

*Daniel S. Hayes,*  
**CHARTER**

OF THE

**CITY OF NEWARK,**

WITH THE

**ORDINANCES AND BY-LAWS,**

PASSED BY THE

**COMMON COUNCIL.**

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*Printed by order of the Common Council, January 15th, 1838.*

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NEWARK:

PRINTED AT THE DAILY AND SENTINEL OFFICE,

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1838.

An Ordinance supplementary to a Law entitled "A Law for the appointment of a Street Commissioner and prescribing his duties," and for other purposes.

The Mayor and Common Council of the City of Newark, in Common Council convened, do ordain as follows :

Duty of Street Commissioner.

SEC. 1. It shall be the duty of the Street Commissioner to advertise for estimates, and to contract for paving and repairing streets; for the construction of roads; and in all cases where expenditures connected with the Street Commissioner's department are authorized by the Common Council, except cases requiring slight repairs.

Estimates to be submitted.

SEC. 2. It shall be the duty of the said Street Commissioner to submit all estimates received by him, to the Standing Committee on public streets and highways, previous to finishing any contracts.

To make inquiry and surveys in certain cases.

SEC. 3. It shall be the duty of the said Street Commissioner to inquire into the subject matter of all applications to the Common Council, in regulating, paving, or otherwise improving the streets or roads in the City of Newark, and to report to the Common Council the particular state of the circumstances of each case, and, if necessary, a survey or plan of the improvements thereby intended.

To execute ordinances and report violations.

SEC. 4. It shall be the duty of the said Street Commissioner to attend to the due execution of all the ordinances of the Common Council for the regulating, digging, filling, paving or repairing streets, roads, or common sewers, and to report to the Attorney of the corporation, all offenders against any or either of the provisions of this ordinance.

To recommend improvements, &c.

SEC. 5. It shall be the duty of the said Street Commissioner to take a general charge of viewing and determining, from time to time, whether any, and what improvements or repairs are necessary, and can be made to any of the streets or roads in the City of Newark, and to report the same to the Common Council, together with the best mode of doing the same.

To publish amount of assessment.

SEC. 6. It shall be the duty of the said Street Commissioner, on the completion of any assessment, the amount of which shall exceed twenty-five dollars, to give

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notice in the newspapers employed by the Corporation; that the same is complete, and will remain open at his office for the inspection of all concerned therein, twenty days, at the expiration of which it will be presented to the Common Council for confirmation.

Sec. 7. It shall be the duty of the Street Commissioner, on application being made to the Common Council, for any object or measure, the expense of which is, by law, directed to be assessed upon the property benefited, to give a like notice in the newspapers employed by the Corporation, of such application, requesting such as may object to such application, to present the same in writing, at the Street Commissioner's office, on or before the expiration of twenty days from the date of such notice.

Sec. 8. The said Street Commissioner, the Mayor, or any or either of the members of the Common Council, are hereby authorized to order any article or thing whatsoever, which may encumber or obstruct any street, wharf or pier, to be removed; and in case the same shall not be removed within twenty-four hours after notice to remove the same, then to order the same to be carted or removed to such suitable place as the said Street Commissioner shall direct.

Sec. 9. No street, the width whereof is less than forty feet, shall hereafter be accepted by the Common Council as a public street or highway; but the same may be termed an alley; and if used in common may be directed to be paved at the expense of the owner or owners thereof.

Sec. 10. It shall be the duty of the Standing Committee on public streets and highways, to examine the state of the roads, streets, avenues and highways, at least once in every month, and to give the Street Commissioner any and all such information as they may think necessary and proper, relative to the regulating and keeping the same in repair.

Sec. 11. No sidewalk, or any part of any sidewalk laid with brick or flagging, in any part of the city of Newark shall (after the same shall have been permanently laid, under the direction of the Street Commissioner,) be taken up or the brick or flagging removed therefrom for any purpose, other than for repairing the same, without permission of the Street Commissioner under the penalty of five dollars for every such offence.

To notify persons interested in improvements to make objections.

Obstructions in the highway may be removed.

[See § 12.]

Width of streets;

Alleys.

Duty of Standing Committee on streets.

Pavement not to be removed

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(see 18)

Articles re-  
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sold by  
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missioner.

To keep  
account.

Proviso.

Encroach-  
ments—  
Cellar  
doors.

Stoops, &c.

Sec. 12. Whenever any article or thing shall have been directed to be removed pursuant to the eighth section of this ordinance, and the same shall not be removed within the time limited in such order, notice, or direction, it shall be lawful for the Street Commissioner to order the same to be carted or transported to such suitable place as he may direct.

Sec. 13. All articles thus removed, shall be advertised and sold, and so much of the proceeds of such sale shall be retained by the Street Commissioner for the use of the city, as shall be sufficient to pay all forfeitures and penalties imposed by the laws of the city, and the expenses of such removal and sale, together with six cents per day for every cart load thereof, during the time the same shall have remained in such place as directed by the Street Commissioner, and the balance of any of the proceeds of such sale, shall be paid to such person or persons as shall exhibit satisfactory proof of the ownership of such articles sold as aforesaid; and the Street Commissioner shall keep a regular account of all such articles received and sold as aforesaid, and account with the auditing Committee for his receipts and disbursements: Provided, That if the owner or owners of such property so removed, shall, within twenty days from the time of such removal, pay to the Street Commissioner the amount of such penalties and expenses as aforesaid, together with the costs of removing, storing, and advertising, he or they shall thereupon be entitled to take back such property so removed.

Sec. 14. No person or persons shall construct or continue any cellar door which shall extend more than one twelfth part of any street, nor more than five feet into any street, under the penalty of five dollars for each offence, and one dollar per diem for every day it shall be continued after notice of such removal.

Sec. 15. No person or persons shall construct or continue any platform, stoop or step in any street, in the city of Newark, which shall extend more than one tenth part of the width of the street, nor more than seven feet, nor with any other than open backs or sides, or railing, nor of greater width than is necessary for the purpose of a convenient passage way into the house or building; nor any stoop or step which shall exceed five feet in height, under the penalty of five dollars, and one dollar per diem for every day such platform, stoop or

stop shall be continued and kept up after notice given to alter or remove the same.

Sec. 16. Nothing contained in the preceding sections of this Ordinance, shall be deemed to prohibit the continuation of any porches, doors, stoops, platforms or steps, which were heretofore erected, unless the same shall be complained of to the Common Council, and they shall have directed their removal or alteration within a reasonable time. Previous  
sections  
except  
&c.

Sec. 17. No posts shall be erected or put up in any of the streets, roads, lanes or highways in the city of Newark, unless under the direction of the Street Commissioner, under the penalty of one dollar for every such post. Posts.

Sec. 18. No person shall place, or fix, or continue in any street in this city, any awning post or railing, or any cloth or canvass for an awning, unless under the direction of the Street Commissioner, and made conformably to the succeeding section of this Ordinance, under the penalty of two dollars for each offence. Awning  
posts.

Sec. 19. All posts and rails fixed in any street, for the purpose of supporting any awning, shall be placed next to, and along the inside of the curb-stone and shall be seven feet in height above the side walks, including the rail on the top. Awning  
posts where  
placed.

Sec. 20. No portion or part of any cloth or canvass, used as an awning, shall hang loosely down from the same, over the side walk or foot path, under the penalty of one dollar for each day's offence. Awnings.

Sec. 21. No person shall lead, drive, or ride any horse, or lay or place any wood upon any foot path or side walk, previous to sawing it, and except while in the act of sawing, under the penalty of two dollars for each offence, and one dollar per diem for each day that such wood shall remain on any side walk aforesaid, after notice of removal to the owner thereof. Deposits of  
wood.

Sec. 22. No person shall obstruct the walks laid across the public streets, or at the head of the public slips in the city of Newark, by placing or stopping his horse, cart or other carriage upon or across any of the said walks, or by placing or putting any other obstruction or things across or on the same, under the penalty of two dollars for each offence. Obstructing  
cross walks.

Sec. 23. All vaults or cisterns shall be constructed of brick or stone, and the outward side of the grating or Vaults, &c.

opening into the street, shall be either within twelve inches of the coping of the area in front of the house to which such vault shall belong, under the penalty of twenty dollars, to be paid by the owner or person making or causing the same to be made.

Excavations  
to be lighted  
at night.

SEC. 24. Every owner or occupant of any house or lot of ground, within the line of buildings of the city of Newark, before which any vault, pit, hole, cistern or well, shall be made, shall, during the whole of every night while such vault, pit, hole, cistern, or well, shall be open or uncovered, cause a lighted lamp or lantern to be placed and kept at some convenient spot, so as to cast its light upon such vault, pit, hole, cistern or well, under the penalty of five dollars.

Time of  
completion  
of vaults.

SEC. 25. All vaults or cisterns shall be completed, and the ground closed over them, within four weeks after they are commenced, under the penalty of five dollars for every day thereafter during which the same shall remain unclosed, to be recovered from the owner or builder of the same, severally and respectively.

Areas of  
buildings  
and railings.

SEC. 26. No area in front of any building in the city of Newark, shall extend more than one-fifteenth part of the width of any street, nor in any case more than five feet, measuring from the inner wall of such area to the building; nor shall the railing of such area be placed more than six inches from the inside of the coping on the wall of such area, under the penalty of five dollars, to be recovered from the owner or builder thereof severally and respectively; and two dollars per diem for each day such encroachment shall remain after notice to remove the same.

Enclosure  
of areas

SEC. 27. Every area shall be enclosed with a railing the gates of which shall be so constructed as to open inwardly, under the penalty of five dollars for each offence, to be recovered from the owner or builder thereof severally and respectively; and one dollar per diem for each day any area shall remain unenclosed, in the manner provided in this section.

What shall  
be considered  
a vault.

SEC. 28. Every description of opening below the surface of the street in front of any shop, storehouse or other building, whether covered or open, shall be considered and held to be a vault or cistern within the meaning of this ordinance; and the master builder or owner, or person for whom the same shall be made or built, shall

be liable to the provisions, payments and penalties of this ordinance, severally and respectively.

Sec. 29. The last preceding section shall not be construed to refer to those openings which are used exclusively as places descending to the cellar floor of any building or buildings, by means of steps.

Sec. 30. No person shall drive, or back, or lead any horse attached to any cart, wagon or sled, or other wheel carriage, on the foot path or sidewalk of any street, under the penalty of one dollar for each offence. *Prohibition from driving on side walks.*

Sec. 31. No owner or occupant of any store or house, shall permit or suffer any cart, or other wheel carriage, to be driven or otherwise to pass or go over or upon the foot path or sidewalk, opposite to such house or store, for the purpose of loading or unloading such cart or other wheel carriage, or for any other purpose whatever, under the penalty of two dollars for each offence: Provided, That nothing in this section shall be construed so as to prevent any person having free access for carts, wagons, or other carriages in their employ, and for their horses and cattle, across the sidewalks in front of any gateway, alley, or passage leading to their premises. *Carriages not to back on side walks.*

Sec. 32. If any cartman or other person shall break or otherwise injure any foot path or sidewalk, he or they shall within twenty-four hours thereafter, cause the same to be well and sufficiently repaired and amended, under the penalty of five dollars. *Penalty for injuring pavement.*

Sec. 33. No person without the consent of the Street Commissioner shall take up, remove, or carry away, or cause to be taken up, removed, or carried away, any turf, stone, sand, clay, or earth, from any street or highway in the city of Newark, under the penalty of ten dollars for each offence. *No earth, &c. to be moved from streets.*

Sec. 34. No person shall remove, or cause or permit to be removed, or shall aid or assist in removing, any building into, along, or across any street, lane or alley, or public place in the city of Newark, except by permission of the Street Commissioner, under the penalty of ten dollars for every such offence. *Buildings not to be removed without permission.*

Sec. 35. No person shall remove, or cause, or procure, or suffer, or permit to be removed, or insecurely fixed so that the same can be moved in its bed, any grate or covering to the opening or aperture of any *Vault gates.*

vault in the city of Newark, under the penalty of five dollars.

Sec. 36.

The last preceding section shall not be construed to prevent the removal of such grate or covering, provided the aperture to such vault during the removal of such grate or covering, shall be enclosed with a strong box or curb at least twelve inches high.

Apertures to vaults when to be closed.

Sec. 37.

No person or persons shall suffer or permit the aperture or opening to any vault in the streets or sidewalks of this city to remain open for any period between one hour before sunset to sunrise the next morning, under the penalty of ten dollars.

Bars of grates.

Sec. 38.

All grates to vaults shall be made of iron, the bars whereof shall be three-fourths of an inch wide, and one-half of an inch thick, and not more than three-quarters of an inch apart, or such vaults shall be covered with Rockwell's patent vault lights, under the penalty of ten dollars, to be paid by the owner of the vault or the occupant of the house to which the same shall belong, severally and respectively.

Fast driving.

Sec. 39.

No person shall ride or drive any horse or horses in the city of Newark, with greater speed than at the rate of eight miles an hour, under the penalty of five dollars for each offence, to be recovered from the owner or driver thereof, severally and respectively.

Turning corners.

Sec. 40.

No person upon turning the corner of any street in the city of Newark, shall ride or drive any horse or horses otherwise than on a walk, under the penalty of five dollars for each offence, to be paid by the owner or driver thereof, severally and respectively.

Discharging gun, &c.

Sec. 41.

No person shall, within the Lamp and Watch District, fire or discharge any gun, pistol, cannon, or fowling piece, or other fire arms, (unless in defence of his person or property,) nor let off any squibs, crackers, or other fireworks, in the city of Newark, unless by permission of the city authorities, under the penalty of five dollars for every offence.

Booths.

Sec. 42.

No person or persons shall be permitted on public days, to erect, on any of the public grounds or streets of this city, any booth, shed, or other convenience, for the sale of any liquor, provisions, or other articles, nor to offer the same for sale from any wagon, cart, or vehicle stationed for the purpose, under the penalty of five dollars for each offence.

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Secs. 42. It shall be the duty of the Street Commissioner to enter into bond to the Mayor and Common Council of the City of Newark, in the sum of five thousand dollars, with good and sufficient security, for the faithful discharge of his duty.

Passed June 13, 1836.

**An ordinance to regulate the location of Slaughter Houses in the City of Newark.**

**BE IT ORDAINED**, by the Mayor and Common Council of the city of Newark, in Common Council convened, That no slaughter house or other building used or to be used for a slaughter house, be hereafter built, or any that is now built or standing, be suffered to remain, and used for a slaughter house, within the limits of the Lamp and Watch District, or within five hundred feet of any dwelling house now built within the boundary of the City,—and it shall be the duty of the Street Commissioner to give notice to all persons subject to the operation of this Ordinance, to comply with its requisitions—and all persons refusing or neglecting so to do, after having such notice sixty days from or after the passing of this Ordinance, shall be subject to a penalty of twenty-five dollars, and five dollars a day for every day thereafter failing to comply; to be collected by any person suing for the same in the name of the City Treasurer, for the use of the City, from the owners or occupants of such slaughter house or houses, before any Court having jurisdiction.

Passed June 13, 1836.

**An ordinance relative to grading and flagging the side walks in Broad Street, between the Morris Canal and Fair and William Streets.**

**BE IT ORDAINED**, by the Mayor and Common Council of the City of Newark, in Common Council convened, That the City Surveyor be directed to ascertain and fix the grade of the side-walks from the Morris Canal in Broad-street, southwardly along both sides of

Secs. 43  
Street Commissioner

Prohibited  
in lamp  
and watch  
districts.