9 hereof, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense; Provided, however, That the provisions of this ordinance shall not apply to any person or persons bringing food products into this city for sale, either in bulk or by retail, from house to house, and which said food products were grown or raised by said person or persons so having them for sale and are products of the State of Colorado; nor shall the provisions of this ordinance apply to colporteurs or other persons selling Bibles or other religious publications.

CIRCUSES, ETC.

161. Sec. 11. Licenses may be granted to any person, firm or corporation who shall own, conduct or manage for gain, within this city, any theatre, circus, caravan or other exhibition, show or amusement, opera houses or other place of amusement,

skating rinks, merry-go-rounds, or any device or amusement whereby a change of property is effected; and any person, firm or corporation conducting any of the foregoing places of amusement, without first having obtained a license therefor, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than three hundred dollars.

162. Sec. 12. The license fee for the places and amusements mentioned in Section 11 hereof shall be as follows, to wit: Circus or caravan, fifty dollars for each day; all other shows or amusements, thirty dollars for each day; for opera houses or other places of amusement, one hundred dollars per year; for skating rink, five dollars per month; for merry-go-rounds, fifteen dollars per week; and all other devices or amusements whereby a change of property is effected, five dollars per day; Provided, That a license may be withheld from any of the foregoing places or amusements when it shall appear that the issuance of the same would be against the good order and morals, or would be detrimental to the best interests of the citizens of this city; and if such shall appear to be the fact after a license has been granted, the said license may be summarily revoked; and Provided, further, That for any amusement, concert or exhibition given by or under the auspices of any person or persons or society of this city for benevolent, charitable or religious purposes, no license fee shall be required.

*Amended
July 12 - 1909*

PAWNBROKERS.

163. Section 13. Any person who advances or loans money or other valuable things on the deposit of personal security, or who deals in the purchasing of personal property, on condition of selling the same back at a stipulated price, is hereby declared a pawnbroker; and any person who shall carry on the business of a pawnbroker without first having obtained a license therefor, shall be fined in any sum not less than ten dollars nor more than one hundred dollars for each offense. Any person carrying on the business of a pawnbroker, as herein defined, shall keep a record of all goods pawned, giving a full description thereof, the name of the person pawning the same, which record shall at

all times be open to the inspection of any member of the city police force. Any pawnbroker so failing to keep such a record, or failing or refusing to submit the same to the inspection of any member of the city police force, when requested so to do, shall be fined in any sum not less than five dollars nor more than fifty dollars for each offense.

164. Sec. 14. Licenses may be issued as herein provided for the purpose named in Section 13 hereof, to any applicant therefor, upon the payment of twenty-five dollars per quarter, or one hundred dollars for one year.

SECOND-HAND STORES.

165. Sec. 15. Any person who shall keep a store or other place of business for the purchase or sale of second-hand goods, wares or merchandise, without first having obtained a license therefor, shall be fined in any sum not less than five dollars, nor more than twenty-five dollars for each offense. The license fee for second-hand dealers shall be ten dollars per year.

166. Sec. 16. Every person following the business of second-hand dealer shall keep a record of all purchases of goods made by him or his agents, in which record he shall enter the name of the seller, a description of the article purchased, the day of purchase, and the signature of the seller. This record shall be open at all times to the inspection of any member of the city police force. No dealer in second-hand goods shall purchase or receive any article of merchandise from any minor, without the written consent of his or her parents or guardian. Any dealer in second-hand goods violating any of the provisions of this section shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense.

POP CORN WAGONS, ETC.

167. Sec. 17. That hereafter, it shall not be lawful for any person to carry on the business of selling pop corn, candy, cigars, tamales, fruit or other merchandise in or at or from any booth, stand or wagon, or other vehicle in any of the streets, alleys or public grounds of this city, without a license therefor first ob-

tained according to the provisions of this ordinance, and such booth, stand, wagon or other vehicle, shall stand in such place as the City Council shall prescribe.

The license fee for the occupations defined in this section shall be five dollars per month, or fraction thereof.

168. Sec. 18. Any person violating any of the provisions of Section sixteen hereof, shall be fined in any sum not less than five dollars, nor more than fifty dollars for each offense.

169. Sec. 19. That all ordinances, or parts of ordinances in conflict herewith be and the same are hereby repealed.

DIV. 2.—BROKERS.

An Ordinance prescribing the license fees for brokers. Penalties.
Passed April 18, 1904.

170. Penalty for doing business without license.

171. License fee.

170. Section 1. Any person who shall carry on the business of a broker in this city, without first having obtained a license therefor, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than three hundred dollars for each day they shall carry on such business without the license herein prescribed.

171. Sec. 2. The license fee for brokers shall be the sum of two hundred dollars per year, or the sum of fifty dollars for three months, payable in advance to the City Clerk.

7003-13 junk dealers added

DIV. 3.—LIQUOR DEALERS.

An Ordinance concerning liquor dealers, the location of saloons, police regulation thereof, and penalties for the violation thereof. Passed September 21, 1903.

172. Providing for license for selling, etc., of liquors.
173. No license granted except on petition of owners of real estate.
174. License fees.
175. Bond and conditions thereof.
176. Suit upon bond.
177. When ordinance in force; license period.
178. No refunding of license fee.
179. Limitations of ordinance.
180. Defining liquor dealer. Druggists, etc.
181. Sunday closing.
182. Prohibiting wine rooms.
183. Posting up license and revocation thereof.
184. Penalties.
185. Repealing section.

172. Section 1. No person shall, directly or indirectly, in person or by another, sell or give away, or knowingly permit, to be sold or given away, any intoxicating, malt, vinous, mixed or fermented liquor, within the limits of this city, or within one mile beyond the outer boundaries thereof, without a license first obtained according to the provisions of this ordinance.

173. Sec. 2. That hereafter no license shall be granted for any saloon, tippling house, or any other place wherein any intoxicating, malt, vinous, mixed or fermented liquors is kept for sale, except on petition of the owners of a majority of the real estate within the frontage of the block facing upon the street upon which said proposed saloon, tippling house, or other place as aforesaid is to be located. And where it appears that any saloon, tippling house or other place as aforesaid is to be located on a corner lot or lots at the intersection of two streets in said city then the aforesaid petition shall be from the owners of a majority of the real estate within the frontage of the block facing upon both of said streets so intersecting and in which said proposed saloon, tippling house or other place as aforesaid is to be located. No person shall carry on such business under such license in any other place other than that designated therein, nor

*See amended
6-21-1909*

shall any such license be transferable by the person to whom the same is issued except upon permission first had and obtained of the City Council, and a new bond, as hereinafter set out, shall be filed by the person to whom said license is so transferred.

174. Sec. 3. The license fee for the sale of spirituous, vinous, or malt liquors in less quantities than one gallon shall be six hundred dollars per annum; for the sale of malt liquors only in less quantities than one gallon, three hundred dollars per annum; for the sale of spirituous, malt and vinous liquors in quantities not less than one gallon, two hundred dollars per annum, and for the sale of malt liquors only in quantities not less than one gallon, fifty dollars per annum. Said sums shall be paid in two equal installments for the periods hereinafter named.

175. Sec. 4. No person shall be licensed for the purposes aforesaid until he shall have first executed a bond in the penal sum of two thousand dollars, which said bond shall run to the people of the state of Colorado; shall be signed by the applicant, and at least two good and sufficient sureties of this county, and shall be conditioned that the applicant will keep an orderly house; that he will not permit any unlawful games or riotous conduct in his house; that he will not violate any provisions of the laws of the State in reference to the selling or giving away of spirituous, vinous or malt liquors, nor of the ordinances of the City of Salida, in relation to such selling and giving away; and that he will pay all damages, fines, penalties and forfeitures which may be adjudged against him for the violation of any such laws or ordinances; said bond to be approved by the Mayor and City Clerk, subject to rejection or approval by the City Council, who may also examine, under oath, any person offered as surety upon such bond, and may require him to properly justify thereto; and any such surety making a false oath or affirmation in such case shall be guilty of perjury, and shall be subject to indictment and prosecution therefor.

176. Sec. 5. Any bond taken pursuant to this ordinance may be sued upon for the use of any person, or his legal repre-

*Amended
6-21-09
Repealed and
new statute
10-7-1912*

sentative, who may be damaged by the failure of the principal in said bond to comply with any of its conditions.

177. Sec. 6. That the provisions of this ordinance shall be in force on and after October 1st, A. D. 1903; and all licenses issued hereunder shall be for the period of six months, and shall only be issued upon the payment of the whole license fee therefor into the proper treasury of the city.

178. Sec. 7. No City Council issuing a license under the provisions of this ordinance shall, upon the revocation or surrender of such license, have power to refund any part of the license fee paid therefor, except in the event of the death of the licensee, in which case the proportionate amount received for the unexpired term thereof by the city, may be refunded by the authorities issuing such license to the legal representatives of such deceased licensee.

179. Sec. 8. Nothing contained in this ordinance shall be construed to abridge, limit or revoke, except as herein specifically set forth, the power now vested, or which may hereafter be vested, in municipal authorities to control and regulate the sale of spirituous, vinous or malt liquors, and to revoke licenses granted for the sale thereof.

180. Sec. 9. For the purpose of this ordinance, the term liquor dealer shall be construed to mean any person carrying on any business specified in Section one of this ordinance. Provided, that a druggist selling liquors for medicinal, mechanical, sacramental and chemical purposes and having a permit therefor from the City Council, shall not be so classed. The City Council may grant a permit to any druggist for not more than one year, at any one time, for the sale of any such liquor for medicinal, mechanical, sacramental and chemical purposes only, and the sale of any liquor for any other purpose by such druggist shall work a forfeiture of such permit. Provided, that no such liquor shall be sold for medicinal purposes except upon prescription of a reputable physician, and provided, further, that no such liquors shall be sold for sacramental purposes except upon the certificate of a clergyman.

*Amended
6-21-09
Amended
10-7-1912*

181 Sec. 10. Every saloon, tippling house or other place where spirituous, vinous, malt or other liquors are kept, sold, exchanged, bartered or given away, and licensed under the provisions of this ordinance, ~~shall be closed at twelve o'clock at midnight on Saturday~~ of each and every week, and kept closed until six o'clock in the morning of the following Monday, of each and every week. That during the time specified herein in which the said saloons, tippling houses and other places are to be kept closed, no liquors of any kind whatsoever shall be sold, bartered, exchanged or given away, and no person or persons whomsoever, other than those connected with the business of carrying on or keeping the said saloon, tippling house, or other place or places as aforesaid, shall be permitted to be or remain in or around the same, but all and every such person or persons shall be expelled and put out of the same. And if it shall appear that a person or persons not employed in or about the business as aforesaid, shall be permitted to remain in the said saloon or other place or places as aforesaid, such fact shall be prima facie evidence in favor of the guilt of the accused party or parties.

182. Sec. 11. That no saloon, tippling house or other place as aforesaid, shall have or keep in connection with or as a part thereof, any wine room, or other place either with or without door or doors, curtains or screens of any kind, into which any female person shall be permitted to enter from the outside or from such saloon, tippling house, or other place aforesaid, and there be supplied with any kind of liquor whatsoever. Nor shall any minor be permitted to be in or frequent any of the places aforesaid, or to drink any liquor of any kind whatsoever therein.

183. Sec. 12. Any person to whom any such license as aforesaid shall have been granted shall forthwith post the same in a conspicuous place in the room or place designated in the license and keep the same so posted until its expiration. And every person licensed in accordance with the provisions of this ordinance violating any of the provisions hereof, or violating any of the conditions of his bond, as hereinbefore set out, shall

Amended
6-21-09

Amended
6-21-09

Amended
6-21-09

be liable to a forfeiture of his license and the same may be revoked by the City Council of said city.

184. Sec. 13. Whoever shall violate any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be fined in any sum not less than twenty-five dollars and not more than three hundred dollars, and upon failure to pay such fine and costs of conviction shall be committed to the city jail for a period not exceeding ninety days.

185. Sec. 14. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

DIV. 4.—HACKMEN, ETC.

An Ordinance concerning hackmen, expressmen, draymen, hotel-runners, stage and omnibus drivers, and providing a license fee for certain of said occupations. Passed January 4 1904.

- 186. License fees.
- 187. Stands of expressmen and others.
- 188. City Council may designate stands.
- 189. Stands at depot.
- 190. Conduct and business.
- 191. Penalty.
- 192. Repealing section.

186. Section 1. That hereafter no person shall pursue the vocation of hackman, expressman or drayman in this city, without a license first had and obtained therefor, and the amount of such license fee shall be as follows, to-wit: For hackmen and expressmen, ten dollars (\$10) per annum for each wagon; and draymen, ten dollars (\$10) per annum for each dray. Said licenses may be transferred upon permit to do so first had and obtained from the Mayor or City Council.

187. Sec. 2. That hereafter it shall be unlawful for any hackman, expressman or omnibus driver to occupy with his vehicle any part or portion of the streets of this city, than those places or stands which may hereafter be designated by the City Council, and the places and stands so designated shall be for the use of any hackman, expressman or omnibus driver when the same is unoccupied; and no hackman, expressman or omnibus

driver shall retain any place so designated by the City Council as his permanent stand, except in so far as he may at any time find the same unoccupied by any other hackman, expressman or omnibus driver. Provided, that no part or portion of "F" street in this city shall be designated or used as aforesaid.

188. Sec. 3. The City Council may at any time, by resolution, designate and allot parts and portions of the streets of this city which may be occupied as stands by the hackmen, expressmen and omnibus drivers, and which said allotment may be changed from time to time as the City Council may deem best.

189. Sec. 4. Hotel runners, stage and omnibus drivers, hackmen and expressmen, in plying their respective vocations at the passenger depot of any railroad in this city, upon the arrival and departure of trains, shall occupy no part of the depot grounds or buildings or the platform thereof, except that portion allotted and designated to them by the station agent of such depot, which portion so allotted and designated shall be for the use of any or all of such persons in the order that they may find the same unoccupied upon their arrival thereat, and loud and boisterous language in soliciting for patronage at such depot is forbidden.

190. Sec. 5. No licensed expressman or drayman shall engage in scavenger work of any kind, but shall confine his work to that usually pertaining to an express or dray wagon. Provided, that the provisions of this ordinance shall not apply to any person or firm delivering goods or merchandise to their customers in a wagon owned by said person or firm, to any hotel keeper running his own omnibus, or to any regular established livery stable keeper, while said person or firm, hotel or livery stable keeper, uses his or their respective vehicles solely for the purposes within the business of the said excepted person or persons.

191. Sec. 6. Any person violating any of the provisions of this ordinance, shall, upon conviction thereof, be fined not less than five dollars nor more than fifty dollars for each offense.

*Amended
4-5-16*

192. Sec. 7. All ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

DIV. 5.—OLEOMARGARINE.

An Ordinance concerning the manufacture and sale of oleomargarine. Passed June 18, 1894.

- 193. License to sell, etc., oleomargarine.
- 194. License fee therefor.
- 195. Period of license.
- 196. Penalty.

193. Section 1. That no person, company or corporation, or the agent, clerk or employe of any company or corporation, shall be permitted, within the corporate limits of the Town of Salida, to manufacture or sell oleomargarine, or any other substance made in imitation of or having the semblance of butter, which substance is not made wholly from pure cream or milk, without first having obtained a license therefor.

194. Sec. 2. The Clerk and Recorder of said town is hereby authorized to issue license upon the payment to him of the following fees by the applicant of [for] such license, to wit: for a license to manufacture such oleomargarine, as provided for in Section 1 of this ordinance, the sum of two hundred and fifty dollars (\$250.00) per annum; for a license to sell such oleomargarine by wholesale, the sum of one hundred and twenty-five dollars (\$125.00) per annum; and for a license to retail such oleomargarine, the sum of twenty-five dollars (\$25.00) per annum.

195. Sec. 3. Every license so obtained shall authorize the person, company or corporation receiving it to manufacture or sell, as the license may specify, oleomargarine within the limits of said town, for the space of one year from the time of granting the same, and every such license shall be exposed and kept exposed to view, at all times, in some conspicuous place in the office, store or other place of business wherein such manufacture or sale shall be carried on.

A single license shall only permit the manufacture or sale at one place in said town.

196. Sec. 4. That any person found guilty of violating any of the provisions of this ordinance shall be fined in a sum not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense, and shall be confined in the town jail until such fine and all costs of prosecution be paid.

DIV. 6.—ADVERTISING EXHIBITIONS, ETC.

An Ordinance concerning licenses for advertising exhibitions and amusements.
Passed December 10, 1903.

197. Advertising exhibitions licensed.

198. Penalty.

199. Repealing section.

197. Section 1. For a license to exhibit a theatrical exhibition, concert, musical entertainment, exhibition of rope or wire dancing, tricks of legerdemain, or other show or amusement, or public speaking, that shall be given on any street or other open place, or in any building or enclosure, and which shall be given for the purpose of attracting an assembly of persons, with the view of selling to them any patent medicine, article or merchandise of every character, there shall be paid the sum of ten dollars per day therefor.

198. Sec. 2. Whoever shall violate or fail to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars for each offense.

199. Sec. 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DIV. 7.—BILL POSTERS.

An Ordinance pertaining to advertising signs, bill posting, distribution of circulars and hand-bills, and the erection of bill boards in the City of Salida.
Passed December 10, 1903.

200. Bill posters must have license.
201. License fee.
202. Applications therefor.
203. Regulations as to distribution, etc.
204. Bond.
205. Merchants distributing, etc.
206. Penalty.
207. Repealing section.

200. Section 1. That hereafter it shall be unlawful for any person or persons, company or corporation, to engage in the distribution of any circulars, dodgers or other advertising matter or articles of any character whatsoever, or to erect any bill-boards or other structure intended to be used for bill-board purposes, without first having obtained a license therefor from the City of Salida.

201. Sec. 2. The license fee for any or all of the privileges mentioned in Section 1 hereof shall be in the sum of twenty-five dollars for one year, payable in advance, and all licenses issued in pursuance hereof shall be for the full period of one year, and shall not be transferable.

202. Sec. 3. That any person or persons, company or corporation, who may hereafter wish to obtain a license as aforesaid, shall first make application in writing to the City Clerk of said city therefor, which said application shall specify the name of the person or persons, company or corporation making such application, and the character of the business intended to be engaged in; Provided, however, That all applications for the erections of bill-boards or other structures to be used for bill-board purposes shall be submitted to and passed upon by the City Council of said City of Salida, and the said City Council shall designate the location of said bill-board or other structure, if they deem it wise to grant the said application.

203. Sec. 4. It shall be unlawful for any licensee under this ordinance to throw any bills, posters, dodgers or other advertising matter or articles of any kind whatsoever on the streets, alleys, sidewalks or other public places, or in or upon any private grounds, places or premises in this city; nor shall they tack, post or paste any such bill, poster, dodger or other advertising matter, or paint or mark any advertisement of any kind whatsoever upon any public or private property in this city without having first obtained permission of the owner thereof. All posters, hand-bills, dodgers or other advertising matter or articles of every nature shall be left in or around the doors of residences or in the places of business in said city, and the owner or owners of any bill-boards or other structures as aforesaid shall keep them in a safe and secure condition, and shall remove therefrom and destroy all old and detached papers.

204. Sec. 5. No license for bill posting, distributing and advertising as aforesaid, and, the erection of bill-boards, shall be issued until the applicant shall have first executed and delivered a good and sufficient bond in the penal sum of five hundred dollars, payable to the City of Salida, and conditioned that the principal and obligor thereof will in all respects comply with the provisions of this ordinance.

205. Sec. 6. That nothing in this ordinance shall prevent any merchant, person or organization in said town from distributing, or having distributed, any hand-bills or advertising matter pertaining to the business or transactions of such person, merchant or organization, but in all other respects complying with this ordinance.

206. Sec. 7. Any person or persons, company or corporation, who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than five dollars nor more than one hundred dollars for each offense.

207. Sec. 8. That all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

CHAPTER XVI.

MISDEMEANORS.

DIV. 1.—GENERAL.

An Ordinance concerning offenses in the nature of misdemeanors. Passed
December 10, 1903.

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ARTICLE I. OFFENSES AGAINST GOOD MORALS AND DECENCY.

208. Section 1. That any person who shall in the City of Salida, unlawfully personate a policeman, or any city, county, state or federal officer by wearing a badge or star, or by any acts or words which may lead others to believe that such person is such officer, any such person, shall upon conviction thereof,

be fined in any sum not less than ten dollars, nor more than fifty dollars, for each and every offense.

209. Sec. 2. Any person who shall be drunk, or shall be found, in a state of intoxication in any highway, street or thoroughfare or other public place within this city, or shall be drunk and disorderly in any private house or place, or shall create a disturbance by loud, angry, boisterous or blasphemous language in any public place, highway, street or thoroughfare, within this city, every such person shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense; and the City Marshal and police officers of said city are hereby authorized and empowered, and it is hereby made their duty, to arrest, or cause to be arrested, with or without process, any person or persons found violating any of the provisions of this section and commit such person or persons to the city jail or other place that may be provided, until sober, at which time or as soon thereafter as practicable, such person shall be taken before the Police Magistrate for trial.

210. Sec. 3. Any person who shall make or assist in making any improper noise, riot, disturbance or breach of the peace, or who shall use profane, obscene, indecent, vulgar or offensive language to any person, or in any public place in the city, such person shall upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

211. Sec. 4. Any person who shall bathe in the Arkansas River, or in any ditch or pond within the limits of the city, in a nude condition, between the hours of six o'clock a. m. and nine o'clock p. m. shall upon conviction thereof, be fined in any sum not less than one dollar nor more than fifty dollars, for each and every offense.

212. Sec. 5. Any person who shall make an indecent exposure of person, or be guilty of lewd or indecent behavior in any public place in the city, or shall print, publish, make, receive, handle, keep or deliver for the purpose of selling or giving away,

or who shall exhibit, sell or offer for sale, or give away, or offer to give away, any immoral, indecent, lewd or obscene book, paper, magazine, picture, painting, drawing or other thing, or shall exhibit or perform any indecent or lewd play, dance or other representation within the city, shall upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars, for each and every offense.

213. Sec. 6. Any person who shall be guilty of cruelty to any dumb brute or animal, bird or fowl, shall upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars, for each and every offense.

214. Sec. 7. Any person owning or in charge of any building or premises who shall permit the same to be used for purpose of prostitution, and any person who shall use any such building or premises for such purposes, who shall rent any such building or premises for such purposes, or who shall commit acts of prostitution in any place in this city shall upon conviction thereof, be fined in any sum not less than ten dollars, nor more than one hundred dollars, for each and every offense; and every day said building or premises are used or permitted to be used for such purposes shall constitute a distinct and separate offense.

215. Sec. 8. Any person who shall keep a disorderly house, or shall suffer any drunkenness, gambling, riotous or disorderly conduct whatever on his premises, or at his place of business, shall upon conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars for each and every offense, and if licensed shall be subject to a revocation of his license by the City of Salida.

216. Sec. 9. If the owner, keeper of, or any person within any gambling house or room, saloon, or other room, or any disorderly house, house of ill fame, within the limits of the city, shall refuse to permit the Mayor, or any Councilman, City Marshal, or any police officer of the City of Salida to enter the same, it shall be lawful for any of the aforesaid officers to enter the same, or cause the same to be entered by force by breaking the door or otherwise, if necessary, and to arrest with or without

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warrant all suspicious persons found therein, and any person refusing or resisting the officers as aforesaid, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars for each and every offense.

217. Sec. 10. That any prostitute, courtesan or lewd woman, who shall by word, gesture or action, ply, or attempt to ply, her vocation upon the streets, highways or thoroughfares, or from the door or window of any house, or in any public place within the limits of this city, or in any room attached to, or a part of any place where malt, spirituous or vinous liquors are sold in this city, or who in either of the above named places shall make a bold and meretricious display of her person, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be fined in any sum not less than five dollars, nor more than one hundred dollars for each and every offense.

218. Sec. 11. Every female person whose occupation is that of a prostitute, or who shall solicit or receive visits as a prostitute, or who shall occupy any house, or any room or apartment in any house in this city, and use the same for purposes of prostitution, or any male person who shall cohabit with any female prostitute within the said City of Salida, shall upon conviction thereof, be fined in any sum not less than ten dollars nor more than fifty dollars for each and every offense.

219. Sec. 12. Any person who shall employ any woman in any liquor or beer saloon, within the limits of this city, as a waiter or bartender, or who shall, for the purpose of attracting customers to any liquor or beer saloon, permit women, lewd or otherwise, to assemble, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

220. Sec. 13. Any person who shall keep a dance house in any liquor or beer saloon within this city, or within one mile beyond the outer limits thereof, where lewd persons assemble for dancing, or who shall permit any music or singing in any liquor or beer saloon situate as aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined

in any sum not less than ten dollars nor more than one hundred dollars for each and every offense, and every day said dance, music or singing is continued shall constitute a distinct and separate offense.

221. Sec. 14. If any person or persons shall entice any unmarried males or females of good repute, under the age of twenty-one years, to any house of ill fame, assignation house, or to any house of bad repute, he or she shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than fifty dollars nor more than three hundred dollars for each and every offense.

222. Sec. 15. If any person or persons shall entice any unmarried female, of previous chaste reputation, under the age of twenty-one years, to any dance house, tippling house, wine room, liquor or beer saloon, or other place of low resort, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than fifty dollars nor more than three hundred dollars for each and every offense.

223. Sec. 16. Any keeper, proprietor or person in charge or having the control or direction of any saloon, house of ill fame, gambling house, dance house, or any place where liquor or intoxicating drinks of any kind are sold, or place where obscene plays and dances are performed, within the limits of this city, who shall permit any minor to frequent any such place, or to drink any intoxicating, malt or vinous liquors therein, or to bet, wager with any cards or any other kind of public gambling device, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars for each and every offense, and in addition thereto, to have his license revoked by the City Council of this city, if licensed.

224. Sec. 17. Any person who shall sell, give or furnish any tobacco, or article made in whole or in part of tobacco, to any child under sixteen years of age, without the written order of the father or guardian of such, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense.

225. Sec. 18. Any person who shall appear in any public place within this city in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make an indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall use any lewd or lascivious language, every such person shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

226. Sec. 19. Any house or room, or other place, where any persons are allowed or permitted to come, or to assemble, and to smoke, eat, chew or in any manner consume opium, or any preparation thereof, being the place commonly called opium joints, is hereby declared to be a nuisance and a disorderly house, within the meaning of this ordinance and within the provisions of Sections 8 and 9 hereof. Any person who shall appear, act or behave as the person having the care, attendance or management of such opium joint or disorderly house shall be deemed and taken to be the keeper thereof, within the meaning of this ordinance, although he may not in fact be the real owner, manager or keeper thereof. Any person who shall be found in such opium joint or disorderly house, engaged in smoking, chewing or in any manner consuming opium, or any preparation thereof, shall be deemed an inmate thereof. Any person who shall permit any such house, room or other place in his possession or under his control to be used and occupied as an opium joint or disorderly house within this city shall be deemed and taken as contributing to the support and maintenance thereof. Any keeper of such opium joint or disorderly house, or any inmate thereof, or any person or servant connected therewith, or any person contributing to the support and maintenance thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than three hundred dollars for each and every offense.

227. Sec. 20. Any person obstructing or resisting the Mayor, or any Councilman, the City Marshal, any duly authorized health officer, any police officer of this city, or any other officer thereof, in the lawful performance of his duty under the or-

dinances of this city, or the laws of Colorado, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than three hundred dollars for each and every offense.

ARTICLE II. OFFENSES AFFECTING PUBLIC PEACE AND QUIET.

228. Section 1. Any person who shall, in this city, disturb the peace of others by tumultuous, violent or offensive carriage or conduct, or by loud and unusual noises, or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace, or by assaulting, striking or fighting another, or who shall use profane or obscene language in any public street or place, or on any premises where the same may be heard in any public street or place, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than fifteen dollars nor more than one hundred dollars for each and every offense.

229. Sec. 2. Any two or more persons who shall assemble together in this city, with an intent to do an unlawful act, or being so assembled shall mutually agree to do any unlawful act, with force or violence against the property of the city, or the person or property of another, or against the peace or the terror of others, or shall make any movement or preparation therefor, and every person present at such a meeting or assembly who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

230. Sec. 3. All persons who shall collect in bodies or crowds, for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars, for each and every offense.

231. Sec. 4. All persons who shall disturb or disquiet any congregation or assembly of persons met for or engaged in religious worship within this city, by making a noise, or by rude

or indecent behavior, or discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, or shall disturb any lawful assemblage of people within this city, by rude or indecent behavior, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

232. Sec. 5. Any person who shall, within the limits of this city, carry concealed upon or about his person any pistol, revolver, bowie-knife, dirk, razor, sand-bag, brass-knucks, or other deadly weapon, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than fifty dollars, for each and every offense. Provided, however, That this shall not apply to any sheriff, deputy sheriff, constable, policeman, or other police officer within their territory and while upon duty. It is hereby made the duty of the Marshal and other police officers of this city to search, without warrant, all persons suspected of violating this section, and to arrest, without warrant, all persons found violating the provisions of this section, and to take them before the Police Magistrate to be summarily tried for such offense. In case any Marshal or police officer shall fail, neglect or refuse to search any person or persons suspected of violating this section, upon the request of any reputable freeholder of this city, such officer so failing, neglecting or refusing to search such person or persons as requested, and to arrest in such case, if this section is being violated, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than fifty dollars for each and every offense. All concealed weapons taken from parties violating this section shall be forfeited to the city and confiscated and sold at auction by the City Marshal, and the proceeds of such sale to go to the benefit of the City of Salida.

233. Sec. 6. Any person who shall ride or drive any horse, mule or other animal, or any bicycle, automobile or other vehicle, in or through any street or alley within the city, at a rate faster than eight miles per hour, or who shall negligently or recklessly ride or drive any horse, mule or other animal, or

any bicycle, automobile or other vehicle, in or through any street, alley or public place within the the city, so as to endanger the safety of pedestrians or other persons using such street, alley or public place, or who shall ride or drive any wild or vicious or unbroken animal in or through any such street, alley or public place, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense, and it is hereby made the duty of the City Marshal or other police officer to stop and arrest any person found committing any such offense.

234. Sec. 7. If two or more persons shall quarrel in a boisterous manner, or fight in any place within the city, they shall be guilty of a breach of the peace, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

235. Sec. 8. Any person who shall throw any stone or other missile at or upon any building, tree or other public or private property, shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than fifty dollars for each and every offense.

236. Sec. 9. Any person who shall, within the limits of this city, fire or discharge any cannon, gun, pistol or firearm of any description, or other thing containing gun powder or other explosive material, or shall fire or discharge any firecrackers, bombs or fireworks of any description, at any other time or place than that designated by the Mayor in his proclamation for a public holiday, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not less than one dollar nor more than one hundred dollars for each and every offense.

237. Sec. 10. It shall be unlawful for any person, not an employe of the railroad, to loiter about the cars, car yards, transfer grounds, or to enter in or upon any car, depot or freight house, or to move or sleep in any car, or to disturb any property belonging to the railroad company, doing business in

this city, provided that this section shall not apply to any person doing business with such railroad. Any person violating this section shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than fifty dollars for each and every offense.

238. Sec. 11. It shall be unlawful for any woman to loiter about or frequent any saloon, or to drink spirituous, vinous or malt liquors in a saloon, or at a public bar, or to behave in a boisterous or indecent manner in or about any saloon or public place in this city. Any one violating the provisions of this section shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than one hundred dollars.

239. Sec. 12. It shall be unlawful for any person, without permission from the owner or his agent, to enter into or upon, or sleep in any vacant or unoccupied house, barn, shed or other tenement within this city. Any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than fifty dollars for each and every offense.

240. Sec. 13. If any person shall aid or assist any person confined in the city jail to escape from such confinement, or shall, without the consent of the person in charge of such place of confinement, secrete any spirituous, vinous or malt liquors in to any inmate, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars for each and every offense.

241. Sec. 14. Any person who shall cause, instigate or encourage any dog-fight, cock-fight or other disorderly conduct in any place in this city shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense.

ARTICLE III. OFFENSES AFFECTING STREETS AND PUBLIC PROPERTY.

242. Section 1. If any person shall injure, deface or destroy, or assist in injuring, defacing or destroying, any bridge,

or its appurtenances, or any public property belonging to the city, or any private property located by permission of the proper authorities in any of the streets or highways, or other public places of the city, he shall, upon conviction thereof, be fined in any sum not less than two dollars nor more than three hundred dollars for each and every offense.

243. Sec. 2. Any person who shall throw any stone or missile upon or at any building, tree or other public or private property, or at or upon any person, any street, or other public or private place in this city; or shall in any way or manner injure the awnings, fences, enclosures or other improvements of any character whatever, either public or private property; or shall injure, mark, deface or destroy any trees or flowers, planted for ornament or shade of any street, alley, park or private lot, in this city, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than three hundred dollars, for each and every offense.

244. Sec. 3. Any person who shall hitch or fasten any horse or other animal to any ornamental tree, fence or railing, or to any railing upon any public ground or place, or upon any private premises, shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than one hundred dollars for each and every offense.

245. Sec. 4. Any person who shall ride or drive any horse, mule or other animal over or across any bridge within the city, faster than a walk, or shall lock the wheel of any wagon or vehicle in passing over any such bridge, shall, upon conviction, thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense.

246. Sec. 5. Any person who shall leave any horse, horses or other animal or animals attached to any carriage, cart, wagon or any other kind of vehicle, in any street, alley or other public place, or any open and unenclosed lot, public or private, within the city, without securely fastening such animal or animals to a post, stake, ring, weight or other stationary object of sufficient strength to hold said animal or animals, shall

be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than two dollars nor more than one hundred dollars for each and every offense.

247. Sec. 6. Any person who shall engage in any sport or exercise likely to frighten horses, injure any person or embarrass the passage of persons or vehicles, shall, upon conviction thereof, be fined in any sum not less than three dollars nor more than fifty dollars for each and every offense.

248. Sec. 7. Any person who shall dig a hole, drain or ditch in any street or alley in this city, or shall dig, remove or carry away, or cause the same to be done, any sod, stone, earth, sand or gravel, from any street, alley or public ground, or who shall injure, tear up or destroy any sidewalk, without having obtained authority, or who shall, for any purpose whatever, dig up or disturb the surface of any street or alley within the city, without having first obtained permission of the Street and Alley Committee or the Street Supervisor; or who shall hinder or obstruct the making or repairing of any pavement, side or cross walk, which may be in course of construction, pursuant to any ordinance or authority of the City Council, or who shall hinder or obstruct any employe of the City Council or officer of the city, or any person working under such employe, or officer, in making or repairing any public work or improvement ordered by the Council, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

249. Sec. 8. Any city officer, contractor or other person, who shall dig any hole, drain or ditch, or make any excavation in any highway, or thoroughfare, without providing during the night a light or temporary fence or other suitable protection on or around the same, to prevent persons, animals or vehicles from falling into the same, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

250. Sec. 9. No person, whether builder, contractor, owner or otherwise, during the construction or repairing of any building or other work in this city, shall use or occupy more

than one-half of any street, with building materials, implements, machinery or other things, and shall guard the same at night with lights or temporary fence, and as soon as such building or other work is completed, or work thereon permanently ceases, such builder, or other person in charge of such premises, shall, without expense to the city, remove all such materials or other things from the street, leaving the same clean to the proper grade and condition as formerly. Any person violating any provision of this section shall be liable for any damage occasioned thereby, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than three hundred dollars for each and every offense.

251. Sec. 10. Any person who shall have heretofore placed, or assisted in placing, or caused to be placed, or who shall hereafter do so, any construction material, rubbish, or other obstruction of any kind in or upon any street, alley, sidewalk or other public place in this city, or who shall refuse or neglect to remove the same for the space of twenty-four hours after being notified so to do, by the City Marshal or Mayor, shall, upon conviction thereof, be fined in any sum not less than five dollars, nor more than one hundred dollars for each and every offense.

252. Sec. 11. Any person who shall leave or keep open any cellar door, pit or vault, or other subterraneous opening, on any sidewalk, street or alley, or shall suffer the same, when in or under his charge, to be left or kept open, or to be in an insecure condition so that passers-by may be in danger of falling into any such place, or shall suffer any sidewalk in front of any premises owned or occupied by him or her, to become or continue so broken as to endanger life or limb, or so out of repair as to cause water to collect and remain in pools on said sidewalk, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars, for each and every offense.

253. Sec. 12. Any person who shall push, draw or drive any wagon, cart or vehicle over any sidewalk, or lead, ride or drive any horse, mule or other animal thereon, unless to go to a yard or lot where no suitable crossing or means of access is

provided, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

254. Sec. 13. The Mayor, the City Marshal, or Street Supervisor shall have power, whenever any article or thing whatsoever may encumber or obstruct any street, alley or other public place, to order its removal, after giving one day's notice to the owner thereof to remove the same to some suitable place; and the owner of any such article or obstruction so removed shall forfeit and pay to city the sum of five dollars in addition to the expense of such removal, which expense shall be recoverable in the same manner as other fines and penalties are secured.

255. Sec. 14. Every person who shall erect or place any building, fence or other obstruction, in whole or in part, upon any street, alley, or sidewalk, or other public place or grounds within this city, shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars.

256. Sec. 15. Whenever any street or alley in this city shall be obstructed by teams or carriages, standing in such street or alley, or by press of teams, attached to vehicles, the City Marshal, or other policeman, shall order the removal of said teams to other places as may be required for the public convenience; and any person or persons refusing or neglecting to obey such direction shall, upon conviction thereof, be fined in any sum not less than five dollars, nor more than fifty dollars, for each and every offense.

257. Sec. 16. Whoever shall throw or deposit any straw, ashes, dirt, filth, chips, paper, rags, or other rubbish in any street, alley or any public place in this city, or upon any private lot or ground, without the consent of the owner, shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense.

258. Sec. 17. All awnings hereafter erected before any house, shop or store, in any street or alley in this city, shall be elevated seven feet at the lowest point thereof, above the sidewalk; shall be of canvas, and shall be at least eight feet in width, and without guy ropes to the sidewalk, supported from

*Not applicable
any street
violates*

the adjacent building with iron fastenings. Any person violating any of the provisions of this section shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every offense.

259. Sec. 18. That any person or persons who shall wilfully interfere with, impede, obstruct or break the line of march of any procession, or mourners in honor of the dead, commonly termed funeral procession, over any of the streets or avenues of this city, shall, upon conviction thereof, be fined not less than five dollars nor more than fifty dollars; provided, however, that the provisions of this section shall not be construed to apply to members of the Fire Department on their way to a fire.

260. Sec. 19. That any person who shall deface any sidewalk, bridge, or other public or private property, by painting any signs thereon, or posting bills upon the same, or in any other manner defacing or using the same for advertising purposes, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

ARTICLE IV. OFFENSES AFFECTING PUBLIC SAFETY.

261. Section 1. Every scaffold, grand-stand or other structure erected in the city for use by the persons constructing the same, or by others, shall be well and safely built, and suitable for the purposes for which it is designed. Any person who shall erect or cause to be erected any such scaffold, grand-stand or other structure, as aforesaid, contrary to the requirements of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for each and every offense.

262. Sec. 2. Any person who shall get on or off any moving locomotive, car or train of any railroad in this city while the same is in motion, such person not being then and there a passenger or employe upon the same; or who shall place any stone, timber or other obstruction upon any railroad track in this city, shall be deemed guilty of a misdemeanor, and shall,

upon conviction thereof, be fined in any sum not less than five dollars nor more than three hundred dollars for each and every offense.

263. Sec. 3. Any person who shall sell, give or deliver, within the limits of this city, any deadly poison, knowing the same to be such, without marking the same in legible characters "POISON," shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than three hundred dollars.

264. Sec. 4. Any person who shall expose for sale, or shall sell or offer for sale, any diseased, tainted or putrid meat, poultry, fish, game or provisions of any kind whatsoever, or any decayed fruit or vegetables, within the limits of this city, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars for each and every offense.

265. Sec. 5. That hereafter no person shall spit or expectorate, or throw or deposit any spit, saliva, expectoration, tobacco juice or tobacco quid in or upon any sidewalk, or in or upon any floor, hallway or stairway of any church building, school building or other public hall or building within this city, or steps leading to any church building, school building or other public building within this city. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than three dollars nor more than fifty dollars for each offense.

ARTICLE V. DEFINING AND PUNISHING VAGRANCY.

266. Section 1. A vagrant, within the meaning and provision of this ordinance, shall be deemed to be: Any person able to work and support himself or herself in any honest and respectable calling, trade or business, who lives idly and is without visible means to support himself or herself, and

First. Who shall be found loitering or strolling about, in any street, alley, lane, avenue, common or public or private place in the city; or,

Second. Who shall go about begging in any part of the city, not having any regular lawful business; or,

Third. Who shall occupy, for the purpose of lodging, any barn, shed, car, shop or place other than such as is provided for that purpose, without permission of the owner or person entitled to the possession thereof; or,

Fourth. Who shall be found frequenting or remaining at any gambling place or places, or at any place or places where intoxicating liquors are sold, or bawdy houses, houses of ill fame or bad repute, bowling alleys, or billiard or pool rooms; or,

Fifth. Who shall lead a profligate, idle and immoral course of life; or,

Sixth. Who shall be a keeper, proprietor or exhibitor of any gaming table or device, or who shall be an assistant or attendant at any gaming table or device; or,

Seventh. Who, for the purpose of gaming or gambling, travels about from place to place, or frequents saloons, houses of prostitution, railroad cars, trains or depots in this city for that purpose; or,

Eighth. Upon whom shall be found any instrument or thing used for the commission of burglary, or for picking locks or pockets, and who shall fail to give a good account of his possession of the same; or,

Ninth. Who shall engage in any fraudulent scheme, device or trick upon the street, thoroughfare or public places or elsewhere in the city; or who, by the aid, use, manipulation of any article or articles whatsoever in packages, boxes or otherwise arranged, whereby persons are induced or sought to be induced to purchase any such package or article, with a view to obtaining money, jewelry or other property therein contained or therewith connected in any manner; and it shall constitute no defense to this provision of this ordinance that such person may have a license for the bona fide sale of any article upon the streets or other places in the city; or,

Tenth. Who is what is known as a "steerer" or "capper" for any gambling house or room, or any gambling game, or who

is what is known as a "hold-up" or "bunco steerer," or "pimp;" or,

Eleventh. Any prostitute, courtesan, bawd, or lewd woman, or any female intimate of any bawdy house or house of ill fame or prostitution, who shall be found wandering about the streets in the night time or frequenting tippling houses and saloons; or,

Twelfth. Who shall knowingly associate with persons having the reputation of being thieves, pickpockets, gamblers, bawds, prostitute or lewd women; for the purpose or with the intent of cheating or defrauding any person, to commit any offense, or any act contrary to good order, morals and decency.

267. Sec. 2. Any person who shall be found guilty of being a vagrant under the provisions of any of the foregoing sections shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than three hundred dollars for each and every offense.

ARTICLE VI. REPEALING ALL ORDINANCES IN CONFLICT.

268. Section 1. All ordinances or parts of ordinances in conflict with the provisions of any of the foregoing articles and sections of this ordinance are hereby repealed.

DIV. 2.—GAMBLING.

An Ordinance concerning gambling. Passed January 19, 1903.

- 269. Penalty for keeping or renting room for gambling.
- 270. Penalty for keeping or exhibiting gaming table, etc.
- 271. Penalty for gambling.
- 272. Minors gambling.
- 273. Repealing section.
- 274. Time in force and effect.

269. Section 1. That hereafter it shall be unlawful for any person or persons to keep any room, building or tenement, of any description, within the corporate limits of said Town of Salida, to rent the same to be used or occupied for gambling of any kind, or for gambling purposes. Any person or persons who shall violate any of the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined for each offense, the sum of not less than thirty dollars nor more

than three hundred dollars, or shall be imprisoned in the city jail not less than ten days nor more than thirty days, or both such fine and imprisonment.

Every day for which any person or persons shall keep any house, room, building or tenement, of any description, to be used or occupied for gambling shall be deemed and held to be a separate and distinct offense.

270. Sec. 2. If any person, within the corporate limits of the Town of Salida, shall keep or exhibit any gambling table, establishment, device or apparatus to win or gain money or other property, or on which money is wagered, or lost or won, or shall aid, assist or prompt others to do the same, or if any person shall engage in gambling for a livelihood, or shall be without any fixed residence and in the habit and practice of gambling, he shall be deemed and taken to be a common gambler, and, upon conviction thereof, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the city jail not less than thirty days nor more than ninety days, or shall be fined the sum of not less than fifty dollars nor more than three hundred dollars, or both such fine and imprisonment.

271. Sec. 3. If any person, within the corporate limits of the Town of Salida, shall play at any game whatsoever, for any sum of money or other property of value, or shall make any bet or wager for any sum of money or other property of value upon the result of such game, every such person shall, on conviction thereof, be fined in any sum not less than fifty dollars nor more than one hundred and fifty dollars.

272. Sec. 4. If any person shall, by any device or pretense, within the corporate limits of the Town of Salida, entice, or tempt and prevail upon or cause any minor to engage with such person or with any other person or persons in any game whatsoever, for any sum of money, or property of value, or shall make any bet or wager with such minor, or cause the same to be done, upon the result of any game, every person shall, upon conviction thereof, forfeit and pay to the said Town of Salida the sum of not less than fifty dollars nor more than one hundred and fifty dollars.

273. Sec. 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

274. Sec. 6. This ordinance shall take effect and be enforced from and after its passage and publication.

DIV. 3.—CURFEW.

An Ordinance to prevent the loitering or playing of children upon the streets and alleys, and the frequenting, by children, of unoccupied or public places, at late or unusual hours. Passed May 18, 1896.

275. Prohibiting loitering of children.

276. Penalties.

277. Curfew bells.

275. Section 1. That no boy or girl under the age of seventeen years shall frequent, loaf or loiter or play on any street, sidewalk, alley or vacant or unoccupied lots, or in or upon any stairway or steps of business or public buildings, or in any vacant or unoccupied building in the Town of Salida, Colorado, between the hours of 9 o'clock p. m. and 6 o'clock a. m. from the 15th day of April to the 15th day of October following, and between the hours of 8 o'clock p. m. and 6 o'clock a. m. from and including the 15th day of October to and including the 15th day of April following of each and every year.

276. Sec. 2. That any person or persons found guilty of violating the preceding section of this ordinance shall, on conviction thereof, be punished by a fine of not less than one dollar nor more than twenty-five dollars, with costs, for each offense, and may be committed to the jail of said town for a period not exceeding ten days, unless such fine and costs shall be sooner paid.

277. Sec. 3. That it shall be the duty of the Night Policeman of said town to cause the fire bell thereof to ring five times, or taps, at the hour of 9 o'clock p. m. of each and every day between the said 15th day of April and the said 15th day of October following, and five times, or taps, at the hour of 8 o'clock p. m. of each and every day between the said 15th day of October and the said 15th day of April following of each and every year. And such ringing of said bell shall be conclu-

sive proof of the time in any and all proceedings for the violation of this ordinance.

DIV. 4.—RIDING BICYCLES ON WALKS.

An Ordinance concerning the running of bicycles and tricycles on certain sidewalks. Passed June 1, 1891.

- 278. Bicycles, etc., upon walks forbidden.
- 279. Penalty.
- 280. Repealing section.
- 281. Time in force.

278. Section 1. It shall be unlawful for any person to run or ride a bicycle or tricycle upon the sidewalks of any street within the limits of said Town of Salida. (As amended July 2, 1894.)

279. Sec. 2. Any person who shall violate Section 1 of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars, and not more than fifty dollars.

280. Sec. 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

281. Sec. 4. This ordinance to take effect and be in force from and after its passage and legal publication.

DIV. 5.—PLACING TACKS, ETC., ON STREETS.

An Ordinance to prohibit the placing of glass, tacks, pieces of wire, and other substance capable of producing injury to the tires of bicycles, etc., upon the streets of the Town of Salida. Passed April 5, 1897.

- 282. Prohibiting placing of tacks, etc., upon streets.
- 283. Penalties.

282. Section 1. That it shall hereafter be unlawful for any person or persons to place upon any of the streets of the said Town of Salida, any tacks, glass, fragment of wire, or other hard articles or substance having a sharpened point or edge, which is capable of cutting or puncturing the rubber tires of bicycles, tricycles or tandems.

283. Sec. 2. That any person found guilty of violating any of the provisions of Section 1 of this ordinance, shall, upon conviction thereof, be fined in the sum not exceeding five dollars

for each offense, together with the cost of prosecution, and may be committed to the common jail of said town, for a period of not exceeding ten days, unless such fine and costs shall be sooner paid.

DIV. 6.—SUNDAY AMUSEMENTS.

An Ordinance prohibiting within the opening or conducting of places of amusement, and the giving of public entertainments, where admission fees are charged, on the Sabbath day. Passed July 2, 1900.

- 284. Repulating entertainments, etc., on Sunday.
- 285. Penalties.

284. Section 1. That hereafter no public entertainments of any kind, character or description to which an admission fee is charged, shall be, in any manner, given, held or conducted, within the corporate limits of the Town of Salida, Colorado, on the first day of the week, commonly called Sunday, and no place of public amusement, to enter which such an admission fee is required, shall be opened or conducted, within the corporate limits of said town on said day.

285. Sec. 2. That any person or persons who shall on the said first day of the week, commonly called Sunday, so give, hold or conduct, or cause to be given, held or conducted within the corporate limits of said town, any public entertainment to which an admission fee is charged, or who shall, on said day, within the corporate limits of said town, open or conduct, or cause to be opened or conducted, any place of public amusement, to enter which an admission fee is charged, or required, shall be deemed guilty of a violation of this ordinance, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than three hundred dollars, together with the costs of prosecution and may be committed to the common jail of said town for a period of not exceeding thirty days, unless such fine and costs shall be sooner paid.

CHAPTER XVII.

NUISANCES.

DIV. 1.—GENERAL AND SPECIAL.

An Ordinance concerning nuisances. Passed December 10, 1903.

ARTICLE I. GENERAL.

- 286. Offensive pen, place or premises.
- 287. Posting, painting advertisements without consent.
- 288. Foul cellar, vault, etc.
- 289. Discharge of offensive substances, etc.
- 290. Grounds, etc., in offensive condition.
- 291. Dead animals, etc.
- 292. Slaughtering, etc., in city limits.
- 293. Throwing garbage, etc., into street or other place.
- 294. Burying remains of animals or persons.
- 295. Water flowing onto sidewalks, etc.
- 296. Causing sewer-inlet, etc., choke up.

ARTICLE II. DEFECTIVE, DANGEROUS AND UNSAFE BUILDINGS OR STRUCTURES.

- 297. Unsafe building or structure.
- 298. Notice thereof to owner or agent.
- 299. Penalty for allowing to remain.
- 300. Procedure owner non-resident.

ARTICLE III. BARBED WIRE FENCES.

- 301. Barbed fences, etc., prohibited. Penalty.

ARTICLE IV. REPEALING ALL ORDINANCES IN CONFLICT.

- 302. Repealing section.

ARTICLE I. GENERAL.

286. Section 1. That any pen, place or premises in or upon which any hog, or hogs or other animals shall be kept so as to become offensive, or an annoyance to any person, is hereby declared to be a nuisance, and any person so offending shall be fined in any sum not less than five dollars, for each day he or she neglects or refuses to abate such nuisance after being notified by any city officer to do so. ✓

287. Sec. 2. Any hand-bill, poster, placard or advertisement of any description which shall be stuck, posted, painted or otherwise placed upon any public or private house, store or other building or tenement, or upon any fence, sidewalk or other premises without permission from the owner or occupant thereof, is hereby defined and declared to be a nuisance; and any person who shall so stick, post, paint or otherwise place, any such bill, poster, placard or advertisement in any of the places aforesaid, or shall aid or assist in so doing, shall be deemed to be the author of a nuisance, and, on conviction, shall be fined in a sum not less than one dollar and not more than fifty dollars.

288. Sec. 3. Any person who shall permit any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises belonging to or occupied by such person, to become foul, nauseous, or injurious to the public health, shall be subject to a fine of not less than five dollars nor more than fifty dollars for each day the same is suffered to remain, after notice of the City Council, or any officer of the city, to abate the same.

289. Sec. 4. Any distiller, bottler, laundryman, tanner, brewer, soap boiler, butcher, livery stable keeper, hotel or restaurant keeper, or other person who shall allow to be discharged, or permit to flow from any still house, workshop, manufactory or other house or place owned or kept by him, foul or nauseous liquor or substance of any kind, upon any street, alley or other public place or upon private grounds or premises, so as to be offensive to persons living in the vicinity, shall be deemed the author of a nuisance, and, upon conviction thereof, be fined in the sum of five dollars each day such nuisance shall be continued, after notice by any city officer to abate the same. ✓

290. Sec. 5. If any person shall keep or permit to be kept, any grounds or premises, or tenements, in such condition, the same being owned or under the control of such person, as to be offensive and a nuisance to the neighborhood, or to any family or person, such person shall, on conviction, be fined in a sum not less than five dollars. ✓

291. Sec. 6. Any fowl, animal or brute which shall be killed, or die from any cause, in the city, shall at once be re-

moved by the owner or keeper beyond the limits and to some place where the same will not become offensive to any person, or family, under a penalty not less than ten dollars, and not more than fifty dollars for each day such animal shall be suffered to remain in the limits of this city.

292. Sec. 7. Any person who shall kill or dress any cattle, calves, swine, sheep or other animal, or shall steam or render any tallow, or lard, except for his own family, or shall keep or store any green, unsalted or dried hides for a period exceeding twenty-four hours, within the limits of the city, shall be deemed guilty of maintaining a nuisance, and shall, upon conviction, be fined not less than five dollars nor more than fifty dollars for each offense.

293. Sec. 8. Any person who shall throw into any street, alley or vacant lot in this city, any wrapping paper, waste paper, old clothes, shoes, dead animals or fowls, hats, bottles, broken glass or china ware, ashes, vegetables or any refuse or garbage, or shall sweep from their place of business any straw, paper, filth or litter, shall be deemed the author of a nuisance, and, upon conviction, shall be fined in a sum not less than five dollars nor more than fifty dollars.

294. Sec. 9. That it shall not be lawful to bury the remains of any dead person or animal within the limits of this city, and any person found guilty of violating the provisions of this section shall, upon conviction thereof, be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

295. Sec. 10. That any person or persons owning or controlling any hydrant, or a line of hose therefrom, or any sprinkling or spraying device, who shall permit water to flow or be thrown therefrom onto any sidewalk, street or alley, shall be deemed the author of a nuisance, and, upon conviction thereof, shall be fined in any sum not less than five dollars nor more than fifty dollars for each offense.

296. Sec. 11. Any person who shall, in this city, deposit in, or throw into any sewer, sewer-inlet or privy vault or closet that shall have a sewer connection, any article whatever that

might cause the sewer or sewer-inlet to choke up, or that might cause such sewer, or sewer-inlet or privy vault, or closet to become nauseous or offensive to others or injurious to the public health; or who shall cause or permit any sewer, drain-pipe, sewer-inlet, vault, closet or cess-pool to become choked and stopped up so that any of the contents thereof flows out and over any sidewalk, street, alley, lot or lots or any other public or private place or premises, shall be deemed the author of a nuisance, and shall immediately abate the same, with or without notice from the Mayor, or Board of Health; and for every day such nuisance shall be unabated, the owner or owners thereof, or the person or persons having control of the same, shall be fined in any sum not less than five dollars nor more than three hundred dollars.

ARTICLE II. DEFECTIVE, DANGEROUS AND UNSAFE BUILDINGS
OR STRUCTURES.

297. Section 1. Any building, structure or tenement of any kind situated within the limits of this city, which by reason of natural decay, defective structure or otherwise, shall become unsafe and dangerous to the individuals inhabiting the same, and to those passing along the streets, alleys or highways of this city, shall be and the same is hereby declared a nuisance.

298. Sec. 2. Whenever a building, structure or other tenement is discovered to be in the condition mentioned in Section one hereof, notice by any city officer shall be given at once to the owner, agent or occupant of the same, immediately to repair, remedy or abate the same.

299. Sec. 3. Any owner, agent of such owner, or occupant of any building, structure or tenement, who shall allow or permit the same, by natural decay, defective structure, or otherwise, to become unsafe and dangerous to life and limb, or who shall permit the same to remain in such condition twenty-four hours after notice duly served upon him or them, to remedy or repair the same, or to abate the said nuisance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be

fined in any sum not less than ten dollars nor more than two hundred dollars.

300. Sec. 4. If any owner of such building, structure or tenement be not a resident of the City of Salida, and such building be not occupied; or if any owner, agent of such owner, or occupant of any such building, structure or tenement, fail or refuse to repair or remedy the same after notice as aforesaid, then the city authorities shall proceed to remedy and abate the said nuisance at the expense of the owner of the said building, structure or tenement, and the costs and expenses thereof shall be assessed upon the lot or lands upon which said building, structure or tenement stands, and collected as a special assessment in the manner and form prescribed by ordinance.

ARTICLE III. BARBED WIRE FENCES.

301. Section 1. It shall be unlawful for any person or persons within the corporate limits of this city to put upon, keep or maintain any barb, barbed wire, sharpened nails or other pointed or sharpened thing of a metallic substance, upon any fence, cellar, guard or window guard, railing or banister that may front upon, or that may be erected or constructed upon any street, alley, building or sidewalk in the city, so that the same shall project or extend beyond the surface of the wood or other material of which said fence, cellar guard or window guard, railing or banister, may be constructed; any person violating any provision of this ordinance shall be deemed the author of a nuisance, and, upon conviction, shall be fined in any sum not less than three dollars nor more than ten dollars for each and every day the said nuisance remains unabated after notice to so abate by any official of the city.

ARTICLE IV. REPEALING ALL ORDINANCES IN CONFLICT.

302. Section 1. All ordinances or parts of ordinances in conflict with the provisions of any of the foregoing articles and sections of this ordinance are hereby repealed.

DIV. 2.—ANIMALS.

An Ordinance restraining animals from running at large within the corporate limits of the City of Salida. Passed December 10, 1903.

- 303. Animals prohibiting from running at large.
- 304. Notice of impounding.
- 305. Owner's claim, pay costs accrued.
- 306. Further procedure, if animal unclaimed.
- 307. Sale of animal.
- 308. Procedure, if owner unknown.
- 309. Trial, and further proceedings.
- 310. Failure of city to substantiate complaint.
- 311. Owner may have animal released before sale.
- 312. Disposition of surplus from sale.
- 313. Fees of Police Magistrate.
- 314. Fees of Marshal.
- 315. Penalty for breaking open pound.
- 316. Penalties.
- 317. Repealing section.

303. Section 1. That whenever any asses, mules, horses, cattle, sheep, swine, goats, dogs, or geese may be found running at large within the corporate limits of this city, in violation of this ordinance, it shall be duty of the Marshal of said city, or any police officer thereof, to seize, take up and impound the same in such place as may be designated by the City Council of said city.

304. Sec. 2. The Marshal, upon the taking up and impounding of any animal, shall forthwith give notice thereof by posting notice at the entrance of the pound, one at the postoffice and one at the office of the Police Magistrate, of such taking up and impounding, containing, as near as may be, a description of the animal impounded and the name of the owner or owners, if known to him, that unless said animal or animals shall be claimed and cost of impounding and feeding of said animals be paid to said Marshal by an hour named in such notice, which shall be not less than forty-eight hours after the impounding, then he will report the said impounding to the Police Magistrate for adjudication. In case the animal is branded, and the owner or owners are unknown, the Marshal shall note carefully all

brands and ear marks found thereon, and the sex and color of such animal, and send at once to the Secretary of State a full description of such animal and the date of such taking up and impounding.

305. Sec. 3. If the owner or owners of the animals impounded shall claim them of the Marshal within the time included in said notice, and pay all costs then accrued because of the impounding, then the Marshal shall release said animal.

306. Sec. 4. If the animal shall not be claimed and cost paid, as provided in the preceding section, the Marshal shall forthwith file with the Police Magistrate a copy of the notice posted, with his complaint, under oath, to the effect that the animal therein described was found running at large within the corporate limits of said city, giving the date thereof; that he had caused said animal to be impounded, and has duly posted them as required by law; that no owner or owners have appeared, claimed and paid the cost of the impounding, giving the name of the owner or owners, if known to him, if not known to him, then so stating; whereupon the Police Magistrate shall docket the case, and issue his warrant for the arrest of the defendant, the person named as owner of the animal so impounded, and upon the return of warrant, executed, or if the defendant shall not be found, or the defendant having appeared, shall deny any or all of the material facts stated in the complaint, the Magistrate shall inquire, as in other cases, as to the matters alleged in the complaint, and if he shall find such matter to be true, he shall assess against the defendant such fine as shall to him seem proper within the penalty hereinafter described in this ordinance, and tax against the defendant as costs the Marshal's fee for impounding, taking up, posting notices, service of warrant and subpoenas, attendance upon court and feeding of animal, witness fees, and magistrate or justice fees, as in other cases, and shall enter judgment against the defendant therefor, and that the animal so impounded be sold to satisfy the judgment and costs.

307. Sec. 5. If the defendant shall then forthwith pay such fine, judgment and costs, the Marshal shall forthwith release

said animal, upon the defendant's being in readiness to take charge of them; but if the defendant shall fail and refuse to pay said fine, judgment and costs and to take charge of said animal, then it shall be the duty of the Marshal to advertise and sell the animal at public sale, in manner as provided for the sale of goods and chattels on execution, and shall apply the proceeds, first to the payment of the fine and judgment and costs accrued, and shall pay over any surplus to the Treasurer of said city, but if sufficient is not realized from such sale to pay such judgment, fine and costs, then the Magistrate shall issue his writ of execution for the residue, to be satisfied as provided by law for the enforcement of judgments for fines and penalties for the violation of city ordinances.

308. Sec. 6. If the owner of any animal impounded shall be unknown to the Marshal, the proceedings before the Magistrate or Justice shall be against the owner, giving the number and kind of animals impounded, and upon the Marshal's filing his copy of notice and complaint, as provided in Section 2 of this ordinance, and if it appear that the name of the owner is unknown, the Magistrate shall issue a notice in substance as follows:

"Whereas, The Marshal of this city has complained to me that he has taken up and impounded (giving description and kind of animals), found running at large within this city, and that the owner of said animal is unknown to him.

"Now, therefore, Notice is hereby given that a trial will be had upon said complaint at my office on the day of, 190., at the hour of o'clock, when and where the unknown owner may appear and defend, if he sees fit so to do.

"Given under my hand and seal this day of, 190...

"..... (Seal)."

The day named in said notice for trial shall not be less than five nor more than eight days from the time of issuing said notice, and the Marshal shall forthwith post three copies of said

notice, one at the pound, one at the postoffice and one at the office of the Magistrate, and make return of said notice, with the time and places of posting endorsed thereon.

309. Sec. 7. Upon the arrival of the hour of trial, as mentioned in said notice, the Magistrate shall proceed as in a case of personal service or appearance, and if the owner shall appear at the hour of trial, such proceedings shall be had as provided in Sections 4 and 5 of this ordinance; but if no owner shall appear to answer or defend at such trial, then the Magistrate shall receive evidence of the facts as alleged in the complaint, and if he shall be satisfied of the truth thereof, he shall render judgment against said unknown owner, and order that the animal be sold, and the proceeds thereof applied to satisfy the judgment and costs and the keeping of said animal. Such sale shall be made in the manner as provided in Sections 5 and 6 of this ordinance, and any surplus remaining from this sale shall be paid to the City Treasurer.

310. Sec. 8. If, upon any trial herein provided for, the Magistrate shall be of the opinion that any of the material allegations of the complaint are not sustained, he shall order the animal impounded to be returned to the owner, and shall tax the costs of the proceedings to the city.

311. Sec. 9. The owner of any animal impounded may have it released to him at any time before the sale herein provided for, by paying to the Marshal or Magistrate all costs, judgments and liens chargeable against them at the time of release.

312. Sec. 10. When any surplus money shall be paid into the city treasury under the provisions of this ordinance the owner of the animal from which such surplus arose shall be entitled to a warrant from the City Council of said city, upon the Treasurer thereof, provided such owner or owners shall make application therefor, and satisfactory proof of ownership, within one year after the sale of said animal.

313. Sec. 11. The Police Magistrate shall be allowed the following fees: For issuing notice, warrant, complaint, and filing the same, and trial of each cause, the sum of two dollars and fifty cents; provided, where the owner of such stock or

animals shall take the same out of the pound before the trial of the same, then he shall be allowed the sum of one dollar and twenty-five cents; and, provided further, that only one case shall be docketed for each complaint filed under Section 4 of this ordinance, whether the same contains more than one animal or not.

314. Sec. 12. The charges, costs, expenses and fees of the City Marshal or other police officer acting under this ordinance in the case of impounding any animal hereinbefore named shall be as follows:

For taking up and impounding each animal, one dollar.

For making and posting three notices, as required by law, for each animal, fifty cents.

For making and sending description to the Secretary of State, for each animal, fifty cents.

For making and filing complaint and posting three copies of the notice of trial, fifty cents.

For advertising and selling each animal at public sale, one dollar.

For the care of each animal, that is, the keeping, stabling, feeding and watering of each animal, fifty cents per day.

315. Sec. 13. No person shall break open, or aid or assist in breaking open any pen, corral or other inclosure with intent of releasing any animal therein confined, pursuant to the provisions of this ordinance; and no person shall release, or aid or assist in releasing any such animal so confined, except the City Marshal and such other person as may be authorized by the City Marshal to release the same. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than fifty dollars.

316. Sec. 14. If any person, being the owner of, or being in possession and control of, any of the animals set out in Section 1 of this ordinance, shall permit the same to run at large within the limits of this city, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the manner pre-

scribed in Section 4 hereof, shall be fined not less than one or more than ten dollars, and he shall further pay all costs and charges accrued.

317. Sec. 15. That all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

An Ordinance concerning stock. Passed July 5, 1895.

318. Unlawful to herd and graze stock in city limits.

319. Procedure.

320. Penalty.

321. Repealing section.

318. Section 1. That hereafter, it shall be unlawful for any person or persons to herd, graze or stake out any stock upon any alley, street, park or vacant lot, within the corporate limits of the Town of Salida; Provided, That nothing in this ordinance shall be so construed as to prevent any person from herding, grazing or staking out his own stock on the lot or lots owned by him.

319. Sec. 2. That any stock found grazing, staked out, or being herded upon any of the places mentioned in the foregoing section, shall be taken up and impounded in the manner as provided in an ordinance regulating the impounding of stock, passed and approved July 18, 1887, and such stock so impounded may be released only in the manner provided in Section 9 of this ordinance.

320. Sec. 3. Any person found herding any such stock aforesaid shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than five nor more than twenty-five dollars for each offense, said fine to be in addition to the fee for impounding the said stock.

321. Sec. 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DIV. 3.—CLEANING OF ALLEYS, ETC.

An Ordinance concerning the cleaning of alleys, vacant lots, cesspools, vaults and grease traps; prohibiting the accumulation of garbage, refuse and filth, and creating the office of city scavenger. Passed July 8, 1903.

- 322. Accumulations of night soil, etc., a nuisance.
- 323. Defining the author of a nuisance.
- 324. Penalty for failure to abate nuisance.
- 325. Office of City Scavengers. Duties.
- 326. Discontinued grease trap, etc., filled up.
- 327. License fee. Regulating removal of night soil, etc.
- 328. Regulating Scavenger's fees.
- 329. Bond of Scavengers.
- 330. Penalties.
- 331. Repealing section.

322. Section 1. That no night soil, grease trap, cess-pool matter, garbage, refuse or filth shall be deposited or buried, or allowed to accumulate, in or on any premises, alleys or vacant lots, within the limits of this city. That all accumulations of such matter, as aforesaid, shall be deemed a nuisance, and upon failure to remove the same shall be punished, as hereinafter provided.

323. Section 2. Any person who shall hereafter make or cause to be made or exist, or shall maintain, continue, increase or permit the same, whether as owner, lessee or agent of any premises or vacant lots, or as abutting owner, lessee or agent upon any alley, any nuisance specified in Section 1 hereof, shall be deemed the author of a nuisance.

324. Sec. 3. Every person who may hereafter become the author of a nuisance, as hereinbefore defined, shall abate or remedy the said nuisance within forty-eight hours after notice to do so by the City Marshal or Board of Health of this city, and a failure so to do by said author of the nuisance shall subject him or her to a fine of not less than five dollars, nor more than fifty dollars.

325. Sec. 4. That for the better carrying out of the provisions of this ordinance there is hereby created the office of City Scavenger, whose duties it shall be to take up and haul away all garbage, refuse, debris, waste, filth, night soil, grease

trap and cesspool matter, as said Scavenger may be directed by the City Marshal or Board of Health, or employed by any citizen, and the same shall be taken and dumped, burned or buried outside of the city limits. No other person shall engage in the hauling away of garbage, refuse, debris, filth, night soil, grease trap and cesspool matter, the cleaning of privy vaults, or other work commonly known as scavenger work, without first procuring a license therefor, as provided by Section 6 of this ordinance. Provided, however, that the provisions of this ordinance shall not prevent any citizen from using his own team or teams to remove from the premises owned or occupied by him, any refuse or such material as is herein mentioned; but this exception shall not apply to any removal of night soil, grease trap and cesspool matter, which shall only be removed in the manner hereinafter provided. (As amended June 23, 1904.)

326. Sec. 5. Whenever any grease trap, privy vault or cesspool is discontinued the same shall be cleaned to the bottom and filled up with earth or other suitable material, and such work must be under the supervision of the Board of Health.

327. Sec. 6. No person, firm or corporation shall engage in the occupation of City Scavenger without first having obtained a license therefor, which shall be of the sum of twenty-five dollars per year. The contents of any privy vault, grease traps and cesspools shall only be removed in an air-tight suction tank if soft and mixed with water, or in a sheet steel tight covered tank, if solid, or dry, in such a manner as shall prevent the escape of any noxious or offensive odors, and such removals shall only be made between the hours of eleven o'clock p. m. and five o'clock a. m. Any garbage, refuse and filth, except as otherwise provided in this section, may be removed at any time in wagons or carts suitable for said purpose.

328. Sec. 7. The maximum prices that any person shall charge for work done in pursuance of this ordinance shall be as follows, to wit: \$2.50 for each grease trap; \$4.00 per load of 500 gallons of cesspool or other soft matter; 15 cents per cubic foot for night soil or other solid matter, where vault or other place can be reached by apparatus, or the sum of 20 cents per cubic

foot where the same has to be carried to the tank wagon; 75 cents per cubic yard for garbage, refuse and filth; \$5.00 for opening and cleaning the bottom and sides of each cesspool, including disinfecting, deodorizing and putting the same in first-class condition; \$5.00 for removing any dead horse, cow or mule; 75 cents for removing each dead dog; 25 cents for removing each dead cat or fowl; \$3.00 for opening, making an inspection and recovering any cesspool when the same is not cleaned, and when same is cleaned, then such rate therefor shall govern. All carpenter work in connection with the cleaning of any closet or vault shall be done by the person or persons owning or having the same cleaned. (As amended December 10, 1903.)

329. Sec. 8. Any person applying for a license as City Scavenger, as herein defined, shall first execute to the City of Salida a bond in the sum of five hundred dollars, conditioned that said licensee will faithfully observe all ordinances and rules of the Board of Health adopted and to be adopted concerning his said office.

330. Sec. 9. Any person, co-partnership or corporation failing or refusing to comply with, or who violates, any of the provisions of this ordinance, shall, upon conviction thereof, be fined in a sum not less than five dollars nor more than fifty dollars.

331. Sec. 10. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

DIV. 4.—ASH PITS, ETC.

An Ordinance concerning nuisances. Passed December 10, 1903.

- 332. Ash pits and bins.
- 333. Boxes for manure.
- 334. Penalty.

332. Section 1. It shall be the duty of the owner of every building within this city, and of the agent having charge of the same, to furnish a close and secure brick, stone or metallic bin or receptacle for ashes, which shall be cleaned out by such owner or agent when the same is filled. And no ashes (except at manufacturing factories where ashes are used) shall be kept or deposited in any part of the city in anything other than such brick, stone or

metallic bin or receptacle, and no person shall throw, or permit any one in his or her employ to throw or deposit in any other place than such vault or receptacle any ashes whatever.

333. Sec. 2. No person or persons shall hereafter throw or deposit any manure in any alley, vacant lot, or other public place, but shall provide therefor a box or other receptacle where the same can be placed so that it can not be scattered by the wind or otherwise. Said box shall be emptied from time to time as it may become filled.

334. Sec. 3. Any person violating any of the provisions or failing to comply herewith shall be deemed the author of a nuisance, and shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars for each and every day the said nuisance remains unabated. And should such nuisance be abated at the expense of the city, all costs connected therewith may be collected as in other cases of abatement of nuisances.

DIV. 5.

An Ordinance concerning the abatement of nuisances. Passed December 10, 1903.

- 335. Expense of abatement may be recovered.
- 336. Marshal abate all nuisances.
- 337. Notice to owner, etc., of premises.
- 338. Officer report expense to Council. Suit.
- 339. Notice of hearing upon assessment.
- 340. Clerk certify assessment to county officers.
- 341. When this ordinance applicable.

335. Section 1. When ever any nuisance now or hereafter defined by ordinance or the general law of this State, be abated at the expense of the city, such expense may be recovered of the owner of any premises upon or contiguous to which such nuisance may be found, by suit, as in actions of debt, or such charge may be assessed upon such premises and collected as a special assessment in the manner and form hereinafter provided.

336. Sec. 2. For the purpose of carrying the foregoing provision, the ordinances of the city and the general law of the State referring to nuisances and the protection of the public

health, into effect, it shall be the duty of the City Marshal, except when otherwise provided, to ascertain and cause all nuisances declared to be such by the ordinances and laws aforesaid, to be abated; and said officer shall have the power at all times to enter any premises, out-houses, buildings, residences, store, stable or any building, and thoroughly examine the same, and cause all nuisances existing thereon to be abated.

337. Sec. 3. Notice may be served in writing upon the owner, occupant or agent of any lot, building or premises in or upon, or contiguous to which any nuisance, as defined by the ordinances of the city or general laws of the State, may be found, or upon him or her who may be the cause of or owner of any such nuisance, requiring him or her to abate the same within twenty-four hours after the service of such notice, except in such cases where a lesser or greater length of time is prescribed by ordinance for the abatement of such nuisances, which said period so prescribed shall govern; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of any such order within the time and manner specified, he or she shall be subject to the fines and penalties prescribed for the violation of such ordinance, and the officer serving the said notice shall proceed to abate the said nuisance. Whenever the owner, agent or occupant of any premises in or upon which any nuisance may be found, is unknown, cannot be found or is a non-resident of this city, the officer shall proceed to abate the same without notice.

338. Sec. 4. Whenever any nuisance be found on any premises or contiguous thereto, and abated under the provisions of this or any other ordinance, at the expense of the city, after or without notice, as herein provided, it shall be the duty of the officer abating the same to report in writing to the City Council the amount of such expense and a description of the premises in or upon or contiguous to which the same may have been found, the name of the owner or occupant, when known, and the manner of service of the notice upon him or her, if such service was made; and thereupon suit may be instituted in the name of the city against the owner or occupant of such premises for the

recovery of the expenses incurred in abating such nuisances, as in an action of debt; or the said expense may be assessed against said premises and collected as a special assessment.

339. Sec. 5. Upon filing of the report of the officer abating said nuisance, as set out in the foregoing section of this ordinance, if the City Council shall elect to collect the expense of such abatement by special assessment, the City Clerk shall immediately thereafter give the owner of such premises notice of such assessment by publication for a period of ten days in some newspaper published in Salida, notifying such owner to appear before the City Council at a regular meeting, to be therein named, that such property owner may be heard before said Council as to the justness and correctness of the amount so assessed; and the City Clerk shall mail a copy of such notice to the said owner, if he shall know his or her address.

340. Sec. 6. In case such owner shall fail to pay such assessment, or shall fail to appear and make objections, or shall fail to have his objections sustained by the Council, then the assessment so made shall be affirmed by the Council; and the amount so assessed shall, from the date of the confirmation of said assessment against the said lot or premises of said owner, and unless the same be paid within ten days after such hearing, it shall, together with ten per cent. penalty thereon and all expenses incident thereto, be certified by the City Clerk to the County Clerk of Chaffee County, or to the officer having the custody of the tax list at the time such certificate is made, in the same manner as the city taxes are certified to said officers, to be collected according to law.

341. Sec. 7. The procedure of collection of the expenses of abatement of nuisances by special assessment, as specified and set out in sections five and six of this ordinance, shall only be invoked and applicable to such nuisances as are detrimental to the public health, as pertain to the draining, filling, cleaning or purifying of any lot, place or premises, or to repair or removal of any unsafe building or structure.

CHAPTER XVIII.

NUMBERING BUILDINGS, ETC.

An Ordinance entitled "An Ordinance to regulate the numbering of houses and lots in the Town of Salida, Colorado; and to provide for the erection of sign posts and signs, bearing the names of certain streets of said town." Passed October 13, 1899.

- 342. All houses numbered.
- 343. How number ascertained.
- 344. How number placed.
- 345. Person authorized assign numbers.
- 346. Street, etc., committee may act.
- 347. Houses hereafter constructed.
- 348. Penalty for refusing to comply herewith.
- 349. Signs at street intersections.

342. Section 1. That it is hereby made the duty of all owners and occupants of houses and buildings situate in the corporate limits of the said town, to number the same within thirty days after being notified so to do by the Clerk and Recorder, in the manner hereinafter directed, and by securely fastening a metal plate or sign bearing the figures necessary to indicate the proper number of such house or building, over the front door thereof.

343. Sec. 2. That the proper number to be affixed to each of such houses and buildings shall be ascertained and determined in the following manner, viz.:

By beginning at that certain street, in said town, known as F street, and numbering all houses and buildings fronting upon streets running at right angles therewith in accordance with what is known as the decimal system, and by regularly increasing numbers, according to the distance from said F street, allowing one number to each twelve and one-half feet of space in each block, exclusive of alleys.

The numbers in each block shall begin with 101 and 102, 201 and 202, 301 and 302, etc., according to whether the same is the first, second or third, etc., block from said F street; and on all streets or avenues running northerly and southerly even numbers shall be placed on the west side, and on all streets and

avenues running easterly and westerly the even numbers shall be placed on the north side, the odd numbers alternating in each case shall be placed on the side of the street opposite to that on which the even numbers are to be placed, as aforesaid.

The houses and buildings situate upon said F street, and upon all other streets running parallel or nearly parallel therewith, shall be numbered by the same method and in the same manner, using that certain street in said town known as First street as a base or starting point.

All stairways, in business blocks, shall be numbered with half numbers, such as 150½, 250½, etc.

The number which, by proper computation and measurements, made in accordance with the foregoing provisions, falls to any house or building in the said town, shall thenceforth be and remain the proper and official number thereof.

344. Sec. 3. The figures used to indicate the number of each house or building in the said town, and to be placed upon the metal plates or signs mentioned in Section 1 hereof, shall each be at least three inches in height and so inscribed and placed as to be plainly visible from the street upon which the house or building bearing the number is situated.

345. Sec. 4. The Board of Trustees of the said town shall, by resolution, appoint some suitable person or persons to make the necessary measurements and computations, to assign each house or building its proper number or numbers, and, if so desired, to furnish the metal plate or sign, with the appropriate number inscribed thereon, as hereinbefore provided, at a cost of not exceeding twenty-five cents for each plate or sign so furnished; Provided, however, that if the owner or occupant of any house or building shall desire a more costly number therefor, the person or persons so appointed shall furnish the same at such increased price as may be agreed upon between him or them and such owner or occupant.

346. Sec. 5. The Street, Alley and Bridge Committee of said town is hereby authorized and directed to take any and all such steps and proceedings, and on behalf of the said town to make, enter into and execute any and all such contracts as may

be necessary or proper for the purpose of carrying into effect the provisions of this ordinance.

347. Sec. 6. Any and all houses and buildings which may be hereafter constructed in the said town shall be subject to the provisions of this ordinance, and numbered in the manner herein prescribed.

348. Sec. 7. Any person or persons being the owner or owners of any house or building in the said town, or occupying the same, who, after being notified as hereinbefore provided of the proper number thereof, shall, for thirty days thereafter, fail, neglect or refuse to number such house or building in conformity with the provisions of this ordinance, shall be subject to a penalty of five dollars and a further penalty of five dollars for every thirty days thereafter that he, she or they shall continue to fail, neglect or refuse to so number such said house or building, the said penalty, together with the costs of the proceeding, to be recovered by an appropriate action in the same manner as other fines and penalties incurred by reason of the violation of other ordinances of said town are recovered.

349. Sec. 8. That, within sixty days after the approval and publication of this ordinance, there shall be placed at the intersection of the following streets of said town, viz.: First and G streets, F and First streets, First and E streets, First and D streets, Second and F streets, Third and F streets, Fifth and F streets and Fifth and Teller streets and Park avenue, and at each of such intersections, at least two plain signs, which shall be placed diagonally across the street from each other, and shall bear the names of the streets so intersecting. Each of such signs shall indicate, by prefixing to the names of all streets crossing said F street, the word East or the word West—the direction in which said F street lies from such sign, and shall also indicate, by prefixing to the names of all streets crossing the said First street, the word North or the word South—the direction in which said First street lies from such sign. The names of such streets shall be plainly inscribed in letters and figures not less than three inches in height, upon the said signs, and the

signs themselves shall be placed upon substantial posts, or other suitable place, in such manner as to be easily read.

This ordinance shall take effect and be in force from and after the date of its publication.

CHAPTER XIX.

ORDINANCES.

An Ordinance concerning ordinances. Passed December 10, 1903.

- 350. Recording and publication of ordinances.
- 351. Ordinances signed and attested.
- 352. Saving clause.
- 353. Offenses under different sections, election.
- 354. Defining words and terms.
- 355. Definition of "misdemeanor."

350. Section 1. That all ordinances hereafter passed by the City Council shall, as soon as may be after their passage, be recorded by the City Clerk in a book kept for that purpose, denominated "Ordinance Book," and all ordinances of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published before and after passage in the manner provided by law in some newspaper, published within and of general circulation in this city, and due proof of such publication, by an affidavit of the printer or publisher of such paper, shall be provided by the City Clerk upon demand therefor, and attached to the ordinance or written or attached upon the face of the record of such ordinance; and such ordinances shall not take effect until the expiration of five days after they have been passed and published in accordance with law.

351. Sec. 2. All ordinances passed by the Council shall be signed by the Mayor or presiding officer, and shall be attested with the City Clerk's signature, with the seal of the city affixed thereto.

352. Sec. 3. Whenever an ordinance or any part thereof shall be repealed or modified by a subsequent ordinance, the ordinance or any part thereof, thus repealed or modified shall

continue in force until the final publication of the ordinance, repealing or modifying the same; but no suit, proceeding, right, fine or penalty, instituted, created, given, secured or accrued under any ordinance previous to its repeal, shall in any wise be effected, released or discharged by such repeal or modification.

353. Sec. 4. In all cases where the same offense may be punishable, or shall be created, by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but no more than one recovery shall be had against the same person for the same offense.

354. Sec. 5. When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall be construed to revive such former ordinance, clause or provision.

Sec. 6. Whenever any words are used importing the singular or plural number, they may be construed so that one number shall include both whenever such construction may be applicable; and words importing the masculine gender may be construed to apply to females whenever applicable. The word "person" shall include corporations, provided that these rules of construction shall not be applied to any ordinance that shall contain any express provisions excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

355. Sec. 7. The word "misdemeanor," whenever it occurs in the city ordinances, shall be construed to mean, and shall stand in lieu of, a violation of ordinance; and whenever a violation of ordinance is declared a misdemeanor, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than one dollar nor more than one hundred dollars.

CHAPTER XX.

PLUMBING.

An Ordinance concerning plumbing. Passed December 10, 1903.

356. Plumbers obtain license.
357. Only practical plumber licensed.
358. Drains.
359. Taps of cesspools.
360. Private houses requiring sewer.
361. Only licensed plumber do certain work.
362. Plumbing in old buildings.
363. Waste pipes.
364. Grease traps.
365. Construction of house drains.
366. Soil pipes.
367. Vent pipes.
368. Tests. Size and materials of waste pipes.
369. Traps.
370. Waste pipes from refrigerators, etc.
371. How water closets flushed.
372. Outside water closets.
373. Fixtures ten feet from main soil pipe.
374. Plumbing in old buildings.
375. Non-syphoning traps used, when.
376. Connections between iron and tile pipe.
377. Plumber give bond.
378. Plumber make sworn reports.
379. Penalty for non-compliance herewith.

356. Section 1. No person, firm or corporation shall carry on plumbing or drain-laying business without first obtaining a license from the City Council, and shall not allow his or their names to be used by any person, directly or indirectly, either to obtain a permit or permits to do any work under his or their bond.

357. Sec. 2. Every person, firm or corporation applying for a license shall give satisfactory evidence to the City Council that he is, or has constantly in their employ, a regular and practical plumber in every way qualified to do plumbing work in accordance with the requirements of this ordinance.

358. Sec. 3. All outside drains shall be formed of good, hard, sound, well-glazed stoneware whole-socket pipes. All connections of one line drain pipe with another shall be made with "Y" branches and one-eighth bends. All drains, where practicable, shall be laid at least three feet below surface of the ground, with a fall of not less than one-quarter inch to one foot, and as much more as possible, the pipes to be put together with great care. The interior of each length of pipe and the last joint inside are to be made perfectly smooth before the next length is laid.

359. Sec. 4. The top of cesspools shall not be less than one foot below ground, with the top securely closed with iron, stone, or heavy timber cover, and to be provided with a vent pipe of at least four inches in diameter, and to extend not less than ten feet above ground, such vent pipe to be of cast iron below ground.

360. Sec. 5. Where there are two, and not more than five, houses so situated as to require a private sewer, such sewer shall be not less than six inches in diameter.

361. Sec. 6. No person other than a licensed plumber will be allowed to do any work in connection with any sewer, soil, waste or service pipe in the City of Salida.

362. Sec. 7. Plumbing in old buildings shall be properly trapped and ventilated, according to this ordinance, before a connection be made to the sewer.

363. Sec. 8. Waste pipes from kitchen sinks, in any hotel or restaurant or other cooking establishment, and in every dwelling house, shall run separate to a grease trap in yard when practicable, and when not practicable, to put in a yard, a grease trap must be placed below each sink, and shall have a water jacket to keep grease in grease trap chilled. This section applies only to that section of the city covered by established sewer districts.

364. Sec. 9. Grease traps in yard to be vitrified, salt glazed earthenware. Grease traps for small buildings and dwelling houses to be not less than 18 inches in diameter and 36

inches in depth. Grease traps for hotels and restaurants to be not less than 24 inches in diameter and 48 inches in depth.

365. Sec. 10. That portion of house drains inside of the walls and underneath the buildings and for three feet outside the area or foundation walls, shall be constructed of cast-iron soil pipe and fittings. House drains shall be securely anchored to the walls, not less than five feet apart, and laid in trenches of uniform grade or suspended from the floor timbers by strong iron hangers. Drains and soil pipe shall have a uniform fall of not less than one-quarter inch to one foot towards the sewer or cess-pool. Changes in direction shall be made with "Y" branches and sanitary tees, and all drains to be accessible when practicable.

366. Sec. 11. Soil pipes receiving the discharge from one or more water closets shall be not less than four inches in diameter, to continue full size inside of buildings to the highest point of the roof, and to a height of not less than six inches above the ridge of the fire-wall when the roof is flat, and at least five feet above or ten feet away from any window or opening of the adjoining buildings. All vertical soil pipe shall be supported by pipe rests, at least one to each floor. Soil and vent pipes below rafters shall be supported by strong iron hangers. All joints shall be packed with picked oakum and run with moulten lead thoroughly caulked. Connections of lead pipes with drains shall be made with extra heavy brass ferule and properly wiped joints, and caulked to iron pipe.

367. Sec. 12. Vent pipes must not terminate in or lead through chimney flues, but shall be carried up inside of house and supported the same as soil pipes. All washout water closet traps shall be back-air vented with not less than two-inch pipe. The traps of all other fixtures shall be back-air vented with pipe of the same size as the waste pipe. Trap vents from two or more fixtures shall be connected at least one foot above the highest fixture. Vent pipes must be increased in size according to number of fixtures, at least one-quarter of an inch for each additional fixture. In small buildings and ordinary dwelling houses the back-air vents may be connected to the soil

pipe not less than five feet above the highest inlet. In no case shall the back-air vents be connected to soil pipes in buildings four or more stories high, but shall be run separately through the roof. All vent pipes shall be run as direct as possible, and 45-degree "L's" shall be used at all times when practicable. Galvanized wrought iron pipe, with galvanized fittings, extra heavy cast-iron soil pipe or lead pipe (weight not less than extra light), may be used for ventilation. Connections of lead pipe to wrought-iron pipe shall be made with combination brass ground couplings and wiped joints. When all lead vent is used, such vent shall have a trap screw soldered into it not more than six inches above the connection with the trap.

368. Sec. 13. The whole system of inside drains, soil, waste and vent pipes shall be tested by filling with water, or subjected to an air pressure of ten pounds. Waste pipes from all fixtures shall be of lead or cast iron, and of not less than the following sizes: Bath tubs, sinks, laundry tubs and urinals, one and one-half ($1\frac{1}{2}$) inches; slop sinks, two (2) inches; where two or more fixtures are connected to one waste pipe such pipe shall be correspondingly increased in size; lead waste pipe shall not be of less weight than the grade known as extra light.

369. Sec. 14. Each and every fixture having a waste pipe shall be separately and independently trapped with a water-sealing trap as near the fixture as practicable, and each trap shall be protected from syphonage and air pressure by a special vent pipe. Waste from bath tubs and wash trays shall be connected to a drum trap with trap screw not less than three inches in diameter; trap to be accessible. Everywhere practicable, the waste pipes from fixtures shall enter the soil pipe at a point beyond the lead bend.

370. Sec. 15. Waste pipes from refrigerators or other receptacles in which provisions are stored shall not be connected directly with the drainage system, but shall be arranged to waste into an open tray or sink in open sight below the refrigerator. This sink or tray may be connected with the drainage system when properly trapped with a drum trap and a roundway stop cock between drainage system and trap, and properly vented

as per rule for other traps. No sediment from boilers or drain tubes, from stop and waste cocks shall be connected directly with any waste or sewer. Drip or overflow pipes from safes under water closets or other fixtures, or from tanks or cisterns, shall in no case be connected directly with the drainage system, but shall be run to some place in open sight.

371. Sec. 16. Every water closet or group of water closets within a building shall be flushed from a separate tank or cistern, the flush pipe to be not less than one and one-quarter ($1\frac{1}{4}$) inches. All water closets shall be connected to lead bend with brass flanges.

372. Sec. 17. Outside water closets to be frost proof, with automatic tank flush. Trap and valve to be placed in vault below freezing and accessible for repairs. Vaults to be built of brick. No hopper, pan or plunger closets allowed inside of any building in Salida.

373. Sec. 18. All fixtures ten feet or more from the main soil pipe shall have waste or soil pipe continued through the roof and back-vented same as other fixtures.

374. Sec. 19. When plumbing or repairs of plumbing is required to be done in old buildings, or by reason of complaint from the Health Board, on account of sanitary defect or violation of ordinances, such plumbing or drainage shall be altered so as to comply in every respect with the provisions of this ordinance.

375. Sec. 20. When it is not practicable to run the back vent of any trap to the open air, a non-syphoning trap shall be used.

376. Sec. 21. The connection between iron and tile pipe, when iron pipe is smaller than the tile pipe, shall be made with cast-iron sewer cap and cement. In no case will tile drain pipe be allowed under or through any brick or stone wall or under the floor of any building.

377. Sec. 22. Every person, firm or corporation, applying for a license under the provisions of this ordinance, shall first execute a bond to the City of Salida, in the sum of one thousand dollars, conditioned that he will in all respects comply with the

provisions of this ordinance; that he will not use oppression or partiality in the execution of his duties as a licensed plumber; and that he will protect all openings and excavations in any street, alley or premises so that the same shall be safe for pedestrians and others, and that he will indemnify the City of Salida against all damages, loss and costs by reason of any failure or negligence of his in complying herewith. And no license shall be granted as aforesaid until such bond has been filed and approved by the City Council.

378. Sec. 23. Every licensed plumber shall make a monthly report to the City Council of the work done in pursuance of his occupation, which report shall show in substance the kind of work done, whether bath, closet or miscellaneous, the number of his permit therefor, for whom said work was done and the location thereof, and when the same was completed. Said reports shall be filed with the City Clerk at or before the first regular meeting of the City Council in the month succeeding that in which said work was done, as aforesaid, and shall be subscribed and sworn to before the City Clerk or other officer authorized by law to administer oaths.

379. Sec. 24. Any owner, agent, architect, plumber, superintendent, contractor or other person failing, neglecting, omitting, resisting or refusing to comply with any of the conditions, terms, regulations or requirements of this ordinance shall, upon conviction, be fined in a sum of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each offense, and each day's failure, neglect or refusal to comply with the provisions of this ordinance shall be deemed a separate and distinct offense, and shall be fined as in other cases.

CHAPTER XXI.

POLICE COURT.

An Ordinance concerning proceedings before the police magistrate for fines and penalties. Passed December 10, 1903.

380. Fines, etc., certain in amount, recoverable by suit.
381. Fines, etc., inure to city.
382. What suits begun by summons.
383. Filing of statement for violation of ordinance.
384. Form of summons.
385. When warrant shall issue.
386. No action dismissed for defect in form.
387. Magistrate enter cause in docket.
388. When person has been arrested without warrant.
389. Form of warrant.
390. Bail.
391. Defendant failing to appear.
392. Procedure to enforce penalty on bond.
393. When person be committed to jail.
394. Party failing to appear after being summoned.
395. Jury trial.
396. Defendant failing to pay fine.
397. Duties of Magistrate and Marshal.
398. When defendant is acquitted.
399. Disability of Magistrate.
400. Repealing section.

380. Section 1. That when any fine, forfeiture or penalty shall be unpaid for the breach of the provisions of any ordinance of this city, the same shall, when certain in amount, be recoverable by a suit before the Police Magistrate, by an action of in the nature of debt.

381. Sec. 2. All penalties, fines and forfeitures incurred for any infraction or breach of any ordinance of this city, shall inure to the benefit of the city, and shall be paid into the treasury thereof.

382. Sec. 3. That all proceedings for the collection of the money due from the violation of any ordinance and the same being fixed by ordinance so that the amount can not be increased or diminished at the discretion of the court or jury, shall be commenced by summons, returnable in not less than five nor

more than ten days; all other actions for the violation of any ordinance shall be commenced by warrant as hereinafter provided.

383. Sec. 4. Actions commenced by summons, as provided by Section 3 of this ordinance, may be commenced by filing a statement with the Police Magistrate, which may be in the following form: A. B. to the City of Salida, Dr. to Dollars, for on the day of 19...., for violation of Section of an ordinance of Salida, entitled "An ordinance....., published by authority (or passed, as the case may be) on the day of 19.....

.....
City Attorney,

or by any reputable citizen.

384. Sec. 5. Upon the filing of any such statement by the City Attorney, or any reputable citizen, the Police Magistrate shall issue a summons, which may be in the following form:

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.

The People of the State of Colorado, to the City Marshal of Salida, or to any Constable in said city, Greeting: You are hereby commanded to summon A. B. to be and appear before me, at my office in Salida, County and State aforesaid, on the day of 19...., at o'clock m., to answer to a certain complaint wherein the City of Salida is plaintiff, and defendant, for a demand of Dollars (\$.....), for the violation of Section of an ordinance of Salida, entitled "An ordinance published by authority (or passed....., and hereof make return, according to law. Given under my hand and official seal, this day of 19....

.....
Police Magistrate.

385. Sec. 6. If any creditable person shall, on oath, make complaint that any one has violated an ordinance of Salida, for

which a warrant shall issue as provided for in Section 3 of this ordinance, setting forth the title of this ordinance and the section thereof, and the date of the passage, it shall be lawful for the Police Magistrate to issue a warrant for the apprehension of the offender or offenders as herein provided.

386. Sec. 7. No action before the Police Magistrate shall be dismissed for any defect of form in the statement of complaint, if it substantially set forth the nature of the violation alleged, so as to give the defendant notice of the charge which he is required to answer, and such statement or complaint may include several persons charged with the same offense.

387. Sec. 8. Upon the filing of such statement or complaint, the Police Magistrate shall enter the case upon his docket in the usual manner required by law, and shall issue a summons, returnable as hereinbefore provided, or a warrant returnable forthwith, as the case may require.

388. Sec. 9. Whenever any person has been arrested on view or otherwise, according to law without a warrant, the Police Magistrate shall enter in his docket the fact of his or her arrest, and by whom made; and he shall also take from the officer making the arrest, an affidavit of the cause of arrest, and shall thereupon issue a warrant as provided in other cases.

389. Sec. 10. In case a complaint on oath shall be made as herein provided, and the Police Magistrate shall be of the opinion that a speedy hearing is necessary, to secure the punishment of the offender, he shall issue a warrant for the arrest of the offender, which may be in the following form:

STATE OF COLORADO, }
COUNTY OF CHAFFEE, } ss.
CITY OF SALIDA, }

The People of the State of Colorado, to the City Marshal of Salida, or to any Constable of said county, greeting:

Whereashas complained on oath before me that.....has violated Section.....of an ordinance of the City of Salida, entitled "An ordinance....., passed on the.....day of.....19...

Now, therefore, you are hereby commanded to take the body of.....and bring him forthwith before me to be dealt with according to law. Given under my hand and seal, at Salida, this.....day of.....19...
(Seal)

Police Magistrate.

390. Sec. 11. Any person arrested by virtue of a warrant, as hereinbefore provided, may be admitted to bail by executing a bond to the City of Salida, to be approved by the Police Magistrate, in double the amount of the highest penalty for the offense charged, conditioned that such person will appear on a day therein to be named, and not depart the court without leave, which bond shall be attested by the Police Magistrate and filed in his office, and an entry of the filing thereof shall be made in his docket; Provided, That in no case shall the penalty of such bond exceed three hundred dollars.

391. Sec. 12. If any defendant fails to appear, according to the conditions of the bond aforesaid, or, on appearance, shall depart the court without leave, the Police Magistrate may enter judgment against him for the penalty of the bond.

392. Sec. 13. Upon entering judgment, as provided in the foregoing section, it shall be the duty of the Police Magistrate to issue process in behalf of the City of Salida against the parties liable on said bond, requiring them to appear before him on the day to be mentioned therein and show cause, if any they have, why judgment should not be given against them and execution issued on said judgment; and any judgment entered up as aforesaid may be set aside by the Police Magistrate if the defendant shall personally appear before him at the time mentioned in the said process and show good cause for setting aside the judgment by affidavit of some creditable person; and it shall be lawful for the sureties in said bond to appear before the Police Magistrate at the time aforesaid and make the same defense that is allowed for the non-appearance of the principal, under the laws of this State in similar cases before justices of the peace.

393. Sec. 14. A party in custody, who can not be tried on account of the absence of witnesses or other causes, who can not give bail for his appearance, may be committed to the city jail or other place used by the city as a jail, not exceeding three days, and in such case the Police Magistrate shall deliver to the Marshal or other officer a commitment, stating the cause of the detention.

394. Sec. 15. When a defendant, duly summoned, fails to appear at the time the case is set for trial, the Police Magistrate shall hear and examine the testimony offered on the part of the City of Salida, and shall render judgment by default against the defendant for such an amount under the ordinance as the Police Magistrate may find to be due.

395. Sec. 16. In all cases before the Police Magistrate for any violation of the ordinances of this city, the defendant may demand a trial by a jury by paying the fees in advance for such jury; and if he shall be acquitted of the charges preferred against him, or if the jury shall disagree, he shall not recover from the city the fees so advanced. The jury shall consist of such number, receive such fees, and possess the same qualifications as is required by the general laws of this State in trials before Justices of the Peace. If the jury find the defendant guilty, they shall assess the penalty, except in cases where the penalty is specifically determined by ordinance.

396. Sec. 17. That upon rendition of judgment by the Police Magistrate of this city against any defendant for violation of any ordinance of this city, such judgment shall be entered of record in the Police Magistrate's docket, that the defendant pay a certain fine or penalty to the City of Salida, with costs of suit, and that if the defendant fail or refuse to pay such fine and costs he shall be committed to the city jail and such other and further action and proceedings shall be taken against him as is now provided by ordinance. And in all prosecutions under any ordinance any officer of the city shall be a competent witness.

397. Sec. 18. The Police Magistrate and City Marshal, in all matters pertaining to the duties of their respective offices

in judicial proceedings, and concerning which there is no special provision by ordinance of this city, they shall be governed by the laws pertaining to and regulating the practice and proceedings before Justice of the Peace Courts, so far as the same may be applicable.

398. Sec. 19. In all cases for fine or penalty, when the defendant shall be acquitted, the informer or prosecutor may, in the discretion of the Police Magistrate, be adjudged to pay the costs, if it appear to the satisfaction of the Police Magistrate that the prosecution was instituted vexatiously, maliciously or without reasonable cause.

399. Sec. 20. In the absence or disability of the Police Magistrate to serve, any Justice of the Peace within the city shall have power to hear, try and determine all cases in the same manner as the Police Magistrate would if present.

400. Sec. 21. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CHAPTER XXII.

POLICE DEPARTMENT.

An Ordinance establishing and regulating the police department. Passed December 10, 1903.

- 401. Police Department.
- 402. Mayor head of department.
- 403. Official term of police officers.
- 404. Mayor, etc., conservators of peace.
- 405. Marshal chief of police.
- 406. Duty of police officers.
- 407. Negligence, fraud, etc., of police officers.
- 408. See that licenses are taken out.
- 409. Qualifications of officers. Oath and bond.
- 410. Resisting officer.
- 411. Uniform of officers.
- 412. Repealing section.

401. Section 1. That there be and is hereby established a Police Department of Salida, and such police officers as may be appointed from time to time by the City Council.

402. Sec. 2. The Mayor of the city shall be the head of the Police Department and shall superintend and direct the police generally; see that the members of the department are prompt and faithful in the discharge of their duties, and from time to time, take such measures as he may deem expedient for the preservation of peace and good order, and enforcement of the ordinances of this city; he shall have the power to appoint special police officers, or to fill vacancies that may happen in the Police Department until such appointment can be reported to the City Council, which shall then confirm or reject the said appointment.

403. Sec. 3. The police officers and patrolmen shall hold their offices for the time specified in the order making the appointment, provided that no police officer shall hold his office for a longer term under an appointment than one year, or until his successor has been elected and qualified; and, provided further, that they may be removed at any time by the City Council.

404. Sec. 4. The Mayor, members of the City Council, Marshal and police officers of Salida, as conservators of the peace, shall have the power to arrest or cause to be arrested, with or without process, and take before the Police Magistrate, all persons who shall break or threaten to break the peace, and he may commit such persons, or admit them to bail, as the case may require.

405. Sec. 5. The Marshal shall be the chief of the acting police, and all the police officers shall be in subordination to him, except in cases otherwise provided by ordinance. It shall be his duty to cause the public peace to be preserved, and to see that all the laws and ordinances are enforced; and whenever any violation thereof shall come to his knowledge or be reported to him, he shall cause the requisite complaint to be made, and see that the evidence is procured for the prosecution of the offender or offenders. And he shall perform such other duties as may be prescribed by general law or the ordinances of the city.

406. Sec. 6. It shall be the duty of the police officers to aid and assist the Marshal in the execution of the duties herein enjoined, and they shall have the power and authority in this

city to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for examination or trial or taken in execution for the commission of any crime or misdemeanor, or violation of any law or ordinance of this city; and while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all power and authority conferred on constables at common law, and by the laws of this State. They shall have the power to arrest, on view, any person found committing any violation of any ordinance and take such offender before the Police Magistrate for trial.

407. Sec. 7. Any police officer who shall neglect, or refuse to perform, any duty required of him by the ordinances of this city, or who shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, or wilful wrong or injustice, shall forfeit and pay a penalty not less than ten dollars nor more than one hundred dollars for each offense; and shall, in addition thereto, be removed at the discretion of the City Council from office.

408. Sec. 8. It shall be the duty of the Marshal and police officers to see that all persons liable to pay a city license take out their license as provided by the city ordinances.

409. Sec. 9. Every person appointed as a police officer shall be, at the time of his appointment, a citizen of the United States and a qualified voter in Salida, and, previous to exercising any function of his office, shall, before some person legally authorized to administer the same, take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office according to the best of his knowledge and ability, and shall file such oath or affirmation with the City Clerk. He shall also enter into a bond in the sum of five hundred dollars to the City of Salida, conditioned that he will faithfully and impartially discharge the duties of his office, which said bond shall be signed by some standard surety company as surety thereon.

410. Sec. 10. Whoever, in this city, shall resist any police officer in the discharge of his duty, or shall in any way interfere

with or prevent him from discharging his duty as such officer, or shall offer or endeavor so to do, and whoever shall, in any manner, assist any person in custody of any police officer to escape, or attempt, or rescue any persons so in custody, shall be fined not less than five dollars nor more than one hundred dollars.

411. Sec. 11. Every member of the police force of this city, not special, shall furnish himself with such uniform and badge of office as shall be prescribed by the City Council, and wear the same while on duty.

412. Sec. 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

CHAPTER XXIII.

POLL TAX.

An Ordinance concerning poll tax and the collection thereof. Passed June 1, 1903.

413. Providing for poll tax of two dollars.

414. Street Supervisor certify list of those liable therefor.

415. Notify those assessed.

416. Failure of citizen to pay or work. Suit.

417. Poll tax fund.

418. Repealing section.

413. Section 1. There shall be levied and collected for each fiscal year, in manner hereinafter provided, for each able-bodied male citizen, of the City of Salida, between the age of twenty-one and fifty years, who is not by law exempted from the same, a poll tax of two dollars; provided, such citizen may, at his election, labor one day in lieu thereof on the streets or alleys of said city under the superintendence of the City Street Supervisor.

414. Sec. 2. The City Street Supervisor shall, between April 15th and July 15th of each year, make out and certify to the City Council a complete list of all citizens liable to pay a poll tax, under the provisions of this ordinance; and thereupon the City Council shall at once assess and levy said poll tax upon each able-bodied citizen so reported by the Street Supervisor, and

direct the City Clerk to make out an assessment roll of such tax in duplicate, the Clerk to retain one and to deliver the other to the Street Supervisor.

415. Sec. 3. As soon as the Street Supervisor shall receive said copy of said assessment roll he shall forthwith notify each person so assessed, by written or printed notice deposited in the postoffice or by personal delivery thereof, to pay his poll tax, within fifteen days from the date of service of said notice, to the City Treasurer of said city, who is hereby authorized to receive and receipt for said poll tax, or in lieu thereof, to notify the Street Supervisor of his intention to perform labor on the streets of said city for one day, in payment of said tax, and the Street Supervisor shall thereupon give the said citizen notice of the time and place he shall appear and perform such labor.

416. Sec. 4. In case any citizen shall, on or after the expiration of the fifteen days mentioned in Section 3 hereof, neglect or refuse to pay said tax or perform labor in lieu thereof, the fact of such neglect or refusal shall be certified by the Street Supervisor to the Police Magistrate; and thereupon an action of debit for the said tax may be begun in the court of the said Police Magistrate, with the costs of said action to be assessed against the defeated party thereto; and execution and other process may issue to enforce said judgment.

417. Sec. 5. All moneys paid in under this ordinance to the City Treasurer shall be credited to the "Poll Tax Fund," and shall be used in street, alley and park improvements in said city.

418. Sec. 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CHAPTER XXIV.

RAILROADS.

An Ordinance regulating railroads in the city limits. Passed December 10, 1903.

419. Speed of locomotives, etc., in city limits.

420. Engineer give warning, crossings.

421. Obstructing street or highway.

422. Penalties.

419. Section 1. No person or persons, or person or persons in the employ of any railroad company or corporation, shall

move, propel or cause to be moved, propelled or driven, any railroad car or locomotive engine by means of steam or other power, on any portion of the railroad of said person or persons, company or corporation, laid through the city, at a rate of speed exceeding six miles per hour.

420. Sec. 2. Any engineer or other person in charge of any locomotive engine within this city, on approaching any public crossing, street or highway, shall ring, or cause to be rung, a bell to warn all persons of the approach of such locomotive engine, and shall continue to ring such bell or cause the same to be rung, until such locomotive engine and train of cars shall have cleared such crossing.

421. Sec. 3. No person or persons, nor any person or persons in the employ of any railroad company or corporation, shall either wholly or partially obstruct the free passage of any street or public highway within the limits of this city by means of any railroad car or cars, or locomotive engine, nor permit the same to remain in or upon any street or public highway across which said railroad may be constructed or operated exceeding five minutes at any one time.

422. Sec. 4. Whoever shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars.

CHAPTER XXV.

SIDEWALKS, STREETS AND PUBLIC GROUNDS.

DIV. 1.—BUILDING OF SIDEWALKS.

An Ordinance relating to sidewalks. Failure to build or repair. Procedure.
Passed September 20, 1901.

- 423. District for nine foot walks. Material.
- 424. District for five foot walks. Material.
- 425. Manner of notifying owner to build, etc.
- 426. Notice of hearing on charges.
- 427. Certification of charges to tax officers.
- 428. Repealing section.

423. Section 1. That all sidewalks hereafter constructed in front of any lot or lots in any block fronting on the following

streets, viz.: F street, from the Arkansas River to Third street; E street, from Front street to Second street; G street, from Front street to Third street; Front street, from G street to E street; First street, from E street to G street, and Second street, from E street to G street, or in such districts as may hereafter be established, shall be of the width of nine feet, and shall be constructed of first quality flagging stone or of cement, all so laid and constructed as to make a smooth and uniform surface. Said flag stone shall be at least three inches in thickness, and shall be four (4) and five (5) feet flagging or four and one-half ($4\frac{1}{2}$) feet in the other dimensions; said cement walks shall be constructed in the following manner, to wit: The base thereof shall be at least six (6) inches thick, and shall be composed of seven parts concrete and one part cement, all to be thoroughly mixed and well tamped; the surface shall be composed of one part cement and two parts sand, and shall be at least one (1) inch in thickness above the base material. Said surface so constructed shall be covered to an eighth ($\frac{1}{8}$) of an inch with pure cement, which shall be well trowelled into said surface; all to be divided into blocks four and one-half ($4\frac{1}{2}$) feet square; all to be of good material, laid in a good, workmanlike manner, and shall conform to the established grade of said street. (As amended June 25, 1902.

424. Sec. 2. That all sidewalks hereafter constructed outside the limits prescribed in Section 1 hereof, shall be so constructed in the following manner, to wit: They shall be of the width of five feet, and shall be constructed of cement and laid one foot from the property line of the abutting property owner. The constituent materials of said walk shall be as follows: The base thereof shall be seven parts gravel, of not over two and a half inches in size, to 1 part of cement, and said base shall be four inches in thickness; the top thereof shall be one part sand and one part cement, and shall be one inch in thickness on said base. Said walk shall be laid in a good workmanlike manner, in accordance with the specifications therefor on file with the City Clerk, and shall be divided on the surface thereof into blocks not over five feet square. Before any person, firm

or corporation shall lay any sidewalk in accordance with Sections 1 and 2 of this ordinance, they shall first obtain a permit from the City Clerk for such walk, and shall obtain from the City Engineer the grade therefor. All walks specified in Section 1 of this ordinance shall be bounded by a good and sufficient curbing of stone or cement, as the adjacent walk may be, in accordance with specifications to be furnished by the City Clerk. (As amended June 1, 1903.)

425. Sec. 3. That whenever the Board of Trustees shall, by ordinance, resolution or otherwise, decide it necessary to have extended, built or repaired, any sidewalk, and shall so order the same to be so extended, built or repaired, the same shall be constructed in the manner and form provided in Sections 1 and 2 hereof; and it shall be the duty of the Town Marshal to give the owner or owners of such lot or lots in front of which such sidewalk is to be extended, built or repaired, 15 days' notice in writing to make such improvement. At the expiration of said 15 days, if such sidewalk shall not have been put down or work commenced thereon, according to the provisions of Sections 1 and 2 hereof, by the said owner or owners thereof, then the Street and Water Commissioner of said town shall make such improvements at the expense of the owner or owners of said lot or lots; and the same shall be a charge, tax and lien upon said lot or lots in front of which said improvement is made.

426. Sec. 4. That whenever a sidewalk has been so constructed by the said town, the Clerk and Recorder of said town shall proceed to give such owner or owners 15 days' notice of such charge or charges, by publication thereof in some newspaper of general circulation published in said Town of Salida. Such notice shall specify the improvements made, the amount of charges therefor, and shall further specify a regular or special meeting of the Board of Trustees, when an opportunity will be given the said owner or owners to be heard before the said board, as to the justness and correctness of the amount so assessed.

427. Sec. 5. If the said charges shall not be paid by the said owner or owners within 30 days after such time of hear-

ing, then the Clerk and Recorder of said town shall certify the amount of said charges to the Clerk and Recorder of Chaffee County, or to such other officer then having charge and custody of the tax list, to be certified and collected by him as other taxes.

428. Sec. 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DIV. 2.—BOXES, ETC., ON WALKS.

An Ordinance concerning sidewalks. Passed July 5, 1895.

429. Rubbish, boxes, etc., on sidewalks. Penalty.
430. Repealing section.

429. Section 1. That any person or persons who shall put rubbish, boxes, boards, signs of whatever sort, or anything upon the public sidewalks of this town, or permit any such objects or things to remain on the sidewalks in front of their lots of [or] place of business, shall be deemed guilty of a misdemeanor, and, upon complaint being filed before the Police Magistrate of said town, and on conviction, be fined in a sum not less than five nor more than one hundred dollars and costs of prosecution of said suit.

430. Sec. 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

DIV. 3.—REMOVAL OF SNOW AND ICE.

An Ordinance regulating removal of snow and ice from sidewalks. Passed December 10 1903.

431. Removal of snow and ice from sidewalks.
432. Penalty.

431. Section 1. That the tenants or occupants, or if unoccupied, the owners or agents, of all real property within the fire limits of the City of Salida, as now existing or hereafter established, and of all other real property within the corporate limits of the city, from or along which sidewalks are or shall be constructed, shall within four hours (from 8 o'clock p. m. to 6 o'clock a. m. of each day excepted) after any fall of snow, cause the same, and ice which may have formed, to be removed from

the sidewalk or space for sidewalk fronting or along such property into the gutters and street, but not into the center of the street so as to interfere with the passage of vehicles more than can be avoided, and so as not to obstruct any street crossing.

432. Sec. 2. Any person or persons failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than five dollars and not more than one hundred dollars for each offense.

DIV. 4.—SIGNS ON STREETS AND WALKS.

An Ordinance concerning advertising signs. Passed December 10, 1903.

433. Manner of placing signs.

434. Penalty.

435. Repealing section.

433. Section 1. That hereafter, it shall be unlawful for any person, firm or corporation to place or maintain any advertising sign or placard upon any of the streets or sidewalks, or upon any post set in or at the outer edge of any sidewalk, or upon any pole maintained by any telegraph, telephone or electric light company, in the said City of Salida; but said advertising sign or placard may be maintained in the following manner, and in no other, to wit: the same shall be placed adjacent to the building at least eight feet above the sidewalk and may project three feet over said sidewalk.

434. Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five dollars nor more than fifty dollars for each day any advertising sign or placard is maintained, contrary to the provisions of this ordinance.

435. Sec. 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CHAPTER XXVI.

WATER WORKS.

An Ordinance concerning water works. Passed December 10, 1903.

436. Permit to tap city water mains.
437. Work done by licensed plumber.
438. Permit, plumber's authority.
439. Permit to extend service pipes.
440. How work done.
441. Character of street stop.
442. Pipes and fixtures kept in good condition.
443. Stop-cock at sidewalk.
444. Service pipes for different parties.
445. Licenses, license period, etc.
446. What license contain.
447. No license issued for more than one purpose.
448. Different kinds of business in one room.
449. When water used for other purposes.
450. Use of water after license period.
451. Persons turning on water after stopped off.
452. Regulations as to use of water.
453. Using water without license.
454. Throwing any substance into reservoir, etc.
455. Throwing any substance into stream, etc.
456. Bathing, etc., in water supply, etc.
457. Injuring, etc., any appurtenances.
458. Use of fire plugs.
459. Shutting off water for repairs.
460. Time and hours for sprinkling lawns.
461. Penalty for misdemeanors.
462. Rates for use of water.
463. Rates paid personally by owners.
464. Clerk notified when use discontinued.
465. Repealing section.

436. Section 1. For any of the uses specified in this ordinance, an application may be made to the City Clerk for a permit to have tapped the street mains forming a part of the city water works. Said application for a tap permit shall be accompanied by a fee of four dollars, of which amount the plumber licensed to do such work shall receive a fee of three and $35/100$ dollars for making the tap upon the mains. If granted, the permit shall

be signed by the City Clerk, and shall set forth the following facts, viz.: name of applicant; number of lot and block where water is to be used; the street, the size of the corporation cock; the location of the stop box; the number and character of the fixtures to be supplied, and the contemplated use of the water thereby. And such officer shall keep a record of all permits in a book kept for that purpose in his office, which record shall set forth the substance of every such permit.

437. Sec. 2. All such taps upon the water mains of this city, and all work and plumbing done in connection therewith, shall be done by a licensed plumber of this city. Provided, however, that the work of excavation may be done by any person or persons.

438. Sec. 3. The permit hereinbefore mentioned shall be the plumber's authority for doing the work specified therein; and under such permit no person but a licensed plumber shall do any work connected with the distribution of water from the mains, and all work undertaken through any such permit shall be done with reasonable dispatch.

439. Sec. 4. Any person proposing to extend his service pipes for the supply of any other rooms or tenants, or for any other purposes than those for which he or others shall have a license shall, before so doing, obtain a further permit in the manner aforesaid, said permit to be free of charge. Provided, That no such permit shall be required of any person to make further extension upon his premises when any such further extension shall not be for a larger use of the water than the terms of the existing license. But such last, further extension shall be forthwith reported by such person to the City Clerk.

440. Sec. 5. All service pipes and their fixtures connected with the street mains shall be of good and substantial material, well and substantially made, and the laying of such pipes and all the work done in so conducting water from the mains shall be done in a skillful and workmanlike manner. And such service pipes shall be laid under four feet of cover of ground.

441. Sec. 6. No corporation cock inserted in the street mains for the purpose of connection with the service pipes shall

have an orifice of a greater diameter than three-fourths of an inch. Every such cock shall be of brass, and such service shall be connected with such stop by heavy lead pipe.

442. Sec. 7. The owner or lessee of any premises to which any water shall be thus conducted, shall keep *all* pipes and their fixtures from the street mains to his and on said premises, tight, so as to prevent waste of water, and upon any such waste resulting from a breakage of such pipes or fixtures or any imperfection of such pipes or fixtures, shall forthwith stop such by repairing effectually the old work or laying new work. On a non-compliance of any such owner or lessee, the Street Supervisor or other officer may disconnect such service pipes from the mains and close the orifice in the mains through which water shall have been transmitted to such service pipes.

443. Sec. 8. The owner or lessee of any service pipes shall keep, or cause to be kept, at the inside curb line of the sidewalk, a stop-cock with iron box cover in connection with such pipes. Such stop-cock shall be kept in good condition, so that the inspector or his employees shall be able to shut off the water from such service pipes at any time.

444. Sec. 9. Persons occupying different premises may join in obtaining a permit for a single service pipe for such premises. Such permit being granted, a single service pipe may be laid therefor, but such service pipe must be provided with separate and distinct stop-cocks, for each and every of the premises. Provided, That a person may, under his license, take water from any hydrant not connected with his premises, on the consent of the person having control of any such hydrant.

445. Sec. 10. When not otherwise provided, a license for the use of water from the water works of the city shall be issued for a period of three months, six months, or of a year, as the applicant may request. The regular periods for the commencing and ending of licenses shall be the 1st day of September, the 1st day of December, the 1st day of March and the 1st day of June of each year. Each license shall be dated as of the day of its issue and the rents thereon shall be paid in advance; Provided, That if any license shall be issued in any period of

time between said regular dates said license for its term shall end with the next ensuing regular day of the commencement of license, or also embrace one or more of the quarterly, semi-annual or annual periods of time, the whole term of such license not to exceed one year. Any license for a less period of one year, shall be at a rate corresponding to that of a year in ratio of time.

446. Sec. 11. Every such license shall likewise contain the name of the licensee, the price paid therefor, the location, the purpose and length of time for which it shall be granted, when granted, and the time of the expiration thereof, and the same shall be signed by the Mayor and attested by the City Clerk.

447. Sec. 12. When not otherwise provided in this ordinance no single license shall be issued for more than one purpose, nor for the use of families in connection with other objects of license.

448. Sec. 13. When several kinds of business are carried on in the same room or rooms, for the use of water in each of which kind of business rents are required by this ordinance, a license must be issued for each kind of business when not otherwise provided.

449. Sec. 14. If a license shall be issued for the use of water from any hydrant, and after such license shall have been issued and during the term for which it shall have been issued, the City Clerk shall become satisfied that the water from such hydrant shall have been used for purposes not contemplated by the license issued, the City Clerk may require the person to whom such license shall have been issued to take out license for the use of the water for the purpose for which the City Clerk shall believe such water to be actually used. In default of a person taking out a license as required in this section, said City Clerk is authorized to revoke the existing license of such person, and stop off the water from such hydrant; but in such case a ratable portion of the sum paid for such license shall be refunded.

450. Sec. 15. If, after the expiration of a person's license, he shall continue to use water from his hydrant without further license, the water shall be stopped off in the manner stated in the last preceding section.

451. Sec. 16. Whenever the water shall be stopped off, as stated in the last two preceding sections, and the same shall be let on again without permission of the City Clerk, said Clerk shall immediately cause the service pipes to be disconnected from the mains, as in other cases. Any person using water from any hydrant or pipes after the same have been stopped off as provided in this ordinance, shall be deemed guilty of a misdemeanor.

452. Sec. 17. Whoever shall have a water license and shall use, or suffer to be used, the water from the hydrant designated in his license, for any other purpose than that specified therein, or shall suffer any person not having a license to use water from such hydrant, without informing the City Clerk of such use, or shall permit any unnecessary waste therefrom, or shall cause or negligently suffer or permit the water to run from such hydrant without being used, shall be deemed guilty of a misdemeanor.

453. Sec. 18. Whoever shall, by himself, by any of his family, or any of his agents or servants, use the water from any part of the water works without a license, or shall, without lawful authority, open any fire plug, stop-cock, valve or other fixture appertaining to said works, or shall let or shut off water into or from any pipe, without lawful authority, shall be deemed guilty of a misdemeanor.

454. Sec. 19. Whoever shall throw or cast any substance into any reservoir, stream, trench, pipe or drain, used in and necessary for the construction, maintenance and operation of such water works, and which substance shall tend to fill up such reservoir, or to fill up or obstruct the flow of water in any such stream, trench, pipe or drain, or shall throw or cast into any such place any such filthy or other substance that shall tend to pollute the water therein, shall be deemed guilty of a misdemeanor.

455. Sec. 20. Any person who shall throw or cast into the stream or source from which such water is taken, for five miles above the point from which it is taken, any filthy or other substance that shall tend to pollute the water therein, shall be deemed guilty of a misdemeanor.

456. Sec. 21. Any person who shall bathe or swim in, or bathe any animal, or cause any animal to enter into or swim in any water specified in the two preceding sections, shall be deemed guilty of a misdemeanor.

457. Sec. 22. Whoever shall injure, or deface, or impair any part or appurtenances of the water-mains, otherwise than indicated in the preceding section, shall be deemed guilty of a misdemeanor.

458. Sec. 23. No water shall be used from the fire plugs except for the extinguishment of fires, and by regularly constituted fire companies for the purpose of cleaning, washing or testing their engines, or other apparatus, and such use shall be free of charge; Provided, That the street supervisor or other proper officer may let water therefrom when necessary for testing the condition of the water works, for purifying the water, the repairing of such works, or the watering of trees in extreme need.

459. Sec. 24. The City Council shall have the right to cause the water to be shut off from the street mains when they deem it necessary for repairing the mains or water works, making connections or extensions to the same, or for the purpose of cleaning the same. But no licensed plumber shall shut off the water from the city mains, or any part thereof, to make a tap thereon. And it shall be the duty of every licensed plumber to keep the water shut off from all connections made by him until the person for whom said work was done shall exhibit a license from the City Clerk for the use of the water.

460. Sec. 25. That hereafter, between the 1st day of May and the 1st day of October in each year, it shall be unlawful for any person to use any hydrant or spraying or sprinkling device for sprinkling or irrigating any lawn, yard, garden or other property in this city between the hours of 9 o'clock a. m. and

5 o'clock p. m., and 9 o'clock p. m. and 5 o'clock a. m.; and any person sprinkling at other hours than those named herein shall attach nothing on or to any hydrant or hose for sprinkling or irrigating purposes, other than what are known as lawn sprinklers. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and punished accordingly, and shall be subject to a revocation of his license to the use of the city water.

461. Sec. 26. Any person, upon conviction of any misdemeanor specified in this ordinance, or upon a conviction of a violation of any of the provisions of this ordinance, shall be fined in a sum not less than five dollars nor more than three hundred dollars, and shall pay all damages arising from any violation thereof.

462. Sec. 27. No license for the use of water shall be issued for a less period than three months, except that a license for the purpose of watering lawns, gardens and yards shall be issued for the whole period of irrigation during each year, and the sums to be charged for the use of said water per year to be paid in advance, quarterly payments, and said rates shall be as follows:

Family residence, 1 to 3 rooms.....	\$ 8.00
Family residence, 3 to 6 rooms.....	10.00
Family residence, each room over and above six.....	1.00
Boarding and lodging houses, 1 to 6 rooms.....	12.00
Boarding and lodging houses, each room over and above 6	1.00
Restaurants	20.00
Hotels, 10 rooms or less.....	24.00
Hotels, each room over and above 10.....	1.00
Bath tubs, public, each.....	10.00
Bath tubs, each, in lodging houses.....	5.00
Bath tubs, each in hotels.....	6.00
Barber shops, 2 chairs or less.....	8.00
Barber shops, each chair over and above 2.....	2.00
Saloons and liquor houses.....	15.00
Public fountains in streets or parks.....	Free
Public school buildings.....	Free

Laundries	80.00
Club rooms.....	12.00
Livery stables, 10 head horses, mules, or less.....	36.00
Livery stables, each head of horses or mules over 10.....	2.00
Printing offices.....	12.00
Meat markets.....	18.00
Photograph galleries.....	15.00
Hose for private stable.....	6.00
Bakeries, each oven.....	10.00
Water closets, in private houses, each basin.....	6.00
Water closets, in hotels, one basin.....	8.00
Water closets, in hotels, each basin over 1.....	4.00
Urinals, one basin.....	10.00
Urinals, each basin over 1.....	4.00
Water heaters.....	10.00
Steam boilers, each horse power.....	2.00
Bottling works.....	60.00
Motors, elevator.....	40.00
Motors, fan.....	10.00
Offices	6.00
Halls and lodge rooms.....	10.00
Theatres	10.00
D. & R. G. Hospital, all purposes.....	200.00
All other places of business not herein mentioned.....	10.00
Fountains, private, $\frac{1}{8}$ -inch orifice.....	20.00
Fountains, private, $\frac{1}{4}$ -inch orifice.....	40.00
Fountains, private, $\frac{3}{8}$ -inch orifice.....	60.00
Fountains, private, $\frac{1}{2}$ -inch orifice.....	80.00
Aquariums	20.00
Edison Electric Light Company.....	300.00
Irrigation and watering of lawns, gardens and yards, for each front foot of ground, the hose or lawn sprinkler not to have a larger orifice than $\frac{3}{8}$ -inch.....	.05
Hydrants in yards, at edge of sidewalk, or at any other place shall be charged for and on the same basis as though the service pipes were laid from the mains to the residence, store or other tenement in which the said water is being used. And	

wherever a hydrant has been placed in any yard, or at any sidewalk line, or other place, the rate hereinbefore prescribed for lawns, gardens and yards, shall be collected in addition to that for other domestic uses.

463. Sec. 28. The rates and charges specified in Section 27 of this ordinance shall be paid personally by the owner or owners of the lots, lands or tenements against which the use of said water is about to be or has been assessed for the use and uses aforesaid; and all such water rents and assessments from the time each shall be due and chargeable shall become and remain a lien upon the lots, land or tenements until such rent or assessment shall be paid, and said water rents may be collected against any owner or owners, such action to be in the name of the City of Salida, in any court having jurisdiction in the premises, and to be prosecuted as an action at law personally against said owner or owners, or by a suit in equity for the enforcement of said lien.

464. Sec. 29. Whenever any building or premises into which the city water has been introduced by service pipes or otherwise shall be vacated, it shall be the duty of the owner or owners, or agent of such owner or owners, to notify the City Clerk or other proper officer of such fact, so that the water may be shut off; and all such buildings and premises shall be deemed to be occupied and water rents collected thereon, unless such notice shall have been given.

465. Sec. 30. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE

Adopting the book of ordinances.

Be it ordained by the City Council of the City of Salida, Colorado:

Section 1. The foregoing ordinances of the City of Salida, in the State of Colorado, revised and compiled by Albert R. Miller, City Attorney, together with the printed matter preceding said ordinances, and the index, have been printed, published and bound in book form by authority of the Corporation

of the City of Salida, in harmony with an act of the General Assembly of the State of Colorado, entitled "An Act in Relation to Municipal Corporations," approved April 4th, 1877.

Sec. 2. Said ordinances so contained in said book shall be known as the Compiled Ordinances of the City of Salida, Colorado, 1904. Said ordinances shall be received in evidence in all courts and places without further proof, in conformity to said Act.

Sec. 3. All ordinances and parts of ordinances of a general character, passed by the Board of Trustees of the Town of Salida, and the City Council of the City of Salida, saving and excepting the ordinances published and bound herewith by the authority aforesaid, as well as all ordinances or parts of ordinances of a special character, inconsistent with the provisions of said ordinances, so published and bound as aforesaid, are hereby repealed. Provided, that all rights acquired, and all suits, actions or proceedings pending or founded in point of time prior to the date hereof, shall and may be maintained and prosecuted, unaffected by any provisions of this ordinance.

Approved and adopted at a regular meeting of the City Council of the City of Salida, Colorado, this eighteenth day of January, 1904.

Attest:

F. H. DRONEY,
City Clerk.

FINLA McCLURE,
Mayor.

(Seal.)

I, F. H. Droney, Clerk of the City of Salida, Colo., hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of Salida, preceding its adoption, and was published in full in "The Salida Mail," a newspaper of general circulation, published in said City of Salida, ten days before its adoption by said City Council.

Witness my hand and official seal this eighteenth day of January, 1904.

(Seal.)

F. H. DRONEY,
City Clerk.

The first of these is the fact that the...

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