

THE MUNICIPAL CODE
OF
BERLIN
COMPRISING THE
CHARTER
AND THE
GENERAL ORDINANCES
OF THE CITY
CODIFIED AND REVISED.

PUBLISHED BY AUTHORITY OF THE
COMMON COUNCIL

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AN ORDINANCE

For Revising and Consolodating the General Ordinances of the City of Berlin.

WHEREAS, It is expedient that the general ordinances of the city of Berlin should be consolidated and arranged in appropriate chapters, articles, and sections; that ommissions should be supplied and defects amended, and that the whole should be rendered plain, corcise and intelligible; Therefore,

The Mayor and the Common Council of the city of Berlin do ordain as follows:

CHAPTER I.—THE MAYOR.

SECTION 161. The Mayor shall keep his office at such place in the city, as may be provided by the Common Council. He shall sign all commissions and permits granted by the authority of the Common Council except as otherwise provided. And such other acts as by law or ordinance may require his certificate.

SEC. 162. The Mayor shall grant licenses for the purposes authorized by this ordinance to such persons as shall be duly qualified according to the ordinances of the Common Council, as he may deem proper, unless the Common Council shall otherwise designate, and may revoke the same at pleasure.

SEC. 163. The Mayor shall supervise the conduct of all the officers of the city, except judicial officers; examine the grounds of all reasonable complaint made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the Common Council for punishment.

CHAPTER II.—LEGISLATIVE DEPARTMENT.

ARTICLE I.—THE COMMON COUNCIL.

SECTION 164. Every committee of the Common Council in reporting upon a subject referred to them must attach to their report

cents per day for each and every day he shall labor as aforesaid to be applied in payment of such fine and costs, and when his allowance at that rate for such labor shall equal such fine and costs he shall be discharged.

SEC. 191. Any person imprisoned at hard labor, who shall refuse to perform the labor required of him by the Chief of Police, or who shall escape, or attempt to escape from such imprisonment, before he shall be lawfully discharged, shall pay a fine of not less than one dollar, nor more than one hundred dollars for each offense.

SEC. 192. Any person sentenced to imprisonment for failure to pay any fine and costs imposed upon him for a violation of any ordinance of the city, may be released before the end of his term of imprisonment, upon the written order of the Mayor to the Chief of Police, or person having charge of the city lock-up, directing such person to be released; and it shall be the duty of the person to whom such order shall have been given to forthwith file the same with the City Clerk to be laid before the Common Council, and the same shall be laid before such Council at the next meeting thereafter.

CHAPT R VI.—MISCELLANEOUS ORDINANCES.

ARTICLE I.—AUCTIONS AND AUCTIONEERS.

SECTION 193. No person shall sell any goods, wares, merchandise, or other thing whatever at auction in any place in this city (unless exempt from obtaining an auctioneer's license by the laws of this state) unless license therefor be first obtained by him from the Mayor, as hereinafter provided.

SEC. 194. Every person who may wish to obtain a license to sell any such goods, wares, or merchandise at auction shall apply in writing for the same, to the Mayor, setting forth therein, his proposed place of business, and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent, in writing, of the Mayor.

SEC. 195. License may be granted by the Mayor, to any person who shall apply to him therefor, to sell goods, wares, merchandise at auction, in this City, upon payment into the city treasury of the sum of ten dollars, for each day for which such license is granted, and the execution and delivery to the Mayor, of a bond, executed by such applicant and sureties, to be approved by the Mayor, conditioned for the payment by such applicant of the percentages on the gross amount of sales hereinafter mentioned, such applicant or licensee, shall, at the close of each day, make a full report of all sales made during said day, verified by his affidavit, and forthwith file the same with the City Clerk, and such licensee shall, in addition to the license fee paid

hundred feet of any building, and no person shall build any fire upon any lot or on any street and leave the same uncared for, under a penalty of three dollars for each offense.

SEC. 256. No pipe of any stove shall be put up in any house or other building in this City unless it is conducted into a chimney made of brick or stone, without first obtaining consent of the Fire Warden of the district in which said building is situated, nor shall any person at any time set fire to any chimney for the purpose of cleaning the same, without first obtaining the consent of the said Fire Warden. And it shall not be lawful to conduct any stovepipe through any partition, floor or wood-work of any building unless the same is securely fixed with stone or brick-work, or in place thereof a tin or earthen tube or safe, so called, or other metallic fixture; and any person offending against any provision of this section shall forfeit as a penalty the sum of three dollars, and the further penalty of three dollars for every twenty-four hours that the violation shall continue after having been notified by the Fire Warden of the proper district to discontinue such violation.

SEC. 257. Every chimney hereafter erected within the limits of the City of Berlin shall be plastered on the inside with lime and sand mortar at the time it is erected, under a penalty of twenty-five dollars, to be collected either of the person or persons for whom such chimney is built, or of the person or persons erecting the same.

ARTICLE VII.—FIRE ARMS, FIRE WORKS AND CANNONS.

SECTION 258. Any person who shall fire or discharge any gun, pistol, fowling piece, or other fire arm, within the limits of the City of Berlin except in the necessary defense of his person or property, shall pay a fine of not less than one dollar, nor more than ten dollars for each offense.

SEC. 259. Any person who shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm within this City, shall pay a fine of not less than five dollars, nor more than twenty-five dollars for each such offense.

SEC. 260. Any person who shall fire, discharge or set off within the limits of the City of Berlin, any rocket, cracker, torpedo, squib or other fire works or thing containing any substance of explosive nature, shall pay a fine of not less than one dollar nor more than ten dollars for each such offense. Provided that the Mayor may by proclamation permit the use of fire works on the Fourth day of July and on such other days as he may deem proper.

SEC. 261. Any person who shall discharge, or fire off any cannon, or piece of artillery in any street, or avenue, alley, park or place,

within the corporate limits of this City, without a written permission from the Mayor, shall pay a fine of not less than ten dollars, nor more than thirty dollars for each such offense.

ARTICLE VIII.—PARKS AND PUBLIC GROUNDS.

SECTION 262. Neither cattle, horses, goats, or swine or other animals shall be turned by any person into any of the parks of this City.

SEC. 263. All persons are forbidden to carry fire arms, or to throw stones or other missiles within anyone of the public parks of this City. All persons are forbidden to cut, break or in any way injure or deface the trees, shrubs, plants, turf or any building, fences, monuments or other constructions or property, within or upon, any of the parks of this City.

SEC. 264. No person shall expose any article for sale upon any of the said parks nor shall any hawking or peddling be permitted therein.

SEC. 265. No threatening, abusive, insulting or indecent language shall be allowed in any part of either of the said parks whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes, or play any game of chance at or with any table or instrument of gaming, nor to do any obscene or indecent act therein.

SEC. 266. No person other than employers shall light, make or use any fire therein.

SEC. 267. Any person who shall violate any, or either of the provisions of this article or any section or clause, or any provision of any section thereof, or who shall neglect, or fail, or refuse to comply with any or either of the requirements thereof, shall on conviction pay a fine of not less than five dollars nor more than thirty dollars.

ARTICLE IX.—STREETS.

SEC. 268. No person shall injure or tear up any pavement, side or cross walk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, alley, or public ground in the City of Berlin, without having first obtained permission from the Common Council, or unless done under lawful authority from the City of Berlin, under the penalty for each offense of not less than five dollars nor more than fifty dollars.

SEC. 269. Any person, company or corporation, who shall incumber or obstruct, or cause to be encumbered or obstructed any street, alley, public landing or other public place in said City, by placing therein or thereon, any building materials, or any article or thing whatsoever, without having first obtained written permission from the Mayor, shall be subject to a penalty of not less than five dollars, nor more than fifty dollars for each offense and further penalty of one dollar for each day such incumbrance or obstruction shall continue.

pay a fine of not less than five dollars and not more than thirty dollars for each offense; provided that the Mayor may, in his discretion, grant permits for such purpose, whenever the application for such permits shall be accompanied by the consent, in writing, of each and every person occupying the premises, in front of which it is proposed to locate under such permission, and provided further that any permit so granted may be revoked and annulled at any time by the Mayor, by notice thereof in writing given to the person to whom such permit is granted or any agent of such person who may at the time be acting under such permit

SEC. 530. Any person who shall make, aid, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace, in the streets or elsewhere in the City, and all persons who shall collect in bodies or crowd for unlawful purposes and for any purpose to the annoyance or disturbance of citizens or travelers, shall severally pay a fine of not less than one dollar nor more than one hundred dollars.

ARTICLE XXIX.

SEC. 531. All public or general ordinances, or parts thereof, not included in this ordinance, are hereby repealed, so far as they conflict, or are inconsistent with the provisions of this ordinance. Private or special ordinances, orders, and resolutions passed by the Common Council, are not repealed, unless repugnant to the provisions of this ordinance.

SEC. 532. This ordinance shall take effect and be in force from and after its passage, and publication.

Passed, adopted and approved this 4th day of June, A. D. 1890.

H. S. SACKET,

Mayor of the City of Berlin.

A. L. TUCKER,

City Clerk of the City of Berlin.