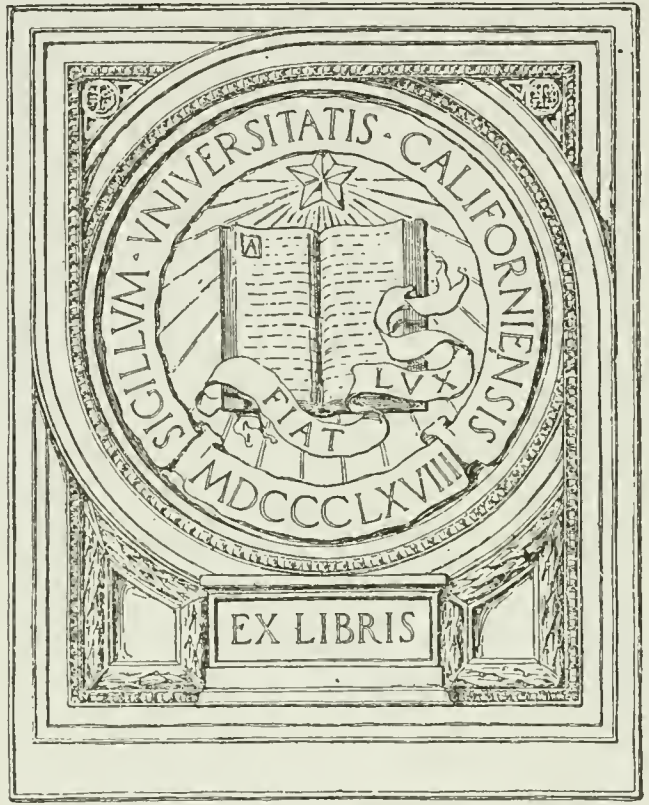


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Louisville Ordinances

1919

Compilation of General Ordinances

OF THE

CITY OF LOUISVILLE

*Including the Act for the Government of Cities of the First-
Class, Approved July 1, 1893, and Amendments Thereto,
Being the City Charter; With Notes of the Decisions
of the Court of Appeals, and Such Sections
of the State Constitution As Affect
Such City.*

*Published by Authority of a Resolution of the General Council of the City of Louisville,
Approved December 8, 1919, and compiled and annotated under
direction of the City Attorney, by
DAVIS W. EDWARDS
of the Law Department*

GEORGE WEISSINGER SMITH, Mayor.
JOSEPH S. LAWTON, City Attorney.

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Resolution of the General Council.

RESOLUTION APPROVING AND AUTHORIZING THE PUBLICATION OF THE NINETEEN HUNDRED AND NINETEEN COMPILATION OF THE ORDINANCES OF THE CITY OF LOUISVILLE, TOGETHER WITH OTHER MATTERS THEREIN MENTIONED, UNDER THE SUPERVISION OF THE CITY ATTORNEY.

Resolved by the General Council of the city of Louisville:

That the nineteen hundred and nineteen compilation of the General Ordinances of the city of Louisville, prepared by the City Attorney, and transmitted by him to the Mayor and General Council, be and the same is hereby approved; and the City Attorney is hereby authorized and directed to have printed and published, under his supervision, six hundred copies of said compilation of the General Ordinances, properly and suitably bound, which shall be delivered to the Comptroller for distribution to the city officials and others. The contract for said printing and binding is to be let by the City Buyer to the lowest and best bidder.

The City Attorney is further authorized and directed to include in said publication:

1. A list of the offices to be filled by election and appointment by the General Council and Mayor, or by appointment subject to the approval of the Board of Aldermen, and the dates upon which they shall be so elected, appointed or approved.

2. The names of all the Mayors, presidents of the Board of Aldermen, and presidents of the Board of Councilmen, and the years in which they served.

3. The method of organization of the General Council, the rules of each board, and the joint rules of the General Council.

4. Such provisions of the State Constitution as apply to cities of the first class.

5. The Act for the government of cities of the first class, giving the same numbers of sections as in the Kentucky Statutes, with notes of decisions of the Appellate Court.

6. A list of positions under various City Departments, authority therefor, with compensations.

7. A full and complete index of all the ordinances and matters directed to be published in said compilation.

8. The names of all the members of the present General Council.

9. Such Acts of the General Assembly as affect the city of Louisville. (*Approved December 8, 1919.*)

MAYORS OF THE CITY OF LOUISVILLE.

The first election under the Act of Incorporation took place on the first Monday in March, 1828.

John C. Bucklin, 1828-29-30-31-32-33.

John Joyes, 1834-35.

W. A. Cocke, 1836.

Fred Kaye, 1837-38-39-40-44-45-46.

D. L. Beatty, 1841-42-43.

Wm. R. Vance, 1847-48-49.

John M. Delph, 1850-51-52-61-62.

James S. Speed, 1853-54.

John Barbee, 1855-56.

W. S. Pilcher, 1857. Died August, 1858, when Thos. W. Riley was elected August 19, 1858, to fill the unexpired term.

T. H. Crawford, 1859-60.

William Kaye, 1863-64.

Phil. Tomppert, 1865; served until December 28, 1865.

Jas. S. Lithgow was elected to fill the unexpired term. He filled the office until February 14, 1867, when he resigned, and Phil Tomppert took his seat, and filled the remainder of the term, when he was re-elected, and served for 1867-68.

Jos. H. Bunce, 1869.

John G. Baxter, 1870-71-72.

Chas. D. Jacob, 1873-74-75-76-77-78.

John G. Baxter, 1879-80-81.

Chas. D. Jacob, 1882-83-84.

P. Booker Reed, 1885-86-87.

Chas. D. Jacob, 1888-89-90.

Wm. L. Lyons, elected *pro tem.* May 12, 1890.

Henry S. Tyler, 1891-92-93.

Henry S. Tyler, November, 1893, to his death, January 14, 1896.

R. E. King, *pro tem.*, January 14, 1896, to January 31, 1896.

Geo. D. Todd, January 31, 1896, to November 16, 1897.

Chas. P. Weaver qualified November 16, 1897, and served until November 19, 1901.

Charles F. Grainger, qualified November 19, 1901, and served until November 14, 1905.

Paul C. Barth, qualified November 14, 1905, and served to July —, 1907.

R. W. Bingham, qualified July, 1907, and served to November 12, 1907.

James F. Grinstead, qualified November 12, 1907, and served to November 16, 1909.

William O. Head, qualified November 16, 1909, and served to November 18, 1913.

John H. Buschemeyer, qualified November 18, 1913, and served to November 20, 1917.

Geo. Weissinger Smith, qualified November 20, 1917.

PRESIDENTS OF THE BOARD OF ALDERMEN.

William Riddle, 1851; resigned December 2, 1852.

James Speed, December 2, 1852-53; resigned November 14, 1854.

William Watkins, November 14, 1854; resigned April 2, 1855.

E. D. Weatherford, April 2, 1855; resigned December 6, 1855; re-elected, 1857; re-elected, 1859.

Fred Kaye, December 6, 1855; until April 11, 1856.

T. H. Crawford, April 8, 1858; resigned September 23, 1858.

A. Duvall, September 23, 1858, until April, 1859.

James Trabue, 1860.

Thomas Shanks, 1861.

Wm. F. Barret, 1862, and served until March 5, 1863.

A. Peter, March 5, 1863; resigned July 9, 1863.

Wm. Terry, elected July 9, 1863, served until April, 1864.

J. R. Brown, 1864-65; re-elected 1867, and resigned August 8, 1867.

John G. Baxter, 1866; resigned January 10, 1867.

G. W. Herbert, January 10, 1867, until April, 1867.

Wm. F. Rubel, August 8, 1867, until April, 1868; re-elected 1869-70-71.

J. H. Bunce, 1868.

Thomas L. Barrett, 1872-73.

D. Spaulding, Jr., 1874-75.

- Wm. F. Rubel, 1876-77-78; resigned August 19, 1878.
 J. C. Gilbert, August 19, 1878-79-80-81.
 Dr. George W. Griffiths, 1882-83-84.
 J. C. Gilbert, 1885-86-87.
 Dr. Geo. W. Griffiths, 1888-89.
 A. A. Stoll, 1890.
 Harry Stucky, 1891-92.
 Chas. A. Wilson, 1893.
 Charles F. Grainger, November, 1893, to November, 1895.
 R. E. King, November, 1895, to November, 1897.
 Paul C. Barth, November, 1897, to November, 1898.
 A. J. Ross, November, 1898, to November, 1899.
 Charles T. Ballard, November, 1899, to November, 1900.
 P. Booker Reed, November, 1900, to November, 1901.
 Harry Weissinger, November, 1901, to November, 1902.
 Paul C. Barth, November, 1902, to November, 1903.
 Paul C. Barth, November, 1903, to November, 1905.
 Owen Tyler, November, 1905, to November, 1907.
 John D. Otter, July, 1907, to November, 1907.
 Wm. Heyburn, November, 1907, to June, 1909.
 Frank Reichert, June, 1909, to November, 1909.
 Dr. John H. Buschemeyer, November, 1909, to November,
 1911.
 Dr. John H. Buschemeyer, November, 1911, to November,
 1913.
 J. Wm. Miller, November, 1913.
 J. Wm. Miller, November, 1915.
 Geo. T. Wood, November, 1917, to November, 1919.
 Jos. R. Kirwan, November, 1919.

PRESIDENTS OF THE BOARD OF COUNCILMEN.

- Bland Ballard, 1851-52.
 B. W. Pollard, 1853.
 Charles Ripley, 1854.
 Thomas W. Riley, 1855.
 D. T. Monsarrat, 1856.
 Andrew Monroe, 1857.
 Thomas Shanks, 1858.
 J. A. Gillis, 1859.

John Barbee, 1860.
W. P. Campbell, 1861.
G. W. Ronald, 1862.
John G. Baxter, 1863.
Wm. F. Barret, 1864.
T. C. Tucker, 1865.
D. Spaulding, Jr., 1866.
John D. Orrill, 1867.
Pat Bannon, 1868.
Wm. F. Duerson, 1869.
Charles R. Long, 1870-71-72-73.
Ed. F. Finley, 1874.
Wm. Kaye, 1875.
John McAteer, 1876.
Henry T. Jefferson, 1877-78.
R. C. Davis, 1879.
Laf. Joseph, 1880-81-82-83-84.
Dr. C. B. Blackburn, 1885-86-87.
Laf. Joseph, 1888; resigned June 14, 1888.
Henry S. Tyler, elected to fill vacancy June 14, 1888-89.
Wm. L. Lyons, elected to fill vacancy November 28, 1890-91.
Wm. F. Mayer, November, 1892, to November, 1893.
L. T. Davidson, November, 1893, to November, 1894.
T. P. Satterwhite, Jr., November, 1894, to November, 1895.
Herman M. Blatz, November, 1895, to November, 1896.
Frank I. Brocar, November, 1896, to November, 1897.
Samuel S. Blitz, November, 1897, to November, 1898.
Chas. P. Feeney, November, 1898, to November, 1899.
Theophilus Stern, November, 1899, to November, 1901.
F. J. Hummel, November, 1901, to November, 1902.
Samuel S. Blitz, November, 1902, to November, 1903.
Samuel S. Blitz, November, 1903, to November, 1904.
B. Buckel, November, 1904, to November, 1905.
Samuel S. Blitz, November, 1905, to November, 1906.
Charles D. Greer, November, 1906, to November, 1907.
Isadore Forst, November, 1907, to November, 1908.
Ebner Buyer, November, 1908, to November, 1909.
Samuel W. Greene, November, 1909, to November, 1911.
Samuel W. Greene, November, 1911, to November 6, 1912.
Ben C. Watson, November 6, 1912, to November, 1913.

T. J. Morrow, Jr., November, 1913.

T. J. Morrow, Jr., November, 1915, to November 13, 1917.

Felix S. Dumas, November, 1917, to November, 1919.

Jacob L. Isaacs, November, 1919.

MEMBERS OF THE GENERAL COUNCIL.

Elected 1919.

BOARD OF ALDERMEN.

Pres. Jos. R. Kirwan.

E. D. Morton.

P. J. Gnau.

G. W. Schardein.

Louis H. Harlan.

Edw. Schoppenhorst.

Frank H. Johnson.

Ernest Viel.

Clay McCandless.

A. A. Will.

Zachary T. Miller.

Jas. C. Willson.

BOARD OF COUNCILMEN.

Pres. Jacob L. Isaacs.

F. W. Matthews,

1st Ward.

Albert C. Weber,

Edw. G. Fernow,

2d Ward.

Wm. G. Lutz,

Wm. F. Clarke, Jr.,

3d Ward.

John H. Stocker,

George Feige,

4th Ward.

Wm. J. Watson,

Jacob L. Isaacs,

5th Ward.

Geo. W. Schmidt,

Cullie A. Carder,

6th Ward.

Geo. W. Stege,

Felix S. Dumas,

7th Ward.

Harry A. Volz,

J. E. Isgrigg,

8th Ward.

Nick Denunzio,

Harry Levy,

9th Ward.

Geo. R. McIntosh,

N. J. Fultz,

10th Ward.

Leonard Slater,

Chester P. Koch,

11th Ward.

Fred Ohmann,

Ernest F. Horn,

12th Ward.

W. R. Tischendorf,

ELECTIONS AND APPOINTMENTS BY THE GENERAL
COUNCIL AND MAYOR.

(See also under "List of Positions.")

IN NOVEMBER.

The Board of Aldermen and Board of Councilmen, at the organization of each, and annually thereafter, shall elect from its members a *president* thereof for one year. In his absence a president *pro tem.* shall be chosen from the members. Each board shall elect its *clerk*, and may elect a *sergeant-at-arms.* (Ky. St. § 2770.)

There shall be elected a *City Assessor* by the General Council immediately upon the assembling of the new boards in November, 1905, and every four years thereafter. He shall have power to appoint, with approval of the Board of Aldermen, such deputies and assistants as may be allowed him by ordinance. (Ky. St. § 2906.)

The *Tax Receiver* shall have power to appoint, with the approval of the Board of Aldermen, such deputies as may be allowed him by ordinance. (Ky. St. § 2904.)

The Mayor shall have power, with the approval of the Board of Aldermen, to appoint a *City Buyer.* (Ky. St. § 2801.)

At the beginning of his term the Mayor, with the approval of the Board of Aldermen, shall appoint a competent person as the *Inspector of Gas and Electricity*, as provided by the ordinance of June 3, 1914. The Inspector, with the consent and approval of the Mayor, may appoint not more than *two deputy inspectors* and also an *assistant or clerk* having the qualifications prescribed by the ordinance.

An *Inspector of Weights and Measures* shall be appointed by the Mayor, subject to removal at pleasure. (Ky. St. § 2755.)

The Mayor appoints four members of the Sewer Commission every four years until the sewers are completed. Act of March 18, 1912 (Ky. St. § 3037b, sub sec. 16).

IN DECEMBER.

A *Live Stock Inspector* shall be elected on the first Tuesday in December, 1904, and every two years thereafter. (Ky. St. § 2948.)

The Live Stock Inspector shall have power to appoint, with the approval of the Board of Aldermen, such deputies and assistants, with such salaries, as may be allowed them by ordinance.

There shall be appointed by the Mayor, with the approval of the Board of Aldermen, in the month of December, 1905, a *Comptroller*, for a term of four years, and in that month every four years thereafter. (Ky. St. § 2897.)

A *City Gauger* shall be elected by the General Council in the month of December, 1904, and every two years thereafter.

The Mayor shall appoint on the 15th day of December, 1913, a *City Attorney, First Assistant City Attorney and Second Assistant City Attorney*, for a term of four years, and every four years thereafter. (Ky. St. § 2909-2910.)

The Mayor shall appoint a *Law Clerk* to the Mayor for a term not exceeding four years; also a *Claim Agent*, subject to removal at the Mayor's pleasure; also, with the approval of the Board of Aldermen, *Mayor's Counsel, Solicitor, Tax Attorney, Law Accountant, Department Counsel and Messenger*, subject to removal at the Mayor's pleasure; also three stenographers, subject to removal at the Mayor's pleasure; and one detective shall be appointed by the Board of Public Safety, approved by the Mayor and City Attorney.

The *Board of Public Works* and the *Board of Public Safety*, composed of three persons each, shall be appointed by the Mayor, but subject to removal at any time at the pleasure of the Mayor. (Ky. St. § 2802.)

IN MARCH.

*Two *Trustees of the University of Louisville*, in March, 1904, and biennially thereafter, shall be elected by the Mayor and General Council, for a term of ten years. (Elliott's Digest, 306.)

The Mayor appoints each year, subject to the approval of the Board of Aldermen, one member of the *Board of Water Works*. (Ky. St. 3024a.)

The Mayor names three trustees in the month of March of each year as trustees for the *Public Library*, said trustees to serve for a term of four years. (Ky. St. 2801b.)

The Mayor in 1906 and every four years thereafter appoints ten persons to be members of the *Board of Tuberculosis Hospital*. (Ky. St. § 3037c.)

The Mayor appoints four members of the *Hospital Commission* in March, 1910, and every four years thereafter until the new City Hospital is completed. (Ky. St. 3037e.)

IN APRIL.

Before first of May the Mayor shall appoint, with the Board of General Council, a Board of Examiners of Plumbers consisting of four members, one Chief Plumbing Inspector and one Deputy Plumbing Inspector. (Ky. St. 3037f and Plumbing Inspector Ordinance, approved September 23, 1914.)

IN MAY.

The General Council shall elect in May, 1904, and annually thereafter, three members of the Board of Managers of the *Industrial School of Reform*, for a term of three years. (Elliott's Digest, 439.)

The Mayor and Council of the city of Louisville shall, in May of each year, appoint one manager of the *Cook Benevolent Institution*, who shall hold his office for one year. (Elliott's Digest, 257.)

One English and one German daily newspaper printed in the city of Louisville, and having the largest permanent circulation in said city, shall be elected by the General Council in May, 1904, and annually thereafter, to do the *public advertising*. (Ordinance, page 19.)

IN SEPTEMBER.

The *Board of Equalization* shall consist of three citizens of the city of Louisville, who shall be elected annually in the month of September by the Board of Aldermen. (Ky. St. § 2993.)

BEFORE OCTOBER.

In the year 1908, before October 1, and every five years thereafter, a *Board of Arbitration* to fix the price of gas shall be chosen as follows: Three civil engineers shall be selected, one by the Mayor, with the approval of the General Council, one by the directors of the Louisville Gas Company, and the other by the two so chosen. (See charter Louisville Gas Company, approved March 16, 1888.)

IN OCTOBER.

The General Council shall, in the month of October, of each year, elect a *Commissioner of the Sinking Fund*, for a term of three years, to fill the place of the Commissioner whose term of service expires that year. (Burnett's City Code, 703; Ky. St. § 3010.)

ADDITIONAL APPOINTMENTS.

Department Counsel appointed by the Mayor for four years.

Under the Jail Matron Act of March 5, 1912, it is provided that the Mayor, Judge of the Criminal Court and the Judge of the County Court shall constitute a Board to appoint for the county jail a *police matron* and *assistant police matron*, and the Mayor may also appoint *two assistant matrons* for each of the *station houses* designated by the Mayor for the detention of female prisoners. (Ky. St. § 2877a.)

Sec. 3a of the Act also provides:

"A board of women shall exist to be constituted as follows, viz.: Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Associated Charities, the Women's Club of Louisville, Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, Kentucky, and Woman's Christian Association. If all of said Associations shall not appoint a representative on said committee then the Mayor shall make the appointment herein provided for upon the recommendation of those of the said Association who do appoint a representative upon said committee." (See Ky. St. § 2877a.)

The Board of Public Safety, with the approval of the Mayor, shall appoint a *Chief Meat Inspector* and one *First Assistant Meat Inspector*, and may appoint not to exceed two such additional *Meat Inspectors* as shall be necessary; they shall also appoint one *Lay Inspector* and may appoint not to exceed one additional *Lay Inspector* for each slaughter house, if necessary; all of said appointments shall be for a term of two years.

By Act of March, 1916, the Judge of the Police Court is authorized to appoint a *court matron of the Police Court* for a term of two years, and at a salary of \$75.00 a month (Charter, § 2928b.)

ELECTIONS BY THE PEOPLE.

The following officers are elected for a term of four years in November: The Mayor (Ky. St. § 2784 *et seq.*); Police Judge, Prosecuting Attorney of the Police Court, Clerk of the Police Court, Bailiff of the Police Court (Ky. St. § 2911); Tax Receiver (Ky. St. § 2904); City Auditor (Ky. St. § 2901); City Treasurer (Ky. St. § 2902); three Park Commissioners (Ky. St. § 2841.)

The twelve members of the Board of Aldermen, and the twenty-four members of the Board of Councilmen, the two Boards constituting the General Council, are elected every two years in November. (Ky. St. § 2766, 2767, and Const. 160).

The five members of the Board of Education are elected as follows:

“Within one week after the organization of said Board it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: The first class consisting of two members shall hold office through the 31st day of December, 1912, the second class consisting of three members shall hold office through the 1st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.” (See herein Charter, Sec. 2978a.)

GENERAL ORDINANCES.

(1) ADVERTISEMENTS.

Posting on Vacant Property.

AN ORDINANCE prohibiting the nailing or pasting of display cards, advertising matter or show bills on vacant property in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to nail, tack, or in any other way fasten on the outside or inside of any vacant house in the city of Louisville, any show bill, display card, or advertisement of any kind whatsoever, without the written consent of the owner or agent of the property.

§ 2. For any violation of the provisions of this ordinance the party offending, on conviction therefor, shall be fined not less than \$10.00 nor more than \$25.00 for each offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved April 12, 1900.*)

(2) ADVERTISEMENTS.

Posting on Poles, Trees, etc.

AN ORDINANCE in relation to posting bills, advertisements, etc., on poles supporting telegraph, telephone, electric light, or fire alarm wires.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons to nail or paste any bill or poster, placard, or advertisement to any post or pole used for supporting telegraph, telephone, electric light, fire alarm wires, or upon any pole or post, or upon any tree-box, tree guard, or upon any tree.

§ 2. Any person or persons violating the provisions of the first section of this ordinance, on conviction thereof, shall be deemed guilty of a misdemeanor, and shall be fined for each offense not less than five dollars (\$5) nor more than fifteen dollars (\$15). (*Approved September 16, 1895.*)

(See also *Bridges; Monuments.*)

(3) ADVERTISEMENTS.**Posting on House or Fence.**

AN ORDINANCE prohibiting the posting of hand-bills, etc., in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

A fine of five dollars is hereby imposed upon any and all persons who shall paste a hand-bill or print an advertisement on any house or fence, whether public or private, without the consent of the owner. And the same fine is also imposed upon any and all persons for whose benefit said hand-bills or printed advertisements are put up. It is hereby made the duty of the police to give information against all persons who may violate this ordinance. (*Approved December 17, 1855.*)

(4) ADVERTISEMENTS.**Printed Matter Concerning Secret Diseases.**

AN ORDINANCE concerning the display or distribution of printed matter concerning "secret diseases."

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any one to place or cause to be placed in any street or alley, or on any wall, fence, or other place exposed to public view, within the city limits, any indecent or gross painted, printed, or written advertisement, bill, or notice of professional skill, or remedies for treatment of what are usually called "secret diseases," or to leave or cause to be left any such notices, bills, or advertisements, whether inclosed in an envelope or other form, or uninclosed, in any yard, or premises attached to any dwelling-house within the city, or under any door, or to give or cause to be given to any servant or person about such dwelling-house or premises any such notices, bills, or advertisements. For a violation of any of the provisions of this ordinance the party offending shall, for each offense, be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100); and, moreover, shall be subject to be arrested and held in custody for trial before the judge of the City Court of Louisville. (*Approved December 9, 1867.*)

(5) ADVERTISEMENTS.***Dishonest Advertising Defined and Prohibited.**

AN ORDINANCE to prevent fraudulent, deceptive and misleading advertising.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person, firm or corporation, with intent to sell or in any wise dispose of merchandise, securities, service, or any other thing, offered directly or indirectly by such person, firm or corporation to the public for sale or distribution, or in order to induce the public to acquire an interest therein, or incur any obligation relating thereto, shall make, publish, circulate or otherwise place before the public, or cause to be placed before the public, in a newspaper, or in any other form of publication, or in any pamphlet, handbill, letter or in any other way, any advertisement of any sort regarding such thing so offered to the public which contains a representation or statement which is untrue, deceptive, misleading or fraudulent.

§ 2. Any person, firm or corporation violating this ordinance shall be subject to a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, and each publication shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved September 15, 1914.*)

(See also *Itinerant Vendors; Convict Made Goods.*)

ADVERTISING BY THE CITY.**Selection of Newspapers—Compensation.**

AN ORDINANCE to regulate the public advertising of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all matters to be published or advertised in the newspapers, by ordinance, resolution, or by an act for the government of cities of the first class, shall be published in one daily newspaper in the English language and one printed in the German language.

*See also Act of 1916 on same subject.

§ 2. The General Council shall, in the month of May in each year, elect the two daily papers to do the public advertising.

§ 3. The proceedings of the General Council shall be published on the second day after the meeting.

§ 4. The compensation to be allowed for the public advertising shall not exceed 40 cents per square for each insertion.

§ 5. No display type shall be used in printing the official advertising. Nonpareil type shall be used for all official advertising.

§ 6. All ordinances or resolutions in conflict herewith be and are hereby repealed.

§ 7. This ordinance to take effect from and after its publication. (*Approved August 30, 1901.*)

(1) ANIMALS.

Cruelty to Animals.

AN ORDINANCE prohibiting cruelty to animals.

Be it ordained by the General Council of the city of Louisville:

Any person who shall beat or otherwise injure or misuse a horse or other animal in an immoderate, cruel, or unnecessary degree, or who shall leave or cause to be left, any wounded, maimed, diseased, or worn-out horse or mule, on any street, alley, lot, or on the commons, to die a lingering death, shall, for each offense, be fined not exceeding \$50. (*Approved August 25, 1868.*) (See also *Live Stock.*)

(2) ANIMALS.

Dead Bodies, etc., Thrown in Sewers.

AN ORDINANCE prohibiting the throwing of dead animals in the sewers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to place or throw any dead animal or any substance in or near any catchbasin or sewer, whereby the flow of water through any sewer may become obstructed. Any person violating this ordinance shall be

fined not less than \$10 nor more than \$20 for each offense. (*Approved August 18, 1874.*) (See also *Sewers.*)

(3) ANIMALS.

Regulating Removal of Dead Bodies.

AN ORDINANCE regulating the removal of the bodies of dead animals not slain for food or useful arts, through the public streets and alleys of the city of Louisville, and providing compensation therefor and penalties for violation of its provisions.

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter it shall be the duty of the public contractor, for and during the period of his contract, to remove out of the city of Louisville and beyond the limits of the city of Louisville, as now or may be hereafter established, the remains and carcasses of every dead horse, mule, mare, ox, steer, bull, cow, ass, hog, sheep, goat, calf, cat, dog, or other animal not smaller than a cat, that has not been slain for food or to be used in useful arts, and is found or may be within the limits of the city of Louisville, within twelve hours of daylight after a report shall be made to said public contractor, by or through the Police Department, or by or through any policeman of the city of Louisville, or any authorized agent of the Board of Health in charge of said remains or carcass, unless sooner removed or caused to be removed by the owner of such carcass or his agent, and the public contractor shall observe every care and use of the utmost precaution that the remains and carcasses of said animals be conveyed away in the most inoffensive manner possible, causing them to be covered with tarpaulins or otherwise. The drivers of the teams conveying such carcasses shall not stop on the way, unless detained by some unforeseen accident, under a penalty of not less than five nor more than twenty dollars for each offense, which fine shall, upon the conviction of any driver or drivers of such teams, be recovered and enforced as other fines imposed by the ordinances of the city of Louisville.

§ 2. It shall be unlawful for any person or co-partnership of persons or corporations who has established or may hereafter establish outside the city limits of Louisville and in the

county of Jefferson, a place for the rendering of dead animals to buy from the owner or his agent the remains or carcasses of dead animals within the limits of the city of Louisville, and to move the same outside the said city limits, as now established or may hereafter be established, within twelve hours of daylight after the death of said animals, and in moving the same the party or parties so moving shall be governed by the same rules in section 1 of this ordinance governing the public contractor in moving dead animals.

§ 3. The public contractor, in removing the animals and carcasses mentioned in section 1, shall remove them to such place outside of the limits of the city of Louisville as now established or as may be hereafter established, and within the limits of the county of Jefferson.

§ 4. The remains and carcasses of all dead animals mentioned, referred to, and embraced in section 1 as shall die or be found upon any public street, alley, highway, or upon any uninclosed lot or commons within the limits of the city of Louisville, and not removed or caused to be removed by the owner or his agent within twelve hours of daylight after the death of said animal, shall be removed by the public contractor, as hereinbefore provided in this ordinance, and the surplus of profit, if any, that may remain from the rendering or disposition of said animal shall belong to the public contractor.

§ 5. The public contractor shall, before being authorized to perform the duties and enjoy the privileges granted by this ordinance, execute to the city of Louisville a bond, with good and sufficient surety, in the sum of \$1,000, to be approved by the Board of Public Safety, and filed and preserved in the office of the City Comptroller, conditioned for the faithful and punctual performance of the duties imposed by this ordinance.

§ 6. It shall be the duty of the Police Department and of the Health Department to notify the public contractor, his officers or agents, of the whereabouts of the remains or carcass of every dead animal, not slain for food or to be used in useful arts, which they may find, or of the existence of which within the city limits, they may be informed, as soon as possible. For the purpose of receiving such notice, the public contractor shall maintain and keep an office within the limits of the city of

Louisville or county of Jefferson, which shall be in telephone communication with some headquarters of the Police Department or the Health Department of the city of Louisville.

§ 7. Upon the failure of the public contractor to remove the remains or carcass of any dead animal mentioned in section 1 of this ordinance within twelve hours of daylight after receiving notification, unless the owner or his agent has removed or caused the same to be removed, as herein provided, he shall be subject to a fine of not less than five (\$5) nor more than twenty dollars (\$20) for every offense, such fine to be recovered as other fines under ordinances of the city of Louisville; and upon the third conviction thereof, within any twelve months, the contract shall, upon such third conviction, become void and forfeited, and such person, co-partnership, or corporation shall, upon such third conviction, cease to be the public contractor, and the Board of Public Safety shall immediately thereupon advertise for proposals and award the contract for the unexpired term in the manner as provided hereinafter in section 9.

§ 8. After the passage of this ordinance it shall not be lawful for any person whatsoever, or co-partnership of persons or corporation, except the owner, his agent, or persons granted the privilege in section 2 of this ordinance, and the public contractor, to remove the remains or carcasses of any dead animal as specified in section 1 of this ordinance, through the streets, alleys or highways of the city of Louisville, and any person or co-partnership of persons or corporations so hauling or removing said dead animals shall, upon conviction thereof, be fined not less than five (\$5) nor more than twenty-five dollars (\$25) for each and every offense, which fine or fines shall be recovered as other fines under the ordinances of the city of Louisville, and the removal of the remains or carcasses of each of the animals mentioned in section 1 shall constitute a separate offense.

§ 9. Immediately after the passage of this ordinance the Board of Public Safety shall advertise for proposals to remove the remains and carcasses of all dead animals, as proposed in section 1 of this ordinance, and award the contract for the space of three years to the highest and best bidder. The party to whom such contract shall be awarded shall become, and be for the period of three years, the public contractor, and

shall, during said period, enjoy the privileges and be subject to the penalties and burdens provided in this ordinance. Before being awarded said contract the said contractor shall execute a bond, as provided for in section 5 of this ordinance. Said contract, when so made, shall be transmitted to the General Council for approval.

§ 10. All ordinances in conflict herewith are hereby repealed, and this ordinance shall take effect from and after its passage. (*Approved September 14, 1899.*)

ANNEXATION.

Territory in Jefferson County.

AN ORDINANCE proposing an extension of the boundary lines of the city of Louisville, so as to include the cities of Highland Park and Oakdale and other portions of the territory of Jefferson county adjacent to the limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is deemed desirable to extend the boundaries of the city of Louisville, so as to include the following described territory now embraced within the county of Jefferson, portions of which are embraced in the limits of Highland Park and Oakdale, all lying and being within the following limits, namely:

Beginning in the present city boundary line where the same intersects the southeast line of Edwards avenue, which point is 200 feet north of Letterle avenue; running thence northeast along the southeast line of Edwards avenue to a point 1,500 feet north of Letterle avenue, measured at right angles thereto; thence eastwardly in a line 1,500 feet north of and parallel with Letterle avenue and Brownsboro road to a point in the southwest line of Richard S. Veech's 502-acre tract, running thence southeastwardly with said Veech's line and crossing the Brownsboro road to the present city boundary line, thence with said city boundary line in a southeastwardly direction to a corner common to the property of the Louisville Water Company, Mary E. Tyler and A. W. Bauer; thence following the present city boundary line in a southwestwardly direction to a point 200 feet northeast of Finley avenue; thence in a southeastwardly direction in

a line parallel with Finley avenue and Cannons lane, being distant about 200 feet northeast therefrom, to a point in a line common to Sarah C. Thompson and Cherokee court subdivision; thence southwestwardly with said line and said line if extended to a point 300 feet southwest of Cannons lane; thence northwest in a line 300 feet southwest of and parallel to Cannons lane to the northwest line of a tract of land containing $537 \frac{75}{100}$ acres and belonging to the estate of Mary E. B. Von Zedwitz, which line is also a line of the property of the Louisville Gas and Electric Company, Ada S. Wilson and J. M. Atherton; running thence southwest along said line to the northwestern corner of said Von Zedwitz property, which is also the northeast line of John B. McFerran; thence along the southwest line of Von Zedwitz property to a point in said line which is the southeast corner of Andrew Cowan's 19-acre tract; thence in a southwestwardly direction with line common with said Andrew Cowan, Thomas Flountleroy and Paul Discher estate to a point in the northeasterly line of Forrest Everett and corner to Andrew Cowan and Paul Discher estate; thence with the northeasterly line of the 5.02-acre tract of Forrest Everett and the 5.1-acre tract of Sallie Talbott to a point in the northern line of Taylorsville road and corner to Sallie Talbott; thence in a westwardly direction with the northern line of the Taylorsville road to a point of intersection of said line of Taylorsville road with the northeasterly line of Kaelin's subdivision, if extended; thence with the northeasterly line of Kaelin's subdivision, if extended, and crossing the Taylorsville road to a corner of the Kaelin's subdivision and in the south side of the Taylorsville road, running thence southeastwardly with the Kaelin subdivision's northeast line to the corner common to the Kaelin subdivision and Burdett children; running thence with the southeast line of the Kaelin subdivision and said line if extended to a point in the southwesterly side of Zimlich lane; thence west in a direct line to a point in the northeast line of Newberg road 500 feet southeast of Gerlach avenue; thence northwest along the northeast line of Newberg road to a point 200 feet southeast of Shady lane; thence southwest in a line 200 feet southeast of and parallel to Shady lane and Shady lane if extended, to a line 200 feet southwest of Baxter avenue; thence northwest in a line 200 feet southwest of and parallel to Baxter avenue to a point 410 feet

southeast of Eastern parkway; thence southwest in a line 410 feet southeast of and parallel to Eastern parkway to the northeast line of a road which is an extension of Barrett avenue; thence across said road to a point in the northeasterly line of Gheens Realty Company; thence southeasterly with said line and said road to a point corner to Gheens Realty Company and Paul A. Neff estate; thence southwest along the line common to said Gheens Realty Company and said Paul A. Neff estate to the northeast line of Fred Schurch; thence southeast along said Schurch line to the line common to Schurch and Margaret Hillenbrand; thence southwest along the line common to Schurch and Hillenbrand, which is also the southeast line of the Louisville Cemetery Company to the northeast line of the Poplar Level road; thence across the Poplar Level road to a point of intersection of southwest line of Poplar Level road and the northwest line of Clarks lane; thence southwest along the northwest line of Clark's lane to the northeast line of Preston Street road; thence across said road to the southwest line of the same where it is intersected by the northwest line, if extended, of the first alley southeast of Harrison avenue; thence southwest along the northwest line of said alley and said line, if extended, to the west line of the Ash Bottom road; thence south along the west line of the Ash Bottom road to the north line of the city of Highland Park; thence east along the north line of the city of Highland Park to the east line of said city; thence southeast, southwest and northwest along the boundary lines of Highland Park so as to include said city, to the southeast line of the Douglas Park Jockey Club; thence southwest along the southeast line of the Douglas Park Jockey Club and said line, if extended, to a point in said line 300 feet east of the eastern line of the New Cut road; thence in a southeasterly direction and parallel to the eastern line of the New Cut road, and distant 300 feet therefrom to a point in the line common to Herman Krebs and Iroquois Park, if said line were extended eastwardly; thence southwestwardly and across the New Cut road to a point corner to Iroquois Park and Herman Krebs; thence in a general western direction following the southeastern and southern boundaries of Iroquois Park to the west line of Iroquois Park; thence in a general northern direction following the western boundary of said park to the southwest corner of George J.

Marrett's 70 acres; thence north along Marrett's west line to a line 300 feet west of Churchman avenue, and Churchman avenue, if extended; thence north in a line 300 feet west of Churchman avenue and Churchman avenue if extended, to a point which is in a direct southern extension of the west line of that part of Jacobs Addition as laid out south of Conn street, which is also the east line of Thornberry's and Conn's properties; thence north along the above described west line of Jacobs Addition and said line extended, to the north line of the first alley north of Berry boulevard; thence northeast in a direct line to a point in the northeast line of Thornberry avenue, where the same is intersected by the southwest line of Fairview avenue; thence northwest along the northeast line of Thornberry avenue to the southeast corner of Lena Wurtele's 6-acre tract; thence northeasterly with the southeast line of Lena Wurtele's 6-acre tract and 46.75-acre tract to the eastern corner of Lena Wurtele's 46.75-acre tract; thence in a northwesterly direction with the northern line of Lena Wurtele's 46.75-acre tract, and said line if extended to a point in the eastern line of Fred Wingfield's 18-acre tract at a corner common to Fred Wingfield and Katie S. Hoetzer's $3\frac{1}{2}$ -acre tract; thence in a northeasterly direction with the line of said Wingfield's said 18-acre tract to a point in the southern line of Bernheim's lane; thence across said Bernheim's lane to a point in the northern line of Bernheim's lane, same being the corner between John E. Schaefer's 11.83-acre tract and John Weikel's $4\frac{1}{8}$ -acre tract, thence westwardly with the northern line of Bernheim's lane to a point in the eastern line of the Eighteenth Street road, and being corner of the Eighteenth Street road and Bernheim's lane; thence westwardly in a direct line to a point in the eastern line of Cane Run road, corner common to Florence M. Walker's estate's 14.75-acre tract and M. L. Miller's 8.96-acre tract; thence westwardly to a point 500 feet west of the eastern boundary line of the Standard Oil Company's 212.508-acre tract and 1,200 feet north of the northern line of Bell's lane; thence north in a line 500 feet west of and parallel to said line of the Standard Oil Company to a line 380 feet southwest of Western parkway; thence north and northwest in a line 380 feet west of and parallel to Western parkway to the south line of the property of United States of America and used at present as a fish hatchery; thence

west along said United States line and said line, if extended, to the low water line on the west bank of the Ohio river; thence along the low water line of the west bank of the Ohio river to the present city boundary line, which is a line 210 feet south of and parallel to Virginia avenue, if extended; thence following the present southern and eastern boundary line of the city of Louisville to the point of beginning.

§ 2. This ordinance shall take effect from and after January 1, 1919, and all ordinances in conflict herewith are hereby repealed.

APPORTIONMENT WARRANTS.

AN ORDINANCE relating to apportionment warrants in the city of Louisville, Kentucky.

Be it ordained by the General Council of the city of Louisville:

§ 1. That to enable the city to apportion the cost among owners of ground liable for the cost of the improvement for the original construction of any street, alley, sidewalk, road, lane, avenue, highway, thoroughfare, well, cistern, or for the reconstruction of any sidewalks provided for by section 70 of "An act for the government of cities of the first class," approved July 1, 1893, the City Assessor shall furnish to the Board of Public Works a list of the names of such owners and a description of the ground owned by each, and when said list and description shall have been furnished, and the work received as completed, and apportioned by the Board of Public Works, and approved by the General Council and the Mayor, the city will furnish warrants for the cost of improvements against the owners of ground liable therefor.

§ 2. The clerk of the Board of Public Works shall make out all apportionment warrants which have been ordered by the General Council, and approved by the Mayor, both original and corrected, for which liens are given for improvements, as provided in section 1 of this ordinance, and shall enter the same in a register kept by him for that purpose within two days after approval by the Mayor, and shall keep said register properly indexed. The lien shall exist from the date of approval of the apportionment by the Mayor.

§ 3. It shall be the duty of the holder of the said warrants, when he shall have obtained payment or satisfaction of the same, to mark upon said register "Paid." Any person receiving payment or satisfaction of an apportionment warrant who shall fail to mark upon the register "Paid," within two days after such payment or satisfaction, shall be fined not less than five dollars (\$5) nor more than ten dollars (\$10) for each day he shall so fail or refuse.

§ 4. Said clerk of the Board of Public Works, immediately after entering the warrants on said register, shall return the original apportionment to the Comptroller.

§ 5. All ordinances in conflict with this ordinance be and are hereby repealed.

§ 6. This ordinance shall take effect from and after its publication. (*Approved June 26, 1894.*) (See also *Warrants.*) (See Ky. St. § 2839.)

(1) ASSESSOR.*

Regulating His Duties.

AN ORDINANCE regulating the duties of the City Assessor with respect to tax bills on assessments made by the State Railroad Commission and State Board of Valuation and Assessment.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be the duty of the City Assessor, and he is hereby authorized and directed to make out against all corporations, companies, and associations the tax bills for each fiscal year on the amount of the assessments which have been heretofore, or which may hereafter, be made by the State Railroad Commission and the State Board of Valuation and Assessments, respectively, of the property or franchises of such corporations, companies, and associations, and certified for taxation by the city of Louisville, as required by chapter 108 of the Kentucky Statutes, entitled "Revenue and Taxation," approved November 11, 1892.

*See Sections 2906-2908; 2979-3009 Ky. St.

§ 2. The City Assessor shall make out the tax bills provided for in the preceding section for the same fiscal year, at the same rate of *ad valorem* taxation, and for the same purposes levied by ordinances of the city for the respective fiscal year in or for which the assessments by the State Railroad Commission and State Board of Valuation and Assessment have been heretofore or may be hereafter respectively made, and certified, as required by law, and shall be made out on the same forms and be authenticated by the City Assessor in the same manner as other tax bills on assessments made by him are required to be the levy ordinance for the same fiscal year.

§ 3. All tax bills which shall be made out and authenticated by the City Assessor, under the provisions of this ordinance, shall be listed by him as soon as practicable with the Receiver of City Taxes for collection, as provided for by law.

§ 4. This ordinance shall take effect and be in force from and after its passage and publication. (*Approved April 9, 1897.*)
(See also *Salaries; Board of Equalization.*)

(2) ASSESSOR.

Assistants and Salaries.

AN ORDINANCE regulating the Assessor's Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in the month of June, 1907, and in the month of June every year thereafter, the Assessor shall have power to appoint, with the approval of the Board of Aldermen, one Chief Deputy Assessor, whose salary shall be two thousand (\$2,000.00) dollars per year, and ten Deputy Assessors, whose salary shall be each sixteen hundred (\$1,600.00) dollars per year, and not exceeding ten Assistant Assessors, the latter to be appointed by the Assessor and approved by the Board of Aldermen in the month of August or September and to serve only such length of time as may be necessary between September first and December first of the year for which they are chosen, as their services may be required by the Assessor, said Assistant Assessors to receive each a salary of seventy-five (\$75.00) dollars per month.

§ 2. The Assessor shall have the power to appoint one Draftsman, whose salary shall be sixteen hundred (\$1,600.00) dollars per year; one Assistant Draftsman, whose salary shall be twelve hundred (\$1,200.00) dollars per year, and one Transfer Clerk, whose salary shall be one thousand two hundred (\$1,200.00) dollars per year.

§ 3. It shall be the duty of the Deputy Assessors, the Assistant Assessors, the Draftsman and Transfer Clerk, to perform such duties and render such services as may be required of them by the Assessor.

§ 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 5. This ordinance shall take effect from and after its passage. (*Approved April 30, 1919.*)

(3) ASSESSOR.

Extra Clerical Help.

AN ORDINANCE providing for the employment and payment for extra clerical work in the office of the City Assessor of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

Whereas, under section 2996 of the charter of the city of Louisville and the provisions of the ordinances governing the levying of taxes upon property in the city of Louisville, all tax bills must be made out by the City Assessor in time to be registered by the Tax Receiver and Comptroller and be ready for payment by the third day of January, or as soon thereafter as practicable, the tax bills being payable on the third day of January, and,

Whereas, The present force of deputies in said office of the City Assessor is insufficient to carry out the details of said work according to said provision of the law:

§ 1. That the City Assessor is hereby empowered to employ additional clerical help for the purpose of writing the tax bills and preparing the stubs of same, the cost of such clerical work not to exceed the sum of \$2 per book of two hundred bills for writing and \$1 per book of two hundred bills for stubbing.

§ 2. The payment for the work herein shall be made upon a pay roll approved by the City Assessor as salaries of other employes of said office are approved and paid.

§ 3. This ordinance shall take effect from and after its passage. (*Approved December 4, 1914.*)

(4) ASSESSOR.

Public Accountant.

AN ORDINANCE providing for the appointment of a public accountant in the Assessor's Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Assessor shall have the power to appoint, with the approval of the Board of Aldermen, one public accountant. The duty of said public accountant shall be to investigate assessments which have been complained of before the Board of Equalization. Said accountant shall be appointed for one year and serve only on such days and only such length of time as may be necessary, and required by the Assessor, during the time that the Board of Equalization is in session. Said accountant shall receive as compensation ten dollars (\$10.00) per day for each day his services are required.

§ 2. This ordinance shall take effect from and after its passage. (*Approved November 7, 1919.*)

AUCTIONEERS.

Bond.

AN ORDINANCE requiring auctioneers to execute bond.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person or firm conducting an auction sale for himself or another, or carrying on the business of auctioneer in this city, shall execute bond in the sum of one thousand (\$1,000) dollars to the city of Louisville for the benefit of purchasers at auction sales to be conducted by such party or parties, with sureties, who shall qualify as sureties on attachment bonds.

§ 2. Said bond shall be conditioned for the honest conduct of such sales, and that no fraudulent representations will be made as to the quality of the thing sold.

§ 3. Said bond shall be tendered to the Board of Sinking Fund Commissioners when application for license shall be made, and shall be subject to the approval of said board, and no license shall be issued until such bond is approved and such bond shall cover the period for which such license is granted.

§ 4. This ordinance shall not apply to sales made under order of court or under any legal process.

§ 5. An ordinance entitled "An ordinance requiring auctioneers to execute bond," approved May 19, 1896, is hereby repealed.

§ 6. This ordinance shall take effect from and after its passage. (*Approved April 20, 1917.*)

(1) AUDITOR.*

Regulating His Duties.

AN ORDINANCE concerning the office of the Auditor of the city of Louisville, and regulating and prescribing the duties of said Auditor.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of Auditor, authorized and provided for by section 2901 of an act of the General Assembly of the Commonwealth of Kentucky, for the government of cities of the first class, approved July 1, 1893, be and the same is hereby regulated, and the duties of the Auditor herein prescribed.

§ 2. The Auditor shall keep such books as are necessary for the performance of his duties and as are required by law.

§ 3. The said Auditor shall examine, adjust and audit all unsettled accounts, claims or demands against the city, for the payment of which any money may be drawn from the City Treasurer, and shall see that said accounts, claims or demands are fully itemized, and are such as are authorized by law or ordinance, and that same are made out in duplicate, and as required by ordinance now in force, upon the forms approved by the

*See Sec. 2901 Ky. St.

Comptroller, which shall be certified to by the officer receiving the labor or material, and shall plainly state the purpose for which it was intended, and the authority under which it was rendered, or requisitioned, but no claim shall be audited or allowed by him unless there shall be a legal appropriation therefor. He shall have the right and power to administer oaths, and may require all or any settlement of claims or accounts to be verified by proper affidavits.

§ 4. Where such claims or accounts have been audited, approved and allowed by the Auditor, he shall transmit the same promptly to the Comptroller, to be by him registered, as is now required by an ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville may be made."

§ 5. If there be funds legally appropriated for the purpose, the Auditor shall draw his warrant therefor against said fund, for such claims as are approved in the manner provided for by ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville shall be made." All warrants so issued shall state the account or appropriation to which same is chargeable, the number of the claim or voucher to be paid thereby.

§ 6. The Auditor shall keep a "Record of appropriations and warrants issued" in a book known as the "Warrant Register," in the same form as now used, and shall furnish to the Comptroller within three days after the close of each month a report in the form now used of all warrants issued during the preceding month, and upon what account.

§ 7. The Auditor shall adopt a form of warrant subject to approval of the Comptroller.

§ 8. That an ordinance entitled, "An ordinance concerning the office of the Auditor of the city of Louisville and regulating and prescribing the duties of said Auditor," which was approved September 10, 1909, be, and the same is hereby repealed.

§ 9. This ordinance shall take effect from and after its approval. (*Approved December 15, 1909.*)

(See *Salaries.*)

(2) AUDITOR.**Clerk.**

AN ORDINANCE providing a Clerk for the City Auditor, and fixing his salary.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Auditor, with the approval of the Mayor, shall have the power to appoint a clerk for his office, to perform such duties as directed by the said Auditor or by ordinance,

§ 2. Said clerk shall receive a salary at the rate of twelve hundred (\$1,200) dollars per annum, payable in monthly installments.

§ 3. This ordinance shall take effect from and after its passage. (*Approved May 25, 1908.*)

BATH HOUSES.**Public Baths Department.****Salaries.**

AN ORDINANCE concerning the Public Baths Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created and placed under the Board of Public Works, the Public Baths Department.

§ 2. There may be the number of officers and employes prescribed in this ordinance and no more in said department and their salaries and compensations shall not be greater than the maximum rates as fixed in this ordinance, but may, by agreement between the Board of Public Works and said employes, be fixed at any rate less than the said maximum rate as fixed in this ordinance, and the pay rolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved April 29, 1915.

§ 3. Officers and employes and their salaries and compensations:

	Compensation.
Four Superintendents of Public Baths.....	\$75.00 month
Four Asst. Superintendents of Public Baths.....	\$40.00 month

§ 4. The Board of Public Works, in case of an emergency, and with the approval of the Mayor, shall have the power to employ additional help in the said department herein mentioned, the salaries of the same to be fixed by the Board of Public Works, and the names of such employes shall appear on the regular pay roll as "Special Employes," said special employes may be dismissed at any time by the Board of Public Works.

§ 5. The ordinance approved April 29, 1918, entitled "An ordinance concerning the Public Baths Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect and be in force from and after its passage. (*Approved November 7, 1919.*)

BATHING.

Concerning Bathing in Beargrass Creek and Ohio River.

It shall be unlawful for any one, between the hours of 4 o'clock a. m. and 9 o'clock p. m., to bathe in the canal, Beargrass creek, or in the Ohio river, at any point between the eastern and western boundaries of the city, or in any pond within the city limits. For a violation of the provisions of this ordinance, each party offending shall be liable to arrest, and shall, for each offense, be fined ten dollars (\$10). (*Approved July 25, 1867.*)

(See also *Exposure of Person.*)

BEARGRASS CREEK.

To Protect, and to Regulate the Use Thereof.

AN ORDINANCE to protect Beargrass creek and regulate the use thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to trespass in or upon that portion of Beargrass creek, or the banks or walls there-

of, within the city of Louisville where the same has been improved, to-wit, from Main street to a point 200 feet north of Kentucky street, or to throw into or place in said channel any obstructions, rubbish, refuse matter, or materials or articles of any kind, or to empty or cause to run into said channel any liquid substance whatsoever other than the natural surface drainage of rain water, or to deface the walls thereof, or to paint, write or post any advertising matter thereon, or to damage the walls or bottom in any manner whatsoever.

§ 2. Any person violating this ordinance shall be fined not less than five (\$5) dollars nor more than fifty (\$50) dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved September 3, 1915.*)

BEGGING FOR ALMS.

AN ORDINANCE prohibiting the begging for alms or solicitation for charity for and on behalf of the person so begging or soliciting in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person or persons within the limits of the city of Louisville, Kentucky, to beg for alms or solicit charity for himself or others as a business, and one offense shall be deemed a violation of this ordinance.

§ 2. Any person who shall be guilty of the violation of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five (\$5) dollars nor more than fifty (\$50) dollars for each offense.

§ 3. That all ordinances and parts of ordinances in conflict herewith be and they are hereby repealed.

§ 4. That this ordinance is to take effect from and after its passage and publication. (*Approved December 19, 1912.*)

(See also *Loitering.*)

BIRTHS.**Birth Certificates and Returns.**

AN ORDINANCE concerning birth certificates, and requiring physicians, accoucheurs, midwives, heads of families and other persons in charge to make returns of same to the Health Office.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician, midwife, accoucheur, head of family, or other person in charge, who shall attend, assist or advise at the birth of any child within the city of Louisville, shall report to the Health Officer of the city of Louisville upon a blank form or blank certificate supplied by the Health Officer, within fifteen days after the birth of such child, which said form or certificate shall contain the following items:

1st—Name of child. 2d—Number of previous children of this mother. 3d—Sex of child. 4th—Color of child. 5th—Date of birth. 6th—Place of birth. 7th—Born alive (or dead). 8th—Legitimate (or illegitimate). 9th—Mother's maiden name. 10th—Mother's age. 11th—Mother's residence. 12th—Mother's birthplace. 13th—Father's name. 14th—Father's age. 15th—Father's occupation. 16th—Return by M. D., or M. W. 18th—Postoffice address. 19th—Date of return.

Blank spaces shall be left opposite or below each of the above items and the person required under this section to fill out and sign said form or certificate shall fill in said blank spaces with the information called for, or satisfactorily account for the omission of any of said information.

The certificate shall be written legibly in ink and shall be signed by the attending physician, midwife or other person whose duty it is under this ordinance to make and file said certificate. Only one such certificate need be filed.

A child born of seven months' gestation or over shall be registered as a birth.

§ 2. When any certificate of birth of a living child is returned without statement of the given name, the Health Department will prepare and deliver to the parents a special blank for a supplemental report of the given name of the child which shall be filled out as directed, signed and returned to the Health Department as is the original certificate, so soon as such child shall

be named. The original certificate of birth shall not be considered completed until said supplemental report is filed, if one is required.

If said child die before it is named, then said supplemental report shall contain the statement, "Died unnamed."

§ 3. It shall be the duty of every physician, accoucheur, or midwife practicing medicine, or doing business as an accoucheur in the city of Louisville, to register his or her name in a book or books, to be provided for such person at the City Health Office, giving his or her full name, residence and place of business, and in case of removal from one place to another in said city to furnish the change to the Health Officer to be placed in said register accordingly.

§ 4. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty dollars (\$20) for each offense.

§ 5. An ordinance entitled, "An ordinance concerning birth certificates, and requiring accoucheurs to make returns of same to Health Office," approved April 19, 1898, and all ordinances in conflict with this ordinance are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage. (*Approved September 10, 1909.*)

BOARD OF EQUALIZATION.*

Compensation.

AN ORDINANCE fixing the compensation of the Board of Equalization.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each member of the Board of Equalization shall receive for his services the sum of ten (\$10) dollars per day during its sessions, the same hours to be observed each day as provided by ordinance fixing the office hours of all officers of said city in the City Hall. And no other allowance or emoluments, directly or indirectly, for any purpose whatever, shall be made to said Board of Equalization.

§ 2. The City Assessor, or one of his assistants, shall act as secretary of the board, if one be required, without additional compensation.

*See Sec. 3993 Ky. St.

§ 3. An ordinance entitled "An ordinance fixing the compensation of the Board of Equalization," and approved September 16, 1895, is hereby repealed.

§ 4. This ordinance is to take effect from and after its passage. (*Approved September 4, 1913.*)

BOARD OF PUBLIC SAFETY.

Salaries—Employes.

AN ORDINANCE concerning the Board of Public Safety of the city of Louisville, Kentucky, fixing the salaries of its members, and the number, salaries and compensation of its employes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Department of the Board of Public Safety, within and for the city of Louisville, be and the same is hereby created and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in said department the number of officers and employes prescribed in this ordinance and no more, such employes to be appointed by the Board of Public Safety, and their salaries and compensation, to be approved by the Board of Public Safety, shall not be more than the sums fixed by this ordinance, and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

THE BOARD OF PUBLIC SAFETY.

	Total.
Three members of the Board of Public Safety at \$2,500 per annum, each, aggregating, per annum...	\$ 7,500.00
One secretary, per annum.....	1,650.00
One stenographer, per annum.....	1,200.00
	\$10,350.00
Total	

§ 3. The Board of Public Safety in case of emergency, and with the approval of the Mayor, shall have the power to employ additional help in the department of the Board of Public

Safety, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved November 11, 1913, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensations of the officers and employes therein," and all ordinances, and parts of ordinances, in conflict herewith, are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved March 16, 1918.*)

BOARD OF PUBLIC WORKS.

(1) Department—Employes and Salaries.

AN ORDINANCE concerning the Board of Public Works of the city of Louisville, Kentucky, fixing the salaries of its members, and the number, salaries and compensation of its employes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Department of the Board of Public Works, within and for the city of Louisville, be and the same is hereby created and placed under the Board of Public Works as authorized by law.

§ 2. There may be the number of officers and employes prescribed in this ordinance and no more in said department, and their salaries and compensation shall not be greater than the maximum rates as fixed in this ordinance, and the pay rolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled "An ordinance prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved December 27, 1917.

§ 3. Department of the Board of Public Works:

	Compensation, Per Annum.
Three members of the Board of Public Works, at \$2,500.00 per annum each	\$7,500.00
Secretary	1,500.00
Clerk and stenographer.....	1,200.00
Timekeeper	1,200.00
Chauffeur	900.00
Bookkeeper	1,400.00

§ 4. The ordinance approved April 29, 1918, entitled "An ordinance concerning the Board of Public Works of the city of Louisville, Kentucky, fixing the salaries of its members, and the number, salaries and compensation of its employes," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved October 24, 1918.*)

BOARDS OF PUBLIC WORKS AND SAFETY.

Attendance Upon Council Meetings.

AN ORDINANCE requiring the attendance of two members of the executive boards of the city of Louisville at every meeting of the General Council, namely, one member of the Board of Public Safety and one member of the Board of Public Works.

Whereas, By Section 45 of "An act for the government of cities of the first class," approved July, 1893, "one member of each board may be compelled to attend every meeting of the General Council," meaning one member of the Board of Public Safety and one member of the Board of Public Works, and the members of said two boards have failed, and do fail and refuse to comply with the provisions of said section 45 of said act; therefore

Be it ordained by the General Council of the city of Louisville:

§ 1. That on the day before any meeting of the General Council of the city of Louisville, it shall be the duty of the Board of Public Safety and the Board of Public Works to notify, in writ-

ing, the clerk of the Board of Aldermen and the clerk of the Board of Councilmen which one of the members of each of said executive boards will attend the ensuing meeting of the General Council.

§ 2. For any failure of one member from the Board of Public Safety and one member of the Board of Public Works to attend every meeting of the General Council there shall be deducted from the pay and salary of each and every member of said Board of Public Safety and said Board of Public Works the sum of twenty (\$20) dollars.

§ 3. The clerks of the two boards of the General Council shall notify the Comptroller of the city of Louisville of each of such failures on the part of one member of each of the said executive boards to attend every meeting, and said Comptroller shall deduct the said sum above mentioned from the salary and pay of each member of said executive boards, and shall not register the pay rolls of said members without said deduction, nor shall same be passed or allowed by the General Council, when said deduction should be made, unless the said deduction appears to have been made on said pay rolls.

§ 4. This ordinance shall take effect from and after its publication. (*Approved June 25, 1897.*)

BONDS—OFFICIAL.

Premiums on Certain Official Bonds.

AN ORDINANCE providing for the payment of the premiums on the bonds of the financial officers of the city of Louisville.

Whereas, the financial officers of the city of Louisville are required to execute bonds for the faithful discharge of their duties, and to account for all moneys that come into their hands; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville will hereafter pay the premiums on the bonds required to be executed by the Tax Receiver and his cashier, by the Treasurer and his clerk, by the Auditor and the Comptroller, the costs thereof to be charged to the Gen-

eral Purpose Fund, provided that such bonds be placed with that surety company furnishing the lowest rate per thousand dollars of the amount of liability incurred under such bonds.

§ 2. This ordinance shall take effect from and after its passage. (*Approved October 15, 1906.*) (See also *Bonds and Oath of Officers.*)

BONDS AND OATH OF OFFICERS.

AN ORDINANCE in relation to the bond and oath of office for officers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each of the following officers of the city of Louisville shall, before entering upon the discharge of his official duties, execute a bond with good surety in the name of the Commonwealth of Kentucky for the use and benefit of the city of Louisville, conditioned upon the faithful performance of all his duties as such officer, namely:

The City Treasurer, a bond in the sum of one hundred thousand (\$100,000) dollars; the Clerk of the City Treasurer, a bond in the sum of ten thousand (\$10,000) dollars; the Tax Receiver, a bond in the sum of one hundred thousand (\$100,000) dollars; the Cashier of the Tax Receiver, a bond in the sum of ten thousand (\$10,000) dollars; the Auditor, a bond in the sum of twenty thousand (\$20,000) dollars; the Comptroller, a bond in the sum of twenty thousand (\$20,000) dollars; the City Buyer, a bond in the sum of ten thousand (\$10,000) dollars; the Assistant City Buyer, a bond in the sum of ten thousand (\$10,000) dollars; the City Assessor, a bond in the sum of ten thousand (\$10,000) dollars; the Live Stock Inspector, a bond in the sum of five thousand (\$5,000) dollars; each member of the Board of Public Works a bond in the sum of five thousand (\$5,000) dollars; each member of the Board of Public Safety, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of Public Wharves, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the Street Cleaning Department, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the Workhouse, a bond in the sum of two thousand (\$2,000) dollars; the Superintendent of the Home for the Aged and Infirm, a bond in the sum

of two thousand (\$2,000) dollars; the Building Inspector, a bond in the sum of five thousand (\$5,000) dollars; the Superintendent of the City Hospital, a bond in the sum of two thousand (\$2,000) dollars; the Superintendent of the Eruptive Hospital, a bond in the sum of one thousand (\$1,000) dollars; the Inspector of Weights and Measures, a bond in the sum of five thousand (\$5,000) dollars.

§ 2. The bonds of the City Buyer, the City Assessor and the Live Stock Inspector shall be approved by the General Council; the bond of the Inspector of Weights and Measures shall be approved by the Mayor; the bonds of all of the other officers mentioned in the first section of this ordinance shall be approved by both the Mayor and the General Council.

§ 3. The affidavit to be taken and the form of the bond to be executed by each of said officers shall be in substance as follows:

AFFIDAVIT.

I....., do hereby solemnly swear that I will support the Constitution of the United States and the Constitution of this State, the charter and ordinances of the city of Louisville, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office ofaccording to law and ordinance; and I do further solemnly swear, that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge or aided or assisted any person thus offending; and I do further solemnly swear that I possess the qualifications prescribed by an act of the General Assembly entitled, "An act for the government of cities of the first class," approved July 1, 1893, as amended, and that I am not subject to any disabilities which render me ineligible to hold the said office. So help me God.

Subscribed and sworn to before me this.....day of....., 19....

(Mayor of the City of Louisville.)

BOND.

BOND

The undersigned,, having been duly elected (or appointed) to the office of.....in and for the city of Louisville, for the term as prescribed by the charter and ordinances of said city, and having qualified by taking the oath of office. Now, therefore, we,, as principal, and....., as surety, hereby

bind ourselves, our personal representatives and assigns to the Commonwealth of Kentucky for the use and benefit of the city of Louisville in the sum of \$....., that the said.....shall faithfully perform all of the duties of said office according to the law and ordinances.

Witness our signatures this.....day of....., 19....

.....
.....
.....

§ 4. Each of said bonds, after having been approved as aforesaid, shall, with the affidavit attached thereto, be lodged with the Comptroller and filed by him as part of the records of his office.

§ 5. The ordinance entitled "An ordinance prescribing the form of the bond and oath of office for officers of the city of Louisville," approved February 5, 1894, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage.

The foregoing ordinance having been presented to the Mayor, and having been withheld by him beyond the day of the next regular meeting of the General Council on January 20, 1909, and more than three days having intervened between the presentation to the Mayor and said meeting, and the General Council having actually met on said day, the same became obligatory as if signed by him, according to Section 2795, Kentucky Statutes, and takes effect from and after January 20, 1909. This ordinance was not returned to the clerk of the General Council until November 6, 1909.

JOE BRADBURN, C. B. A.
C. B. NORDEMAN, C. B. C.

(See also *Bonds—Official.*)

(3) BONDS.

Of Water Company Exempt from Municipal Taxes.

Whereas, The city of Louisville is the owner of the Louisville Water Company, and has recently taken the management and control of all of its property, through a Board of Water Works, as authorized under the provisions of an Act of the Legislature, approved March 6, 1906; and

Whereas, Said Board of Water Works has issued and placed in the hands of the Commissioners of the Sinking Fund of the city of Louisville for sale one million (\$1,000,000) dollars of bonds secured by a mortgage upon the property of the Louisville Water Company; and

Whereas, Said property is by said Act of the Legislature exempt from city taxes, and it being to the interest of the city of Louisville that said bonds shall bring the highest possible price when offered for sale; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the one million (\$1,000,000) dollars of bonds of the Louisville Water Company, executed by the Board of Water Works, dated July 2, 1906, and secured by a mortgage upon the property of the Louisville Water Company and placed in the hands of the Commissioners of the Sinking Fund of the city of Louisville for sale, be, and the same are hereby, declared to be exempt in the hands of any future purchaser or owners thereof from all municipal taxes of the city of Louisville, of every kind and description.

§ 2. This ordinance shall take effect from and after its passage. (*Approved January 14, 1907.*)

(4) BONDS.

Of Retail Liquor Dealers.

AN ORDINANCE relating to bonds of retail liquor dealers.

Be it ordained by the General Council of the city of Louisville:

§ 1. Before any license shall be issued to any individual, firm, company or corporation, to sell spirituous, vinous or malt liquors by retail in the city of Louisville, said individual, firm, company or corporation shall execute to the city of Louisville and file with the License Board, subject to its approval, a bond in the penalty of \$500.00, with two good sureties, residents of the city of Louisville, who are owners of property in the city of Louisville, subject to execution, worth not less than \$500.00, conditioned that said individual, firm, company or corporation will not violate the requirements of the law.

§ 2. This ordinance shall take effect from and after its passage. (*Approved July 16, 1908.*)

BOND ISSUE.**Sewer Construction.**

AN ORDINANCE concerning the issuance of bonds of the city of Louisville in the sum of two million dollars to construct an extension to its system for the disposition of the sewage.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to raise money to construct an extension to the system for the disposition of sewage in the city of Louisville, as provided in an act of the General Assembly of the Commonwealth of Kentucky, approved March 18, 1912, entitled "An Act to enable cities of the first class to construct an extension to their systems for the disposition of sewage," the Mayor be, and he is hereby authorized and directed to cause to be prepared bonds of the city of Louisville in the sum of two million (\$2,000,000) dollars, each of said bonds to be of the denomination of one thousand (\$1,000) dollars and to be dated February 1, 1920, and to become due and payable forty (40) years after said date, and to bear interest at the rate of four and one-half (4½) per cent per annum, payable semi-annually, for which interest coupons shall be attached to said bonds; the principal and interest of said bonds to be made payable in gold coin of the United States of America, of the present standard weight and fineness, and negotiable and payable to bearer, at the National Bank of Kentucky, of the city of Louisville in the State of Kentucky, said bonds shall be signed by the Mayor and attested by the Comptroller and sealed with the proper seal of the city of Louisville, but the interest coupons attached to said bonds shall be authenticated alone by the engraved signature of the Comptroller, the bonds to be numbered from one to two thousand (2,000), both inclusive, and countersigned and registered by the Secretary and Treasurer of the Commissioners of the Sinking Fund of the city of Louisville.

§ 2. The said bonds shall be and shall show upon their face that they are exempt from any and all forms of taxation for municipal purposes of the city of Louisville, and they shall be a charge upon the Sinking Fund of the city of Louisville.

§ 3. In order to pay the principal and interest of said bonds as and when they shall mature, there is hereby levied on all property subject to municipal taxation in the city of Louisville, and

ordered to be collected, for the fiscal year ending August 31, 1920, a tax sufficient to raise the sum of twenty-nine thousand one hundred and thirty-one (\$29,131) dollars, and for the fiscal year ending August 31, 1921, and for each fiscal year thereafter, until both the principal and interest of said bonds shall be fully paid off and discharged, or until a fund sufficient to do so has been accumulated, a tax sufficient to raise the sum of one hundred sixteen thousand five hundred twenty-four (\$116,524) dollars. The said taxes when collected shall be paid into the treasury of the Commissioners of the Sinking Fund of the city of Louisville, and the excess of the fund arising from said tax levy, after paying the interest on said bonds as aforesaid, shall be set apart by the Commissioners of the Sinking Fund of the city of Louisville and safely invested so as to yield interest, and the fund arising therefrom shall be preserved and used for the payment of the principal of said bonds at maturity and for no other purpose.

§ 4. The issue of said bonds herein authorized shall be upon the express condition that the same shall be delivered, when executed as aforesaid, to the Commissioners of Sewerage of Louisville, to be by them sold at not less than par, and the proceeds thereof (not including any premium that may be obtained thereon) to be used by said commissioners to construct an extension to the systems for the disposition of sewerage of the city of Louisville under the provisions of the aforesaid act of the General Assembly of the Commonwealth of Kentucky, and for no other purpose, and the premium, if any, realized upon the sale of said bonds, shall be turned over to the Commissioners of the Sinking Fund of the city of Louisville and constitute a part of the Sinking Fund for the ultimate retirement of said bonds. Not more than one million (\$1,000,000) dollars face value of said bonds shall be sold and delivered to the purchaser during the fiscal year ending August 31, 1920. The remaining one million (\$1,000,000) dollars face value of said bonds may be sold and delivered to the purchaser at any time after said last mentioned period. All interest coupons that are past due at the date of the sale of any of said bonds shall be first cut off and delivered to the Commissioners of the Sinking Fund of the city of Louisville for cancellation.

§ 5. That at the general election to be held on November 4, 1919, there shall be submitted, as required by law, to the qualified voters of the city of Louisville the question as to whether the city of Louisville shall issue said bonds for the purposes aforesaid, as provided for in this ordinance, and none of said bonds shall be prepared or issued unless at said election two-thirds of those voting on the said question shall vote in favor of the issuance of said bonds, as provided for in this ordinance; but in the event it shall be duly ascertained, and certified, as required by law, that two-thirds of those voting on said question at said election voted in favor of issuance of said bonds for the purposes aforesaid, as provided for by this ordinance, the fact that they have done so shall be certified by the Mayor upon the face of said bonds, which bonds shall then, and only in that event, be used and delivered to the Commissioners of Sewerage of Louisville, to be by them sold, and the proceeds applied as aforesaid.

§ 6. On each ballot which shall be prepared for use in the city of Louisville at the general election on November 4, 1919, there shall be printed the following question or proposition required to be submitted to the qualified voters of the city of Louisville by this ordinance, viz.: "Are you in favor of the issue by the city of Louisville of bonds for two million (\$2,000,000) dollars, as provided in Ordinance No. —, Series 1919, to be used under an Act of the General Assembly of the Commonwealth of Kentucky, and entitled "An Act to enable cities of the first class to construct an extension to their systems for the disposition of sewage," approved May 18, 1912, and the Mayor is hereby authorized and directed to give public notice of the time, place and purpose of the election upon said question or proposition for at least ten (10) days (exclusive of Sundays) prior to the day of election, in each of the daily morning and afternoon papers published in the city of Louisville, in which notice this ordinance shall be embodied.

§ 7. This ordinance shall take effect from and after its passage. (*Approved June 5, 1919.*)

BRIDGES.

Mutilation of Public Bridges.

AN ORDINANCE to prevent injury, mutilation, or defacement of public bridges of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful to injure, mutilate, or deface any of the public bridges of the city of Louisville, or to paint, paste, or fasten any sign, bill or other advertisement or notice thereon.

§ 2. Any person violating the provisions of this ordinance shall be fined not less than five (\$5) dollars nor more than twenty (\$20) dollars.

§ 3. This ordinance to take effect from and after its passage. (*Approved September 16, 1895.*) (See also *Advertisements.*)

BUILDING CODE.

Building Department; Organization and Regulation.

AN ORDINANCE establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, equipment, maintenance, alteration, repairing and removal of buildings, and the occupancy and obstruction of streets and alleys in the performance of same and providing certain penalties for the violation thereof, same to be known and cited as the Building Code.

PART I.

Be it ordained by the General Council of the city of Louisville:

§ 1. Inspector and Assistants.

That in the establishment, government and maintenance of the Department of Buildings of the city of Louisville, the following ordinance to be known and cited as the Building Code shall prevail, viz.:

The Inspector of Buildings, his assistants and his clerks, shall be appointed by the Board of Public Safety and shall hold their offices during the pleasure of said board.

The Inspector of Buildings and his assistants shall not during their term of office be employed or engaged directly or indirectly in any building business, or enter into any contract for buildings for others, or to furnish materials, specifications or plans for buildings for others in the city of Louisville.

§ 2. Duties of Inspector of Buildings.

It shall be the duty of said Inspector of Buildings to cause to be kept a record of all applications for permits, which shall be regularly numbered in the order of their issue, also a record showing the number, description and size of all buildings erected in the city during his term of office; of what material constructed and the aggregate of the number, kind and cost of all buildings; the ground area and the number of cubic feet contained in such buildings; the inspection, removal and condemnation of buildings, and all other matters proper to be recorded.

Said Inspector of Buildings shall have full power to pass upon any question arising under the provisions of this ordinance relative to the manner of construction or material to be used in the erection, alteration or repair of any building.

Any duty or act required of or authorized to be done by the Inspector of Buildings may be performed by any Assistant Building Inspector, subject to revision by the Building Inspector.

§ 3. Appeal to Board of Safety.

Should any question arise between the Inspector of Buildings and the owner or architect of any building or proposed building, or should the owner or architect object to any order or decision of said Inspector, the matter shall be referred to the Board of Public Safety and its decision shall be final and conclusive.

§ 4. Inspector to Examine Buildings.

The Inspector of Buildings shall examine all buildings, or cause the same to be examined, upon or in which work is being done under the provisions of this ordinance as often as practicable.

If the Inspector of Buildings shall find in the city any building or structure, or part thereof, in such an unsafe condition as to endanger life, but so that by the immediate application of precautionary measures such danger may be averted, he shall have authority and it shall be his duty to forthwith notify in writing the owner, agent or person in possession, charge, or control of such building or structure, or part thereof, to adopt and put into effect such precautionary measures as may be neces-

sary or advisable in order to place such building or structure, or part thereof, in a safe condition. Such notice shall state briefly the nature of work required to be done, and the said Inspector shall specify in such notice a time in which the work required to be done shall be completed by the person notified.

If the owner, agent or person in possession, charge or control of such building or structure, or part thereof, when so notified, shall fail, neglect or refuse to place such building or structure, or part thereof, in safe condition and to adopt such precautionary measures as shall have been specified by said Inspector within the time specified in such notice, in such case, at the expiration of such time, it shall be the duty of said Inspector to proceed forthwith to do so, or cause to be done any and all work necessary to place such building or structure or part thereof in a safe condition.

If the said Inspector shall be unable to find the owner of such building, structure or part thereof, or agent or person in possession, charge or control thereof, upon whom such notice may be served, he shall place or cause to be placed the notice herein provided for upon such building at or near its principal entrance, or at some other conspicuous place on or near said building, and if at the expiration of the time specified in such notice for the completion of the work required to be done, the terms of such notice shall not have been complied with, it shall be the duty of the Inspector to thereupon proceed and do such work in the same manner as hereinbefore provided in cases of refusal, neglect or failure on the part of the owner, agent or person in possession, charge or control of any such building, structure, or part thereof, when so notified.

If, in accordance with the provisions of this section, the work of placing any building, structure, or part thereof, in a safe condition shall devolve upon the said Inspector, and it shall appear that such building, structure, or part thereof, is in such a condition as not to warrant the expenditure thereon of a sufficient sum of money to make such repairs, or to do such work as is necessary to put in a safe condition, the said Inspector shall have authority to tear down or destroy such building, structure, or part thereof, and the expense of tearing down and destroying any such building or structure or part thereof, and the expense of making any repairs or doing

any work thereon, shall be charged to the person owning or in possession, charge or control of such building or structure or part thereof, and the Inspector shall recover, or cause to be recovered from such owner or person in possession, charge or control the cost to the city of doing such work by some appropriate proceeding; and said expense and cost of making said repairs, tearing down and destroying said building or structure shall become and remain a lien upon the lot and improvements upon which said building or structure is located.

Should said owner, agent or person in possession, charge or control of any such building or structure, upon whom notice as provided for in this section has been served, fail, neglect or refuse to place such building or structure, or part thereof, in a safe condition as designated in said notice, then such owner, agent or person in possession, charge or control of said building, on whom said notice is served shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten (\$10) nor more than one hundred dollars (\$100), and each day said owner, agent or person in possession, charge or control of said building fails to place same in a safe condition after the date named in said notice has expired, shall be considered a separate offense.

§ 5. Inspector to Enter Buildings.

The Inspector of Buildings and his assistants are hereby given authority to enter any building in the city of Louisville in the performance of their duties and to order and compel the suspension of any work being done in violation of the provisions of this ordinance.

No person shall continue the construction of any building, or use any material in or about any building, after said Inspector of Buildings or his assistants have directed in writing the suspension of such construction or the use of such material.

§ 6. Revocation of Permits.

Should the Inspector of Buildings become convinced that the work under any permit is not proceeding according to the detailed statement, plans and specifications upon which such permit was issued, or is proceeding in violation of the law or ordinance, it shall be his duty to notify the owner or owners,

or his or their agents in writing, that the work is being constructed in violation of the permit or ordinance, and that the same must be immediately rectified to conform with the buildings laws or with such permit. If the owner or owners, or his or their agents, neglects to comply with the said laws, or fails to make corrections within such time as may be specified by the Building Inspector, it shall be the further duty of the Inspector of Buildings to revoke said permit, and notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work or posted on the property.

Said notice shall be in writing signed by the Inspector of Buildings, and after such revocation of permit, any architect, contractor or workman performing any work in or about said structure, building or premises shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00); and each day any such architect, contractor or workman performs any work on or about said structure or building after the revocation of said permit shall be considered a separate offense.

§ 7. Limit of Permit.

Every permit shall be considered cancelled if active work is not commenced within six (6) months of the date of its issue.

§ 8. Inspector to Make Tests.

The Inspector of Buildings and his assistants are hereby given authority to make such tests as may be necessary to determine the safety of the condition of any building or machinery which it becomes their duty, under the provisions of this ordinance to inspect, such tests, if there be expense attached, to be at the cost of the owner, same to be recovered by proper proceedings.

§ 9. Inspect all Buildings.

The Inspector of Buildings shall inspect or cause to be inspected all public school buildings, public halls, churches, theatres, auditoriums, skating rinks, baseball stands, or other stands occupied by large numbers of people, and all buildings used for either manufacturing or commercial purposes; also all hotels, apartment houses and all other buildings of whatsoever nature for the purpose of determining the safety of such

buildings or structures or any passways, appliances or equipments thereof; the sufficiency of their doors; passageways, aisles, stairways, corridors, exits or fire escapes, and generally their facilities for egress in case of fire or other accident, and the strength of their floors, and in case of any violations of the several provisions of this ordinance, to cause warrants to be issued against the offender or offenders.

PART II.

PERMITS.

§ 10. Requirements for Permit.

No excavation shall be commenced, no wall, structure, building or structure be constructed, installed or altered, nor shall the heating apparatus, gas fitting or elevator work of any building or structure be constructed, installed or altered, nor shall any building be moved, nor any sign erected, except in accordance with the provisions of this Code, nor until a permit has been issued by the Department of Buildings.

§ 11. Bond To Be Given.

Before the Inspector of Buildings shall issue a permit to erect, alter or repair a building the owner shall file a bond with the Board of Public Safety, with surety to be approved by the Inspector of Buildings, expressly stipulating and agreeing to pay all damages for personal injuries to any one or damages to property or improvements on account of any excavation made in, or any obstruction placed upon any street, sidewalk, alley or other public space of the city of Louisville by any one while engaged in or about the performance of said work and during the existence of such excavation or obstruction, and will defend all suits and hold the city of Louisville harmless against any and all loss or damage on account of either personal injuries or injuries to property.

§ 12. Application for Permit.

Application for permit shall be made in writing to the Inspector of Buildings and signed by the owner or his agent or architect upon blank forms furnished by the Department of Buildings. The application shall state the location of the

building, size of lot, number of cubic yards of stone or of concrete for foundations or other purposes, the number of thousand of brick and the number of square yards of plaster to be used in the erection, alteration or repair of said building, and the estimated cost of such work.

Application for permit to erect a building or structure shall be accompanied by such plans and specifications as will give full information as to the character of the building, its size in every direction, arrangement of rooms, halls, closets and stairways and the material to be used in construction; and the Inspector of Buildings may require detail drawings and strain sheet of all such trusses, beams, columns and floors or such other drawings and specifications as he may deem necessary.

Applications for permit to erect elevators, fire escapes, or to do plumbing or electrical work, or to erect signs of any kind, will be made on blanks furnished by the Department of Buildings, and accompanied by such plans and specifications as may be required.

§ 13. Plans.

All plans must be made in ink on cloth or heavy paper or on blue print paper. They must be drawn to scale and dimensions of structural parts filled in with figures.

The Inspector of Buildings may issue permits for the erection of sheds or small one-story buildings upon the description given in the application and not accompanied by drawings, and this shall apply also to alterations and repairs of buildings when in the judgment of the Inspector of Buildings drawings are not necessary to show the full character of the work to be done.

If any changes are made in the plans of a building after a permit has been issued, then the architect or owner shall file revised plans, or record such alterations or changes affecting structural parts of the design on the plans and specifications on file in the office of the Department of Buildings, and such alterations or changes must have the approval of the Inspector of Buildings endorsed thereon.

§ 14. Use of Public Way.

Upon receiving a permit, the party intending to build shall, if the street be not graded in front of the proposed building, obtain the grade from the City Engineer's office and build in conformity therewith.

The portion of any street which may be occupied by the material necessary for a building in course of construction, alteration or repair shall not exceed in any event the dimensions of the front of the premises being built upon, and twelve and one-half feet in addition on each side and not exceeding one-third of the street in breadth, and such occupation of public ways shall not be prolonged an unreasonable period.

All brick shall be properly stacked when removed from wagon, and a sufficient way be left unencumbered at all times between said building material and the curbstone on the side of the street opposite the building for the passage of vehicles.

No material shall be placed within four feet of the track of any railroad or street railway, or of any fire cistern, fire plug, pump, manhole for any sewer or conduit system or crossing, or within twelve inches of any curbstone, without provision being made for the free passage of water in the gutters and a sufficient unobstructed passageway for persons and vehicles be maintained at all times along the street; and provided further, that where it is possible so to do, that as soon as any building is up to the grade sidewalk the sidewalk shall immediately be constructed and a sufficient passageway be kept at all times over same, and whenever required by the Inspector or his deputies, as soon as the building reaches the height of the first story, the owner or contractor shall construct a shed over the sidewalk and the entire width of front and side of premises being built upon, and keep same in repair until the building is completed or until the Inspector or his deputies order same removed.

Upon all obstructions or excavations caused by contractors or other persons in the streets and other thoroughfares they shall place red lights, to be kept burning from twilight in the evening until daylight in the morning, so long as such obstructions remain. A passageway at least four feet wide shall be kept in front of any new building in course of construction, or any building in process of repairs or altering, as far as practicable.

§ 15. Use of Space Under Sidewalk.

In the use of space under the sidewalk, in front or side, or in the alley, in the rear or side of any structure, a sufficient retaining wall to sustain the roadway or street shall be constructed, and all end and division walls shall extend from the wall of the building to the curb line, and be of sufficient strength to sustain the sidewalk or roadway. The sidewalk in such cases to be entirely incombustible material. All openings in such sidewalks shall be covered with illuminating tile in iron frames, or with iron covers with rough surfaces. No plain surface or glass greater than six inches square allowed in any sidewalk.

The foregoing provisions and all the provisions of this Code shall apply with equal force to buildings both municipal and private.

PART III.

DEMOLISHING AND MOVING BUILDINGS.

§ 16. Application for Permit.

An application for permit to move a building shall state the location of the building to be moved, its length, width, height and the principal materials of its walls or sides and its roof and the proposed location to which it is to be moved.

In the erection of the building at its new location all the provisions of this Code applicable to a new building of the same class shall apply. No frame building shall be moved from one place to another within the fire limits, nor from without to within the fire limits.

No permit will be issued to move a building to another location until the mover has obtained a permit from the Board of Public Works to occupy the necessary public ways.

§ 17. Rubbish to be Removed.

Earth taken from excavations and rubbish taken from buildings being erected, altered, repaired or demolished shall not be stored upon sidewalks, streets or alleys, but must be removed as rapidly as produced. In demolishing any building story after story, commencing with the top story, shall be completely

removed, the brick, timbers and other structural parts of each story shall be lowered to the ground immediately upon displacement. The material to be removed shall be properly wet down to lay the dust incident to removal.

§ 18. Raising Frame Buildings.

A frame building not more than two stories in height may be raised for the purpose of constructing a basement story under it. The principal floor of a two-story building shall not be elevated more than eight feet above the grade of the lot, and the new walls shall be of masonry and thirteen inches thick. Footings of foundations to be twelve inches wider than walls.

§ 19. Remodeling Buildings in Fire Limits.

No frame, veneered, iron-clad or any building the enclosing walls or roof of which are constructed of combustible material shall be erected, moved or remodeled within the fire limits of the city of Louisville, or repaired when damaged to the extent of fifty per cent of the cost of replacing the original building, exclusive of the value of the foundation.

Any frame, veneered or iron-clad building within the fire limits of the city of Louisville that has been damaged by fire or decay to a greater extent than fifty per cent of the cost of replacing the original building, exclusive of the value of the foundation, may be condemned and ordered removed within ten days by the Inspector of Buildings. Any building within the fire limits of the city of Louisville having a combustible roof, such roof when damaged by fire or other cause to the extent of fifty per cent of the cost of replacing it, shall be removed and be replaced by a metal or other thoroughly noncombustible roof covering.

The question of the cost of replacing a roof or a structure named in this section, and the extent of the damage by fire or other causes, shall be determined by the Inspector of Buildings, provided that the owner or agent may appeal from the decision of the Inspector of Buildings to the Board of Public Safety.

§ 20. Temporary and Detached Structures.

Sheds may be erected for the storage of materials, for the shelter of workmen or animals from sun and rain, for outdoor

manufacturing and for temporary purposes, subject to the restrictions imposed by the provisions of this sub-division, and they shall not be constructed for any other purpose.

Sheds must not be over 15 feet high. They shall not be lathed or plastered or otherwise finished as for habitation.

No shed shall have an area of more than 2,500 square feet. When made of combustible material a shed shall not be placed within ten (10) feet of any other structure.

Shed walls and shed roofs erected within the fire limits, except for purposes connected with the construction of a permanent building, shall be made entirely of incombustible material.

Small sheds made of wood required for offices or for the storage of tools and materials to be used in the erection of any building or other construction, may be constructed on the premises or adjoining premises, but no such sheds shall be erected upon a public way without the approval of the Inspector of Buildings, and such sheds shall be removed when the permanent structure is ready for occupancy.

Before beginning work on any building, the contractor or builder shall provide ample water closet facilities for working while engaged upon the construction of the building.

PART IV.

DEFINITIONS.

§ 21. Buildings Classified.

The term "Fireproof Buildings" shall apply to all buildings in which the principal parts are made of incombustible materials, but not including fire-proofed wood. In all such buildings, the walls, floors, roofs, furrings, ceilings, stairs and elevator enclosures, excepting only the finish of the floor, shall be made entirely of incombustible material, and all structural members of metal shall be protected from fire by a covering, the material of which shall be entirely incombustible, not injuriously affected by water, and a slow conductor of heat.

The term "Slow-burning Buildings" or "Composite Buildings" shall apply to all buildings in which the exterior walls are made entirely of brick, stone or concrete and roof covering made of incombustible material, with doors, windows and

frames of wood, but with interior walls of brick, or with columns and girders made of fireproofed iron or steel, and with the floor construction of wooden beams, joists and ceiling furred with fire-proof material and all concealed spaces fire stopped and all subdivisions made with incombustible partitions, or if the floor and roof system are composed of heavy timbers and plank with no concealed air spaces.

The term "Mill Construction" shall apply to buildings without hollow or concealed spaces, having brick walls not less than twelve inches in thickness for the top story and increasing in thickness according to sections 42 and 43 of this Code; roofs to be of three-inch splined planking spiked directly to heavy roof timbers not less than six inches in the least dimension, covered with metal or other approved incombustible roof covering. Floors to be solid without openings, constructed of not less than three-inch splined planking covered with one-inch top flooring laid crosswise or diagonally properly nailed. Between the top flooring and the planking shall be placed not less than two thicknesses of water proof material carefully laid to break joints and flashed at least three inches around all walls, posts or columns and openings with mouldings or mopboards. Size and spacing of floor timbers shall be suitable for the load to be carried, but the timbers shall in no case be less than eight inches in the least dimension, and shall rest on top of girders or on iron or steel plates in the walls. Girders shall rest on iron or steel plates in the walls and on iron or steel caps on columns, so arranged as to be self-releasing. All columns and posts shall rest on pintles, and the size and spacing thereof shall be suitable for the load to be carried, but no column or post shall be less than eight inches in the least dimension. Columns, girders and beams, if of wood, shall be of solid material, and if of iron or steel shall be protected as called for in sections 144, 145 and 146 of this Code. All elevators, stairs, bolts, pipes, shaftings and vents piercing floors shall be inclosed in towers having brick walls not less than eight inches in thickness, or reinforced concrete walls not less than six inches in thickness, and all openings therein shall be protected by standard, automatic, self-closing fire doors.

The term "Ordinary Masonry Building" shall apply to all buildings in which the bearing walls are made of brick, stone

or concrete, and the floors and roof are made of ordinary wood construction.

The term "Frame Building" shall apply to all buildings, the exterior walls or any part of which are constructed of wood.

Wood buildings sheathed with boards and covered with four inches of brick or terra cotta, and wood frames covered with metal or lathed and plastered on the outside shall be classed as frame buildings.

"Private Dwellings" shall be taken to mean and include all buildings which shall be intended, designed or used as a home or residence, no part of which structure is used as a store or for any business purpose.

An "Apartment House" shall be taken to mean and include every building which shall be intended, designed or used as the home of two or more families or households living independently of each other. Buildings, the first floor or basement of which are used as stores and the upper floors for sleeping rooms, shall be classed as "Apartment Houses or Flats."

The term "Tenement" shall apply to every house, building or portion thereof which is rented, leased or hired out to be occupied or is occupied as the residence of more than two families, living independently of one another and doing their cooking on the premises, or by more than two families on a floor so living or cooking, but having a common right in the halls, stairways, yards, water closets or privies, or some of them.

The term "Hotel" shall apply to every building or part thereof, used for supplying food or shelter to residents or guests, and having a public dining-room or cafe or both, and containing more than fifteen sleeping rooms.

The term "Office Building" shall apply to every building which shall be divided into rooms and used for business purposes, no part of which shall be used for living purposes, excepting only the room for the janitor and his family.

The term "Warehouse" shall apply to every building, or part thereof, used solely for the sale or storage of merchandise.

"Incombustible Material," when referred to as a structural material, means brick, stone, slate, terra cotta, concrete, wire glass one-quarter ($\frac{1}{4}$) inch thick, iron, steel or sheet metal, and heavy asbestos and mineral wool, when used alone or in combination with each other.

By the term "Garage" is meant a building or that portion of a building wherein are kept vehicles charged with, or containing a volatile inflammable liquid for fuel or power. Where any portion of a building is used for a garage, the garage shall be deemed to embrace all of the building not separated from the garage proper by fire walls. All openings in such walls shall be protected on both sides by fireproof doors constantly closed, except when necessarily opened for passage.

"Public Garages" are garages that are let or hired for storage or repair of such vehicles.

"Private Garages" are garages used by individual owners of such vehicles only, and need not be of fireproof construction, if outside the fire limits and housing not more than four (4) vehicles.

A "Club House" is a building used or intended for use by an organization or society for mutual entertainment or recreation.

When such buildings contain fifteen (15) or more rooms for sleeping purposes, they shall be classed as hotels, and when such buildings contain assembly halls, seating two hundred (200) or more, they shall be classed as assembly halls. When the seating capacity in such auditorium exceeds five hundred (500), and has a permanent stage in excess of twenty (20) feet in depth, and having fifty galleries, and rigging lofts, such portion of the building containing the assembly hall shall meet the requirements for theaters.

PART V.

QUALITY OF MATERIALS.

§ 22. Brick, Sand and Mortars.

Brick.—The brick used in all buildings shall be good, hard, well-burnt brick, provided, however, that isolated interior chimneys of dwellings and partition walls and interior four inches of bearing walls in the upper two stories of any dwelling may be of one "Salmon" brick to two hard-burned bricks. No "Salmon" brick shall be used in cellars, basements, fire walls or in chimneys above the roof line.

Sand.—The sand used for mortar or concrete in all building shall be clean, sharp grit sand free from loam or dirt.

Lime Mortar.—Slaked lime mortar shall be made of one part lime and not more than three parts of sand; all lime shall be thoroughly burnt, of good quality and properly slaked before it is mixed with the sand.

Cement Mortar.—Cement mortar shall be made of Portland cement or of Louisville cement, or a natural cement equal in quality to Louisville cement, mixed with sand, and shall be used immediately after being mixed. If Louisville or other natural cement is used, the proportions shall be one part cement by measure and not more than two parts sand. If Portland cement is used, the proportions shall be one part cement and not more than three parts sand.

Cement and Lime Mortar.—Cement and lime mortar mixed shall consist of equal parts of lime and cement mortars as described above in this section, or what is known as “Bricklayers” cement (being a mixture of Louisville Hydraulic cement with 15 per cent of lime added before grinding), may be used with the proper proportion of sand instead of the cement and lime mixtures described above in this section.

§ 23. Cements.

All cements, whether used for mortar, concrete or concrete blocks, shall conform to the requirements and standard tests of the American Society of Civil Engineers. “Bricklayers” cement is to be classed with the Louisville or natural cements, and may be used wherever such cements are specified in this Code.

When required by the Inspector of Buildings, there shall be submitted to him certified tests of the cement being used in any building from some established laboratory of inspection, and the cement shall conform to all requirements of this section.

§ 24. Concrete for Foundations.

Concrete for foundations shall be made of not more than two and one-half parts of sand and five parts broken stone by volume to one part cement; the stone shall be clean and broken to such size as to pass in any way through a two-inch ring; good clean gravel may be used in the same proportion as broken stone. The cement and sand are to be measured and thoroughly mixed before adding water. All concrete shall be properly rammed and allowed to set before being disturbed.

§ 25. Quality of Timber.

All timbers and wooden beams used in any building shall be of good, sound material free from rot, large and loose knots, shakes or any imperfection whereby the strength may be impaired, and be of such size and dimensions as the purpose for which the building is intended requires.

§ 26. Tests of New Materials.

New and untried material of whatever nature shall be subjected to such tests to determine its character and quality as the Inspector of Buildings shall direct. The tests shall be made under the supervision of the Inspector of Buildings, or he may direct the architect or owner to file with him a certified copy of the results of test such as he may direct to be made.

§ 27. Structural Material.

Wrought Iron.—All wrought iron shall be uniform in character, fibrous, tough and ductile. It shall have an ultimate tensile resistance of not less than 48,000 pounds per square inch, an elastic limit of not less than 24,000 pounds per square inch, and an elongation of twenty per cent in eight inches when tested in small specimens.

Steel.—All structural steel shall have an ultimate tensile strength of from 54,000 to 64,000 pounds per square inch. Its elastic limit shall be not less than 32,000 pounds per square inch and test specimens ruptured in tension must show a minimum elongation of not less than 20 per cent in eight inches. Rivet steel shall have an ultimate strength of from 50,000 to 58,000 pounds per square inch.

Cast Steel.—Shall be made of open hearth steel containing one-quarter to one-half per cent of carbon, not over eight one-hundredths of one per cent of phosphorous, and shall be practically free from blow holes.

Cast Iron.—Shall be of good foundry mixture, producing a clean, tough, gray iron. Sample bars five feet long, one inch square, cast in sand molds, placed on supports four feet six inches apart, shall bear a central load of 450 pounds before breaking. Castings shall be free of serious blow holes, cinder spots and cold shuts. Ultimate tensile strength shall be not less than 16,000 pounds per square inch when tested in small specimens.

PART VI.

EXCAVATIONS AND FOUNDATIONS.

§ 28. Excavations.

All excavations for buildings shall be properly guarded and protected so as to prevent the same becoming dangerous to life or limb, and shall be sheath piled by the person or persons causing the excavations to be made when necessary to prevent the adjoining earth from caving in. Plans filed in the Department of Buildings shall be accompanied by a statement of the character of the soil at the level of the footings when required by the Inspector of Buildings.

§ 29. Excavations Over Ten Feet Deep.

Whenever the owner of a lot in the city of Louisville proposes to excavate upon such lot to a depth greater than ten (10) feet below the top of the curbstone of the sidewalk adjoining such lot, or below the lot grade, if excavation is back of sidewalk line, or to cause an excavation to be made on such lot to a depth greater than ten feet below the top of such curbstone or lot grade, the owner so proposing to excavate, or to cause an excavation to be made, shall at his own expense protect any wall on adjoining land on or near such excavation from injury from such excavation, if the necessary license is afforded him to enter upon such adjoining land for that purpose, but not otherwise.

Any person, firm or corporation whose duty it is under this ordinance or other law to protect any wall, cellar or structure, shall be subject to the penalties imposed by this ordinance.

§ 30. Retaining Walls.

When an excavation is made on any lot, the person or persons causing such excavation to be made shall build on the adjoining lot at his or their own cost and expense a retaining wall to support the adjoining earth, if accorded the necessary license to enter upon the said adjoining lot, and not otherwise, and such retaining wall shall be carried to the height of the adjoining earth and be properly protected by coping. If the necessary license is not accorded to the person or persons making such excavation, then it shall be the duty of the owner or owners refusing to grant such license to build the retaining wall on his or

their own property, at his or their own expense, without recourse to the person or persons making the excavation on the premises adjoining thereto.

The thickness of a retaining wall at its base shall be in no case less than one-fourth of its height, or of a design of equivalent strength.

§ 31. Bearing Capacity of Soil.

Where no test of the sustaining power of the soil is made, different soils, excluding mud at the bottom of the footings, shall be deemed to safely sustain the following loads to the superficial foot, namely:

Loam, clay or fine sand, firm and dry two and one-half tons per square foot.

Very firm, coarse sand, stiff gravel or hard clay, four tons per square foot, or as otherwise determined by the Inspector of Buildings.

Where a test is made of the sustaining power of the soil, the Inspector of Buildings shall be notified so that he may be present, either in person or by representative. The record of the test shall be filed in the Department of Buildings.

When a doubt arises as to the safe sustaining power of the earth upon which a building is to be erected, the Department of Buildings may order borings to be made, or direct to be tested the sustaining power of the soil by and at the expense of the owner of the proposed building.

§ 32. Pressure Under Footings of Foundations.

The loads exerting pressure under the footings of foundations in buildings more than three stories in height are to be computed as follows:

For warehouses and factories, they are to be the full dead load and 75 per cent of the full live load, established by section 100 of this Code.

In stores and buildings for light manufacturing purposes they are to be the full dead load and 60 per cent of the live load established by section 100 of this Code.

In churches, school houses and places of public amusement or assembly they are to be full dead load and 60 per cent of the live load established by section 100 of this Code.

In office buildings, hotels, apartment hotels, dwellings, apartment houses, tenement houses, lodging houses and stables they are to be the full dead load and 40 per cent of the live load established by section 100 of this Code.

Footings shall be so designed that the loads will be as nearly uniform as possible and not in excess of the safe bearing capacity of the soil, as established by section 31. of this Code.

§ 33. Foundations.

Every building, except buildings erected upon solid rock, shall have foundations not less than thirty inches below the curb level (or the finished grade of lot if the building does not immediately adjoin the sidewalk) on solid ground or upon piles or ranging timbers when solid ground or rock is not found.

§ 34. Wood Piles.

Piles of wood intended to sustain a wall, pier or post shall be spaced not more than thirty-six inches nor less than twenty inches on centers, and they shall be driven to a solid bearing, if practicable to do so, and the number of such piles shall be sufficient to support the superstructure proposed.

No wood pile shall be used of less dimensions than five inches at the small end and ten inches at the butt for short piles, or piles twenty feet or less in length, and twelve inches at the butt for long piles or piles more than twenty feet in length.

No wood pile shall be weighted with a load exceeding forty thousand pounds.

When a wood pile is not driven to refusal, its safe sustaining power in pounds shall be determined by the following formula:

Twice the weight of the hammer in pounds multiplied by the height of the fall in feet divided by the penetration of pile under the last blow in inches plus one.

The Inspector of Buildings shall be notified of the time when such test piles of wood will be driven, that he may be present either in person or by representative.

When required concrete shall be rammed down in the interspaces between the heads of the piles to a depth and thickness of not less than twelve inches, and for one foot in width outside of the piles.

§ 35. Concrete Piles.

Piles may be made of concrete, either reinforced or plain.

Plain concrete piles must be molded in place by methods which are reasonably certain to secure perfect, full-sized piles; reinforced concrete piles, if properly designed to resist the shock of driving, and if driven with a cushion to lessen the shock, or if put down by a water jet, may be molded, allowed to harden, and then driven or jetted into place.

In case concrete piles are used, whether reinforced or otherwise, their bearing power shall be determined by putting in one or more test piles and loading them after the concrete is sufficiently hard.

The full working load in the structure shall not be more than one-third of the load under which the pile begins to settle.

In no case, however, shall the load on a concrete pile exceed fifty thousand pounds per square foot of cross section of concrete plus 6,000 pounds per square inch on any longitudinal steel reinforcement.

§ 36. Foundation Walls.

Foundation walls shall be construed to include all walls and piers built below the curb level or nearest tier of beams to the curb, or to the average level of the ground adjoining the walls, to serve as supports for walls, piers, columns, girders, posts or beams.

Foundation wall shall be built of stone, brick, cement, concrete, iron or steel.

If built of rubble, stone, brick or concrete, they shall be at least four inches thicker than the wall next above them to a depth of twelve feet below curb or grade level, and for every additional ten feet or part thereof deeper, they shall be increased four inches in thickness, but no foundation wall of rubble stone shall be less than eighteen inches thick.

Base Course.—The footings or base course shall be of stone or concrete or both, or of concrete and stepped-up brick work, or brick-work of sufficient thickness and area to safely bear the weight to be imposed thereon. If the footing or base course be of concrete, the concrete shall not be less than eight inches thick.

If of stone, alternate stones shall extend through the wall and be at least six inches in thickness. If stepped-up footings of

brick are used, the off-sets, if laid in single courses, shall each not exceed one and one-half inches, or if laid in double courses, then each shall not exceed three inches offsettings the first course of brickwork back one-half the thickness of the concrete base so as to properly distribute the load to be imposed thereon.

Headers in Stone Walls.—All stone walls twenty-four inches or less in thickness shall have at least one header extending through the wall in every five feet in each course, and if over twenty-four inches in thickness, shall have one header for every six superficial feet on both sides of the wall laid on top of each other to bond together and running into the wall at least two feet.

All headers shall be at least twelve inches in width and be well shaped flat stones.

No stone in a rubble wall shall have a bed less than the rise and in no case shall the bed be less than six inches.

All foundation walls shall be laid in cement mortar.

§ 37. Grillage in Foundations.

Grillage beams of wrought iron or steel resting on a proper concrete bed may be used. Such beams shall be provided with separators and bolts inclosed and filled solid between with concrete and of such sizes and so arranged as to transmit with safety the superimposed loads.

PART VII.

WALLS, PIERS AND PARTITIONS.

§ 38. Material of Walls.

The walls of all buildings other than frame or wood buildings shall be constructed of stone, brick, cement, concrete, iron or steel or other hard incombustible material, and the several component parts of such buildings shall be as herein provided. All buildings shall be inclosed in all sides.

Piers or Buttresses.—In all walls of thickness specified in this Code the same amount of material may be used in piers or buttresses.

Bearing Walls Defined.—Bearing walls shall be taken to mean those walls on which beams, girders or trusses rest.

Bearing Walls With Openings.—If any horizontal section through any part of any bearing wall in any building shows more than thirty per cent of flues and openings, the said wall shall be increased four inches in thickness for every fifteen per centum or fraction thereof of flue or opening area in excess of thirty per centum.

Brick and Masonry Work.—The walls and piers of all buildings shall be properly and solidly bonded together with close joints filled with mortar. They shall be built to a line and be carried up plumb and straight. The walls of each story shall be built up the full thickness to the top of the beams above.

All brick laid in non-freezing weather shall be well wet before being laid.

Isolated piers shall not exceed in height ten times their least dimensions.

Stone Posts Under Interior Columns.—Stone posts for the support of posts or columns above shall not be used in the interior of the building.

Piers and Walls of Coursed Stone.—Where walls or outside piers are built of coursed stones with dressed level beds and vertical joints, such walls or piers may be built of a less thickness than specified for brickwork, but in no case shall said walls or piers be less than three-quarters of the thickness provided for brickwork.

Heading Courses in Brick Walls.—In all brick walls every sixth course shall be a heading course, except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by cutting the course of the face brick and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous row of headers.

Where face brick is used of a different thickness from the brick used for the backing, the courses of the exterior and interior brickwork shall be brought to a level bed at intervals of not more than ten courses in height of the face brick, and the face brick shall be properly tied to the backing by a heading course of the face brick.

All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this Code.

If brick walls are laid in Flemish bond, all headers must be full headers, if possible. Where this is not possible, the headers of every sixth course must be full headers, and in this case the thickness of the wall must be four inches greater than it would otherwise be under the requirements of this law.

§ 39. Ashlar.

Stone ashlar facing shall in no case be less in thickness than four inches. Stone ashlar facing shall not be counted in the thickness of a wall unless it meets with the following requirements:

1st. It shall be in courses not more than fifteen inches in height.

2nd. The courses must be adjusted so that the top of the ashlar course shall not come out flush with the top of the corresponding course of brick backing.

3rd. The ashlar facing must be bonded to backing by alternate courses differing in depth four or eight inches.

4th. Each piece of stone ashlar shall be bonded to the brick backing with at least one piece of galvanized iron one-eighth inch thick by one and one-quarter inches broad and turned up or down at least one inch at each end, bearing two and one-half inches on stone ashlar and reaching at least nine inches into the brick backing. Pieces of stone ashlar more than two feet in length shall have at least two anchors. Stone ashlar facing without bonding courses, as provided in paragraph 3, shall have anchors binding it to backings, as provided in this paragraph, but shall not be counted in the thickness of the wall.

Mortar for Walls and Ashlar.—All foundation walls, isolated piers, parapet walls and chimneys above roofs shall be laid in cement mortar.

The backing up of all stone ashlar shall be laid with cement mortar, but the back of the ashlar may be pargetted with lime mortar or stainless cement or coated with asphaltum varnish to prevent discoloration of the stone.

All other walls built of brick or stone, except foundation walls, may be laid with lime mortar, cement mortar or lime and cement mortar mixed, all made as prescribed in section 22.

§ 40. Height of Buildings.

The height of a building shall be measured from the curb or the grade level of the lot at the center of the front of the building to the top of the highest point of the roof beams, not including in such measurement of height cornices which do not extend more than five feet above the roof beams, nor inclosures for the machinery of elevators which do not exceed twenty feet in height above the roof beams and do not exceed in united area ten per centum of the area of the roof.

If the grade of the lot or adjoining street in the rear or along the side of the building falls below the grade of the front, the height shall be taken in the center of the side showing the greatest fall.

No non-fireproof building or structure outside of fire limits shall exceed seventy feet in height, but this shall not apply to spires of churches or similar buildings outside of the fire limits which may be constructed of wood to a height of 125 feet above the curb level.

Height of Cellars, Basements and Stories.—The height of all cellars, basements and stories shall mean the perpendicular distance from the top of the finished floor to the underside of the finished ceiling above.

Cellars.

A cellar shall be taken to mean the lowest portion of a building, the floor of which is below the grade level at the center of the front of the building more than three-fourths of the height of said portion.

The height of a cellar shall not be less than seven feet, if it is used for purposes other than conduits for pipes.

Basements.—A basement shall be taken to mean that portion of a building the floor of which is below the curb or grade level at the center of the front of the building more than thirty inches and not more than three-fourths of the height of said portion measured from floor to ceiling.

The height of a basement shall not exceed twelve feet. If more than that height, or if at any place on any wall facing a street or public way, its floor level with or higher than the curb or grade level, it shall be counted as the first story of the building.

§ 41. Meaning of Stories.

The first story shall be taken to mean the story the floor of which is first above the basement or cellar.

Height of Stories.—The height of stories for all given thickness of walls shall not exceed—

First story	16 feet in the clear
Second story	14 feet in the clear
Third story	12 feet in the clear
Fourth and upper stories	11 feet in the clear

If any story exceeds the foregoing heights, the walls of any such story and all walls below that story shall be increased four inches in thickness.

§ 42. Walls for Dwelling House Class.

The expression “Walls for Dwelling House Class” shall be taken to mean and include walls for the following buildings:

- | | |
|------------------|------------------|
| Apartment Houses | Hotels |
| Apartment Hotels | Laboratories |
| Asylums | Lodging Houses |
| Club Houses | Parish Buildings |
| Convents | Schools |
| Dormitories | Studios |
| Dwellings | Tenements |
| Hospitals | |

For buildings in the dwelling house class, the minimum thickness of all independent surrounding and dividing walls in the same carrying the loads of floors and roofs shall be made in accordance with the following table, in which the length of wall is limited to fifty feet:

Dwelling House Class Brick Walls.
Minimum thickness in inches,

Length—50 feet Height	Basement or Cellar		Stories							
	Stone.	Brick.	1	2	3	4	5	6	7	8
One Story.....	18	13	13							
Two Stories.....	18	13	13	13						
Three Stories.....	21	17	13	13	13					
Four Stories.....	24	21	17	13	13	13				
Five Stories.....	24	21	17	17	13	13	13			
Six Stories.....	28	21	21	17	17	17	13	13		
Seven Stories.....	30	26	21	21	17	17	17	13	13	
Eight Stories	30	26	26	21	21	17	17	17	13	13

If walls are unlimited in length, the top two stories shall be thirteen inches thick and increase four inches in thickness every two stories downward to foundation.

§ 43. Walls for Warehouse Class.

The expression, "Walls for Warehouse Class," shall be taken to mean and include walls for the following buildings:

Armories	Museums
Barns	Observatories
Breweries	Office Buildings
Carriage Houses	Police Stations
Churches	Printing Houses
Cooper Shops	Public Assembly Buildings
Court Houses	Pumping Stations
Factories	Railroad Buildings
Foundries	Refrigerating Houses
Garages	Stables
Jails	Stores
Libraries	Sugar Refineries
Light and Power Houses	Theaters
Machine Shops	Warehouses
Markets	Wheelwright Shops
Mills	

For buildings in the warehouse class twenty-five feet or less in width between walls or bearings, the minimum thickness of all independent surroundings or dividing walls in the same carrying the loads of floors and roofs shall be made in accordance with the following table, in which the length of wall is limited to 60 feet:

Length--60 feet. Height	Brick Buildings—Warehouse Class. Minimum thickness in inches.									
	Basement or Cellar		Stories							
	Stone.	Brick.	1	2	3	4	5	6	7	8
One Story.....	18	17	13							
Two Stories.....	20	17	13	13						
Three Stories.....	22	17	17	13	13					
Four Stories.....	24	21	17	17	13	13				
Five Stories.....	28	21	21	17	17	13	13			
Six Stories.....	30	26	21	21	17	17	13	13		
Seven Stories.....	34	26	26	21	21	17	17	13	13	
Eight Stories.....	36	30	26	26	21	21	17	17	13	13.

§ 44. Unlimited Walls.

If walls are unlimited in length the top story shall be thirteen inches in thickness and walls increased four inches in thickness every two stories downward to foundation. Unlimited walls in either the dwelling house class or the warehouse class may be built the same as the fifty-foot or sixty-foot limited walls when there is an offset of not less than three feet or an intersecting wall at the fifty-foot or sixty-foot limit.

When walls are used as party walls in non-fireproof buildings the thirteen-inch sections of the wall shall have corbelled ledges to carry the ends of the beams or be increased in thickness to not less than seventeen inches, and the beams entering the walls shall be staggered.

When used for bearing party walls in fireproof buildings no portion of the walls shall be less than seventeen inches in thickness.

If there is to be a clear span of over twenty-five feet between the bearing walls in any building, such walls shall be four inches thicker than in this section specified for every twelve and a half feet or fraction thereof that said walls are more than twenty-five feet apart, or shall have instead of the increased thickness such piers or buttresses as are necessary to give strength equal to walls of such increased thickness.

§ 45. Walls for Public Buildings.

The walls of buildings of a public character shall be not less than in this Code specified for warehouses with such piers or such buttresses, or supplement column of iron steel properly insulated as provided in sections 144, 145 and 146 as may be necessary to make a safe and substantial building.

§ 46. Walls Increased or Reduced in Thickness.

All buildings, not excepting dwellings that are over one hundred and five feet in depth without a crosswall or proper piers or buttresses, shall have the side or bearing walls increased in thickness four inches more than is specified in the respective sections of this Code for the thickness of walls for every one hundred and five feet or part thereof that the said buildings are over one hundred and five feet in depth.

Reduced Thickness of Interior Walls.—In case the walls of

any building are less than twenty-five feet apart and less than forty feet in depth, or there are crosswalls which intersect the walls not more than forty feet distant, or piers or buttresses built into the walls, the interior walls may be reduced in thickness in just proportion to the number of crosswalls, piers or buttresses and their nearness to each other, provided, however, that this clause shall not apply to walls below fifty-five feet in height, and that no such wall shall be less than twelve inches thick at the top and gradually increased in thickness by set-offs to the bottom.

§ 47. Inclosure Walls for Skeleton Structures.

Walls of brick built in between iron or steel columns and supported wholly or in part on iron and steel girders, shall not be less than thirteen (13) inches thick for sixty-five feet of the uppermost height thereof, or to the nearest tier of beams to that measurement in any building so constructed.

And the lower section of sixty feet, or to the nearest tier of beams to such vertical measurement or part thereof, shall have a thickness of four inches more than is required for the section next above it down to the tier of beams nearest to the curb level:

And thence downward, the thickness of walls shall increase in the ratio prescribed in section 36 of this Code.

Reduced Thickness for Adjoining Walls.—When two independent buildings of skeleton type of construction and of the same height adjoin each other, the thickness of the said independent walls above the foundation for such sections where they adjoin may be not less than nine inches.

§ 48. Existing Party Walls.

Walls heretofore built for or used as party walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this Code, may be used, if in good condition for the ordinary use of party walls, provided the height of the same be not increased.

Lining Existing Walls.—In case it is desired to increase the thickness of any existing wall in order to increase the height of a building, or to utilize a party wall in the construction of a new building, and where the thickness of the wall is less than is required by the Code, but is otherwise a good wall, the same

shall be done by a lining of brickwork to form a combined thickness with the old wall of not less than four inches more than the thickness required in the Code for a new wall of similar height.

The said lining shall be supported on proper foundations.

No linings shall be less than nine inches in thickness and all lining shall be laid up in cement mortar and thoroughly anchored to the old brick by cutting out the course of brick under headers of old wall in slats of seventeen inches in length, leaving space of eight inches intact between slats and cleaning out all old mortar in portions cut out, then wetting old wall and inserting new headers joining old and new walls with joints filled with cement mortar. The old walls shall first be cleaned of plaster or other coating and joints in old wall hacked or roughened and space between old and new walls grouted each course with thin cement mortar.

§ 49. Walls to be Braced.

The walls and beams of every building during the erection or alteration thereof shall be strongly braced from the beam of each story, and when required shall also be braced from the outside until the building is inclosed.

§ 50. Arches and Lintels.

Openings for doors and windows on enclosing walls of all buildings shall have good and sufficient arches of stone, brick or terra cotta built and keyed with good and sufficient abutments or lintels of stone, iron or steel or reinforced concrete of sufficient strength which shall have a bearing at each end of not less than five inches on the wall.

Inside Lintels.—On the inside of all openings in which lintels are less than the thickness of the wall to be supported, there shall be timber lintels which shall rest at each end not more than three inches on any wall; or the inside lintel may be of cast iron or wrought iron or steel.

§ 51. Parapet Walls.

All exterior and division or party walls over fifteen feet high, excepting where such walls are to be finished with cornices, gutters or crown mouldings shall have parapet walls not less than thirteen inches in thickness and carried two feet above the roof.

But for warehouses, factories, stores and other buildings used for commercial or manufacturing purposes the parapet walls shall be not less than twelve inches in thickness and carried three feet above the roof.

And all such walls shall be coped with stone or terra cotta.

§ 52. Hollow Walls.

In all walls that are built hollow the same quantity of stone, brick or concrete shall be used in their construction as if they were built solid, as in this Code provided.

And no hollow wall shall be built unless the parts of same are connected by proper ties.

The inside four inches of any wall may be built of hard-burned hollow brick properly tied and bonded by means of full header courses every sixth course into the walls and of the dimension of the ordinary bricks.

Where hollow tile or porous terra cotta blocks are used as lining or furring for walls, they shall not be included in the measurement of the thickness of such walls.

§ 53. Recesses and Chases in Walls.

Recesses for stairways or elevators may be left in the foundation or cellar walls of all buildings, but in no case shall the walls be of less thickness than the walls of the fourth story, unless reinforced by additional masonry piers or with iron or steel girders or iron or steel columns and girders, properly insulated and securely anchored to walls on each side.

§ 54. Recesses for Alcoves.

Recesses for alcoves and similar purposes shall have not less than nine inches of brickwork at the back of such recesses, and such recesses shall be not more than eight feet in width and shall be arched or spanned with iron or steel lintels, and not carried up higher than eighteen inches below the bottom of the beams of the floor next above.

Chases for Pipes.—No chase for water or other pipes shall be made in any pier and in no wall more than one-third of its thickness.

The chases around said pipe or pipes shall be filled up with solid masonry for the space of one foot at the top and bottom of each story.

Aggregate Area for Recesses and Chases.—The aggregate area of recesses and chases in any wall shall not exceed one-fourth of the whole area of the face of the wall on any story, nor shall any such recess be made within a distance of six feet from any other recess in the same wall.

§ 55. Light and Vent Shafts.

All the walls or partitions forming interior light or vent shafts starting from the ground shall be built of brick or other clay products, or stone, masonry or concrete.

Walls enclosing such shafts and beginning at any floor above the first floor may be of studding covered in the inside with plaster on metal laths and covered on the outside with cement, plaster or metal laths or with tin or galvanized iron. All window or door openings shall have metal frames and sash with wire glass or fireproof doors. The walls of all light or vent shafts, whether exterior or interior, shall be carried up not less than eighteen inches above the level of the roof. If the walls are of brick, they shall be coped as other parapet walls.

When metal Louvres are used for ventilating purposes, the Louvres or slats shall be riveted to the metal frame.

§ 56. Brick and Hollow Tile Partitions.

Eight-inch brick, six-inch hollow tile, four-inch brick or four-inch hollow tile partitions of hard-burnt clay or porous terra cotta laid up with cement mortar may be built not exceeding in their vertical portions a measurement of fifty feet for the eight-inch, thirty-six feet for the six-inch and twenty-four feet for the four-inch, respectively, and in their horizontal measurements a length not exceeding seventy-five feet unless said partition walls are strengthened by proper crosswalls, piers or buttresses, or built in iron or steel frame work when the latter is imbedded in or insulated by the same material of which the partition is constructed and shall not be used as floor-bearing walls.

All such partitions shall be carried on proper foundations, or on iron or steel girders, or on iron or steel girders and columns properly insulated, or piers of masonry. Reinforced concrete may be used.

§ 57. Cellar Partitions in Residence Buildings.

Bearing partitions walls in the cellar or lowest story in residence buildings shall be constructed of brick not less than thirteen inches thick;

Or piers of brick with openings arched over below the under side of the first tier of beams;

Or girders of iron or steel on piers of masonry, or on iron columns may be used.

Or if iron or steel floor beams spanning the distance between bearing walls are used of adequate strength to support the stud partitions above in addition to the floor load to be sustained direct by the said iron or steel beams, then the brick partition or its equivalent may be omitted.

Stud partitions which may be placed in the cellar or lowest story of any building shall have good, solid stone, brick or cement concrete foundation walls under the same, which shall be built up to the top of the floor beams or sleepers.

§ 58. Vaults, Area Ways and Cellars.

In buildings where the space under the sidewalks is utilized, a sufficient stone or brick or concrete wall or arches between iron or steel beams shall be built to retain the roadway of the streets, and the side, end or party walls of such building shall extend under the sidewalk of sufficient thickness to such wall.

The roofs of all vaults shall be of incombustible material.

Openings in the roofs of vaults for the admission of coal or light or for manholes or for any purpose, if placed outside the area lines, shall be covered with glass set in iron frames, each unit of glass to measure not more than sixteen square inches, or with iron covers, having a rough surface and rabbeted into or made flush with the sidewalk.

When any such cover is placed in any sidewalk, it shall be placed as near as practicable to the outside line of the curb.

All open area ways shall be properly protected with suitable railings.

The floor of the cellar or lowest story in every dwelling house, apartment house, tenement house, lodging house, hotel, apartment hotel, workshop, factory, school, church, hospital and asylum shall be concreted not less than four inches thick.

Where wood floors are to be laid in such cellars or lowest stories the sleepers shall be placed on top of the concrete.

§ 59. Walls for Cottages.

Cottages, private stables or other small structures where the bearing walls are not more than twelve (12) feet in height above the top of the cellar or foundation wall, may be made only nine (9) inches thick.

Such walls must be laid in Portland cement mortar.

PART VIII.

CHIMNEYS, FLUES, FIREPLACES AND HEATING PIPES.

§ 60. Chimneys.

Chimneys in all buildings shall be made of brick, stone, concrete or metal. If built of stone or concrete of any thickness of walls, they shall have proper flue lining.

No chimneys shall be started or built upon any floor or beam of wood.

In no case shall a chimney be corbelled out more than eight inches from the wall, and in such cases the corbelling shall consist of at least five courses of brick.

When chimneys are supported by piers, the piers shall start from the foundation on the same line with the chimney breast and shall be not less than twelve inches on the face, properly bonded into the wall.

When a chimney is to be cut off below in whole or in part, it shall be wholly supported by stone, brick, concrete, iron or steel.

All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

Chimneys shall be finished on top with single blocks of stone, terra cotta or concrete, or with cast iron plates, except, however, that the tops of chimneys in buildings not more than three stories in height may be topped out with brick laid in Portland cement mortar in lieu of coping.

Chimneys projecting through roofs more than six feet shall, if the walls of the chimney are less than nine inches thick, be

anchored to the roof timbers by suitable iron bands and tie rods.

If any chimney, flue or stack is liable to emit sparks, or if shavings or sawdust are used as fuel, it shall be covered over on top with heavy iron netting.

§ 61. Chimneys of Cupolas.

Chimneys or stacks connected to iron cupolas in foundries, and other chimneys of which a similar service is required, shall extend not less than ten feet above the highest point of any roof within a radius of 100 feet. This applies to all chimneys, flues or stacks already built or to be built.

§ 62. Chimney Walls.

The thickness of all chimney walls shall be sufficient to meet all requirements of temperature, direct loading and wind pressure.

The brickwork of the smoke flues of all low pressure boilers, furnaces, bakers' ovens, large cooking ranges, large laundry stoves and all flues used for a similar purpose shall be at least eight inches in thickness and lined continuously on the inside with well-burnt clay or terra cotta pipe, and shall be capped with terra cotta, stone or cast iron.

The walls of all high pressure boiler flues shall be not less than twelve inches and the inside four inches of such walls shall be fire brick laid in fire mortar for a distance of twenty-five feet in any direction from the source of heat.

All smoke flues of smelting furnaces or of steam boilers or other apparatus which heat the flues to a high temperature, shall be built with double walls of suitable thickness for the temperature with an air space between the walls, the inside four inches of the flues to be fire brick laid in fire mortar for a distance of not less than twenty-five feet in any direction from the source of heat.

For any now existing brick building where it becomes necessary to provide a smoke flue of larger size than any flue within the building, such flue may be placed on the outside of the building, but within the lot lines of same, and be made round in shape and of galvanized sheet metal not less than one-tenth of an inch in thickness, properly riveted together at all joints, and carried up to a height not less than ten feet above the roof, and be prop-

erly braced at intervals for its entire length with flat iron bands secured with expansion bolts to the wall, leaving a free air space of not less than four inches between the outside of the metal flue and the brick wall of the building and have a clean-out door at the bottom. This metal flue shall rest on a suitable cast iron plate at the bottom, supported on a suitable foundation of masonry.

§ 63. Chimney Flues.

Chimneys shall be constructed not less than four feet above flat roofs and not less than two feet above the peak of a pitched roof.

On dwelling houses and stables three stories or less in height, not less than six of the top courses of a chimney may be laid in pure cement mortar and the brickwork carefully bonded and anchored together in lieu of coping.

No smoke flue shall be less than seven by seven inches, nor any furnace flue less than seven by eleven inches, exclusive of thickness of lining in each case.

Every smoke flue shall be lined continuously on the inside with well-burnt clay or terra cotta pipe made smooth on the inside from the bottom of the flue, or from the throat of the fireplace if the flue starts from the latter, and carried continuously to extreme height of the flue. The ends of all such lining pipes shall be made to fit close together and the pipe shall be built in as the flue or flues are carried up and space between flue lining and wall made solid with cement mortar. Each flue shall be inclosed on all sides with not less than eight inches of solid brickwork, properly bonded together, except that the withes or brickwork between lined flues on the inside of the chimney may be four inches in thickness, and except further, that chimneys for cottages and top twenty-five feet of chimneys in other residence buildings may have outside walls of four inches in thickness if properly lined, but if not lined, such chimney walls must be eight inches thick and the joints both inside and out must be struck smooth.

Targeting mortar shall not be used in the inside of any chimney.

§ 64. Fireplaces and Hearths.

The firebacks of all fireplaces shall be not less than eight inches in thickness of solid brickwork. When a grate is set in a fire-

place a lining of fire brick at least two inches in thickness shall be added to the fireback, unless tile or cast iron is used and filled solidly behind with fireproof material.

§ 65. Trimmer Arches.

All fireplaces and chimney breasts where mantels are placed, whether intended for ordinary fireplace uses or not, shall have trimmer arches to support hearths.

And the said arches shall be at least twenty inches in width measured from the face of the chimney breast, and they shall be constructed of brick, stone, burnt clay or concrete.

The length of a trimmer arch shall be not less than the width of the chimney breast.

Wood centers under trimmer arches shall be removed before plastering the ceiling underneath.

If a heater is placed in a fireplace, then the hearth shall be the full width of the heater.

All fireplaces in which heaters are placed shall have incombustible mantels.

No wood mantels or other woodwork shall be exposed back of a summer piece; the iron work of the summer piece shall be placed against the brick or stone work of the fireplace.

No fireplace shall be closed with a wood fireboard.

§ 66. Hot Air Flues, Pipes and Vent Ducts.

All stone or brick hot air flues and shafts shall be lined with tin, galvanized iron or burnt clay pipes.

No wood casing furring or lath shall be placed against or cover any smoke flue or metal pipe used to convey hot air or steam.

No smoke pipe shall pass through any floor.

No stove pipe shall be placed nearer than nine inches to any lath and plaster or board partition, ceiling or any wood work.

Smoke pipes of laundry stoves, large cooking ranges and of furnaces shall be not less than fifteen inches from any woodwork, unless they are properly guarded by metal shields; if so guarded, stove pipes shall be not less than nine inches distant.

Where smoke pipes pass through a lath and plaster partition, they shall be guarded by galvanized iron ventilated thimbles at least twelve inches larger in diameter than the pipes, or by gal-

vanized iron thimbles built in at least eight inches of brickwork.

§ 67. Smoke Pipes Through Roofs.

No smoke pipe shall pass through the roof of any building unless a special permit be first obtained from the Inspector of Buildings for the same. If a permit is so granted, then the roof through which the smoke pipe passes shall be protected in the following manner:

A galvanized iron ventilated thimble of the following dimensions shall be placed:

In Case of a Stove Pipe.—The diameter of the outside guard shall not be less than twelve inches and the diameter of the inner one eight inches larger than the smoke pipe, and for all furnaces, or where similar large hot fires are used, the diameter of the outside guard shall be not less than eighteen inches and the diameter of the inner one twelve inches larger in diameter than pipe. The smoke pipe thimbles shall extend from the under side of the ceiling or roof beams to at least nine inches above the roof, and they shall have openings for ventilation at the lower end where the smoke pipes enter, also at the top of the guards above the roof.

In Case of a Boiler Pipe.—Where a smoke pipe of a boiler passes through a roof the same shall be guarded by a ventilated thimble, same as before specified, thirty-six inches larger than the diameter of the smoke pipe of the boiler.

§ 68. Hot Air Pipes.

All pipes or conductors to be used for the transmission of air, for heating purposes in any building, shall be made of two sheets of tin or other suitable metal fastened together so as to leave air space of not less than one-fourth of an inch between the sheets of metal.

The studding or lath shall be covered with tin on the sides next to the pipe and there shall be not less than one-half inch space between the hot air pipe and the studding or wood lath.

Hot air pipes in closets shall be enclosed with metal laths and plaster.

No plaster shall be put on covering the space occupied by heating pipes in walls or partitions until the pipes have been inspected and approved by the Inspector of Buildings or one of his assistants.

No vertical hot air pipe shall be placed in a stud partition, unless it be at least five feet distant in a horizontal direction from the furnace.

Horizontal hot air pipes shall be placed at least six inches below the floor beams or ceiling; if the floor beams or ceiling are plastered and protected by a metal shield, then the distance shall be not less than three inches.

§ 69-a. Ducts for Ventilation.

Vent flues or ducts for the removal of foul or vitiated air in which the temperature of the air cannot exceed that of the rooms, may be constructed of iron or other incombustible material, and shall not be placed nearer than one inch to any woodwork, and no such pipe shall be used for any other purpose.

In buildings of fireproof construction, ventilating shafts passing through floors shall be constructed of fireproof material not less than four inches in thickness. Any opening in such ducts or shafts shall be protected by automatically closing fire-doors or by metal Louvres riveted into metal frames, and such ducts shall open to the outside of the building.

§ 69-b. Vent Ducts in Public Schools.

In the support or construction of such ducts, if placed in a public school room, no wood furring or other inflammable material shall be nearer than two inches to said flues or ducts, and shall be covered on all sides other than those resting against brick, terra cotta or other incombustible material, with metal lath plastered with at least two heavy coats of mortar and having at least one-half inch air space between the flues or ducts and the lath and plaster.

§ 69-c. Steam and Hot Water Heating Pipes.

Steam or hot water heating pipes shall not be placed within two inches of any timber or woodwork, unless the timber or woodwork is protected by a metal shield; then the distance shall be not less than one inch.

All steam or hot water heating pipes passing through floors and ceilings or lath and plastered partitions, shall be protected by a metal tube passing entirely through floor and ceilings or partitions one inch larger in diameter than the pipe, having a

metal cap at the floor, and where they are run in a horizontal direction between a floor and ceiling, a metal shield shall be placed on the under side of the floor over them, and on the sides of wood beams running parallel with said pipes.

All wood boxes or casings enclosing steam or hot water heating pipes and all wood covers to recesses in walls in which steam or hot water heating pipes are placed shall be lined with metal.

All pipes or ducts used to convey air warmed by steam or hot water shall be of metal fireproof material.

All steam and hot water pipe covering shall consist of fireproof materials only.

Plumbing Pipes.—Cold water or other exposed plumbing pipes shall have the surrounding air space closed off at the ceiling and floor line of any floor through which any such pipe or pipes shall be carried.

Vents for Gas Stoves and Grates.—No natural or artificial gas shall be burned in any grate, furnace, water heater or range, unless said grate, furnace, water heater or range be connected with a suitable flue for carrying off the products of combustion.

PART IX.

WOOD BEAMS, GIRDERS AND COLUMNS.

§ 70. Wood Beams.

Every wood beam, except header beams, shall rest at one end four (4) inches in the wall or upon a girder as authorized by this Code, unless the wall is properly corbelled out four (4) inches, in which case the brickwork or corbelling shall extend to the top of the floor beams.

The ends of all wood floor beams where they rest on brick walls shall be cut to a level of one inch in four inches, except that in no case shall the top of the beams be less than one inch back of the inner face of the wall.

§ 71. Cross Bridging.

All wood floor beams shall be properly bridged with cross bridging and the distance between bridging, or between bridging and walls, shall not exceed eight feet.

§ 72. Anchors.

Each tier of beams shall be anchored to the side, front, rear, or party wall at intervals of not more than ten (10) feet, with good, strong wrought iron anchors of not less than one and a half ($1\frac{1}{2}$) inches by one-quarter of an inch in size, well fastened to the side of the beams by two or more nails at least one-fourth ($\frac{1}{4}$) of an inch in diameter. Anchors of equal efficiency and different design may be used with consent of the Inspector of Buildings.

Girder Straps.

Where the beams are supported by girders, the girders shall be anchored to the walls and to each other.

§ 73. Beam Straps.

The ends of wood beams resting upon girders shall be butted end to end and strapped by wrought iron straps of the same size and distance apart, and in the same beam as the wall anchors, and shall be fastened in the same manner as said wall anchors, or they may lap each other at least twelve (12) inches and be well spiked or bolted together where lapped.

§ 74. Pier Anchors.

Every pier and wall, front or rear, shall be well anchored to the beams of each story with the same size anchors as are required for side walls, which anchors shall hook over the fourth beam.

§ 75. Beams Near Flues.

Wood beams shall be trimmed away from all flues and chimneys, whether the same be a smoke, air or any other flue or chimney. No trimmer beam shall be placed nearer than ten (10) inches of the inside of any flue.

For the smoke flues of boilers and furnaces when the brickwork is required to be more than nine (9) inches in thickness, the trimmer beam shall be not less than four (4) inches from the outside of the brickwork and the header beam shall not be less than two (2) inches from the outside of the brickwork.

The header beam carrying the tail beams of a floor and supporting the trimmer arch in front of a fireplace, shall not be less than twenty (20) inches from the chimney breast.

§ 76. Thickness of Header and Trimmer Beams.

Wood trimmer or header beams shall not be less than one inch thicker than the floor or roof beams on the same tier where the header is four feet or less in length; and where the header is more than four feet and not more than twelve feet in length, the trimmer and header beams shall be at least double the thickness of the floor or roof beams, or shall be made of two beams forming such thickness properly spiked or bolted together.

When the header is more than twelve (12) feet in length, the strength of the wood construction shall be increased in proportion to the load and span, or wrought iron or steel beams of sufficient strength may be used.

All wooden trimmer beams more than twelve (12) feet in length where the header beam is inserted more than four (4) feet from the end of the trimmer beam shall be constructed in the same manner as header beams over twelve (12) feet in length.

When header beams carry more than two (2) tail beams, they shall be hung to trimmer beams by suitable stirrups and the tail beams framed into header beams or hung thereto by stirrups.

§ 77. Spacing of Floor Beams.

Floor beams in dwelling houses, stores and factories, shall not be more than sixteen-inch centers, and in warehouses twelve-inch centers.

§ 78. Studding.

Studding in frame buildings shall not be less than two by four inches, and shall be placed not more than sixteen inches apart.

All studding shall be braced by diagonal sheathing, bridging or proper lateral bracing.

All floor joists, studding and rafters shall be at least two (2) inches in thickness.

§ 79. Wood Columns and Plates.

Timber or iron caps and bases shall be provided for wood posts wherever necessary to maintain the limit of stresses fixed by this Code.

Loads shall be transmitted from story to story through columns by means of iron or steel. In no case should loads be transmitted by the intervening wood girder.

All bolts used in connection with timber framing shall be provided with washers large enough to reduce the compression in the wood under the washer to the allowable stress, supposing the bolt to be strained to its limit.

PART X.

GENERAL CONSTRUCTION.

§ 80. Ducts for Pipes.

All ducts for pipes, wires and other similar purposes shall be enclosed on all sides with fireproof material.

And the opening through each floor shall be properly fire-stopped.

Any door opening in such duct shall be provided with a self-closing fireproof door.

If the area of such duct exceeds four square feet, the thickness of the fireproof enclosure shall be not less than four (4) inches, and shall extend by a proper fireproof outlet to and through the roof.

§ 81. Sheathing and Wainscoting.

No wall or ceiling in any building hereafter erected other than buildings or portion of buildings occupied exclusively for dwelling or club purposes shall be covered with wood sheathing or any combustible material.

But this shall not exclude, excepting in theaters, the use of wood wainscoting to a height not to exceed six (6) feet when the surface of the wall or partition behind such wainscoting shall be plastered flush with the grounds and down to the floor line, thereby solidly filling the space between the wainscoting and the surface of the wall or partition with incombustible material.

§ 82. Bay, Oriel, Show Windows, and Balconies.

The face of any wall, plaster or column of any building above the level of the first water table shall not project beyond the property line, and no bay or oriel or show window or balcony shall project more than four (4) feet over any public way, and no part of such projection shall be less than ten (10) feet above the sidewalk.

The floors and walls of bay and oriel windows shall not be constructed of materials not allowable in the construction of the adjoining floors and walls, but the walls may be constructed of iron framing covered with sheet metal.

Every balcony, loggia, porch, veranda, or stoop constructed as a part of a fireproof building shall be made entirely of incombustible material.

PART XI.

STAIRWAYS.

§ 83. Width, Tread, Risers and Landings.

The width of the stairways required by this section shall in no case be less than three (3) feet six (6) inches in the clear between handrails, or between the handrail and an enclosed side of the stairs.

The widths given herein are for stairs with straight runs or flights; when curved or winding stairs are used their width shall be no less than one and one-quarter ($1\frac{1}{4}$) times that of an equivalent straight run stair, and the given dimensions of the treads and risers shall be laid off on the center of such run. The width of a tread in any stairs at the narrowest end shall not be less than the height of one of its risers.

All such stairs shall have treads of uniform width and risers of uniform height throughout in each flight, and the risers shall be not more than eight (8) inches in height, and the treads exclusive of nosings not less than ten (10) inches. Each flight of stairs in every story which exceeds a height of eleven (11) feet in the clear shall have a proper landing introduced and said landings shall be placed at the central portion thereof, if the stairs be a straight run.

There shall not be less than three (3) risers between any two landings, or any floor and landing, nor shall there be any change in the dimensions of treads and risers in any flight between two floors, and there shall be at least seven (7) feet in the clear between the soffits of the stairs or ceilings of floors and nosing of treads at landings.

If a stair landing is in the direction of its run, its depth shall not be less than the sum of two of its risers and two of its treads.

At angle turns, the landings shall have no winders, and the depth shall not be less than the width of the stairway.

For stairways returning directly upon themselves, the landings shall be the full width of both flights and have a depth not less than the width of the stairs over all.

When two side flights connect with one main flight, the width of the main flight shall be equal to the aggregate width of the side flights, and the depth of the landing shall not be less than three-fourths ($\frac{3}{4}$) of the main flight over all.

The stairs shall be provided with proper banisters or railings and handrails and kept in good repair.

Stairways six feet or more in width shall have a strong and well-braced handrail in the center.

All stairs shall extend from the ground floor to the topmost floor, and when two or more stairways are required, they shall be located at as great a distance from each other as possible.

This section shall apply to all buildings not otherwise provided for in this Code, except "Private Dwellings," as defined in this Code.

§ 84. Engineers' Stationary Ladders.

Every building in which boilers or machinery are placed in the cellar or lowest story, shall have stationary iron ladders or stairs from such story leading direct to a manhole above on the sidewalk, or other outside exit.

§ 85. Stairs, Number Regulated by Occupancy.

All public halls (not herein otherwise provided for), railroad depots, stores, warehouses, factories, work shops, club houses and other buildings of like character hereafter built, in which, above the second floor, there is to be, or in which provision is made for the employment or assembling of twenty to one hundred people, there shall be at least two stairways.

The width of stairways shall be increased six inches for each fifty persons over one hundred until five feet is reached. If eight hundred or more persons are employed on such premises, the number of stairways shall be increased to three, each five feet in width.

All hotels, school houses, tenement or apartment houses, hospitals, infirmaries, asylums, homes, reformatories and stores with

sleeping apartments above the second story for ten or more persons, hereafter built, shall have two stairways.

Stairways shall be increased in width six inches for each fifty persons in excess of one hundred for which provision is made until such provision shall have reached three hundred and fifty or more, then there shall not be less than three stairways of no less width than six feet each.

Basement used for living rooms, salesrooms, manufacturing purposes, packing purposes, place of assembly or resort, or store room in which twenty or more persons are employed, shall have at least two stairways leading to the floor above or to the street or alley on which said cellar abuts.

§ 86. Stairs, Number Regulated by Area of Building.

In any building hereafter erected to be used as an office building, store, factory, hotel, lodging house or school, covering a lot area—

Exceeding twenty-five hundred (2,500) feet and not exceeding five thousand (5,000) feet, there shall be provided at least two (2) continuous lines of stairs remote from each other;

And every such building shall have at least one continuous line of stairs for each five thousand feet of lot area covered, or part thereof, in excess of that required for five thousand feet of area.

When any such building covers an area of lot greater than fifteen thousand feet, the number of stairs shall be increased proportionately, or as will meet with the approval of the Inspector of Buildings.

§ 87. Stair Hallway Inclosure.

In all stores, warehouses and factories, the staircase halls shall be inclosed with suitable walls of brick, or with burnt clay block set in iron frames, or such other fireproof materials and forms of construction as may be approved by the Inspector of Buildings, except that the inclosure walls in such buildings exceeding three stories in height shall be of brick. Said walls or construction shall be continuous and extend at least three feet above the roof.

The roof over the stair hall inclosure shall be covered with a metal and glass skylight at least three-eighths of the area of the inclosure, and constructed and glazed as required for skylight over elevator inclosures.

All door openings in such stair hall inclosures shall be provided with self-closing fireproof doors and frames, and all window openings shall have window frames of metal and the window sash shall be fixed sash of metal and glazed with wired glass, but no one pane shall exceed seven hundred and twenty square inches in size.

At least one of such inclosed stair halls in each of said buildings shall have a like connecting inclosure hallway in the first story and extend to the street, and all door or window openings in the same shall be provided with doors and windows as provided for openings in the stair hall inclosures.

Any hotel building requiring more than one stairway, as provided in section 85 and 86 of this Code, shall have at least one such continuous stairway inclosed in the manner described in this section.

PART XII.

SKYLIGHTS AND FLOOR-LIGHTS.

§ 88. Metal Skylights.

The term "Skylight" shall be taken to mean and include flat, hipped, lantern, monitor, turret dome, vertical or pitched saw-tooth constructions, and all other covers placed over openings on roofs for the admission of light.

All skylights placed on or in any buildings shall have the frames and sash thereof constructed of metal and glazed.

All openings in roofs for the admission of light other than elsewhere provided in this Code over elevator, stair, dumbwaiter shafts, and theater stage roofs, shall have metal frames and sash, glazed with wired glass not less than one-quarter inch thick, or with glass protected above and below with wire screens, of not less than No. 12 galvanized wire, and not more than one-inch mesh.

Skylights Over Public Passageways.

Skylights hereafter placed in buildings of a public character over any passageway or room of public resort, shall have immediately underneath the glass thereof a wire netting, unless wired glass is used.

Floor-Lights.

All openings in floors for transmission of light to floors below shall be covered over with floor-lights constructed of metal frames and bars, the glass in no case to be less than three-quarters of an inch in thickness.

If any glass in same measures more than sixteen (16) square inches, the glass shall be provided with strong wire netting under the same.

PART XIII.

HEATING APPARATUS AND DRYING ROOMS.

§ 89. Boilers.

A brick-set boiler shall not be supported on beams or floor construction made of wood or other combustible material.

A portable boiler may be supported on beams or floor construction made of wood or other combustible material, but in any such case the floor shall be protected by a covering not less than four inches thick of concrete or brick laid in cement mortar. Such a covering shall be constructed upon a continuous sheet metal plate not less than three-sixteenths of an inch thick, having all joints substantially riveted and the edges turned up four inches on all sides. This floor covering shall extend under the whole of the fire box and ash pit of the boiler and shall extend outwardly not less than eight inches in front and not less than four feet on the other three sides.

Hot air furnaces, ovens, coffee roasters or other appliances in which similar fires are maintained, when supported on beams or other floor construction made of wood or other combustible material, shall rest on a floor covering as herein provided for portable boilers.

No combustible wall or partition shall be within four feet of the sides or back or six feet from the front of any boiler or other heating apparatus, unless said wall or partition shall be covered with metal to a height of at least four feet above the floor, and this covering shall extend from the end or back of the boiler to at least five feet in front of it; then the distance shall be not less than two feet from the sides and five feet from the front of the boiler.

Registers located over a brick furnace shall be supported by a brick shaft built up from the cover of the hot air chamber; said shaft shall be lined with metal pipe, and all wood beams shall be trimmed away not less than four inches from it.

§ 90. Warm Air Furnaces.

All furnaces shall be set on brick, stone or concrete foundation. If set on brick, the joints must be slushed with cement mortar.

Where joists or other woodwork is within twenty-four (24) inches of the furnace, same shall be covered with one-eighth-inch asbestos mill board and sheet metal, enough to cover space above the furnace and extended twelve (12) inches wider on all sides of the furnace.

If the space over the furnace is ceiled with wood, an air space shall be left between the ceiling and the shield.

All furnace tops shall have rim extending at least two (2) inches above the top of casing and shall be filled with sand.

Smoke pipe connecting the furnace to the flue shall be made of No. 24 galvanized iron, and where same is within three feet of joists or other woodwork, said woodwork shall be covered with one-eighth-inch asbestos mill board and sheet metal thirty (30) inches wide.

All warm air pipe in basement and register boxes shall be covered with asbestos paper.

Where woodwork of any kind is within three (3) inches of warm air pipes or register boxes, the same shall be covered with asbestos mill board not less than one-eighth-inch in thickness and sheet tin, and extended three (3) inches on each side wider than the pipe or register box.

All pipes enclosed in stud partitions shall be doubled wall pipes from round connection in basement to register in room, and have not less than one-quarter inch air space between the outer and inner walls of the pipe.

Cold air pipe connecting furnace to filter room or window to be made of either brick or sheet metal.

Where filter room is made of wood and same is within three feet of furnace, same shall be covered with one-eighth-inch asbestos mill board and sheet metal.

All warm air register openings in floors in buildings other than dwellings shall not have valves, or shutters, but register face only.

All warm air pipes leading from furnace shall have regulating damper at a point not more than two feet from furnace.

All cellar warm air supply pipes leading from the furnace to be entirely covered with asbestos paper (not less than ten-pound paper).

All registers placed in any wood floors shall have iron border.

In all cases where one-eighth-inch asbestos is mentioned in this section, two thicknesses of ten-pound asbestos paper may be used, except over furnace and over smoke pipe.

§ 91. Drying Rooms.

The walls, ceilings and partitions enclosing drying rooms, when not made of incombustible material, shall be finished with metal lath and plastered, or they shall be covered with metal, terra cotta fireproofing or other hard, incombustible material.

§ 92. Ranges and Stoves.

Where a kitchen range is placed from twelve to six inches from a wood stud partition, the said partition shall be shielded with metal from the floor to the height of not less than three feet higher than the range; if the range is within six inches of the partition, then the studs shall be cut away and framed three feet higher and one foot wider than the range, and filled into the face of the said stud partition with brick or fireproof blocks, and plastered thereon.

All ranges on wood or combustible floors and beams that are not supported on legs and have ash pans three inches or more above their base shall be set on suitable brick foundations consisting of not less than two courses of brick well laid in mortar or galvanized sheet iron, except small ranges, such as are used in apartment houses that have ash pans three inches or more above their base, shall be placed on at least one course of brickwork on galvanized sheet iron.

No range shall be placed against a furred wall.

All lath and plaster or wood ceilings over all ranges in hotels and restaurants, shall be guarded by metal hoods placed at least nine inches below the ceiling.

Laundry stoves on wood or combustible floors shall have a course of brick laid on metal on the floor under and extended twenty-four inches on all sides of them.

All stoves for heating purposes shall be properly supported on iron legs resting on the floor and placed three feet or more from all lath and plaster or woodwork; if the lath and plaster or woodwork is properly protected by a metal shield, then the distance shall not be less than eighteen inches.

A metal shield shall be placed under and twelve inches in front of the ash pan of the stoves that are placed on wood floors.

All low gas stoves shall be placed on iron stands, or the burners shall be at least six inches above the base of the stoves, and metal guard plates placed four inches below the burners, and all woodwork under them shall be covered with metal.

Gas connections to such stoves shall be made by metal pipes, unless there is no valve on the gas stove.

All receptacles for ashes shall be galvanized iron, brick or other incombustible material.

§ 93. Notice to Building Inspector.

In cases where hot water, steam, hot air or other heating appliances or furnaces are hereafter placed in any building or flues or fireplaces are changed or enlarged, due notice shall be given to the Department of Buildings by the person or persons placing the said furnace in said building or by the contractor or superintendent of said work.

PART XIV.

ROOF CONSTRUCTION.

§ 94. Mansard Roofs.

If a mansard or other roof of like character having a pitch of over sixty degrees be placed on any building except a wood building or dwelling house not exceeding three stories nor more than forty feet in height, it shall be constructed of iron rafters and lathed with iron or steel on the inside and plastered or filled in with fireproof material not less than three (3) inches thick, and covered with metal, slate or tile.

No false mansard or other similar roof construction for increasing the apparent height of a building, but having no full

story behind the same, shall be placed on any building to a greater height than five (5) feet above the cornice of the highest point of the roof beams.

Bulkheads, Pent Houses and Scuttles.

Bulkheads used as enclosures for tanks and elevators or for covering any other machinery or appliances required for the operation of a building not more than four (4) stories in height hereafter erected or altered, may be constructed of hollow fireproof blocks or of wood covered with fireproof material inside and out.

On fireproof buildings the bulkheads and enclosures on roofs shall be constructed of fireproof material only.

All exits to roof through roof houses, bulkheads and scuttles shall open outwardly.

No scuttle shall be less in size than two by three feet.

All doors and door frames in such openings shall be made of metal or of wood covered with metal.

§ 95. Cornices and Gutters.

On all buildings hereafter erected within the fire limits the exterior cornices, inclusive of those on show windows and gutters, shall be of some fireproof material.

All fireproof cornices shall be well secured to the walls with iron anchors independent of any woodwork.

No cornice, not including pediments, shall extend more than five (5) feet above the highest point of the roof beams of any building.

Walls in Relation to Roof Planking and Cornices.

In all cases the walls shall be carried up to the planking of the roof.

Where the cornice projects above the roof, the walls shall be carried up to the top of the cornice.

The party walls shall in all cases extend above the planking of the cornice and be coped.

Unsafe Cornices.

All exterior wood cornices within the fire limits that may now be or that may hereafter become unsafe or rotten shall be taken down. And if replaced shall be constructed of some fireproof material.

§ 96. Tanks.

Tanks containing more than five hundred gallons of water or other fluid hereafter placed in any story or on the roof or above the roof of any building now or hereafter erected, shall be supported on iron or steel beams of sufficient strength to safely carry the same; and the beams shall rest at both their ends on brick walls or on iron or steel girders, or iron or steel columns, or piers of masonry.

Underneath any said water tank, or on the side near the bottom of the same there shall be a short pipe or outlet not less than four inches in diameter, fitted with a suitable valve having a lever or wheel handle to same to discharge the weight of the fluid contents from the tank in case of necessity, unless tank water is to supply automatic sprinklers.

Such tanks shall be placed where practicable at one corner of a building and shall not be placed over nor near a line of stairs unless the stairs are inclosed with brick walls of sufficient strength to support the added load of the tank and contents.

Covers on top of water tanks placed on roofs, if of wood, shall be covered with tin.

All wooden tanks shall be coopered with metal hoops circular in section.

§ 97. Roof Covering.

The planking and roofing of buildings within the fire limits shall not in any case be extended across the side or party wall thereof.

Within the fire limits, every building and the tops and sides of every dormer window thereon shall be covered and roofed with incombustible roofing, and the outside of the frames of every dormer window hereafter placed upon any such building shall be made of some fireproof material.

§ 98. Incombustible Roofing.

An incombustible roof is one covered with tin, iron, slate, tile, cement, asbestos shingles, or other fire resisting material properly applied. A roof covering made with not less than three (3) thicknesses of roofing felt, each weighing fourteen (14) pounds to the square (100 square feet) all cemented together and covered with a good coat of pitch solidly mopped and finished with a gravel top, will be classed as an incombustible roof.

§ 99. Leaders From Roofs.

All buildings shall be kept provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of said buildings from injury.

In no case shall the water from the said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by pipe or pipes to the sewer.

If there be no sewer in the street upon which such buildings front, then the water from said leader shall be conducted by proper pipe or pipes below the surface of the sidewalk to the street gutter.

PART XV.

FLOOR AND ROOF LOADS.

§ 100. Floor Loads.

The dead loads in all buildings shall consist of the actual weight of walls, floors, roofs, partitions and all permanent construction.

The live or variable loads shall consist of all loads other than dead loads.

All floors shall be of sufficient strength to carry not less than the following evenly distributed live loads per square foot of floor:

	Pounds.
Dwellings, hotels, apartment houses, tenement houses, lodging houses	60
Office buildings, first floor	150
Office buildings, above first floor	75
Schools	75
Stables, garages and carriage houses	100
Stores where heavy materials are stored, warehouses and factories	150
Assembly halls and theaters	100
Dancing or drilling halls	150
Sidewalks	300

The strength of factory floors intended to carry running machinery shall be increased above the minimum given in this

section in proportion to the degree of vibratory impulse liable to be transmitted to the floor.

§ 101. Roofs.

The roofs of all buildings having a pitch of less than twenty degrees shall be proportioned to bear safely not less than forty pounds per square foot of evenly distributed live load.

If the pitch be more than twenty degrees, the live load shall be assumed at thirty pounds measured on a horizontal plane.

Roofs used as places of public assembly or other special purposes shall be made to carry the live loads per square foot as are required on floors used for like purposes.

§ 102. Strength of Existing Floors to be Calculated.

When required by the Inspector of Buildings, the owner or agents of warehouses and buildings or parts of buildings in which manufacturing is carried on, erected prior to the passage of this ordinance, shall furnish the Inspector of Buildings with a statement made by a competent architect, engineer or builder, showing the size of the beams and floors of such buildings. The statements shall also contain the evenly distributed load in pounds per square foot which the owner or agent desires to carry on the floors described.

The Inspector of Buildings shall examine every such statement when it has been filed and shall determine the maximum load or loads that shall be allowed on the floors described and such maximum loads shall not be greater than would be allowable under the provisions of this ordinance.

The officers and employes of the office of the Inspector of Buildings may enter any building for the purpose of verifying the statements relating thereto, or to obtain further information regarding the construction of such buildings, and may make measurements and remove portions of flooring or ceiling or other parts that are deemed necessary to make the examination complete, cost, if any, to be at the expense of the owner or agent of the building.

The Inspector of Buildings may enter any such warehouse or building in which manufacturing is carried on for the purpose of such an examination, and shall determine the maximum allowable loads without the statements as herein provided, if such action is deemed desirable.

When the maximum load or loads have been determined the owner or agent shall be notified, and thereupon he shall post the amount of said maximum loads in a conspicuous place on each floor or part thereof to which it relates.

§ 103. Vertical Supports.

Every column, post, or other vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support, in addition to the weight required as before stated to be supported safely upon said portions of said floors.

§ 104. Reduction in Live Loads on Columns.

For the purpose of determining the carrying capacity of columns in dwellings, office buildings, stores, stables and public buildings when over five stories in height, a reduction of the live load shall be permissible as follows:

For the roof and the top floor the full live loads shall be used.

For each succeeding lower floor, it shall be permissible to reduce the live load by 5 per cent until 50 per cent of the live loads fixed by this section is reached, when such reduced loads shall be used for all remaining floors.

§ 105. Load on Floors to be Distributed.

The weight placed on any of the floors of any building shall be safely distributed thereon.

The Inspector of Buildings may require the owner or occupant of any building, or of any portion thereof, to redistribute the load on any floor, or to lighten such load where it is necessary for safety.

§ 106. Strength of Temporary Supports.

Every temporary support under any structure, wall, girder or beam, during the erection, finishing, alteration, or repairing of any building or structure, or any part thereof, shall be of sufficient strength to safely carry the load to be placed thereon.

During the construction or alteration of any building or structure, no material entering into such construction or alteration, shall be placed on any floor of any greater weight than the live load that each such floor is intended to safely sustain when the building or structure is completed.

PART XVI.

STRENGTH OF MATERIALS.

§ 107. Working Stresses.

The weight of building materials used in the calculation of stresses shall be taken at not less than the following:

	Pounds.
Brick masonry, per cubic foot	120
Rubble masonry, per cubic foot	150
Concrete, per cubic foot	140
Granite, per cubic foot	170
Limestone, per cubic foot	160
White pine, per cubic foot	24
Yellow pine, per cubic foot	48
Oak, per cubic foot	48
Terra cotta or tile, per cubic foot	50

§ 108. Safe Load for Masonry Work.

The safe bearing load to apply to masonry work in tons per superficial foot shall be as follows:

	Tons.
Rubble masonry in Louisville cement mortar	12
Brickwork in lime mortar	8
Brickwork in Louisville cement mortar	12
Brickwork in Portland cement mortar	18
	Pounds.
Slating, per square 100 feet	600
Lath and plaster, per square foot	10
Gravel roof	15

§ 109. Tensile Strains.

The allowable stresses in direct tension in building materials shall not be greater than the following in pounds per square inch of net section:

	Pounds.
Cast and rolled steel	16,000
Wrought iron	12,000
Yellow pine	1,200
Oak	1,000

Compressive Strains.

The allowable stresses in direct compression in building materials, except in the case of columns, shall not be greater than the following in pounds per square inch of sectional area:

	Pounds.	
Rolled and cast steel	16,000	
Wrought iron	12,000	
Cast iron (in short blocks)	16,000	
Steel pins and rivets (bearing)	20,000	
Wrought iron pins and rivets (bearing)	15,000	
	Pounds	Pounds
	with Grain.	across Grain.
Oak and yellow pine	1,000	600
White pine	800	400
Hemlock	600	500
Chestnut	600	1,000

§ 110. Shear.

Allowable stress in shear shall not be greater than the following in pounds per square inch of section:

	Pounds.
Steel web plates	9,000
Steel shop rivets and pins	10,000
Steel field rivets	8,000
Steel field bolts	8,000
Wrought iron shop rivets and pins	7,500
Wrought iron field rivets	6,000
Wrought iron field bolts	5,000
Cast iron	2,500

§ 111. Bending.

Allowable extreme fibre stresses in bending shall not be greater than the following in pounds per square inch of section:

	Pounds.
Rolled steel beams	16,000
Rolled steel pins, rivets and bolts	20,000
Wrought iron pins, rivets and bolts	15,000
Riveted steel beams (net flange section)	15,000
Cast iron (compression side)	16,000

Yellow pine	1,200
Cast iron (tension side)	3,000
Oak	1,000
Hemlock	800

§ 112. Strength of Columns.

In columns or compression members with flat ends of steel, wood or cast iron, the stress shall not exceed the following in pounds per square inch of section:

Steel.

L	L
When—is greater than 70.....	$S=17,100—57—$
R	R
L	
When—is less than 70.....	$S=13,000$
R	

Yellow Pine and Oak.

L	L
When—is greater than 12.....	$S=1,000—10—$
D	D
L	
When—is less than 12.....	$S=1,000$
D	

Hollow Cast Iron.

For rectangular sections.....	$S = \frac{10,000}{1 + \frac{L^2}{1,067D^2}}$
For round sections.....	$S = \frac{10,000}{1 + \frac{L^2}{800D^2}}$
For other sections	$S = \frac{10,000}{1 + \frac{L^2}{6,400R^2}}$

S=Safe unit stress.

L=Length in inches.

R=Least radius of gyration in inches.

D=Least diameter or side.

No length exceeding 120 times the least radius of gyration shall be used for compression members.

Columns Eccentrically Loaded.

Any column eccentrically loaded shall have the stresses caused by such eccentricity computed, and the combined stresses resulting from such eccentricity at any part of the column, added to all other stresses at that part, shall in no case exceed the working stresses stated in this Code.

The eccentric load of a column shall be considered to be distributed equally over the entire area of that column at the next point below at which the column is securely braced laterally in the direction of the eccentricity.

§ 113. Safe Load on Wood Beams.

The safe carrying capacity of wood beams for uniformly distributed loads shall be determined by multiplying the area in square inches by its depth in inches and dividing this product by the span of the beam in feet. The safe load is this result multiplied by—

For hemlock and spruce	90
For oak	140
For yellow pine	150

§ 114. Factors of Safety.

When the unit stress for any material is not prescribed in this Code, the relation of allowable unit stress to ultimate strength shall be—

For metal subjected to tension or transverse strains.....	1 to 4
For reinforced concrete.....	1 to 4
For timber.....	1 to 6
For natural or artificial stones and brick and stone ma- sonry	1 to 10

Wherever working stresses are prescribed in this Code varying the factors of safety given above the said working stresses shall be used.

§ 115. Wind Pressure.

New buildings exposed to wind shall be made strong enough to resist a horizontal pressure in any direction of thirty (30) pounds per square foot of exposed surface, measuring the entire height of the building.

The additional loads caused by the wind pressure upon beams, girders, walls and columns must be determined by calculation and added to other loads for such members.

Special bracing shall be employed wherever necessary to resist the distorting effect of wind pressure.

In no case shall the overturning moment due to the wind pressure exceed fifty (50) per cent of the moment of the stability of the structure.

In buildings under one hundred feet (100) feet in height provided the height does not exceed four (4) times the average width of the base, the wind pressure may be disregarded.

PART XVII.

IRON AND STEEL CONSTRUCTION.

§ 116. Skeleton-Constructed Buildings.

Where columns are used to support iron or steel girders carrying inclosure walls, the said column shall be of cast iron, wrought iron, or rolled steel, and on their exposed surfaces be constructed to resist fire by having a casing of brickwork not less than eight (8) inches in thickness on the outside surfaces, not less than four (4) inches in thickness on the inside surfaces, and all bonded into the brickwork of the inclosure walls.

Between the said enclosing brickwork and the columns, there shall be a space of not less than two (2) inches, which space shall be filled solidly with liquid cement grout as the courses of brickwork are laid.

The exposed sides of the wrought iron or steel girders shall be similarly covered in with brickwork not less than four (4) inches in thickness on the outer surfaces and tied and bonded, but the extreme outer edge of the flanges of beams or plates or angles connected to the beams may project to within two (2) inches of the outside surface of the brick casing.

The inside surface of girders may be similarly covered with

brickwork, or if projecting inside of the wall, they shall be protected by terra cotta, concrete or other fireproof material not less than four (4) inches in thickness.

Girders for the support of the inclosure walls shall be placed at the floor line of each story.

The skeleton steel frame of a building shall be independent from that of an adjoining building, and the frame of one building shall not be bolted or riveted in any manner to the frame of any other building.

Foundations of Structural Iron and Steel Columns.

Foundations of structural iron and steel columns shall be of Portland concrete and all such structural columns shall rest on either cast iron or steel bases, proportioned so as to distribute the entire load on the column safely to the concrete foundation. All columns shall be properly secured to the bases.

Framing.

Every portion of a steel skeleton shall be strong enough to carry the superimposed load without relying upon the walls inclosing the frame, and all structural members shall be connected continuously with riveted connections from the foundation to the top of the building.

All metal columns, girders and beams and all portions of the structural steel of the skeleton shall be so designed where possible that all connections shall be accessible after erection, for the purpose of inspection, cleaning and painting.

§ 117. Steel and Wrought Iron Columns.

No main part of a steel or wrought iron column shall be less than five-sixteenths (5-16) of an inch thick, nor of less thickness than one-thirty-second (1-32) of its unsupported width measured transversely between rivet centers.

No wrought iron or rolled steel column shall have an unsupported length of more than forty times its least lateral dimension or diameter, except as modified by section 112 of this Code.

The ends of all columns shall be faced to a plane surface at right angles to the axis of the columns.

And the connection between them shall be made with splice plates.

The joint may be effected by rivets of sufficient size and number to transmit the entire stress, and then the splice plates shall be equal in sectional area to the area of column spliced.

When the section of the columns to be spliced is such that spliced plates cannot be used, a connection formed of plates and angles may be used, designed to properly distribute the stress.

End and intermediate stay plates are to have a thickness of not less than 1-40 of the unsupported width measured transversely between rivet centers.

End stay plates shall have a length not less than the greatest width of the member.

Intermediate stay plates are to have not less than four (4) rivets.

Lattice bars shall be proportioned to the size of the member. They must not be less than:

Two inches in width for members nine inches or less in width.

Two and one-quarter inches in width for members nine inches to twelve inches in width.

Two and one-quarter inches in width for members nine inches to fifteen inches in width.

Single lattice bars shall have a thickness not less than 1-40 of the distance between rivet centers connecting them to the member. Double lattice bars must be connected by a rivet at the intersection and be not less in thickness than 1-60 of the distance between rivet centers connecting them to the member.

Single lattice bars shall be inclined not less than 60 degrees to the axis of the member and double lattice bars at not less than 45 degrees to the axis of the member.

Steel and wrought iron columns shall be made in one, two or three-story lengths, and the material shall be rolled in one length wherever practicable to avoid intermediate splices.

Where any part of the section of a column projects beyond that of the column below, the difference shall be made up by filling plates secured to column by the proper number of rivets.

Shoes of iron or steel, as described for cast iron columns, or built shoes of plates and shapes may be used, complying with same requirements.

§ 118. Cast Iron Columns.

The thickness of metal in cast iron columns shall be not less than one-twelfth (1-12) the greatest lateral dimension of cross section, but never less than five-eighths ($\frac{5}{8}$) of an inch.

No cast iron column shall be less than five (5) inches in diameter or least lateral dimension, nor shall exceed in height thirty times its least horizontal dimension without having lateral support.

All cast iron columns shall be of good workmanship and material, and shall be tested and inspected before being placed in position. They shall be drilled with two three-eighths inch test holes, one on the lower surface and one on the upper surface of the columns as cast. Such other test holes shall be bored as the Inspector of Buildings may deem necessary.

Wherever blowholes or imperfections are found in a cast iron column which reduces the area of the cross section at that point ten (10) per cent, such column shall be condemned.

All columns shall be faced at the ends to a plane surface at right angles to the axis of the column.

Columns shall be connected to each other by not less than four three-quarter-inch bolts in each connection.

If the core of a column below a connection is larger than that above, the thickness of the metal in the top of the lower column shall be increased to make up the difference. This increased thickness shall be tapered down for a distance of not less than six (6) inches from the end of the column, or a joint plate of sufficient strength to distribute the load, may be inserted between the columns.

Every beam supported on the side of a cast iron column shall be carried on a bracket projecting out from the face of the column not less than three (3) inches. The depth of the bracket shall be not less than twice its projection and it shall be strong enough to carry the full load of the beam.

The metal in brackets, lugs and flanges shall be not less than one (1) inch thick, and lugs and flanges shall be strengthened by fillets and three-quarters inch bracing ribs.

Iron columns shall not be set on wood in any building and in fireproof or semi-fireproof buildings they shall not be set in stone plinths where liable to be subjected to fire.

Iron or steel shoes or plates shall be used under the bottom

tier of columns, when necessary to properly distribute the load on the foundation.

Shoes shall be planed on top.

§ 119. Party Wall Columns.

If iron or steel columns are to be used as party columns and intended for two buildings, then the said columns shall be not less in width than the thickness of party wall, nor less in depth than the thickness of the wall to be supported above. Iron or steel columns in front of side, division or party walls shall be filled up solid with masonry and made perfectly tight between the columns and walls. Intermediate columns may be used which shall be sufficiently strong and the lintels thereon shall have sufficient bearings to carry the weight above with safety.

§ 120. Cast Iron Lintels.

Cast iron lintels shall not be used for spans exceeding eight (8) feet.

Cast iron lintels or beams shall not be less than three-quarters ($\frac{3}{4}$) of an inch in thickness and shall have not less than six (6) inches bearing on walls. They shall rest upon cast iron or steel plates of such dimension that the safe load on walls shall not exceed those fixed by Section 108 of this Code.

§ 121. Floor and Roof Beams.

All floor and roof beams shall be full weight, straight, and free from defects.

When two or more beams are used together, they shall be connected by bolts and iron separators at intervals of not more than five (5) feet. All beams twelve (12) inches and over in depth, shall have at least two bolts to each separator.

The distance between tie rods in floors shall not exceed eight (8) feet and shall not exceed eight (8) times the depth of floor beams twelve inches and under.

The tie rods shall not be less than three-quarters of an inch in diameter, and shall have nuts at both ends.

Beams resting on girders shall be riveted or bolted to same. When beams are joined on a girder, tie straps shall be used.

The compression flange of plate girders shall be secured against buckling.

Stiffeners shall be provided over supports and under concentrated loads; they shall be of sufficient strength as a column to carry the loads and shall be connected with a sufficient number of rivets to transmit the stresses into the web plate.

Stiffeners shall fit so as to support the flanges of the girder.

§ 122. Rivets.

The distance from the center of a rivet hole to the edge of the material shall not be less than one and one-half ($1\frac{1}{2}$) times the diameter of the rivet. Wherever possible, however, the distance shall be equal to two diameters.

All rivets wherever practicable shall be machine driven. Rivets in connection shall be proportioned and placed to suit the stresses.

The pitch of rivets in structural work shall never be less than three (3) diameters of the rivet nor more than six (6) inches.

Gussets shall be provided wherever required, of sufficient thickness and size to accommodate the number of rivets necessary to make the connections.

Bolts.

No bolt shall be used in the connection of riveted trusses, excepting when riveting is impracticable, and then the holes shall be reamed in place and turned bolts used.

All field bolts carrying shear shall be provided with washers at least one-quarter ($\frac{1}{4}$) of an inch thick.

§ 123. Steel and Wrought Iron Trusses.

Trusses shall be of such design that the stresses in each member can be calculated.

All trusses shall be held rigidly in position by efficient systems of lateral and sway bracing. Any member of a truss subjected to transverse stress, in addition to direct tension or compression shall have the stresses coming on the member, and the total stresses thus formed shall in no case exceed the working stresses stated in sections 109, 110 and 111 of this Code.

For tension members, the actual net area only, after deducting rivet holes one-eighth of an inch larger than the rivets, shall be considered as resisting the stress.

If the axis of two adjoining web members do not intersect within the line of the chords, sufficient area shall be added to the

chord to take up the bending strains, or the web members shall be connected by plates so arranged that the axis of the web members prolonged will intersect on the axis of the chord.

All compression members in pin-connected trusses shall be proportioned, using seventy-five (75) per cent of the permissible working stress for columns.

The heads of all eye-bars shall be made by upsetting or forging. No weld will be allowed in the body of the bar. Steel eye-bars shall be annealed. Bars shall be straight before boring.

All pin holes shall be bored true, and at right angles to the axis of the members, and must fit the pin within one thirty-second (1-32) of an inch. The distances of pin holes from center to center for corresponding members shall be alike, so that, when piled upon one another, pins will pass through both ends without forcing.

Eyes and screw ends shall be so proportioned that upon test to destruction, fracture will take place in the body of the member. All pins shall be accurately turned.

Pin-plates shall be provided wherever necessary to reduce the stresses on pins to the working stresses prescribed in sections 110 and 111 of this Code. These pin-plates shall be connected to the members by rivets of sufficient size and number to transmit the stresses without exceeding working stresses.

Pin-connected riveted tension members shall have a net section area through pin holes of twenty-five (25) per cent in excess of the net section of the body of the member.

All rivets in members of pin-connected trusses shall be machine driven. All rivets in pin-plates which are necessary to transmit stress shall be also machine driven.

The main connections of members shall be made by pins. Other connections may be made by bolts.

§ 124. Painting of Metal Structural Work.

Where surfaces in riveted work come in contact with each other, they shall be painted before assembling.

Paint shall not be required for metal structural work which is to be thoroughly imbedded in concrete or cement grout applied directly against the metal, except where surfaces in riveted work come in contact with each other.

All metal structural work that is not to be thoroughly imbedded in concrete or cement grout shall be cleaned of all scales, dust, dirt and rust, and thoroughly coated with at least one coat of suitable paint; after erection all such work shall be painted at least one additional coat.

Cast iron columns shall not be painted or covered until after inspection by the Department of Buildings.

All iron or steel used under water shall be enclosed with concrete.

PART XVIII.

CONCRETE AND CONCRETE BLOCK CONSTRUCTION.

§ 125. Reinforced Concrete Construction.

Design.

Before work is commenced upon any structure of reinforced concrete, complete drawings and specifications shall be filed in the office of the Inspector of Buildings showing all details of the construction, the size and position of all reinforcing rods, and the manner in which the materials composing the concrete are to be proportioned.

Strain Sheets and Computations.

Strain sheets and computations shall be filed and the static computations shall give the loads assumed separately such as dead and live loads (wind and impact, if any) and the resulting stresses.

The designs shall not be based upon any assumption or computation contrary to the established principles of statics and mechanics, and the unit stresses for any material entering into the construction, shall not exceed those provided for in this ordinance.

§ 126. Materials.

Portland cement and broken stone or gravel shall be used in all reinforced concrete.

Cinders shall not be used in concrete mixture, either for reinforced concrete or fireproofing.

All materials shall meet the requirements of sections 22 and 23 of this Code.

In beam, girder, floor and column construction, the broken stone shall be small enough to pass through a one-inch ring and the concrete shall be mixed in the proportion of one part of cement and two parts of sand and four parts of broken stone or gravel.

§ 127. Forms.

All form work shall be substantial and unyielding and be tight to prevent the leakage of water, and put up in such a manner that it can be readily removed without disturbing the concrete.

Forms shall not be removed until after an inspection of the concrete to ascertain its hardness has been made. In general no form shall be removed in less than two (2) days after the concrete is placed, and shores under beams and girders must remain in place at least twenty (20) days.

The centering for beams, girders and floors shall not be removed until all parts of the finished floor are strong enough to support themselves and the loads that may come upon them during constructions.

§ 128. Columns.

No reinforced concrete columns shall be longer in the clear than fifteen (15) times its least outside dimension in cross section.

Any column built above another and acting continuously with it, shall not at any point overhang the lower one.

The construction of a reinforced concrete column in a building shall commence upon the top of a finished floor or girder, and shall continue without interruption to the under side of the floor or girders next above.

Girders shall never be constructed over freshly formed columns without permitting a period of at least two hours to elapse, thus providing for settlement or shrinkage in the columns. Before resuming work, the top of the column shall be thoroughly cleansed of foreign matter and laitance. If the concrete in the column has become hard, the top shall also be drenched and slushed with mortar consisting of one part Portland cement and not more than two parts fine aggregate before placing additional concrete.

The reinforcing bars shall be securely held in exact position while the concrete is being laid.

The concrete shall cover the reinforcing bars at all points at least one and one-half ($1\frac{1}{2}$) inches, and in calculating the strength of a reinforced concrete column, this outside one and a half inches of concrete shall not be counted as part of the section of a column.

Reinforced concrete columns must contain at least four (4) vertical steel bears on square columns. They shall be placed at the corners. In any case, the reinforcement shall be near the perimeter.

All such vertical bars shall be connected and prevented from spreading by hoops made of wire, rods or bars, spaced not more than twelve (12) inches apart.

The hoops must be firmly fastened to the bars by wiring.

Where columns are greater than eighteen (18) inches wide, a greater number of bars shall be used, so that the spacing on the edge of the column shall not be greater than sixteen (16) inches apart.

In all cases, reinforced columns must contain at least one per cent of vertical steel and must in all cases have a positive means of confining the concrete and steel, either by spiral reinforcement, or hoops encasing the vertical bars.

Where more than four (4) bars occur in a column, the additional bars must be hooped independently from the hoops enclosing the corner bars.

Beams and Slabs.

The plan length for beams and slabs shall be taken as the distance from center to center of supports, but shall not be taken to exceed the clear space plus the depth of beam or slab.

Brackets shall not be considered as reducing the clear span in the sense here intended.

§ 129. T Beams.

In beam and slab construction, an effective bond shall be provided at the junction of the beam and slab. When the principal slab reinforcement is parallel to the beam, transverse reinforcement shall be used extending over the beam and well into the slab.

When adequate bond between slab and web of beam is provided the slab may be considered as an integral part of the beam,

but its effective width shall be determined by the following rules:

(a) It shall not exceed one-fourth of the span length of the beam.

(b) Its overhanging width on either side of the web shall not exceed four times the thickness of the slab.

In the design of the T beams acting as continuous beams, due consideration should be given to the compression stresses at the support.

The dimensions of a beam or girder and its reinforcement shall be determined and fixed in such a way that the strength of a metal in tension shall measure the strength of the beam or girder. If the concrete in compression, including the allowable concrete in adjoining floor construction does not afford sufficient strength for that purpose, the compression side of the beam or girder in question shall also be reinforced with metal.

A beam or girder carrying a concentrated load shall be reinforced if necessary for shear.

Neither the reinforcing metal nor the concrete shall be subjected to combined stresses so as to exceed in combination the stresses allowable separately.

Wherever possible, beams and girders and also their intermediate floor construction shall be made continuous. Reinforcing metal shall be used for that purpose in the top of all connecting members at the point of support, and shall be sufficient both in section and length to prevent fracture at the point of support when the connecting members are carrying twice their full calculated load.

§ 130. Floor Slabs.

No floor slab shall be less than four (4) inches thick.

The reinforcing metal in the bottom of a floor slab may be deflected to the top of the slab along the line of support, or separate reinforcing material may be used for the reinforcement in the top of the slab. In either case, however, if a part of the slab is considered as a part of the beam or girder, the reinforcing material used in the slab must cross the full width both of the beam or girder and the part of the slab so considered. In all cases, the rods, bars, or strands of such reinforcement shall be not more than ten (10) inches apart.

Floor slabs shall be designed and reinforced as continuous over the supports. If the length of the slab exceeds 1.5 times its width, the entire load shall be carried by transverse reinforcement; square slabs may well be reinforced in both directions.

In floors reinforced in two directions, the reinforcement over the supports may be limited to the middle half of the support.

Deformed bars must be imbedded at least thirty (30) times their diameter and plain bars forty (40) times their diameter where the full strength of the bar is to be developed. Where this distance cannot be obtained, the bar must be hooked with a six-inch hook, and if this is not sufficient, a stub must be placed in the hook.

In no case shall steel be lapped or spliced except over the supports.

All tension bars for reinforcing positive bending moments between supports must run the full length of the beam and extend into the support. No welds will be allowed.

Turnbuckles or sleeve nuts properly designed may be used.

Where floor slabs are supported by a brick or stone wall, they must have at least four (4) inches bearing, and the floor steel must run in the full four inches.

Where concrete floors are to be used without being covered with some other wearing surface, a cement finish of at least one part cement to two parts sand and at least one-half of an inch thick must be firmly bonded to the structural concrete, and in no case shall this finish be considered a part of the structural thickness of the floor slab, but must be allowed entirely for wearing surface.

Protection of Metal.

In reinforced beams and girders, all main bars must have at least one and a half inches of concrete protection, and stirrups or prongs one-half inch.

In slabs the main tension reinforcement must have at least one-inch concrete protection.

§ 131. Assumption in Designs.

The design of any reinforced concrete structural member shall be based upon the following assumption:

Internal Stresses.

(1) The modulus of elasticity of concrete in compression within the usual limits of working stresses is constant.

(2) The tensile strength of concrete shall not be considered, but the steel shall take all the tensile stresses.

(3) The bond between the concrete and the steel is sufficient to make the two materials act together as a homogeneous solid.

(4) The ratio of the modulus of elasticity of steel to the modulus of elasticity of concrete shall be taken at fifteen.

(5) The strain in any fiber is directly proportionate to the distance of that fiber from the neutral axis.

§ 132. Working Stresses.

The following working stresses shall be taken for static loads. Proper allowances for vibration and impact shall be added to live loads when necessary to produce an equivalent static load before applying the unit stresses in proportioning parts.

The compression strength of the concrete shall be not less than 2,000 pounds per square inch in twenty-eight days, tested in cylinders eight inches in a diameter and sixteen inches long under laboratory conditions of manufacture and storage using the same consistency as in the field.

On the basis of 2,000 pounds ultimate strength, the working stress in direct compressing will be taken at 650 pounds per square inch.

(1) Compression on columns with longitudinal reinforcement only—450 pounds per square inch.

(2) Columns with reinforcement of bands or hoops—540 pounds per square inch.

(3) Columns reinforced with not less than one per cent and not more than four per cent of longitudinal bars and with bands or hoops—650 pounds per square inch.

(4) Columns reinforced with structural steel column units which thoroughly encase the concrete case—650 pounds per square inch.

Compression in Extreme Fiber.

The maximum allowable stress in bending on concrete in compression shall be 650 pounds.

Shear.

The maximum allowing stress on concrete in shearing shall be 50 pounds.

Reinforcement.

The tensile stress in steel shall not exceed 16,000 pounds.

The compression stress in reinforcing steel shall not exceed 16,000 pounds, or fifteen times the working compression stress in the concrete.

§ 133. Design May Be Varied.

If the builder desires to use a system not covered by or varying from the above conditions as to design, he shall submit to the Inspector of Buildings plans and specifications, giving in detail the construction and formulas he uses in his design, and they shall be such as can be checked properly and kept on record by the Department of Buildings.

The builder shall then make a destruction test, or present evidence satisfactory to the Inspector of Buildings that such test has been made with full particulars of the result of said test. If said test shows that based on the specifications submitted the construction has a factor of safety of four (4) on the total dead and live load, the said system may be used in accordance with said specifications.

§ 134. Concrete Blocks.

Hollow concrete building blocks may be used for buildings three stories or less in height where said blocks conform to the requirements of this Code, provided, however, that such blocks shall be composed of at least one part of Standard Portland cement and not to exceed three parts clean, coarse, sharp sand or gravel, and five parts of crushed rock or other suitable aggregate.

The hollow spaces or recesses in such blocks shall not exceed one-half its area, and the height shall not exceed four and a half times the thickness of the web.

The thickness of walls for any building where hollow concrete blocks are used may be 10 per cent less than is required by law for brick walls.

Where the face only is of hollow concrete building block, and the backing is of brick, the facing of hollow concrete blocks must be strongly bonded to the brick, either with headers pro-

jecting four inches into the brickwork, every fourth course being a heading course, or with approved ties; no brick backing to be less than eight inches. Where the walls are made entirely of hollow concrete blocks, but where said blocks have not the same width as the wall, every fifth course shall extend through the wall, forming a secure bond. All walls where blocks are used shall be laid up in cement mortar.

All hollow concrete building blocks before being used in the construction of any building in the city of Louisville shall have attained the age of at least three weeks.

Wherever girders or joists rest upon walls so that there is a concentrated load on the block of over two tons, the blocks supporting the girder or joists must be made solid. Where such concentrated load shall exceed five tons, the blocks for two courses below and for a distance extending at least eighteen inches each side of said girder, shall be made solid. Where the load on the wall from the girder exceeds five tons, the blocks for three courses beneath it shall be made solid with similar material as in the blocks. Wherever walls are decreased in thickness, the top course of the thicker wall is to be solid.

No blocks shall be used that have not an average crushing strength of 1,500 pounds per square inch of area at the age of twenty-eight days.

All piers and buttresses that support loads in excess of five tons shall be built of solid concrete blocks for such distance below as may be necessary for safe bearing strength. Concrete lintels shall be reinforced by iron or steel rods in a manner necessary for safety, and any lintels spanning over four feet six inches in the clear shall rest on solid concrete blocks.

Provided, that no hollow concrete building blocks shall be used in the construction of any building in the city of Louisville, unless the brand or mark or identification has been impressed in, or otherwise permanently attached to each block for the purpose of identification; said brand or mark to contain the name of the manufacturer and date that said block was made.

The Inspector of Buildings may require full tests to be made of samples selected from the open market or from material actually going into construction, when in his opinion there is a doubt as to whether the product is up to the standard of these regula-

tions. Such tests must be made by some laboratory of recognized standing.

Such tests shall be at the expense of the manufacturer or user of such concrete blocks.

The Inspector of Buildings may also require tests of absorption and the percentage of absorption (being the weight of water absorbed divided by the weight of the dry sample) must not average higher than 7 per cent and must not exceed 10 per cent.

The names of the persons, firms or corporations and the responsible officers thereof must be placed on file with the Building Department, and changes of same promptly reported in order that the blocks manufactured by such persons, firms or corporations may be used in the city of Louisville.

PART XIX.

SIGNS.

§ 135. Permits.

A permit must be obtained from the Department of Buildings to erect a sign of any description.

All permits for signs which are to project over any sidewalk or public way shall be subject to the approval of the Board of Public Works.

No sign shall be supported from the sidewalk or from a point outside the sidewalk.

Signs may be carried upon the front of a building, but no sign, except an electric sign, as provided in section 138 hereof, shall project from any building and over any public way of the city of Louisville.

No wood sign more than two (2) feet in width shall be erected on any building.

Every sign more than twenty (20) feet above the sidewalk shall be made entirely of metal.

§ 136. Roof Signs.

No sign shall be placed on a roof of any structure, except it be constructed of metal, and such construction shall be of open mesh work and entirely approved in construction and fastings by the Inspector of Buildings.

§ 137. Sign or Bill Boards.

No signs or bill boards erected on uprights, or any other supports extending to the ground shall be at any point more than twelve (12) feet above the surface of the ground, and shall be properly supported and braced.

There shall be an open space of six (6) feet between each bill board and any adjoining structure.

There shall be an open space not less than two (2) feet between any two boards.

No bill board shall exceed five hundred (500) square feet in area.

All signs which are dangerous in any manner whatever shall be repaired and made safe, or taken down by the owner.

Nothing herein contained shall prevent the owners or operators of any open air place of amusement or ball park, wholly surrounded by streets, vacant grounds or railroad rights of way from erecting or maintaining suitable screens about the same in accordance with plans approved by the Inspector of Buildings, or from displaying advertising matter on such screens.

The foregoing paragraphs of this section shall apply to existing bill boards.

§ 138. Electric Signs.

(1) Permits for signs shall be granted only upon the basis of representations made by drawings and specifications in ink indicating the location, quality of material and workmanship, full dimensions in figures, manner of fastening the signs to the structure, actual weight including all fixtures, and the number and candle power of the lights and their location on the sign. These representations shall be made by written application on blanks furnished by Building Inspector, signed by the owner or tenant of building and by the erecting contractor.

(2) All signs shall be of metal or other approved incombustible material. All signs shall be properly stayed, bolted and anchored with proper supports of metal. Metal work shall not be secured by driving the same into joints of masonry, or into wedging or wooden blocks. In the case of masonry, connections shall be made by expansion bolts inserted not less than four (4) inches, or by bolting through the wall. Expansion bolts shall be thoroughly and properly cemented or leaded into the drilling part of the masonry.

(3) No sign shall project beyond the curb, or more than nine (9) feet beyond the property line, or be more than four (4) feet wide or be less than nine (9) feet above the sidewalk.

(4) No sign except a vertical sign shall weigh more than four hundred (400) pounds, including all attachments.

(5) Vertical signs weighing more than four hundred (400) pounds may be permitted. All vertical signs must be located in the middle one-third of the building, except that where a house is on a corner, a vertical sign may also be located in the outer third.

(6) Every sign shall have one visible lamp of four (4) candle power for every one and one-quarter square feet of each side of the sign surface. No sign shall be allowed which has a total of less than 20 lamps of four-candle power each. If lamps of less candle power are used, the number of lamps shall be proportionately increased.

(7) Both sides of all signs shall be equally illuminated until 10 o'clock each night, for not less than six nights per week.

(8) Signs shall not obstruct or be attached to any part of a fire escape, and where a sign is hung near any fire escape, it shall be arranged to swing away from such fire escape.

PART XX.

FIREPROOF CONSTRUCTION.

§ 139. Foundation and Walls.

All foundations, retaining walls, bearing walls, and piers in fireproof buildings shall be made of brick or stone laid in cement mortar, or of concrete, plain or reinforced, or of iron or steel columns and beams enclosed in brick, tile, or concrete masonry. Wood shall not enter into their construction.

Floors and Roofs.—Floors and roofs shall be constructed of beams made of steel or of reinforced concrete, properly spaced and tied, and spanned with arches or slabs made of fire-resisting materials, and of sufficient strength to carry the loads for which they are designed.

Partitions.—Fireproof partitions subdividing the space on the floor of a fireproof building may be built of steel or iron uprights not more than 16 inches on centers, lathed with metal

laths and plastered both sides to a thickness of not less than one and three-quarter inches, or they may be built of hollow burnt clay, or other incombustible hollow building blocks. To provide foundation for wood door and window trim or other wood interior finish, wood frames may be set up in the partition for the openings and narrow wood strips may be built in for other wood finish. Partitions subdividing space on the floor of a fireproof building (the arrangement of which may be changed) may be set upon the wood floor.

The flooring may be of wood not exceeding one and one-eighth inches in thickness, nailed to wood sleepers not exceeding two inches by four inches, imbedded in concrete to the under side of flooring.

The interior finish, window frames, sash and doors may be of wood.

No window opening on a side next to an alley or other side not on a street below the eighth story of a fireproof building shall have either wood frames or sash, but shall have metal frames and sash with wire glass.

Stairs.—The stairs and staircase landings shall be constructed of brick, stone, concrete, iron or steel or a combination of these materials.

In all fireproof buildings other than stores, warehouses and factories, if exceeding three stories or forty feet in height, the stair halls shall be enclosed on each story with fireproof material same as required for elevators to so form an enclosure, the floor area of which shall not be more than three times the united area of the floor openings for the elevators and stairs.

§ 140. Fireproof Shutters and Doors.

Every building, except private dwelling houses, churches, hotels, lodging houses, apartment houses, tenements, schools, and other places of public assembly, shall have fireproof doors, blinds or shutters, hinged to wrought iron eyes built into the wall on every exterior window and opening above the first story thereof; excepting on the front openings of buildings fronting on streets or where no other buildings are within fifty feet of such openings.

The said doors, blinds or shutters shall be of a standard construction, that is, constructed of pine or other soft wood of two

or three thicknesses (depending on size) of matched boards, clinched-nailed, at right angles or placed diagonally with each other and securely covered with tin on both sides and all edges with folded lapped joints, the nails for fastening the same being driven inside the lap; the hinges and bolts or latches shall be secured or fastened to the door or shutter by wrought iron bolts passing through the door or shutter and secured by nuts and washers on the opposite side after the same has been covered with the tin, and such doors and shutters shall be hung upon a wrought iron frame independent of the woodwork of the windows and doors, or to wrought iron hinges securely fastened in the masonry.

All windows and doors in a wall of any building built upon a party line above the roof of an adjoining building shall likewise be protected with fire shutters.

All outside fireproof shutters must be closed at night, and any person, firm or corporation failing to keep closed at night time any outside fireproof shutter on any building owned or occupied by said person, firm or corporation, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten (\$10) or more than one hundred (\$100) dollars for each offense, and each night said fireproof shutters are not so closed shall be deemed a separate offense, provided that where such building to which said outside fireproof shutters are attached is a factory or other building being operated in the same manner at night time that it is operated in the day time, then said penalty shall not be enforced.

§ 141. Metal Window Frames and Sash and Wired Glass.

On any opening where the window frame and sash are of metal and the sash are glazed with wire glass not less than one-quarter of an inch in thickness, and each pane measuring not more than seven hundred and twenty square inches, the same shall be deemed an equivalent of and a substitute for fireproof shutters.

§ 142. Shutters Arranged to be Opened from the Outside.

All shutters opening on fire escapes, and at least one row vertically in every three vertical rows on the front window openings above the first story of any building, shall be so arranged that they can be readily opened from the outside by firemen.

Rolling Metal Shutters.—No rolling iron or steel shutters shall be hereafter placed above the first story of any building, and when used on the first story they shall be counterbalanced so that said rolling shutters may be readily opened by the firemen.

§ 143. Fireproof Floor Fillings Between Beams.

Between the wrought iron or steel floor beams may be placed arches made of brick or of hollow tile of hard-burnt clay, semi-porous or porous terra cotta of uniform density and hardness of burn, or the space between the beams may be filled with arches of Portland cement concrete, plain or reinforced, but in any case, detail plans and strain sheets shall be submitted to the Inspector of Buildings showing the details of proposed construction, and no material in any part of the design shall be subjected to a greater working stress than is prescribed in part XVI of this Code.

The Inspector of Buildings may require that an actual test be made of the proposed floor construction, such test to be made under his supervision and at the expense of the owner or contractor, and the floor constructed be subjected to a fire test under a maximum floor load.

Duly authenticated records of tests heretofore made of any system of fireproof floor filling and protection of the exposed parts of the beams may be presented to the Inspector of Buildings, and if the same be satisfactory to said inspector, it shall be accepted as conclusive.

§ 144. Incasing Interior Columns.

All cast iron, wrought iron or rolled steel columns, including the lugs and brackets on same used for vertical supports in the interior of any fireproof building, or used to support any fireproof floor, shall be entirely protected with not less than four inches of hard-burned brickwork, terra cotta, concrete or other fireproof material, without any air space next to the metal, securely applied, but no plaster of paris or lime mortar shall be used for this purpose, nor shall any plaster, whether or not on metal lathing, be considered a part of the covering required.

No single block or unit of insulating material used for column covering shall have a greater vertical dimension than six inches when placed in position, nor shall the shells and webs of hollow

tile or terra cotta blocks be less than five-eighths inch in thickness, and these blocks shall be laid up with Portland cement mortar, and the said blocks be suitably tied or anchored together.

The extreme outer edges of lugs, brackets and similar supporting metal may project to within seven-eighths of an inch of the surface of the fireproofing.

The fireproof coverings shall start upon the fireproof floors and continuously extend to the fireproof ceilings or under side of girders above and be entirely independent of any ornamental base or capital.

No pipes, wires or conduit of any kind shall be incased in the fireproofing surrounding any column, girder or beam of steel or iron, but shall be placed outside of such fireproofing.

Where the fireproof protection of columns is exposed to damage from the trucking or handling of merchandise, such fireproof protection shall be jacketed on the outside, for a height not less than four feet from the floor with sheet metal or with vertical strips of oak; and if the oak be used for such purpose the vertical strips shall be sufficiently separated from each other always to show that the woodwork of the guard has been placed entirely on the outside of the fireproof material which incases the metal column.

§ 145. Incasing Exposed Sides and Bottom and Top Plates and Flanges of Girders and Beams.

The exposed sides of wrought iron or rolled steel girders, supporting walls, iron or steel floor beams or supporting floor arches of floors shall be entirely incased with hard-burned clay, porous terra cotta, concrete or other fireproof material not less than four inches in thickness, and the bottom and top plates and flanges of such girders shall have not less than two inches in thickness of such insulating material.

The bottom and top plates and flanges of all wrought iron or rolled steel floor and roof beams, and all exposed portions of such beams below the abutments of floor arches or filling between the floor beams shall be entirely incased with hard-burned clay, porous terra cotta, concrete or other fireproof material, such incasing material to be not less than two inches in thickness.

All incasing material to be securely attached to the girders and beams.

The shells and webs of hollow tile blocks shall be not less than five-eighths of an inch in thickness, and shall be laid up with Portland cement mortar, and the said blocks be suitably tied or anchored together.

§ 146. Incasing Interior Columns and Girders in Non-fireproof Buildings.

In all non-fireproof buildings where iron or steel structural members are incorporated in the construction of the building, said iron or steel columns, girders, beams and other structural metal members shall be incased as before described in this Code, except that the thickness of such insulating material may be not less than two inches.

The entire steel construction of roofs supported by trusses over large rooms may be uncovered, but no such roof framing shall be uncovered, if the room is used for the sale or storage of materials.

PART XXI.

FIRE LIMITATIONS.

§ 147-a. Fireproof Buildings.

Unless otherwise specified in this Code, buildings will be considered of fireproof construction when they are built throughout of incombustible material, with the exception of the floor covering, interior finish and window frames.

No frame, veneered or iron-clad building shall be built within the fire limits of the city of Louisville, except temporary sheds provided for in section 20 of this Code. No existing frame structure within the fire limits shall be altered or repaired except as provided for in section 19 of this Code.

All tenement or apartment houses within or without the fire limits, if more than three stories and a basement in height, shall be of fireproof construction.

Every building more than 85 feet in height shall be of fireproof construction.

Every hospital, infirmary, asylum, school house, public hall and hotel over two stories in height, shall be fireproof throughout.

All public automobile garages shall be fireproof.

All theaters, opera houses, rooms for moving picture shows or other places of amusement, with a seating capacity of 500 or more, shall be constructed of fireproof material throughout, except the stage proper, which may be wood.

All smokehouses hereafter to be built shall be constructed fireproof throughout. If they open into any other buildings, such openings shall have iron-covered doors.

The basement of every non-fireproof building over two stories and basement in height hereafter altered or erected in the city of Louisville, and used as an apartment or tenement house, shall be made fireproof as required for fireproof buildings. The floor construction over the basement shall be fireproof, and if the story above the basement is used for a store or for other general purposes, or for offices, both the basement and the first story with the floor above the first story shall be made fireproof.

The cornice of all three or more story buildings, if of wood, shall be covered with metal or otherwise thoroughly protected from fire.

§ 147-b. Fire Limits.

The Fire Limits of the city of Louisville shall be as follows:

Commencing at the center line of Jackson street, from center line of Fulton street to center line of Jefferson street; thence on the center line of Jefferson street to center line of Floyd street; thence on center line of Floyd street to center line of Green street; thence on center line of Green street to center line of Second street; thence on center line of Second street to center line of Broadway; thence on center line of Broadway to center line of Fifth street; thence on center line of Fifth street to center line of Walnut street; thence on center line of Walnut street to center line of Seventh street; thence on center line of Seventh street to center line of Grayson street; thence on center line of Grayson street to center line of Tenth street; thence on center line of Tenth street to center line of Congress alley; thence on center line of Congress alley to center line of Twelfth street; thence on center line of Twelfth street to center line of Market street; thence on center line of Market street to center line of Fifteenth street; thence on center line of Fifteenth street to center line of Main street; thence on center line of Main street

to center line of Sixteenth street; thence on center line of Sixteenth street to center line of Bank street; thence on a line parallel with Seventeenth street to center line of Portland avenue; thence on center line of Portland avenue to center line of Fourteenth street; thence on center line of Fourteenth street to Water Front; thence on Water Front to First and Fulton streets; thence on center line of Fulton street to Jackson street, point of starting.

Nothing herein shall be construed as prohibiting the city from establishing other Fire Limits from time to time by suitable ordinances.

PART XXII.

FIRE APPLIANCES.

§ 148. Stand Pipes.

All buildings exceeding a height of seventy-five (75) feet shall be equipped with stand pipes, one for each division of the building, or one for each ten thousand (10,000) square feet or fraction thereof, or for each end street front.

Such stand pipes shall not be less than four (4) inches in diameter for houses not exceeding one hundred and twenty-five (125) feet in height, and six (6) inches in diameter for houses exceeding one hundred and twenty-five (125) feet in height, except that where existing buildings are now equipped with stand pipes, the diameters may be three (3) and four (4) inches, respectively, but the number of stand pipes must conform with the above requirements.

All stand pipes shall be of wrought iron or galvanized steel, and together with fittings and connections, shall be of such strength as to safely withstand three hundred (300) pounds of water pressure to the square inch when installed ready for service, without leaking at the joints, valves, or fittings, and they shall be located in such a position in the building that the fire within any room in the building will not overheat the same, and where they are easily accessible in any public portion of the building. If placed in closets or shafts, the doors to the same shall not be locked.

§ 149. Hose Connections.

All stand pipes shall extend from the cellar to and through the room, with a hose connection located from four (4) to six (6) feet above the floor level, fitted with approved straightway composition valves in each story, including the cellar; also a hose connection provided above the roof with the valve controlling the same located so that it can be operated either from above or below the roof. A suitable three-quarter of an inch drain pipe and valve shall be provided for draining the connection above the roof.

Hose sufficient to reach to all parts of the floor shall be attached to each outlet in the building, and hose for the roof hydrant shall be placed in the top floor near the scuttle leading to the roof. Such hose shall be at least two and one-half inches in diameter, in fifty (50) foot lengths, and provided with standard couplings at each end; however, one-inch connections and hose in addition to the above is permitted.

All couplings are to be the same hose thread as that in use by the Fire Department. Such hose shall be linen or cotton rubber lined, or rubber.

All hose shall be examined once a year and certified by the Fire Department.

§ 150. Steamer Connections.

All stand pipes shall be provided with a Siamese steamer connection located on the outside of the building and of easy access to the Fire Department. The inlet pipe from the steamer connection to the stand pipe shall be not less in diameter than the largest stand pipe. The Siamese steamer connection shall be provided with check valves in the Y and substantial brass or gun metal caps provided to protect the thread on the connection.

All portions of the Siamese connections or stand pipes that are in danger of freezing shall be provided with a drip pipe and valve for the purpose of draining the same.

In addition to the provisions for steamer connections to stand pipes the water supply may be from city water where the pressure is sufficient, automatic fire pump of five hundred (500) gallons or more per minute, elevated tank or steel pressure tank of not less than five thousand (5,000) gallons capacity.

In all buildings coming under these regulations as to height which are occupied for sleeping purposes, such as hotels, lodging houses, hospitals and asylums, the stand pipe system must have at least one of the automatic supplies heretofore described.

Where such stand pipe is connected to a tank, there shall be a straightway check valve in the horizontal section of the pipe between the first hose outlet below the tank and the tank. Such tank must be filled by a separate pipe and not through the stand pipe, and where such tank is used for the house, the house supply shall extend into the tank to such a height as will reserve not less than thirty-five hundred (3,500) gallons of water for fire purposes.

Where pumps constitute a supply to stand pipes, they shall be placed not less than two (2) feet above the floor level, and the boilers upon which the pumps depend shall be so arranged that the flooding of fires under the same will be impossible.

§ 151. Dry Cleaning Buildings.

Dry cleaning buildings must be equipped with steam pipes running around the said building at the floor line, and also at the ceiling. From these steam pipes there shall be openings or jets set at least every twelve (12) inches from center to center, and to graduate in size from one-eighth to three-eighths of an inch. This steam system shall be controlled by a valve located at least ten (10) feet outside of said dry cleaning building.

§ 152. Sprinkler Pipes in Basements and Cellars of Mercantile and Manufacturing Buildings.

In such buildings as are used or occupied for mercantile and manufacturing purposes there shall be provided in addition to said stand pipe or stand pipes an approved system of automatic sprinklers placed at the ceiling of each story below the first or grade floor and extending to the full depth and breadth of the building.

Said sprinkler pipes shall be connected with a pipe of not less than four inches in diameter leading to the outside of building and there provided with an approved Siamese steamer connection, latter to be installed under requirements set forth in this

section, and to be under the control and for the use of the Fire Department.

A suitable iron plate with raised letters shall be securely attached to the wall near said steamer connection, reading "Cellar Sprinklers" (where sprinklers are installed in cellars only) and reading "Automatic Sprinklers" where the entire building is so protected.

PART XXIII.

FIRE ESCAPES.

§ 153. Fire Escapes to be Erected.

Every building three or more stories high used as a hotel, office building, theater, lodging house, apartment house, tenement or for manufacturing purposes shall have at least one fire escape and as many more as may be necessary for safety.

Every apartment and tenement house more than three stories high, having apartments for two or more families on one floor, shall have a fire escape for each vertical series of such apartment.

The location of fire escapes shall always be subject to the approval of the Inspector of Buildings.

All fire escapes which are not constructed on public streets and alleys shall connect at the bottom on the ground level to open passageways, connecting to streets or alleys, and such passageways shall be maintained without doors or gates as the Inspector of Buildings may direct.

All outside fire escapes must extend from the second floor balcony to the top of the building, and the second floor balcony must be connected with the ground by swinging steps or some device approved by the Inspector of Buildings.

All window frames and sash or doors opening on to fire escapes required under this ordinance shall be made of metal, or wood covered with metal, and glazed with wire glass.

§ 154. Balconies.

The balcony shall not be less than three feet in width. They shall not be above nor more than nine inches below the opening. They must in all cases where practicable, cover two win-

dows and extend not less than nine inches beyond the side of any such window. The landing at the head and foot of each stairway shall not be less than twenty-four inches long; the opening in the platform shall be sufficiently long to provide clear head room.

§ 155. Brackets.

The platforms shall be supported by cantilever construction or by brackets. The top chord of the bracket shall extend entirely through the wall and be turned down three inches, or be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick.

On new buildings the brackets shall be set as the walls are being constructed; on old buildings holes shall be drilled through the walls to take the top chord. These brackets shall be not less than one-half inch by one and three-fourths inches wrought iron placed edgewise, or one and three-fourths inches angle iron one-fourth inch thick, well braced. They shall be not more than four feet apart and shall be braced by means of not less than three-fourths of an inch square wrought iron, and shall extend three-fourths of the width of the respective balcony or bracket. The bottom end of these braces shall be fastened into the wall at a distance below the bracket of not less than eighteen inches.

§ 156. Floor of Balconies.

The floors of balconies shall be of wrought iron, or steel slats not less than one and a half inches by three-eighths of an inch, placed not more than one and one-quarter inches apart, and well secured and riveted to iron battens one and a half inches by three-eighths of an inch, not over three feet apart and riveted at the intersections.

The openings for stairways in all balconies shall be not less than twenty-one inches wide and thirty-six inches long, and such openings shall have no covers of any kind.

The platforms or balconies shall be constructed and erected to safely sustain in all their parts a safe load at a ratio of four to one, of not less than eighty pounds per square foot of surface.

§ 157. Railings.

The outside top rail shall extend around the entire length of the platform and in all cases shall go through the wall at each end, and be properly secured by nuts and four-inch square

washers at least three-eighths of an inch thick, and no top rail shall be connected at angles by cast iron. The top rail of balconies shall be one and one-quarter inch angle iron one-quarter inch thick. The bottom rails shall be one and one-half inches by three-eighths of an inch wrought iron or steel, or one and a half inch angle iron one-quarter inch thick, well leaded into the wall. The standards or filling-in bars shall be not less than one-half inch round or square wrought iron or steel, well riveted to the top and bottom rails and platform frame. Such standards or filling-in bars shall be securely braced by outside brackets at suitable intervals, and shall be placed not more than six inches from centers; the height of railings shall in no case be less than two feet nine inches.

§ 158. Stairways.

The stairways shall be constructed and erected to fully sustain in all parts a safe load at a ratio of four to one of not less than one hundred pounds per step, with the exception of the thread which must safely sustain at said ratio a load of two hundred and fifty pounds.

The treads shall be flat open treads not less than six inches wide and with a rise of not more than nine inches.

The stairs shall be not less than twenty inches wide.

The stringers shall be not less than three-inch channels of iron or steel, or other shape equally strong, and shall rest upon and be fastened to a bracket, which shall be fastened through the wall as heretofore provided.

The stringers shall be securely fastened to the balcony at the top, and the steps in all cases shall be double-riveted or bolted to the stringers.

The stairs shall have three-quarter inch hand-rails of wrought iron, well braced.

The inclination of the stairs shall never exceed sixty degrees.

§ 159. Drop Ladders.

A proper drop ladder at least seventeen inches wide may be used when it is not practicable to use a counterbalanced stairs. Rungs shall be made of three-quarter of an inch square iron, spaced fourteen inches center to center.

§ 160. Painting.

All the parts of such fire escapes shall receive two coats of paint, one in the shop and one after erection.

§ 161. Inside Stairways.

Inside stairways entirely enclosed by fire walls, and having a location approved by the Inspector of Buildings, may be used instead of outside fire escapes.

§ 162. Other Forms of Fire Escapes.

Any form of fire escape equal in safety and efficiency to those above mentioned may be used.

PART XXIV.

ELEVATORS—HOISTWAYS—DUMBWAITERS.

§ 163. Permit for Erection of Elevators.

It shall be unlawful for any person or persons, company or corporation to construct, erect or place, or cause to be constructed, erected or placed in any building or structure, erected or in the course of erection, any elevator to be used for carrying passengers or freight from one floor to another without first having obtained from the Inspector of Buildings a permit therefor.

Before the Inspector of Buildings shall issue such permit for the erection, construction, or use of such elevator, there shall be filed in his office as a matter of record, plans and specifications showing the proposed method of installation.

Certificate of Inspection.—It shall be the duty of every person owning, controlling, operating or using, as owners, lessees or agents, of any passenger or freight elevator (or passenger and freight elevator), within the limits of the city of Louisville, to expose to the public view in the elevator car or platform a certificate of inspection as issued by this department.

Inspection Records.—The Inspector of Buildings shall cause to be kept a proper record of all notices, certificates of inspection, etc., issued in connection with the elevators in the city of Louisville; such inspections shall be made by properly appointed

inspectors, under his supervision, and in accordance with the ordinance covering the proper installation and repairs to all classes of elevators as hereinafter mentioned in this ordinance.

Unlawful to Run Elevators Without Certificate of Inspection.—It shall be unlawful to run or operate any elevator without first having obtained the proper certificate from the Building Inspector's office. Any one guilty of operating an elevator without such certificate will be liable to the fines as imposed under this ordinance.

Care of Elevators.—Every owner, lessee or agent shall require the person in charge of the running of the elevator to carefully examine all the appliances once every twenty-four (24) hours, and upon the discovery of any defects tending to endanger life, the elevator shall be shut down at once and the Inspector of Buildings notified of the condition of the elevator. The use of any such defective elevator shall be prohibited until the necessary repairs to make it safe shall have been made.

§ 164. Elevator Enclosures.

The hatchways for all elevators in fireproof office buildings, or hotels, shall be guarded and protected by at least grill work on all exposed sides, at least seven (7) feet high. The front of the hatchway shall be enclosed by this grill work the full width of same and extending the full height from the floor to the ceiling. The entrances or doorways shall be fitted with sliding doors having rollers and track of substantial construction, and fitted with locks so arranged that they cannot be opened from the outside except by the use of a key.

Enclosures for hatchways in buildings that are not fireproof, or fireproof buildings not mentioned in the above paragraph, shall be subject to one of the three following rules of construction.

Form 1.—Hatchways to be of solid brick or concrete walls of such thickness as called for by the regular building ordinance, same to be built from the basement or ground floor to a point three feet above the roof; and the openings into the shaft to be properly protected by at least semi-automatic gates of standard construction.

Form 2.—The hatchways may be constructed of an iron frame of proper strength to support the elevator, same to ex-

tend from the basement to the proper height for the travel of the elevator. This iron frame shall be fitted with wired glass, the size of each plate of glass not to exceed twenty-four inches by thirty inches; the entrances or doors to be fitted with the same wired glass construction.

Form 3.—In lieu of the above walls or iron frame work, the Inspector of Buildings may permit the use of Fusible Link Underwriters' Hatchway Doors, or Covers; and the exposed sides of the hatchway to be properly guarded. All loading or unloading sides or entrances to the elevator must be protected at least by semi-automatic hatch gates of standard construction.

§ 165. Openings in Elevator Shafts.

All windows in fire resisting enclosures shall be made of metal glazed with wire glass. No light to be over 3,000 square inches in area.

All doors into such shafts shall have metal frames and metal doors, or doors made of wood covered with metal. Wired glass may be used in such doors, in lights not more than 3,000 square inches in area.

Doors used for openings in dwelling houses intended for the occupancy of one family may be of wood covered with metal on the inner surface and edges with metal, not including the openings in the cellar nor above the roof in any such shaft walls, which latter doors shall be covered with metal.

The roofs over all enclosed elevators shall be made of fire-proof material, with a skylight at least three-fourths the area of the shaft, the glass to be not less than one-eighth of an inch thick and covered above and below with strong wire netting. Wired glass shall not be used in skylights over elevator enclosures. Wire glass windows with metal frames of equal area may be used in place of skylight.

§ 166. Pent Houses.

Pent houses over unenclosed elevator shafts in existing non-fireproof buildings may be made of the same construction as the roof of the main building, but must be lined with metal from the top down to the ceiling line. No woodwork shall be exposed on either the inside or outside of the pent house.

Shafts Through Parts of Buildings.—When the shaft does not extend to the bottom of the cellar or lowest story, the lower end shall be enclosed in fireproof material.

When the shaft does not extend above the top floor, it shall be covered with fireproof material.

In all cases of enclosures, there must be ample facilities for lighting the shaft.

§ 167. Screens.

Immediately under the sheaves at the top of elevator shafts (except when enclosing hand power elevators or dumbwaiters) there shall be placed a metal grill or grating with the bars spaced not more than one and a quarter inches apart. The construction and support of the grillage to be approved by the Inspector of Buildings.

All stairways coming in contact with an elevator shaft must have a fire-resisting partition separating the shaft from the stairs.

Where there are more than one elevator in a battery, the divisions between them need not be fireproof.

When elevators are to be installed in existing buildings having wood joists or floor supports, and it is impracticable to erect fireproof enclosure walls, then all floor openings must be provided with trap doors of a thickness of not less than one and one-eighth inches, hinged at floor and held open by a fusible link, which, in the event of fire, will open and allow the door to fall. The entire under side of such trap doors shall be lined with tin properly locked-jointed, tin to extend over all edges and be properly secured to upper side of door.

§ 168. Elevator Cars.

All passenger elevator cars must be entirely enclosed from floor to canopy, except only the door opening.

When the car of any passenger elevator shall have more than one entrance or exit, all such entrances or exits, except the one immediately in front of the operator, shall be closed with sliding doors inside the car. Such doors to be the full height, and shall be closed before starting the car, and no door shall be opened before the car has come to a full stop.

Opening or closing doors of elevators while the car is in motion shall be unlawful and shall subject the operator to the penalties of this ordinance.

Carriage elevators shall be enclosed or guarded as directed by the Inspector of Buildings.

The latch fastenings of all passenger elevators must be arranged to operate from the inside of shafts only, and doors open from outside only by use of a key.

Freight enclosure doors may be made to hinge or slide up and down, or have semi-automatic gates not less than five feet high; but where hinged gates are used, there must also be a hinged guard rail inside next to elevator shaft.

All elevators, except plunger elevators and sidewalk lifts and vehicle elevators, shall be provided with approved safety devices to the bottom platform, and so arranged that the safety device will grip and guide from the sides to prevent spreading the guides in case any cable should break or become detached.

Elevators shall be provided with automatic stops to bring the car to a stop without a jar or jolt at the top and bottom, independent of the operator.

§ 169. Magnetic Controlled Elevators.

All magnetic controlled elevators shall be equipped with electrical limit stops in the hatchway, besides the automatics mentioned in the above paragraph. These limit switches must break the current and apply the brake independent of the operator.

All passenger elevators hereafter installed shall be equipped with an efficient automatic down speed governor, to be properly set.

All electric elevators hereafter installed must be equipped with an efficient circuit breaker.

Every power elevator shall be provided with a limitation device to stop the car at upper and lower landings automatically, and a device to stop unwinding of cables from the drum, in case of stoppage of descending car from any cause.

§ 170. Cables, Head Room and Brakes.

All freight elevators controlled by cable shall be provided with a lock to hold them at floors when loading.

No elevator hereafter installed shall be permitted to have attached above or below the cars a freight compartment or similar device.

Cables.—No power elevator shall be equipped with less than two main lifting cables, and if a counterweight is used, there must be at least two cables used to each set of weights. All cables must be installed of size of the basis of giving a factor of safety of at least eight to one.

All counterweights shall have their sections strongly bolted together and no open weights may be used. They shall be placed in suitable frames to prevent any section of same from falling on car. There shall be no less than three feet of clearance between the top of counterweight and the under side of overhead beam when the car is resting on the bumpers. This does not apply to hand power elevators.

All passenger elevators having a speed of one hundred feet or less per minute, shall have four feet head room between top of car and bottom of overhead grating, and two feet six inches pit room at bottom landing.

For each additional one hundred feet or fractional part in the car speed, there shall be an additional twelve inches added to the overhead room and pit room just given above.

All passenger plunger elevators having a speed exceeding two hundred feet per minute, shall be equipped with an emergency brake to slow the car down in case of an accident.

All overhead machinery for passenger elevators shall rest on steel beams or girders properly anchored, same to be approved by the Inspector of Buildings.

All overhead sheaves on all types of elevators shall be of ample size to give a factor of safety of at least six; the diameters of these sheaves must be at least forty times the diameter of the cable running over them.

All passenger elevators shall have steel guides properly bolted to each floor.

All power freight elevators shall have at least three feet head room and two feet pit room.

The guide post and runners of all freight elevators shall be fastened with bolts with nut locks. Wood screws will not be allowed.

All freight elevators shall have the car enclosed on three sides, the height to be no less than five feet.

All freight elevators now in use or hereafter installed in old buildings must have the floor openings enclosed on three sides not less than five feet high placed at each landing, and have efficient self-closing gates.

§ 171. Dumb Waiters.

All dumb waiters shafts in non-fireproof buildings shall be enclosed with incombustible stud partitions or fireproof partitions. In all fireproof buildings they shall be enclosed with fireproof partitions.

All dumb waiter shafts shall be fire stopped at the bottom and top.

Dumb waiters that extend through four or more stories shall be deemed freight elevators, and shall be enclosed and equipped with doors and gates accordingly, except that they need not extend to the roof or be provided with skylights or windows at the top.

In dumb waiter shafts, all openings must have doors which shall be kept closed at all times when not in actual use.

§ 172. Basement and Sidewalk Elevators.

Where basement or sidewalk elevators are installed, it will be necessary to furnish a guard at the first floor or street level. If at the street level, the hatch doors when open must be protected by a collapsing gate or bars. When the elevator is inside a building, the open sides of the hatchway must be protected by at least a solid enclosure, or a sliding enclosure at least three feet six inches high, or gates of at least the semi-automatic type at the loading sides.

The Inspector of Buildings may cause repairs to be made upon any elevator, or he may close any unsafe elevator, and prevent the use of the same until repairs are made and the elevator placed in charge of a competent operator.

Any failure upon the part of the proprietor of the premises to comply with any lawful order of the Inspector of Buildings or his assistant in regard to any elevator, shall subject the proprietor of said premises to a fine of from \$10 to \$50 and each

day that such elevator is operated after receipt of such order shall constitute a separate offense.

Automatic passenger elevators can only be used in private residences or exclusively for private use in other buildings.

Passenger elevators shall be limited to carry one person to each four hundred square inches of floor space.

No one shall be allowed to ride on a freight elevator other than the operator and the person handling the freight.

In making changes or alterations to elevator shafts, guide posts, overhead machinery or power, such work must be made to conform with the present law and regulations.

PART XXV.

FRAME BUILDINGS.

§ 173. Foundations.

Unless founded upon solid rock, the foundation walls for frame buildings shall be at least eighteen (18) inches below the established grade of sidewalk, or if the house is set back from the street, then at least eighteen (18) inches below the grade of the lot.

All foundation walls shall be provided with footings properly proportioned to carry the superimposed load on the soil where they are used.

The foundation walls may be made of rubble, stone, brick or concrete.

Foundation walls of stone shall be eighteen (18) inches thick. If they are made of brick or concrete they shall be at least nine (9) inches thick.

If there is a cellar under the building, the brick walls enclosing the cellar on all sides shall be not less than thirteen (13) inches thick, up to the average grade line of the lot enclosing the cellar, but may be only nine (9) inches thick, or made of eight-inch concrete blocks above the ground line, if provided with proper lateral supports.

In case of veneered frame houses, the foundation walls shall be at least thirteen (13) inches thick.

Inside walls of brick or Portland cement concrete may be nine (9) inches in thickness, if not over ten (10) feet in height, if provided with proper lateral supports.

No wall under any part of a frame dwelling shall be less in thickness than above. This applies to cellar huts, porches, bay windows and other appurtenances to a dwelling.

Ventilators shall be provided in foundations, one under each outside wall of each room.

By lateral supports for walls is meant cross walls, buttresses or other supports made of concrete, brick or stone.

Framing.—The construction of a frame building may be made with a timber framing of posts, girts, plates, rafters, or it may be made the ordinary balloon framing.

In either case the floor, joists and the studding and rafters shall not be less than two (2) inches thick.

Floor beams and joists shall not be notched for pipes, except within two (2) feet of the ends, and not more than two (2) inches in depth.

All veneering material shall be safely and efficiently anchored to the wood construction.

The character of materials required in the construction of frame buildings and their allowable stresses: The cellars, vaults, steps and areas of such buildings, their chimneys, flues, fireplaces, pipes, ducts and shafts, all heating appliances and all the plumbing and electrical work shall conform to the requirements of this ordinance, and no ordinances, governing plumbing and electrical work for such parts and features of the construction, except that it shall not be necessary to use metal or wire laths for the ceiling of cellars of any frame building, and the cellar stairs in frame buildings may be placed directly under main stairs and no brick wall shall be necessary to enclose the same.

§ 174. Spacing Frame Buildings.

No frame building, except a coal house or similar outhouse in the rear of a lot and not used for residence purposes, shall be built nearer than four (4) feet to any other building. The sheds mentioned herein may extend the entire width of the lot.

§ 175. Buildings on Rear of Lot.

No building of any class of construction shall be built facing an alley and to be used as a residence or tenement house, unless a clear open space of not less than six (6) feet is left between the front of the building and the property line. No porch or veranda, or projection of any kind, shall extend over this open space.

§ 176. Veneered Buildings.

Outside the fire limits, frame buildings not over two (2) stories and an attic in height may be veneered with brick, stone or terra cotta. Such veneer work must be tied to the frame by means of wall ties driven through the sheathing and clinched on the back and the veneer must rest solidly on the foundation walls.

§ 177. Row of Buildings.

Whenever two or more frame dwellings are built in a row, the division walls separating the different houses must be built of brick, concrete or other incombustible material, and such walls must conform with all other requirements of this ordinance as to the thickness, length and height of walls, and must extend two (2) feet above the roof and must be properly coped.

PART XXVI.

DRY CLEANING ESTABLISHMENTS, PUBLIC
GARAGES AND STORAGE OF OILS.

§ 178. Dry Cleaning Establishments.

Buildings used for dry cleaning business shall not be more than one (1) story high, without a basement underneath.

All doors and windows in such buildings shall be fireproof doors and windows; no opening, unless guarded by a fireproof door or window, shall be closer than thirty (30) feet from any other building.

The floors in such buildings shall be of cement and shall drain on all sides to a gutter of twice the capacity of the amount of liquids in said buildings.

Such buildings shall be ventilated by means of air inlets six (6) feet or more above the floor, such inlets to be not less than

ten (10) inches square and not more than six (6) feet apart, and by means of an exhaust fan close to the floor, of a size to change the air in the building every three minutes. Such ventilating system shall be in operation at all times during use of the building.

All heating shall be done by hot water or steam.

No steam boiler, dynamo or motor shall be closer than ten (10) feet to such building.

Drying rooms must be fireproof and must be separated from the cleaning room by fireproof fire walls extending three (3) feet above the roof.

§ 179. Public Garages.

Public garages shall be fireproof buildings, and all existing public garages must be made at least slow burning and have fireproof floors where vehicles are placed, and in other respects they shall conform with the following provisions:

All public garages shall be entirely separated by solid walls of brick or concrete from any and all portions of such building used for any other purpose.

All openings in such walls shall be protected by automatic fireproof doors.

§ 180. Heating and Lighting in Garages.

Heating must be done by steam or hot water.

The boiler room and any room where electric charging apparatus is used must be fireproof, and all openings between such rooms and other parts of the garage shall be protected by automatic double fireproof doors on each side of the wall.

No stoves, forges, torches or furnaces, and no open flame fire, except as provided in fireproof boiler room, no lights, except electric incandescent lights properly enclosed in vapor-tight globes, protected by approved wire guards, shall be used or allowed in any garage.

All fire and lights on vehicles or under the boilers thereof shall be extinguished upon the entry of such vehicles into the garage within ten (10) feet of the threshold and shall not be lighted while the same is in the garage until the vehicle is brought within ten (10) feet of the threshold of the exit.

No person shall smoke in any garage. A notice in large letters, "No Smoking," shall be kept displayed in a conspicuous

place and manner on all floors and at the entrance of all garages.

On the floor of every garage there shall be constantly kept and maintained convenient receptacles filled with sand to be used in absorbing waste oils on the floors. In addition thereto, sand shall be kept on every floor in boxes or buckets of approved construction, provided with hand scoops to be used for fire extinguishing purposes only; one such box or bucket for each one thousand (1,000) square feet of floor area or fraction thereof.

One three-gallon carbonic acid gas fire extinguisher of approved construction shall be provided and conveniently located for each thousand square feet of floor space, or fraction thereof.

Self-closing metal cans, set firmly on four-inch legs, shall be kept on all floors of every garage into which all inflammable waste materials shall be deposited.

Calcium carbide shall be kept in air-tight receptacles at least six (6) inches above the floor in an air-tight container provided with a securely fastened cover; if there be a boiler compartment, the container shall be located within the same.

§ 181. Storage and Handling of Volatile Substances.

All volatile substances used in dry cleaning buildings and public garages, and wherever used in connection with any other forms of industry or manufacture, shall be stored in closed tanks.

Where the tank is placed inside of building, the supply to same must be run underground to the outside and have inlet for supply outside of building.

All storage tanks shall be constructed of steel and coated on the outside with tar or other rust-resisting material. The material of all tanks shall be at least three-sixteenths (3-16) of an inch thick. No tank shall have a capacity in excess of two hundred and fifty (250) gallons.

All joints must be tightly corked. All pipes connected with the tank shall be at the top thereof; all tanks must be so buried that no part of the top thereof shall be less than two (2) feet beneath the surface of the ground at the point where the tank is located.

All tanks must be completely cased and surrounded with six (6) inches of waterproof Portland cement concrete, well tamped in place.

Not more than ten (10) gallons of volatile inflammable liquid shall be kept in vessels in a garage, and then only in approved safety cans constructed of metal, self-closing, and of a capacity of not more than five (5) gallons each. When not in use, the said cans must be placed and kept in drip cans, and in garages maintaining a pumphouse must be placed and kept therein.

In lieu of the above described safety cans, portable filling tanks of approved construction, not to exceed fifty (50) gallons in capacity may be used for transporting volatile inflammable liquids to and from the storage tanks for filling and charging the vehicles. The said portable tanks shall be supported on rubber tired wheels and shall be provided with a rubber hose attachment not to exceed eight (8) feet in length, equipped at the end with shut-off valve with ground key.

No volatile inflammable liquid shall be used in a garage for cleaning or for any other purpose whatsoever other than filling tanks of such vehicles.

No such liquid shall be allowed to run upon the floor or to fall or pass into the drainage system of the garage; nor shall any of such liquid be put into or removed from the tank of the vehicle while any light or fire on the same is burning and no such liquids shall be carried or kept in open vessels in any garage.

§ 182. Storage of Oils.

Buildings for the storage and handling of oils, petroleum, crude petroleum, gasoline, naphtha, benzine, camphine, carbon oil, spirit, gas, burning fluid, spirits of turpentine, or coal, rock or earth oil (except oils that will stand a fire test of 150 degrees or more in the open air), shall be used for such purposes only.

Such buildings shall be fireproof.

All such oils in larger quantities than fifty (50) gallon barrels shall be stored in closed tanks.

Such tanks shall either be entirely buried and encased in concrete, or they shall each be surrounded completely by a room having a cubic content twenty-five (25) per cent greater than the capacity of the tank.

The walls of such rooms shall be constructed of brick and Portland cement, or of concrete and have concrete floors. The walls and floors are to be perfectly water and oil tight.

Such room shall be closed on top and provided with a suitable vent covered with fine screen sufficient to exclude all sparks. The walls and screens shall be at least three (3) feet higher than the top of the tanks.

No oils shall be drained into the sewer and the draining of all spaces in the building shall be through a grease trap or cistern.

Such cistern shall have a capacity above its outlet equal to the largest tank in the building, and drains to all places in such building shall have valves.

PART XXVII.

PUBLIC BUILDINGS, THEATERS, MOVING PICTURE ROOMS AND OTHER PLACES OF ASSEMBLAGE.

§ 183. Public Buildings.

In all public buildings or buildings of public character—

Such as hotels, churches, theaters, restaurants, railroad depots, public halls and other buildings used or intended to be used for purposes of public assembly, amusement or instruction, and including department stores and other business and manufacturing buildings where large numbers of people are congregated, the doors, stairways, seats, passageways and aisles, and all heating appliances and apparatus shall be arranged as provided in this Code to facilitate egress in cases of fire or accident, and to afford the requisite and proper accommodation for the public protection in such cases.

§ 184. Obstructions.

All aisles and passageways in said building shall be kept free from camp stools, chairs, sofas and other obstructions, and no person other than an employe or policeman or fireman shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball, or any public assemblage.

§ 185. Inspector's General Powers.

The Inspector of Buildings may at any time serve a written or printed notice upon the owner, lessee or manager of any of

said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, stairs, window seats, aisles, fire walls, fire apparatus and fire escapes, as he may deem necessary for the safety of the occupants or the public.

§ 186. Theaters With Stage More Than Twenty Feet Deep.

Under this heading is included all theaters, opera houses, play houses, pavilions or any assembly hall having a permanent stage twenty (20) feet or more in depth from the curtain line to the rear wall, and upon which stage, scenery and theatrical apparatus is employed, and having fly galleries and rigging loft.

§ 187. Entrances and Exits.

Every such building shall have at least one front on a street, or on a public way, which public way shall not be less than thirty-six (36) feet in width, and in such front there shall be suitable means of entrance and exit for the audience.

The stage shall be at the end of the building opposite to the main entrance.

§ 188. Width of Main Corridor.

The width of this main entrance or corridor leading from the street or public way to the main auditorium shall not be less at any point than fifteen (15) feet.

The width of the main entrance or corridor shall be estimated on basis of not less than twenty (20) inches for each one hundred (100) persons for whom seats are provided, and who may gain access to the corridor as a means of entrance or exit.

The main corridor may serve as a common place of entrance and exit for the main floor of the auditorium and the balcony or first gallery, provided its capacity be equal to the aggregate capacity of the outlets from said main floor and balcony or gallery as provided for above in this section.

The width of all entrances and exits for each distinct and separate division of the auditorium shall be based upon the same estimate of not less than twenty (20) inches for each one hundred (100) persons served by such entrances or exits.

In case the balcony, or first gallery, in addition to the stairway or stairways connecting it with the main auditorium floor or main corridor has an inside stairway or stairways leading

direct to the street or public way, then the capacity of this stairway may be taken into consideration in determining the width of the main corridor above the minimum width of fifteen (15) feet herein provided for.

§ 189. Gradients.

The level of all corridors, open spaces and exits shall be not more than one foot above the level of the sidewalk when they begin at the street or alley or outer public way, but this shall not preclude the use of steps at the entrances to the sides or rear of the building as may be necessary to overcome the differences in grade of sidewalks. •

To overcome slight differences of levels in and between any open space on the side of such theater, or in and between any corridors, lobbies, passageways or aisles on the ground floor, gradients shall be employed of not over one (1) foot in ten (10) feet with no perpendicular rises.

§ 190. Side Courts.

In addition to the main entrance or exit, there shall be an open court or space on the side not bordering on a street or public way, when the said building is located on a corner lot and on both sides of said building, when there is but one frontage on the street.

The width of these open courts shall be proportional to the seating capacity of the theater, and the general arrangement of the exits for speedily emptying the building.

There shall be no doors or gates in these side courts or alleys, which side courts or alleys shall lead direct to a street or public way without a turn.

§ 191. Courts and Corridors Fireproof.

All courts and corridors shall be entirely fireproof and shall be used for no other purpose than for entrance and exit to and from the theater and stage.

§ 192. Emergency Exits.

From the auditorium opening into the open courts or the side street or public way, there shall be not less than two exits on each side in each tier from and including the ground floor and each and every gallery.

Each exit shall be at least five (5) feet wide in the clear and provided with fire doors constructed as provided in this Code.

All of said doors shall open outwardly and shall be arranged to open by a slight pressure from the inside without the unfastening of bolts or latches.

There shall be balconies not less than four (4) feet in width in said open courts at each level or tier above the ground floor of sufficient length to embrace the two exits, and from said balconies there shall be staircases extending to the ground level with a rise of not more than eight (8) inches to a step, and not less than ten (10) inches tread exclusive of nosing.

All stairs and balconies shall be constructed of fireproof material.

No circular or winding stairs for the use of the public shall be permitted, either inside or outside of the building.

§ 193. Inside Stairway.

No theater shall have more than three floor tiers above the main floor of the auditorium.

Distinct and separate places of entrances and exit shall be provided for each gallery above the balcony or first gallery, by means of inside stairways leading to the street or other public way and not through the main auditorium or balcony.

No passage leading to any stairway communicating with an exit (not including fire escape exits) shall be less than four (4) feet in width.

The width of the stairs shall be measured in the clear between hand rails.

§ 194. Risers and Treads.

In no case shall the risers of any inside stairway exceed seven and one-half ($7\frac{1}{2}$) inches in height, nor shall the treads exclusive of nosings be less than ten and one-half ($10\frac{1}{2}$) inches in width in straight stairs.

All stairs within the building shall be constructed of fireproof material throughout.

Stairs from balcony or galleries shall not communicate with the basement or cellar.

No doors shall open immediately upon a flight of stairs, but in all cases a landing at least the width of the door shall be provided.

Doors to Open Outwardly.

All doors shall open outwardly as hereinbefore provided in the case of emergency exits.

All stairs shall have treads of uniform width and risers of uniform height throughout in each flight.

§ 195. Width of Inside Stairways.

No stairways from galleries shall be less than four (4) feet in width.

When accommodation is provided for one hundred or more people, there shall be at least two stairs extending to the ground arranged on opposite sides of gallery, and for every additional seventy-five people or fraction thereof in excess of the first one hundred to be accommodated, six inches shall be added to the width of the stairs divided between the two flights.

Where the seating capacity of the galleries is for more than one thousand (1,000) persons, one or more additional staircases shall be provided.

§ 196. Stair Landings in Theaters.

When straight stairs return direct on themselves, a landing of the full width of both flights without any steps shall be provided.

The outer line of landings shall be curved to a radius of not less than (2) feet to avoid square angles.

Stairs turning at an angle shall have a landing without winders introduced at said turn.

In stairs when two side flights connect with one main flight, no winders shall be introduced, and the width of the main flight shall be at least equal to the aggregate width of the side flights.

§ 197. Hand Rails.

All inclosed staircases shall have on both sides strong hand rails firmly secured to the wall about three inches distant therefrom and about three feet above the stairs, but said hand rails shall not run on level platforms and landings where the same are of greater length than the width of the stairs.

All staircases eight feet and over in width shall be provided with a center hand rail of metal, not less than two inches in diameter, placed at a height of about three feet above the center

of the treads and supported on wrought metal or brass standards of sufficient strength placed not nearer than four feet nor more than six feet apart, and securely bolted to the tread or risers of stairs, or both, and at the head of each flight of stairs on each landing, the post or standard shall be at least six feet in height, to which the rail shall be secured.

§ 198. Proscenium Wall.

A fire wall, built of brick or its equivalent, not less than thirteen inches in any portion of same shall separate the auditorium from the stage, and the same shall extend at least four feet above the stage roof, or the auditorium roof, if the latter be the higher and shall be coped.

Above the proscenium opening there shall be an iron girder of sufficient strength to safely support the load above and the same shall be covered with fireproof material not less than four inches in thickness.

Should there be constructed an orchestra over the stage above the proscenium opening, the said orchestra shall be placed on the auditorium side of the proscenium fire wall, and shall be entered only from the auditorium side of said wall.

The molded frame around the proscenium opening shall be formed entirely of fireproof materials; if metals be used, the metal shall be filled in solid with non-combustible material and securely anchored to the wall with iron.

§ 199. Curtain.

The proscenium opening shall be provided with a fireproof metal curtain, or a curtain of asbestos or other fireproof material approved by the Inspector of Buildings, overlapping the brick proscenium wall at each side within iron grooves or channels to a depth of not less than twelve inches, said grooves or channels to be securely bolted to the brick wall and extend to a height of not less than three feet above the top of the curtain when raised to its full limit. Said curtain to be suspended or hung by steel cables passing over wrought iron or steel sheaves supported by wrought iron brackets of sufficient strength and well braced; the brackets to be securely attached to the proscenium wall by through bolts with nuts and washers on the opposite side of the wall.

Said fireproof curtain shall be raised at the commencement of each performance, lowered between each act, and lowered at the close of said performance, and be operated by approved machinery for that purpose.

If the proscenium curtain be of asbestos, that material shall be reinforced with wire or wire spun in the asbestos, and at the bottom of the curtain shall be placed a rigid metallic rod or bar of proper weight securely fastened to the curtain and covered over with like material as the curtain itself, to carry down the curtain by the weight of the said rod or bar when released.

The excess weight of the curtain is to be overcome by a check rope of cotton or hemp, extending to the floor on both sides of the stage so that cutting or burning of which will release the curtain and the same will then descend at its normal rate of speed.

The proscenium curtain shall be placed at the nearest point at least two feet distant from the footlights.

No doorway or opening through the proscenium wall from the auditorium shall be allowed above the level of the first floor, and such first floor openings shall have self-closing standard fire doors at each side of the wall; and openings, if any, below the stage shall each have a self-closing standard fire door, and all of the said doors shall be hung so as to be opened from either side of the wall at all times.

§ 200. Skylights.

There shall be provided over the stage metal skylights of an area or combined area at least one-twelfth of the area of said stage, fitted with rolling sash and glazed with glass not exceeding one-eighth of an inch thick, and each pane thereof measuring not less than three hundred square inches.

The rolling sash shall be fitted with brass wheels not less than two and one-half inches in diameter, and the latter shall roll on metal tracks extending the entire length of the sash. The portion of the tracks extending from the edge of the curb of the skylight to the end of the incline may be made of iron.

These skylights shall be set on curbs so that the lowest portion of the tracks upon which they slide shall be not less than twelve inches above the roof.

The whole of which skylight shall be so constructed as to open instantly on the cutting or burning of a hempen cord which

shall be arranged to hold said skylight closed, or some other equally simple approved automatic device for opening them may be provided.

Immediately underneath the glass of said skylights there shall be wire netting, but wire glass shall not be used in lieu of this requirement.

§ 201. Ventilator.

In lieu of the skylights covered with glass, provided for in section 200, ventilators may be used, constructed as follows:

There shall be one or more ventilators constructed of metal or other incombustible material near the center above the highest part of the stage in every theater. Stage ventilator shall extend at least fifteen feet over all above the stage roof and shall have a combined area of at least one-twelfth of the area within the stage walls.

The opening in every stage ventilator shall be closed by one or more dampers so counterbalanced as to open automatically and to be held closed by a hempen cord, in which shall be inserted a fusible link at such a point as to be near the bottom of the ventilator. Such cord or cords operating said dampers shall be run to stage floor and to be fastened at a point nearest to the stage manager's station, which must be easily reached and shall be designated with a sign to read "Release in Case of Fire."

It is imperative that said automatic dampers and their counterbalancer be tested from time to time and kept in perfect working order so as to insure an automatic release at all times.

§ 202. Stage.

All that portion of the stage not comprised in the working of scenery, traps and other mechanical apparatus, for the presentation of a scene, usually equal to the width of the proscenium opening, shall be built of iron or steel beams filled in between with fireproof material, and all girders for the support of said beams shall be of wrought iron or rolled steel.

The fly galleries and the tie galleries entire, including pin-rails, shall be constructed of iron or steel, and the floors of said galleries shall be composed of iron or steel beams filled in with fireproof materials, and no wood boards or sleepers shall be used in covering over beams, but the said floors shall be entirely fireproof.

The gridiron or rigging loft shall have a lattice iron floor, and be readily accessible by iron stairways.

§ 203. Fireproofing.

All stage scenery, curtains and decorations made of combustible material, and all woodwork on or about the stage, shall be painted or saturated with some non-combustible material or otherwise rendered safe against fire.

And the finishing coats of paint applied to all woodwork throughout the entire building shall be of such kind as will resist fire.

The roof over the auditorium and the entire main floor of the auditorium and vestibule, also the entire superstructure over the entrance, lobby and corridors and all the galleries and supports for the same in the auditorium shall be constructed of iron or steel and fireproof materials, not excluding the use of wood floor boards and necessary sleepers to fasten the same to, but such sleepers shall not mean timbers of support, and the space between the sleepers, excepting the portion under the stepping in the galleries which shall be properly fire-stopped, shall be solidly filled with incombustible material up to the under side of the floor boards.

The fronts of each gallery shall be entirely formed of fireproof materials, except the capping, which may be made of wood.

The ceiling under each gallery shall be entirely formed of fireproof materials.

The ceiling of the auditorium shall be formed of fireproof materials.

All lathing, whenever used, shall be of wire or other metal on metal studding.

The partitions in that portion of the building which contains the auditorium, the entrance and vestibule, and every room and passage devoted to the use of the audience, shall be constructed of fireproof materials, including the furring of outside or other walls.

None of the walls or ceilings shall be covered with wood sheathing, wood wainscoting or any combustible material.

But this shall not preclude the construction of a wood sounding board over orchestra pit when the same extends back of and below the overhang of the stage, provided the said wood sheath-

ing be properly fire-stopped by a twelve-inch brick wall back of same, and also have a proper fireproof construction directly under the overhang of the stage extending from the brick wall to the apron of the stage.

§ 204. Dressing Rooms.

All walls, floors and ceilings enclosed or dividing actors' dressing rooms shall be fireproof.

All stairways, passages and doors from dressing rooms to stage, or from dressing rooms to exits shall be fireproof.

Dressing rooms may be placed in the rear or at either side of the stage, provided that thorough ventilation is secured for said rooms and provided further that proper exits lead to public way.

All shelving and cupboards in each and every dressing room, property room or other storage rooms, shall be constructed of metal, slate or some fireproof material.

§ 205. Windows.

None of the windows in outside walls shall have fixed sashes, fixed iron grills or bars; these may be arranged to hinge and lock, but must be left unlocked during performances.

§ 206. Seats and Aisles.

All seats in the auditorium, excepting those contained in boxes, shall be not less than thirty-two (32) inches from back to back, measured in a horizontal direction, and firmly secured to the floor. No seat in the auditorium shall have more than six seats intervening between it and an aisle on either side.

No stool or seat shall be placed in any aisle.

All platforms in galleries formed to receive the seats shall be not more than twenty-four (24) inches in height of riser, nor less than thirty (30) inches in width of platform.

All aisles on the respective floors in the auditorium having seats on both sides of same shall be not less than three feet wide where they begin, and shall be increased in width toward the exits in the ratio of one and one-half inches to five running feet. Aisles having seats on one side only, shall be not less than two feet six inches wide at the beginning and increased in width the same as aisles having seats on both sides.

§ 207. Foyers.

The aggregate capacity of the foyers, lobbies, corridors, passages and rooms for the use of the audience, not including aisle space between seats, shall on each floor or gallery be sufficient to contain the entire number to be accommodated on said floor or gallery in the ratio of one hundred and fifty (150) superficial feet of floor room for every one hundred (100) persons.

§ 208. Heating.

Every steam boiler which may be required for heating or other purposes shall be located outside of the building, either under the sidewalk or in an extension, but in no case under or within any portion of the building used for theatrical purposes, and the space allotted to the same shall be inclosed by walls of masonry on all sides, and the ceiling of such space shall be constructed of fireproof materials. All doorways in said walls connecting with the building shall have standard automatic sliding fire doors.

No floor register for heating, ventilating or other purposes shall be permitted.

No coil or radiator shall be placed in any aisle or passageway used as an exit, and thereby reduce the same to less than the width required by this section, but all said coils and radiators shall be placed in recesses formed in wall or partition to receive same.

All supply, return or exhaust pipes shall be properly incased where passing through floors or near woodwork.

§ 209. Standpipes.

Standpipes of not less than four (4) inches in diameter shall be provided, same to be supplied by a main not less than six (6) inches in diameter to be connected to the street main and extended to the inside of the proscenium wall under the stage, where suitable fittings must be installed to allow a four-inch lead to either side of building for standpipe service.

All standpipes to be free of obstruction; said standpipes to be supplied with hose connections as follows:

On each side of auditorium in each tier.

One on each side of the stage in each tier.

One within ten (10) feet of the door of the carpenter shop and scenery storage room.

Standpipes shall receive their supply of water from the city mains, and in addition to this requirement, a "Siamese" inlet connection with two two-and-one-half-inch female hose connections for steamer supply shall be placed on outside of building in a convenient place; said location to be approved by the chief of the Fire Department; said hose connections to have the thread used by the Louisville Fire Department.

This system shall also be connected to the automatic sprinkler system.

Pipes shall be fitted with approved straightway composition gate valves at hose outlets, and the thread of all connections shall be uniform with that in use by the local Fire Department.

One spanner to be located at each hose connection.

Pipes shall be kept constantly filled with water under pressure and be ready for immediate use at all times.

A sufficient quantity of approved linen, cotton rubber lined or rubber hose not less than two and one-half ($2\frac{1}{2}$) inches in diameter, in fifty foot lengths, but not less than fifty (50) feet in total length, shall be kept attached to each hose connection.

Hose shall be fitted with washers and equipped with couplings and nozzles, the thread of which shall be uniform with that in use by the local Fire Department.

§ 210. Automatic Sprinklers.

A system of automatic sprinklers shall be installed throughout the entire stage section of the theater, located in the rear of the proscenium wall, this to include under roof, under grid-iron, under galleries, under the stage, in all dressing rooms, in all workshops, property and all other rooms and passageways.

There shall be an independent water supply to the sprinklers, which may consist of a gravity tank of not less than ten thousand (10,000) gallons capacity, and elevated not less than twenty-five (25) feet above the highest sprinkler, the tank to be supplied from the city main, which has a normal pressure of about seventy pounds to the square inch.

There shall be kept in readiness for immediate use one forty-gallon cask filled with water and six fire pails on each side of the stage, under the stage, on each fly gallery, and a supply of

fire pails in property and other storerooms and in each workshop; said casks and buckets shall be painted red and lettered "For Fire Purposes Only."

There shall also be provided six three-gallon approved chemical fire extinguishers, at least four axes, two twenty-foot hooks, two fifteen-foot hooks and two ten-foot hooks on the stage, and such other appliances as may be required for fire protection.

§ 211. Lights.

Every portion of the building devoted to the uses or accommodation of the public, also all outlets leading to the streets and including the open courts and corridors, shall be well and properly lighted during every performance, and same shall remain lighted until the entire audience has left the premises.

There shall be one light within a red globe or lantern placed over each exit opening on the auditorium side of the wall.

A diagram or plan of each tier, gallery or floor, showing distinctly the exits therefrom, each occupying a space not less than fifteen square inches, shall be printed in black lines in a legible manner on the programme of the performance.

Every exit shall have over the same on the inside the word EXIT in legible letters not less than eight inches high.

§ 212. Theaters Without Fly Gallery or Rigging Loft.

Theaters, halls, club or assembly rooms having a stage less than twenty feet in depth with no basement under same and having no fly gallery or rigging loft, but simply a stage to be used for concerts, vaudeville performances and like form of amusement, will not be required to have masonry proscenium walls as required for theaters of the first class described in this Code, but all partitions shall be of metal lath and plaster or other fireproof construction. All curtains and scenery used in such buildings shall be fireproofed.

Standpipes and other fire appliances, such as are required for theaters with proscenium wall, fly gallery and rigging loft, will not be required, but each such building shall be equipped with at least three chemical fire extinguishers of three gallons capacity each and such other fire-fighting apparatus as may be necessary to safeguard the building.

The arrangements of exits, aisles and seats shall be the same as prescribed for theaters of the first class of like seating capacity, except that theaters having no balcony or gallery and seating less than seven hundred persons, may have only two side exits in addition to the main entrance, these side exits to be not less than five (5) feet in width.

§ 213. Halls Above Sidewalk Level.

No public hall or assembly hall seating more than five hundred people shall be located more than thirty feet above the sidewalk, unless such room is in a fireproof building made fireproof throughout, and connected with the street by fireproof stairways of such width as is elsewhere provided in this Code. Such hall may have a stage, but no movable scenery.

Baseball stands and all other forms of outdoor places of amusements shall conform to all the requirements of this Code for public halls, as to aisles, stairways, arrangement of seats, and all the construction of such stands shall be subject to the requirements of this Code.

§ 214. Moving Picture Theaters or Rooms.

Every theater or room used for the purpose of operating a moving picture machine shall be on the ground floor of the building in which it is located, and shall front on a public way.

In no case shall there be a means of connection from said room to any other room or building, nor shall any other business be operated or conducted in such room.

All exterior walls shall be of some incombustible material.

The entire floor of the auditorium, foyer and the exits to the streets shall be constructed of fireproof material throughout, or if joist construction is used in the floor, the space between such joists be filled with fireproof material.

Every room used for the purpose of exhibiting moving pictures shall have two (2) exits in the front and at least one exit on the side or rear. Each exit doorway shall not be less than five (5) feet in width.

If the machine booth is in the front of the building, then there shall be two exits in the rear, or on the sides near the curtain.

All doors must open outwardly and shall not be locked or bolted while the room is open to the public.

Side or rear exits shall open direct into a street, alley or courtyard, free from obstruction, with direct access therefrom to a public way.

No aisle shall be less than three (3) feet in width.

All seats shall not be less than thirty-two (32) inches from back to back, and not less than twenty (20) inches in width from center to center of the arms.

Seats shall be firmly secured to the floor. No camp chairs or stools shall be used in such rooms.

In every room where picture machines are operated, there shall be placed three (3) chemical fire extinguishers of type approved by the Board of Fire Underwriters. One extinguisher shall be placed in the operating booth, one near the curtain and one near the front or main entrance.

All moving picture machines must be in a fireproof booth or compartment, and all machines, booths and all wiring shall be constructed in conformity with the rules and requirements of the ordinances governing electrical wiring in the city of Louisville.

All moving picture theaters with seating capacity of five hundred (500) or more, shall conform to all requirements of this Code for theaters without fly gallery or rigging loft, and shall be fireproof throughout.

PART XXVIII.

APARTMENT HOUSES AND TENEMENT HOUSES.*

§ 215. Apartment Houses and Tenement Houses.

Every building hereafter erected for use as an apartment or a tenement house over three stories and basement in height and every non-fireproof building hereafter altered for use as an apartment house or a tenement house over three stories and basement in height shall be of fireproof construction.

*But see the "Tenement House Law," Charter, Sec. 3037g, which materially changes Part XXVIII of the Building Code, in so far as houses for three or more families are affected.

§ 216. Cellar Stairs.

The stairs from the cellar or lowest story to the floor next above when placed within any apartment house or tenement house shall be located, when practicable, to the rear of the staircase leading from the first story to the upper stories, and in all cases be inclosed with fireproof walls, and such stairway shall be provided with self-closing fireproof doors at the top and bottom of said flight of stairs. When such stairway is placed underneath the first story staircase it shall be constructed fireproof and be roofed over with fireproof material, and be also inclosed with fireproof walls, with self-closing fireproof doors at the top and bottom of said flights of stairs. When the stairs from the first story to the cellar or lowest story are located in an open court, the door leading thereto from the first story may be placed underneath the staircase in the first story and the strings and railings of such outside stairs shall be of iron, and if the stairs be inclosed from the weather, incombustible material only shall be used for that purpose.

§ 217. Hallway Inclosures and Staircases.

In all non-fireproof apartment houses or tenement houses hereafter erected three stories and basement in height, but not exceeding fifty-five feet in height, and occupied or arranged to be occupied by more than two families on any floor, the staircase halls shall be inclosed with fireproof walls, and the said hall inclosures shall have a connecting hallway in the first story and extend to the street, inclosed with suitable walls of brick, or such other fireproof materials, including ceiling, as may be approved by the Inspector of Buildings.

In fireproof apartment houses and tenement houses hereafter erected, the stair halls and hallway leading to the street shall be inclosed in brick walls, and in other respects be constructed as required by this Code for fireproof construction.

Eight-inch brick walls not exceeding fifty feet in their vertical measurement may inclose said halls and stairs and be used as bearing walls where the distance between the outside bearing walls does not exceed thirty-three feet, and the area between the said brick inclosure walls does not exceed one hundred and eighty superficial feet.

At least one flight of stairs or ladder stairs in each of said buildings shall extend to the roof and there have exit.

Whenever the walls inclosing the entrance hall of any apartment or tenement house hereafter erected, support beams or girders carrying a brick wall above, the said walls shall be not less than twelve inches thick laid in cement mortar.

§ 218. Closet Prohibited Under First Story Staircase.

No closet shall be constructed underneath the staircase of any story, but the space thereunder shall be left entirely open and kept free from incumbrance; but this shall not prohibit the inclosing without openings the under portion of the first story staircase from the foot of the same to a point where the height from the floor line to the soffit of the staircase shall not exceed five feet.

§ 219. Percentage of Lot Occupied.

No apartment house or tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy per centum of any lot; Provided, that the space occupied by outside fire escapes projecting not more than four feet shall not be deemed a part of the lot occupied.

For the purpose of this section, the measurements shall be taken at the ground level, except that where any such building has a store on the first story, and that story is or is intended to be occupied for business purposes only, the measurements as to percentage of lots occupied may be taken at the level of the second story beams.

§ 220. Yards.

Behind every apartment house and tenement house four stories in height hereafter erected on an inside lot, there shall be a yard not less than ten feet in depth, extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed, except that fire escapes or uninclosed outside stairs may project not over four feet from the rear line of the house.

Said yard shall be increased in depth six inches for every additional story in height of the building.

And may be decreased in depth one foot for every story in height of the building less four stories.

The depth of the yard behind every apartment house and tenement house hereafter excepted upon a corner lot, shall be not less than five feet in every part for the full width of the lot, and such depth need not be increased when the building exceeds four stories in height, nor shall it be decreased in depth when the building is less than four stories in height, except that,

Where an apartment house or a tenement house is hereafter erected on a corner lot, and when any such building has a store on the first story, the said yard or open space unencumbered except by fire escapes projecting not more than four feet, may start at the level of the second story floor beams.

Where a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of this section for inside lots.

Where an apartment house or a tenement house hereafter erected is situated on a lot formed by the intersection of two streets at an acute angle, the yard of the said house need not extend across the entire width of the lot, provided, that it extends to a point in line with the middle line of the block.

§ 221. Courts.

A court, that is, an open, unoccupied space other than a yard of an apartment house or a tenement house hereafter erected shall be at every point open from the ground to the sky, unobstructed other than by fire escapes.

Outer Courts.—Where one side of an outer court, that is, a court extending to the street or yard, is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for apartment houses and tenement houses four stories and basement in height, shall be not less than four feet in any part;

And for every story of increase above four stories and basement in height of said building, such width shall be increased six inches throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, such width may be decreased one foot.

Where an outer court is situated between wings or parts of the same building or between different buildings on the same lot, the width of the said court measured from wall to wall, for apart-

ment houses and tenement houses four stories and basement in height, shall be not less than eight feet in any part;

And for every story of increase above four stories and basement in height of the said building, such width shall be increased six inches throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, such width of the said court may be decreased one foot.

Inner Court.—Where one side of an inner court, that is, a court not extending to the public way or yard, is situated on the lot line, the width of the said court measured from the lot line to the opposite wall of the building, for apartment houses and tenement houses four stories and basement in height, shall be not less than six feet in any part, nor less than seventy-two square feet in area.

And for every story of increase in the height of the said building above four stories and basement, such width shall be increased six inches throughout the entire height of said court and ten feet added to the area.

And the other horizontal dimensions shall be increased one foot throughout the entire height of said court.

And for every story of decrease in the height of the said building below four stories and basement, such width may be decreased six inches throughout the entire height of the said court and ten feet may be deducted from area.

Where an inner court is not situated upon the lot line, but is inclosed on all four sides, the least horizontal dimension of the said court for apartment houses and tenement houses four stories and basement in height, shall be not less than twelve feet;

And for every story of increase above four stories and basement in the height of the said building, the said court shall be increased one foot in each horizontal dimension throughout the entire height of said court;

And for every story of decrease in the height of the said building below four stories and basement, the horizontal dimensions of the said court may be decreased six inches in each direction.

No window, except windows of water-closet compartments, bathrooms or halls, shall open upon any offset or recess less than six feet in width.

§ 222. Outer and Inner Courts.

Nothing contained in this section concerning outer and inner courts shall be construed as preventing windows at the angles of said courts.

When an apartment house or a tenement house hereafter erected has a store on the first story, and that story is, or is intended to be occupied for business purposes only, the outer and the inner courts may start at the level of the second story floor beams.

§ 223. Rear Tenement Houses or Apartment Houses.

No separate tenement or apartment house shall be erected upon the rear of any lot where there is not left a sidewalk of at least six feet in width between the face of the building and the alley curb line.

§ 224. Buildings on Same Lot with Tenement Houses or Apartment Houses.

If any building is hereafter placed on the same lot with a tenement house or an apartment house, the space between the said buildings shall always be of such size and arranged in such manner as is prescribed for yards in rear of apartment houses and tenement houses.

And no building of any kind shall be hereafter placed upon the same lot with a tenement house or an apartment house so as to decrease the minimum size of courts or yards as hereinbefore prescribed.

And if any tenement house or apartment house is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this section, and in addition the space between the said building and the said tenement house or apartment house shall be of such size and arranged in such manner as is prescribed in this section for inner courts.

§ 225. Rooms, Lighting and Ventilation Of.

In every apartment house or tenement house hereafter erected, every room, except water-closet compartments and bath rooms, shall have at least one window opening directly upon a public way or upon a yard or court.

§ 226. Windows in Rooms.

In every apartment house or tenement house hereafter erected the total window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the floor area of the room.

And the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width.

No such window shall be less than twelve square feet in area between the stop beads.

§ 227. Windows in Water-closet Compartments and Bathrooms.

In every apartment house or tenement house hereafter erected the total window area in a water-closet compartment or bathroom shall be not less than three square feet in area for each.

And no such windows shall be less than one foot in width measured between stop beads.

§ 228. Rooms, Size Of.

In every apartment house and tenement house hereafter erected, all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes:

In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area;

No living or sleeping room shall contain less than seventy square feet of floor area;

Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling;

Provided that an attic room need be nine feet high in but one-half its area.

§ 229. Public Hallways.

In every apartment house or tenement house hereafter erected exceeding three stories and basement in height, every public hallway, that is, a corridor not within an apartment, shall have at least one window opening directly upon the public way or upon a yard or court.

One at least of the windows provided to light each public hallway or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads.

Any part of a hallway which is shut off from any other part of said hallway by a door or doors shall be deemed a separate hall or separate hallway within the meaning of this section.

In every apartment house and tenement house hereafter erected exceeding three stories and basement in height, where the public hallway is not provided with a window opening directly to the outer air, sash doors admitting light to the public hallways from the apartment shall be provided.

§ 230. Stair Hallway Windows.

In every apartment house or tenement house hereafter erected exceeding three stories and basement in height, the aggregate area of windows to light or ventilate stair halls, that is, the public hallways which include the stairs, stair landings and those portions of the hallways through which it is necessary to pass in going between the entrance floor and the roof shall be at least eighteen square feet for each floor.

There shall be provided for each story at least one of said windows which shall be at least two and one-half feet wide and five feet high, measured between the stop beads.

A sash door shall be deemed the equivalent of a window in public hallways and stair halls, provided that such contains the amount of glazed surface prescribed for such windows.

§ 231. Privacy.

In every apartment of three or more rooms in an apartment house or a tenement house hereafter erected, access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

§ 232. Existing Buildings.

No now existing apartment house or tenement house shall hereafter be enlarged, or its lot be diminished so that the house shall occupy more than the percentage of lot allowed by this Code for similar new houses.

No now existing apartment house or tenement house shall hereafter be enlarged or its lot be diminished so that the yard shall be less than specified in this Code for similar new houses.

And such yard shall be at every point open from the ground to the sky, except that fire escapes or uninclosed outside stairs may project not over four feet from the rear line of the house.

Any additional room or hall that is hereafter constructed or created in a now existing apartment house or tenement house shall comply in all respects with the provisions of this Code for new houses.

§ 233. Lights in Public Hallways.

In every apartment house and tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening.

§ 234. Chimneys and Fireplaces.

In every apartment house and tenement house there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys for every apartment.

§ 235. Area for Vent Shafts.

Every vent shaft hereafter constructed in an apartment house or a tenement house four stories and basement in height shall be at least twelve square feet in area, and the least dimension of such shaft shall be not less than three feet;

And if the building be above four stories and basement in height, such shaft shall throughout its entire height be increased in area two square feet for each additional story in height;

And for each story in height less than four stories and basement, such shaft may be decreased in area one square foot.

A vent shaft may be inclosed on all four sides, but must have ventilation equal to area of shaft.

§ 236. Bottoms of Shafts, Courts, Area and Yards.

In every apartment house and tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, shall be six inches below the floor level of the part occupied or intended to be occupied.

All such shafts, courts, areas and yards shall be properly concreted, graded and drained, and shall be properly connected with the street sewer so that all water may pass freely into it.

§ 237. Basements and Cellars.

In apartment houses and tenement houses hereafter erected, no room in the cellar or in the basement shall be constructed, altered, converted or occupied for living purposes unless all of the following conditions are complied with:

1. Such room shall be at least eight feet high in every part from the floor to the ceiling.

Provided, that in buildings already erected and not now used as tenement houses, but hereafter altered or converted to such use, such room shall be not less than seven feet high in every part.

2. Ceiling of such room shall be at least two feet and six inches above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by this section for water-closet compartments.

4. Such room shall have a window or windows opening upon the street or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and one-half of the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

Every apartment house and tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors damp-proof and water-proof.

When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and the water-proofing shall run through the walls and up the same as high as the ground level, and shall be continued throughout the floor.

And the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering.

§ 238. Water Closet Accommodations.

In every apartment house hereafter erected there shall be a separate water closet in a separate compartment or bathroom within each apartment.

Provided that where there are apartments consisting of but one or two rooms, there shall be at least one water closet for every three rooms.

Every tenement house hereafter erected shall be provided with no less than one water closet for every fifteen occupants.

Nothing in this section in regard to the separation of water closet compartments from each other shall apply to a general toilet room hereafter placed in any apartment house or tenement house, provided such water closets are supplemental to the water closet accommodations required by this section for the use of the occupants of any said house.

All water closet compartments in every apartment house or tenement house hereafter erected shall have a window opening upon the public way or yard or upon a court or vent shaft.

Every water closet compartment shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with obscured glass panels, or with an obscured glass transom not less in area than four square feet.

The floor of every water closet compartment shall be made water-proof with asphalt, tile, stone, Portland cement concrete, metal or some other water-proof material; and such water-proofing shall extend at least six inches above the floor, so that the said floor can be washed or flushed out without leaking.

No drip trays shall be permitted.

No water closet fixtures shall be enclosed with any wood-work.

§ 239. Fire Escapes.

In all apartment houses or tenement houses any apartment not containing any room fronting upon the street or yard shall have a fire escape in a court, projecting not more than four feet from the wall of the house, constructed in accordance with requirements of Part XXIII of this Code.

In any such building each and every apartment therein above the first story shall open directly to an outside fire escape from at least one room other than a bathroom or water closet compartment, and shall not include a window of a stair hall.

PART XXIX.

MISCELLANEOUS BUILDINGS.

§ 240. Coal and Sand Elevators and Pockets.

Nothing in this Code shall be construed to prevent the erection of coal, sand and gravel elevators and pockets of combustible materials, when located on the river bank or wharf.

§ 241. Smoke Houses.

All smoke houses shall be of fireproof construction with brick walls, iron doors and brick or metal roof.

An iron guard shall be placed over and not less than three (3) feet above the fire, and the hanging rails shall be of iron, and an iron grating shall be placed under the first row of hanging rails, and be not less than eight (8) feet above the floor of the fire pit.

The walls of all smoke houses shall be built at least three (3) feet higher than the roof of the building in which they are located, and shall be not less than twelve (12) inches in thickness, and be coped with stone or its equivalent.

PART XXX.

VIOLATIONS AND PENALTIES.

§ 242. Penalties.

Any person or persons, firm or corporation violating any of the terms or provisions of this ordinance for which violation no penalty is otherwise fixed in this ordinance, and any such person, firm or corporation failing to conform to any of the provisions of this ordinance, or failing to obey any order of the Inspector of Buildings issued in pursuance of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten (\$10) nor more than one hundred dollars (\$100); and where such violation is of a continuing nature, each day such person, firm or corporation violates any such provision, or fails to conform to any such provision of this ordinance, or any such order of the Building Inspector, shall be deemed a separate offense.

§ 243. Repeals.

The following ordinances are hereby repealed:

An ordinance approved July 7, 1904, and entitled, "An Ordinance concerning the Interior, Exterior Arrangement, Equipment, Alteration and Conduct of Public Buildings in the city of Louisville, such as theaters, opera houses, auditoriums, concert, assembly, exhibition dance halls and other public halls, lodge rooms, churches, hotels, apartments and tenement houses in which two or more families dwell, infirmaries, hospitals, asylums, restaurants, railroad depots, places of detention, department stores and other business and manufacturing buildings where large numbers of people are congregated or assembled for any purpose whatever."

An ordinance approved June 29, 1908, entitled, "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings, and the occupancy and obstruction of streets and alleys in the performance of same."

An ordinance approved June 29, 1908, entitled, "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings, and the occupancy and obstruction of street and alleys in the performance of same."

An ordinance approved January 14, 1907, entitled, "An Ordinance establishing and providing for a Department of Buildings for the city of Louisville, and to regulate the construction, alteration, repairing and removal of buildings and the occupancy and obstruction of streets and alleys in the performance of same," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

An ordinance approved April 24, 1906, entitled, "An Ordinance for the protection of sidewalks in the city of Louisville."

§ 244. Date When in Effect.

This ordinance shall take effect from and after its passage. (*Approved August 4, 1909.*) (See also *Plumbing Code; Sewers; Drains; Fire Escapes; Sanitation; Segregation; Tenement House Law, Charter § 3037g.*)

BUILDING DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the Department of Buildings, its officers and employes and their compensation.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Board of Public Safety may appoint the following officers and employes of the Building Department and their compensation shall be not exceeding the respective amounts hereinafter set out: Annual Salary.

An Inspector of Buildings, who shall be the head of the Department and whose salary shall be \$250.00 per month \$3,000

And the following deputies and clerks, who shall be under the direction of the Building Inspector, subject to the control of the Board of Public Safety:

1 Assistant Inspector of Buildings, who shall be a computer. He shall be a qualified structural engineer and his salary shall be \$165.00 per month 1,980

1 Deputy Inspector of Buildings, and Inspector of Elevators, who shall be experienced in elevator construction, and whose salary shall be \$150.00 per month 1,800

1 Deputy Inspector of Buildings and Assistant Elevator Inspector, who shall be experienced in elevator construction, and whose salary shall be \$100.00 per month 1,200

1 Deputy Inspector of Buildings, to be known as Smoke Inspector, at \$150.00 per month 1,800

1 Deputy Inspector of Buildings, who shall be a mechanical draftsman with combustion experience, to be known as Assistant Smoke Inspector, at \$100.00 per month 1,200

1 Deputy Inspector of Buildings, to be known as Combustion Engineer, of at least ten years practical experience in making, installing or operating high-pressure steam boilers, who shall be in charge of the Smoke Department, at \$200.00 per month 2,400

1 Deputy Inspector of Buildings, who shall be First Electrical Inspector. He shall be a qualified electrician and his salary shall be \$150.00 per month 1,800

1 Deputy Inspector of Buildings, who shall be Second Electrical Inspector. He shall be a qualified electrician and his salary shall be \$125.00 per month	1,500
2 Deputy Inspectors of Buildings, whose salaries shall be 125.00 per month, each, being at the rate of \$1,500.00 per annum each	3,000
1 Fee Clerk, who shall be a first-class stenographer, at \$125.00 per month, who shall execute a bond to be approved by the Board of Public Safety for the proper accounting for all funds coming into his custody.	1,500
1 Permit Clerk, who shall be a stenographer, at \$100.00 per month	1,200
1 Clerk and Stenographer, whose salary shall be \$75.00 per month	900
1 Inspector of Plumbing, whose salary shall be \$150.00 per month	1,800
1 Deputy Inspector of Plumbing, whose salary shall be \$125.00 per month	1,500

Said Inspector of Plumbing and said Deputy Inspector of Plumbing shall be subject to the supervision of the Health Department and control of the Board of Public Safety, be under the direction of the Inspector of Buildings.

§ 2. The Board of Public Safety, in case of emergency and with approval of the Mayor, shall have the power to employ additional help in the Building Department, whose salaries and compensation shall be fixed by the Board of Public Safety. The names of such employes shall appear on the regular pay roll as "Special Employes." Said special employes may be dismissed at any time by the Board of Public Safety.

§ 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 4. The invalidity of any portion of this ordinance shall not affect the validity of any portion thereof which can be given effect without such invalid part.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved September 30, 1918.*)

BURIAL OF THE DEAD.

AN ORDINANCE regulating the burial of the dead.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to allow the dead or embalmed body of any human being to remain unburied for a longer period than three days without special permission from the Health Officer; nor shall any person allow the dead body of any human being to be exposed or retained for any time whatever to the peril or prejudice of the lives or health of any person.

§ 2. No death certificate shall be valid unless signed by the Coroner, or a regular licensed physician.

§ 3. It shall be the duty of any person to report to the Department of Health the discovery or knowledge of the whereabouts of any dead human being, or any parts thereof, if there is any reason to believe that the death, or place of such body is not properly known.

§ 4. No person shall remove or dispose of any dead body of a human being by interment, cremation, or any other means, without a permit from the Health Officer; nor in any manner other than in accordance with the rules of the Department of Health.

§ 5. Whenever any person shall die in the city of Louisville, it shall be the duty of the physician who attended during his or her last illness, and the duty of the Coroner, when the case comes within the discharge of his duties as prescribed by law, to furnish the Health Officer within twenty-four hours from the death of the patient a certificate setting forth, as far as can be ascertained, the full name, occupation, sex, color, age, whether married or single, duration of last illness, and the date of the death of such deceased person.

§ 6. It shall be the duty of any undertaker, or any person having charge, before removing any corpse from the place where death occurred, to apply for, and obtain, a permit from the Health Department, which permit shall not be given before the filing with the Department of Health of a certificate, signed by the attending physician, or the Coroner, stating the facts as called for in the blanks of the department, and said permit must be applied for by the undertaker, or other person having charge

of the remains within twelve hours after the notification of death.

§ 7. In case an inquest is necessary, it shall be the duty of the Coroner to notify the Department of Health before permit is issued.

§ 8. No undertaker or other person shall use any vehicle other than a hearse for the conveyance of the body of any person whose death was caused by any of the infectious or contagious diseases specified in section 11 of this ordinance, nor shall the body of such person be carried into any church, hall, or public place. The body of any person who died from any of said specified infectious or contagious diseases shall not be brought into the city without special permit.

§ 9. No person in charge of any vessel, car, or conveyance of any kind, public or private, shall convey or allow to be conveyed in or through the city of Louisville the body of any dead human being, without a permit from the Department of Health.

§ 10. In case of death from any pestilential disease, cerebral meningitis, small-pox, varioloid, scarlet fever, relapsing fever, typhus fever, cholera, diphtheria, diphtheritic croup, yellow fever, or measles, it shall be the duty of the person in charge of such deceased person to obtain a permit from the Health Officer, and to cause him or her to be buried within twenty-four hours; and the person in charge of the funeral of persons dying of any of said diseases must so conduct such funeral as to be absolutely private. The remains of any person who died from contagious disease, such as diphtheria, diphtheritic croup, relapsing fever, scarlet fever, yellow fever, typhus fever, cholera, cerebro-spinal meningitis, or measles, shall not be admitted to any tomb or vault, public or private; provided, that a body which may have died of any of the above named diseases may be permanently entombed in a private vault, when said body is thoroughly embalmed and hermetically sealed in said tomb.

§ 11. No person shall invite any other person to any funeral, or any services connected therewith, whose attendance is not necessary, to whom or through whom there is danger of contagion being communicated or spread. Whenever any person shall die from any of the contagious or infectious diseases, such as Asiatic cholera, relapsing fever, yellow fever, typhus fever,

cerebro-spinal meningitis, small-pox, varioloid, scarlet fever, diphtheria, diphtheritic croup, or measles, the undertaker having charge of the preparation and interment of the remains shall be the only person authorized to insert public notice of death, and he shall state the cause of death in such notice, for which he shall be held responsible.

§ 12. No disinterment shall be made except between sunrise and sunset; and during the months of May, June, July, August and September no body shall be disinterred within five (5) years after decease; and in cases where the person died of contagious disease the remains can be disinterred only during the months of November, December, January, February and March. This section applies to all removals, whether from a cemetery or from one grave to another in the same cemetery.

§ 13. Every grave must be at least six feet deep, and four feet below the grade or level of any adjacent street.

§ 14. No person in charge of any receptacle for the dead shall receive for burial or disposition any body without an accompanying certificate and permit from the Health Officer.

§ 15. Every sexton or person having charge of any tomb, vault, cemetery, crematory, or other receptacle for the dead, must register his name, address and nature of his duties with the Health Department, and shall, on Monday of each week, make a report of all bodies buried in accordance with the requirements of the Health Department. He shall not permit any dead body to be kept in any receiving vault over seventy-two hours, between May 1st and November 1st, unless said body has been thoroughly embalmed and replaced in a strong, hermetically sealed case.

§ 16. No body shall be removed from the city by public conveyance, unless prepared in accordance with the specifications adopted by the Health Department.

§ 17. It shall be the duty of any person having charge of articles used at funerals of persons who died of any infectious or contagious disease, to have the same property disinfected before being used again.

§ 18. No person shall bury any body of a human being in any place other than a registered burial ground, without a specific permit from the Health Officer.

§ 19. All overground vaults must be made of stone, granite, or marble, well cemented, and substantially built.

§ 20. It shall be the duty of the undertaker in charge if a person dies of an infectious or contagious disease, if such body is to be sent out of the city limits, to make affidavit, if required, when the body is presented for shipment, that it is prepared according to the rules of the Department of Health.

§ 21. All dead bodies brought into the city from a distance must be buried by permit from the Health Officer, which the undertaker must obtain before removal for burial.

§ 22. The undertaker in charge of bodies of persons dying from small-pox, diphtheria, yellow fever, scarlet fever, typhus fever, or other pestilential diseases, shall at once cause the body to be disinfected, wrapped in a sheet wet with a solution of bichloride of mercury, 1 to 500, and placed immediately in a coffin the under surface of which must be lined with raw cotton and made absolutely tight, and not reopened. No body of a person who died of any infectious or contagious disease shall be placed in ice boxes.

§ 23. Any person violating any of the provisions of this ordinance shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense.

§ 24. This ordinance shall take effect from and after its passage. (*Approved May 14, 1898.*) (See also *Embalming; Morgue.*)

CARBOLIC ACID.

Sale and Disposition.

AN ORDINANCE to regulate the sale and disposition of carbolic acid within the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to sell, trade or give away carbolic acid, pure or in combination, of a greater strength than ten per centum, within the city limits of the city of Louisville, except upon prescription of a licensed physician, dentist, or veterinarian; provided, that the provisions of this section shall not apply to crude carbolic acid, nor to carbolic acid when mixed with equal portions each of

glycerine and alcohol, nor to sales at wholesale by jobbers, manufacturers or dealers to retail druggists, licensed practicing physicians, or to each other, nor to sales at retail by retail druggists to regular practitioners of medicine, dentistry or veterinary medicine, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales made to hospitals, colleges, scientific or public institutions.

§ 2. A violation of any of the provisions of this ordinance shall be punished by a fine of not less than \$5.00 nor more than \$50.00, and each separate sale or disposition in violation hereof shall constitute a separate and distinct offense.

§ 3. This ordinance shall take effect from and after its adoption, approval and publication. (*Approved February 13, 1907.*)

(1) CEMETERIES

Protection of Cave Hill Cemetery.

AN ORDINANCE for the protection of Cave Hill Cemetery.
Be it ordained by the General Council of the city of Louisville:

§ 1. Any person who shall mutilate, deface or otherwise injure any tombstone, monument, vault, vase, inclosure, furniture, ornament, building or structure of any description, tree, shrub, flower (wild or cultivated), or who, without permission obtained from Cave Hill Cemetery Company, shall erect, build, plant, cut, or remove any tombstone, monument, vault, vase, inclosure, furniture, ornament, tree, plant, shrub, building, or other structure, or interfere with any grave in said cemetery shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

§ 2. No person, except those to whom certificates, granting right of burial, have been issued and their accompanying friends, shall enter Cave Hill Cemetery at any time without permission, and all persons are prohibited from entering or leaving said cemetery grounds except through the gate provided by the Cave Hill Cemetery Company for that purpose.

§ 3. No person shall climb any tree (without permission of Cave Hill Cemetery Company), lie down or sit down upon any

grave or walk, nor participate in any loud or angry discussion, nor use any profane language, within said cemetery.

Any person who shall disturb the quiet or good order of said cemetery by noise or improper conduct may be compelled instantly to leave the premises.

§ 4. It shall be unlawful to drive or ride faster than a walk or to leave any horse unfastened or unhitched in said cemetery. No refreshments nor liquors of any kind are allowed in said cemetery. All hunting, fishing, or disturbance of fish or birds, and the discharge of any firearms, fireworks, or missiles (without special permission of Cave Hill Cemetery Company), by the use of gun-powder or other explosives, within, into, or over any portion of said cemetery, is hereby prohibited.

§ 5. Any person who shall violate any provision in Sections 2, 3 or 4 of this ordinance shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50); and all fines imposed by this ordinance shall be recovered as other fines in the Police Court of the city of Louisville.

§ 6. The superintendent, gatekeeper, and all persons appointed and qualified as private policemen of the city of Louisville, upon the application of the Cave Hill Cemetery Company, shall have full authority to enforce this ordinance, and to arrest any person or persons violating any provision thereof.

§ 7. All ordinances in conflict with this ordinance are hereby repealed.

§ 8. This ordinance shall take effect from its passage. (*Approved December 29, 1899.*)

(2) CEMETERIES.

Regulating Portland Cemetery.

AN ORDINANCE concerning the Portland Cemetery.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Engineer be and he is hereby required to survey and plat the Portland Cemetery, showing on said plat the names of the streets and alleys thereof, and the number of all lots therein; and the names of owners of all lots or graves therein; and he shall furnish a copy of same to the city Treasurer, the Health Officer, and the sexton of said cemetery.

§ 2. The cost of full lots in said cemetery shall be twenty (\$20) dollars each; half lots ten (\$10) dollars each; single graves for adults, five (\$5) dollars each, and single graves for infants, three (\$3) dollars each.

§ 3. All sales of lots or graves shall be made by the City Treasurer, who shall give a certificate thereof to the purchaser; and no permit shall be issued by the Health Officer for the burial of any person in said cemetery unless the application therefor be accompanied by the certificate of the City Treasurer, showing the purchase of a lot or grave, as the case may be, or unless the plat of said cemetery shows a purchase of a lot or grave therefor made, entitling the deceased to a burial in same.

§ 4. It shall be the duty of the City Treasurer when he sells a lot or grave, as herein provided, to at once enter the same on the plat of said cemetery, notify the sexton of the cemetery and the Health Officer thereof, giving name of the person purchasing same, and describing said lot or grave by number and street or alley, so that the same may be identified; and said sexton and the Health Officer shall at once enter the same on their respective plats of said cemetery.

§ 5. The sexton shall report to the Health Officer, on the second Tuesday in each month, all burials made by him in the preceding month, which report shall contain the name of the person, whether adult or infant, and the number of the lot in which the grave was made, so that the same may be identified.

§ 6. The Health Officer shall report to the General Council, at their first meeting in January and June in each year, the number of burials made in said cemetery, and the number of lots sold during the preceding half year; and the City Treasurer shall report at the same time to the General Council all moneys received by him from the sale of lots or graves during the same period.

§ 7. Any person violating any provision of this ordinance shall be fined not more than twenty (\$20) dollars nor less than five (\$5) dollars for each offense.

§ 8. This ordinance to take effect from and after its passage.
(Approved September 16, 1895.)

(3) CEMETERIES.

Additional Cemeteries Prohibited.

AN ORDINANCE to prevent the establishment of additional cemeteries, public or private, in the city of Louisville.

Whereas, On account of the condition of the soil and the locality where the city of Louisville is situated, it is deemed injurious to the health of the inhabitants of said city to bury the bodies of dead human beings within the limits of said city;

Now, therefore, in the exercise of the police powers vested in the city of Louisville,

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to hereafter establish within the limits of the city of Louisville a cemetery, public or private, for the purpose of burying therein the body of any dead human being, and any such cemetery is hereby declared to be a public nuisance.

§ 2. That any person, firm or corporation that shall violate the provisions of section 1 of this ordinance shall be subject to a fine of not less than \$50 nor more than \$100 for each offense, and the burial of the body of any dead human being in any cemetery not now established or maintained within the limits of the city of Louisville shall be deemed a separate offense.

§ 3. That it shall be the duty of all officers and patrolmen of the Police Department to arrest and prosecute all offenders who violate any provision of this ordinance.

§ 4. That this ordinance shall take effect from its passage. (*Approved December 26, 1901.*) (See also *Burial of the Dead; Embalming; Morgue.*)

CEMETERIES DEPARTMENT.

Establishing and Salaries.

AN ORDINANCE concerning the Department of Cemeteries of the city of Louisville, Kentucky, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Department of Cemeteries within and for the city of Louisville, Kentucky, be and the same is hereby created

and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance and no more; and their salaries and compensation, to be approved by the Board of Public Safety, shall be no more than the sums fixed by this ordinance, and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

DEPARTMENT OF CEMETERIES.

1 Superintendent of the Portland or City Cemetery	
\$30 per month, being at the rate per annum of	\$360.00
1 Superintendent of the Western Cemetery at \$50 per	
month, being at the rate per annum of	600.00
1 Laborer at \$45 per month, being at the rate per	
annum of	540.00
	<hr/>
3 employes	\$1,500.00

§ 3. The Board of Public Safety, in case of emergency and with the approval of the Mayor, shall have the power to employ additional help in the Department of Cemeteries, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved November 11, 1913, and entitled "An Ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved March 16, 1918.*)

CHAUFFEURS FOR CITY AMBULANCES.

AN ORDINANCE providing for the employment of two chauffeurs of automobile ambulances for the City Hospital of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Public Safety of the city of Louisville is hereby authorized to employ two automobile chauffeurs, whose duties it shall be to drive and care for the automobile ambulances belonging to the city of Louisville, and used in the operation of the City Hospital. The two chauffeurs so employed shall be on duty and render such services to the city at such time as the Board of Public Safety may determine. They shall receive the salary of seventy-five (\$75) dollars per month each, payable monthly.

§ 2. This ordinance shall take effect from and after its passage. (*Approved November 29, 1912.*) (See also *Right of Way* [4].)

CHILI PARLORS AND EATING HOUSES.**Regulating Sale of Drinks Therein.**

AN ORDINANCE regulating Chili Parlors, Restaurants, Hotels and other eating and refreshment houses.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no chili parlor, restaurant, hotel or other eating or refreshment house shall serve, dispense or furnish or sell upon the premises any spirituous, vinous or malt liquors without first obtaining from the city of Louisville a retail liquor license.

§ 2. That any individual, firm or corporation who violates any provision of this ordinance shall be fined not less than fifty (\$50) nor more than one hundred (\$100) dollars. Each serving, dispensing, furnishing or selling of such liquor, without obtaining the license herein required, and each act in violation of any provision of this ordinance shall be considered a separate offense and punished accordingly.

§ 3. This ordinance is passed pursuant to the police power of the city of Louisville and shall not be deemed an amendment, alteration or repeal of any existing ordinance.

§ 4. This ordinance shall take effect from and after its passage. (*Approved September 18, 1913.*) (See also [9] *License.*)

CHILI PARLORS AND EATING HOUSES.

AN ORDINANCE regulating the operation of Chili Parlors, Eating Houses, Restaurants, and other places for the sale of chili, chop suey, and other food products in places adjacent to or connected with saloons.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons, owner, agent or employe of a chili parlor, eating house or restaurant, where chili, chop suey or other food products are sold, and where spirituous, vinous, or malt liquors or other intoxicating liquors of any kind are sold at retail or by the drink, and where any such chili parlor, eating house, or restaurant is located adjacent to, above, or anywhere in the immediate proximity of a saloon, barroom, or place of any kind where spirituous, vinous or malt liquors or other intoxicating liquors of any kind are sold at retail, or by the drink, to keep said place open from and after the hour of 1 o'clock A. M., or to open said place of business before the hour of 5 o'clock A. M. on any working day throughout the year, or to keep said place of business open at any time between the hours of 12 o'clock midnight on Saturdays and 5 o'clock A. M. on Mondays.

The provisions of this ordinance shall not apply to the restaurant or dining rooms conducted in connection with a regularly licensed hotel and under the same ownership.

§ 2. That any person or persons, keeper, owner, agent, employe or manager of any chili parlor, eating house, or restaurant, who shall violate any of the provisions of this ordinance shall be fined not less than fifteen (\$15.00) dollars nor more than fifty (\$50.00) dollars for each offense, and each time such place of business is opened during the times prohibited by this ordinance, and each sale, or other act, committed in violation of this ordinance shall constitute a separate offense.

§ 3. This ordinance shall take effect on and after its passage. (*Approved August 16, 1918.*)

(1) CITY ATTORNEY'S OFFICE.*

Salaries of Attorney and Two Assistants.

AN ORDINANCE to fix the salaries of the City Attorney, the First Assistant City Attorney and the Second Assistant City Attorney.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the salaries of the City Attorney, First Assistant City Attorney and Second Assistant City Attorney of the city of Louisville, appointed by the Mayor as authorized by an act of the General Assembly of the Commonwealth of Kentucky, approved March 21, 1902, shall be as follows: The City Attorney shall receive five thousand dollars per annum, payable in monthly installments. The First Assistant City Attorney shall receive three thousand dollars per annum, payable in monthly installments. The Second Assistant City Attorney shall receive two thousand five hundred dollars per annum, payable in monthly installments. They shall not be entitled to any attorney's docket or other fees, or any additional compensation for their services.

§ 2. To the extent that any ordinance is in conflict with this ordinance the same is hereby repealed.

§ 3. This ordinance shall take effect from and after its passage. (*Approved December 19, 1904.*)

(2) CITY ATTORNEY'S OFFICE.

Additional Assistants and Salaries.

AN ORDINANCE concerning the Law Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following additional offices in the Law Department of the city of Louisville be, and the same are hereby created, viz.:

*See Secs. 2909, 2910 Ky. St.

Mayor's Counsel, Solicitor, Tax Attorney, Law Accountant and Messenger, each of which shall be filled by appointment by the Mayor with the approval of the Board of Aldermen, for a term of four years and subject to removal by the Mayor at pleasure.

§ 2. The Mayor's Counsel shall be a licensed attorney with at least eight years' practice at the bar, and he shall discharge such duties in the Law Department as may be required of him by the City Attorney or the General Council and Mayor under the supervision of the City Attorney. He shall receive a salary of \$200 per month, payable monthly.

§ 3. The Solicitor in the Law Department shall be a licensed attorney with at least five years' practice at the bar who shall discharge such duties in the Law Department in connection with trials of jury cases for and against the city of Louisville, and such other duties as shall be required of him by the City Attorney, or the General Council and Mayor, under the supervision of the City Attorney. His salary shall be \$125 per month, payable monthly.

§ 4. The Tax Attorney shall be a licensed attorney of at least three years' practice at the bar, who shall discharge such duties in connection with the collection of city taxes and such other duties as may be required of him by the City Attorney or the General Council and Mayor under the supervision of the City Attorney. His salary shall be \$125 per month, payable monthly.

§ 5. The Law Accountant shall be a competent and experienced bookkeeper, who shall perform such duties in the Law Department as shall be required of him by the City Attorney or the General Council and Mayor under the supervision of the City Attorney. His salary shall be \$125 per month, payable monthly.

§ 6. The Messenger in the Law Department shall take messages from the Law Department to offices in the City Hall or the Court House, receive, carry and deliver papers in or connected with suits to which the city is a party, or in which it is interested, and perform such other services as may be required by the City Attorney or the General Council and the Mayor under the supervision of the City Attorney. He shall receive a salary while so employed of \$30 per month, payable monthly.

§ 7. All ordinances or parts of ordinances in conflict with this ordinance and especially an ordinance entitled "An ordinance

concerning the Law Department of the city of Louisville," approved March 24, 1910, be, and the same are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage. (*Approved August 6, 1910.*)

(3) CITY ATTORNEY'S OFFICE.

Law Clerk.

AN ORDINANCE concerning the Law Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of Law Clerk in the City Attorney's office is hereby created, and that the Mayor of the city of Louisville shall have the right to appoint for a term not exceeding the Mayor's term of office, and subject to removal by the Mayor at pleasure, a Law Clerk, who shall perform such services as may be required of him by the City Attorney or the General Council and the Mayor, under the supervision of the City Attorney. His salary shall be \$150.00 per month, payable monthly.

§ 2. The Law Clerk shall be a licensed attorney of at least five years' practice at the bar.

§ 3. That an ordinance entitled "An ordinance creating the office of Law Clerk to the Mayor and fixing the salary thereof," approved January 13, 1902, be and the same is hereby repealed and this ordinance is adopted in lieu thereof.

§ 4. This ordinance shall take effect from and after its passage. (*Approved November 14, 1918.*)

(4) CITY ATTORNEY'S OFFICE.

Claim Agent.

AN ORDINANCE concerning the office of Claim Agent in the Law Department.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall be in the Law Department of the city of Louisville one claim agent, who shall be appointed by the

Mayor, and subject to removal by the Mayor's pleasure. He shall receive a salary while in office at the rate of fifteen hundred (\$1,500) dollars per year, payable monthly. He shall assist the City Attorney in the preparation of actions in which the city is interested, and shall perform such other duties as may be assigned him by the City Attorney.

§ 2. All ordinances or resolutions in conflict with this ordinance are hereby repealed.

§ 3. This ordinance shall be in effect from and after its publication. (*Approved August 11, 1908.*)

(5) CITY ATTORNEY'S OFFICE.

Stenographers.

AN ORDINANCE concerning the employment of stenographers to be assigned to the Law Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor be, and he is hereby empowered and authorized to employ and remove at pleasure, three expert stenographers, who shall also be expert typewriters, who shall be assigned to the Law Department of the city and perform such service to the city as the Mayor and the City Attorney may direct.

§ 2. One of the stenographers shall receive a salary of \$85 per month, payable monthly, and each of the other two \$75 per month, payable monthly.

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

§ 4. This ordinance shall take effect from and after its passage. (*Approved August 6, 1910.*)

(6) CITY ATTORNEY'S OFFICE.**Tax Investigators.**

AN ORDINANCE authorizing the employment of not more than three investigators for title work in connection with the tax suits pending in the Jefferson Circuit Court, and providing for the payment of same.

Whereas, Nearly one thousand suits are now pending in the Jefferson Circuit Court in which the city of Louisville is attempting to subject property to sale for the payment of city taxes; and

Whereas, It is to the great advantage of the city of Louisville to reduce these taxes to judgment and have paid into the city treasury such sums as are collectible therefrom; and

Whereas, These suits present questions of title in addition to the necessary legal steps to be taken in court,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Attorney is hereby authorized and empowered to employ not more than three members of the Louisville bar, qualified for the work, who shall, under direction of the City Attorney, examine the records of tax suits now pending in said office, report on the condition of the property, the parties to such action and those in possession of said property and report to said office each day the work so done, and such persons shall be allowed for said work the sum of forty (40) cents per hour for actual time so employed, the same to be charged to incidental expenses.

§ 2. This ordinance shall take effect from and after its passage and remain in force until suits filed prior to January 1, 1910, are disposed of. (*Approved January 25, 1917.*)

(7) CITY ATTORNEY'S OFFICE.**Department Counsel.**

AN ORDINANCE concerning the Law Department of the city of Louisville creating the office of Department Counsel and fixing his salary and prescribing his duties.

Be it ordained by the General Council of the city of Louisville:

§ 1. That as an addition to the Law Department of the city of Louisville the office of Department Counsel is hereby created,

which office shall be filled by appointment of the Mayor for the term of four years subject to removal by the Mayor at any time.

§ 2. The Department Counsel shall be a licensed attorney with at least eight years' experience in the practice of law and shall, under the supervision of the City Attorney, discharge all duties that may be required of him by the Board of Water Works, the Commissioners of the Sinking Fund, the Board of Park Commissioners and the Board of Trustees of the Free Public Library of the city of Louisville and such other duties in the Law Department as may be assigned to him by the Mayor and the City Attorney.

§ 3. His salary shall be not exceeding thirty-six hundred (\$3,600.00) dollars annually, payable monthly.

§ 4. This ordinance shall take effect from and after its passage. (*Approved February 14, 1919.*)

(1) CITY BUYER.*

Duties and Employes.

AN ORDINANCE regulating the office and defining the duties of the City Buyer and fixing his salary, and fixing the number of employes in said office and their salaries.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of City Buyer, authorized by the act for the government of cities of the first class, shall be regulated, and the duties of the City Buyer shall be defined by statute and the provisions of this ordinance.

§ 2. It shall be the duty of the City Buyer to purchase all animals, commissary or subsistence stores, medical and naval stores, stationery, ironmongery, tools, implements, instruments, machines, fuel, forage, electrical and telegraph stores and supplies, lumber, brick, stone, cement, drain pipe, sand, gravel and any and all articles used by the city in the construction, repair or maintenance of the public buildings and the public ways, and the repair of the public sewers and drains of the city, and all

*See Sec. 2801 Ky. St.

articles or supplies to be furnished the various institutions, officers and departments of the city.

§ 3. Before purchasing any articles, as provided in section 2 hereof, the City Buyer shall have a requisition therefor, in such form as shall be provided by the Comptroller, with the approval of the Mayor, which requisition shall state the quantity and quality of the article or articles required, the place of delivery of the same, together with such specifications or samples as may be necessary to secure the exact article required, and said requisition shall also state the purpose for which the articles are intended. When such articles are of monthly or periodical consumption, said requisition shall state the quantity required, for such period, the amount of such article or articles then on hand, and the amount to be supplied by the City Buyer. Said requisition on the City Buyer shall be signed by the officer or person requiring the article or articles, and shall be approved by the chief of the department under whose employ or appointment said person may be, or the Mayor.

§ 4. When the City Buyer has purchased any article or articles, as provided in section 3, he shall require the vendor to deliver to him duplicate invoices therefor, made out upon the bill-heads of the vendor; or, if required by the Comptroller so to do, he shall require him to make out said invoices upon blank forms supplied by the Comptroller. In the first instance he shall forward one of said bills to the person requiring an accounting for such article or articles and shall file the other bill in his office. In the second instance, he shall use the blanks supplied by the Comptroller, and shall comply with all of the requirements of the ordinance prescribing the manner in which claims against the city shall be made. In all cases the City Buyer shall require and keep on file in his office an acknowledgment of the receipt of the article or articles so called for, signed by the officer making the requisition in person.

§ 5. That no contract for any article, supplies, material, live stock or other personal property needed by any officer, institution or department of the city shall be or continue to be for a longer time than the end of the fiscal year in which such contract shall be made.

§ 6. It shall be the imperative duty of the City Buyer at all times, to the best of his ability, to subserve the best interests of

the city in his department and to see that all specifications for the city are properly drawn and all purchases made so as to prevent overcharges, extortions or impositions, and to secure the articles, supplies or materials required at the lowest possible price.

Whenever the City Buyer shall be required to purchase articles, material or supplies to the amount of \$25 or over, it shall be his duty to post a public notice in the most conspicuous place in his office, which notice shall state the amount or quantity, quality and nature of the articles, materials or supplies desired, and the place or places where, and times when, the same are to be delivered and full specifications concerning same; and said notice shall further state that bids in writing will be received at the City Buyer's office for such articles, materials or supplies until 4 p. m. of the second day after the notice is posted. The purchase shall not be made until after said hour, and the City Buyer shall keep a record of every bid made, which shall at all times be open to public inspection.

Whenever a contract made by the City Buyer is transmitted to the General Council for its approval it shall be accompanied by a transcript of all the bids received or the original bids themselves.

In addition to posting the notice aforesaid it shall be the duty of the City Buyer to use every effort by telephone, correspondence or otherwise to induce further competitive bidding. All bids shall be sealed and in writing and opened publicly after the hour named in the notice.

Nothing in this section shall be construed to apply to the purchase of live stock, fire or other insurance, or emergency supplies or material, where an emergency actually exists. The Mayor and the City Buyer shall determine when an emergency exists.

Nothing in this section shall be construed to relieve the City Buyer from endeavoring to obtain competitive bidding for articles, materials or supplies to the amount of less than twenty-five dollars wherever such effort would be reasonable.

§ 7. A joint committee of three shall be appointed, two by the President of the Board of Councilmen and one by the President of the Board of Aldermen, whose duty it shall be to examine into all contracts, lettings and purchases in the City Buyer's

department and see that the same conform to the provisions of this ordinance, and the said committee shall report monthly to their respective boards. And it shall be the duty of the President of the Boards of Aldermen and Councilmen, in the regular order of business, to call for a report from this committee at the first meeting of the General Council in each month. This committee shall have access to all books, papers, bids, lettings and contracts in the City Buyer's department, and it shall be the duty of the City Buyer and his clerk to render the said committee all the assistance necessary to obtain any and all information concerning the department or to expedite the work of the committee.

§ 8. That it shall be the duty of the City Buyer to make sale, publicly or privately, in his discretion, on the best terms he can obtain, of all live stock or material in the fire, police and other departments of the city where such live stock or material has become unfit for further service or use in such departments, and after the same shall have been condemned by the chief or head of said department the condemnation papers having been approved by the board governing said department.

§ 9. That all materials, supplies, live stock or other personal property, whenever the same shall become unfit for use by the city of Louisville in any of its departments, shall be promptly reported by the chief of such department to the executive board having control of such department; and the said board, after receiving such report or notice, shall examine into the condition of the material, supplies, live stock or other personal property, and if, in the judgment of a majority of the members of the said board, the same is unfit for further use by the city or the department which has had the use of the same, said board shall at once notify the City Buyer, giving him a list of the articles, their condition, quantity, where located, etc., in order that he may sell the same and make report thereof; and it shall be the duty of the City Buyer to keep in the front part of his office, outside the railing, a bulletin board headed "For Sale by the City Buyer," upon which he shall note, immediately upon receipt of notice from said board, the articles to be sold, a brief description thereof and the time and place of sale, which notice shall remain on said bulletin board until the sale of said articles shall have been made.

Said notice shall remain posted upon the bulletin board for at least three days before the sale shall be made, and the City Buyer may, where the article to be sold is, in his judgment, of sufficient value to justify the expense, advertise such sale by one insertion in one or more of the daily newspapers authorized to do the city printing. He shall, in all instances, take sealed bids for the property to be sold by him under this section.

§ 10. That it shall be the duty of the City Buyer promptly after each sale to report to the Board of Public Safety or the Board of Public Works, as the case may be, the sale, the articles sold, the price or prices obtained and the name of the purchaser or purchasers. All such sales shall be made for cash, and the proceeds shall be paid immediately by the purchaser or purchasers to the City Treasurer, who shall pass the same to the credit of the fund for general purposes.

§ 11. That any officer or employe of the city of Louisville that shall sell or dispose of any material, supplies, live stock or other personal property of the city of Louisville, which shall have become unfit for further use in any department of the city, otherwise than is provided for by this ordinance, or who shall fail or refuse to perform any duty imposed upon him by any provision of this ordinance, shall be subject to a fine of not less than ten dollars or more than one hundred dollars for each offense, to be recovered in the Police Court of the city of Louisville.

§ 12. The City Buyer shall keep in his office, properly indexed and filed, all requisitions, all advertisements for bids, all the bids themselves and the letting sheets therefor, all condemnation papers, all advertisements for sales and an itemized account of said sales, and shall keep such books and accounts, and shall also make such reports at such times and in such form as the Comptroller may prescribe.

§ 13. That the City Buyer shall execute bond in the sum of ten thousand dollars, with good surety, conditioned for a faithful performance of all his duties as required by law and the provisions of this ordinance, said bond to be approved by the General Council and filed with the Comptroller. This bond shall be executed within ten days after his appointment shall have been approved by the Board of Aldermen.

§ 14. That nothing in this ordinance shall be construed to conflict or dispense with the requirements of the statutes that all purchases by the City Buyer shall be approved by the Mayor if the amount to be expended be under \$2,000, and by the General Council and Mayor if the amount exceed \$2,000.

§ 15. The City Buyer shall have the authority by and with the approval of the Mayor to appoint an assistant city buyer, a stenographer and a clerk. The City Buyer shall receive a salary at the rate of \$2,500 per annum, payable monthly. The Assistant City Buyer shall receive a salary at the rate of \$2,000 per annum, payable monthly. The stenographer shall receive a salary at the rate of \$900 per annum, payable monthly. The clerk shall receive a salary at the rate of \$900 per annum, payable monthly.

§ 16. That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 17. This ordinance shall take effect from its passage. (*Approved October 10, 1911.*)

(2) CITY BUYER.

Transfer of Articles and Labor From One Department to Another.

AN ORDINANCE providing for the transfer of articles and labor from one department to another department of the city.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whenever it is deemed desirable by the head of any department of the city government to obtain any article of personal property or labor belonging to another department he shall first make out a requisition on the regular requisition blanks now used, or that may hereafter be used by his department for the purchase of supplies, which requisition shall be approved by the board, if there be one, having control of such department. The requisition shall then be sent to the City Buyer, who shall make an order on the department from which the personal property or labor is to be obtained. If said order is approved by the

head of such department and by the board, if there be one, having control thereof, the said personal property or labor shall be transferred to the department ordering the same, which shall give a receipt in duplicate therefor.

§ 2. Such personal property or labor shall be furnished at cost, or at a price not greater than cost, that may be agreed on between the heads of the departments and board or boards, if any, having control of them. Wherever the price shall be so agreed on it shall be certified to the City Buyer, who shall keep a separate record of the same in a special book for that purpose.

§ 3. The department furnishing the personal property or labor shall make out a transfer voucher at the end of each month, charging thereon such personal property or labor to the department ordering same and giving the date and number of each requisition on which it was furnished, and shall attach to said transfer voucher the original receipt given by the department receiving the said personal property or labor. The said transfer voucher shall then be approved by the heads of the departments furnishing and ordering the said personal property or labor, and by the board or boards, if any, having control of such departments or of either of them.

§ 4. Upon the approval of any transfer voucher, as provided in section 3 of this ordinance, it shall be filed with the City Buyer, who shall enter it upon his books and certify to its correctness and then deliver it to the City Comptroller, who shall register the transfer and credit the department by which the property or labor is furnished, with the value of the article or labor so furnished, and charge the department to which the same is furnished with the value thereof, and thereupon the City Comptroller shall certify said record so made by him to the City Treasurer, and it shall then be the duty of the City Treasurer to record said transfer and make the proper debit and credit to show the facts.

§ 5. This ordinance shall take effect from and after its passage, and all ordinances in conflict herewith are hereby repealed. (*Approved August 26, 1909.*)

(4) CITY BUYER.**Fund for Payment of Freight Charges.**

AN ORDINANCE authorizing the creation of a fund for the use of the City Buyer's Department in the city of Louisville for the payment of freight charges.

Whereas, Under a recent order of the United States Railroad Administration payment of all transportation charges has been placed upon a cash basis, and

Whereas, There is no provision made for the advancement of money with which to pay for said transportation or freight; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Auditor be and he is hereby authorized and directed to draw his warrant in favor of the City Buyer in the sum of One Thousand (\$1,000.00) Dollars for a freight fund, and the City Comptroller be and he is hereby authorized to register the same and the City Treasurer be and he is hereby authorized to pay the same to the City Buyer.

§ 2. Whenever the City Buyer shall exhibit to the Mayor and the Comptroller an itemized statement showing that the fund on hand or a major portion thereof is exhausted, a like warrant for the amount paid out, as shown by said statement, shall be drawn.

§ 3. The said City Buyer shall at any and all times when demanded, report to the Mayor or General Council the condition of said fund and the expenditure made by him out of same.

§ 4. This ordinance shall take effect from and after its passage, and all ordinances in conflict herewith are hereby repealed. (*Approved February 19, 1919.*)

CITY GAUGER.**Duties and Fees.**

AN ORDINANCE relating to the office of City Gauger and defining the duties and fixing the fees of such Gauger.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in the month of December, 1904, and every second year thereafter, the General Council shall elect one person as

Gauger, to continue in office two years and until his successor is qualified, and he may appoint a deputy from time to time, as needed. The Gauger shall keep an office in some central place, and whenever called on attend at any place in the city and gauge any package or packages of a liquid nature and deliver the applicant a true certificate of the contents of the said package or packages.

§ 2. He shall keep in a suitable book, subject to the inspection of the persons interested, a register of all articles gauged by him, an abstract of which, with a statement of the amount of fees received, shall be reported by him under oath to the General Council at least once a year, and oftener if required.

§ 3. He shall also keep in his office a book in which all orders for gauging are to be entered, and unless for a good cause shown, they shall be fulfilled in that order by him, under a penalty of not less than \$5 nor more than \$20.

§ 4. The Gauger may charge the person for whom the gauging is done the following fees:

For gauging vinegar, oil, petroleum or benzine, for each barrel $7\frac{1}{2}$ cents.

For single barrel of any of the above, 15 cents.

For gauging varnishes or turpentine, 15 cents for a barrel, pipe or half pipe.

For gauging other liquids not named, the same as for gauging vinegar.

§ 5. It shall not be lawful for any person other than the one elected under the provisions of this ordinance, or his deputy, to perform any service required to be performed by said ordinance, and any party or parties violating its provisions shall be liable to a fine of \$25 for each offense.

§ 6. This ordinance shall take effect from and after its publication. (*Approved November 7, 1904.*)

CITY HALL DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the City Hall Department, placing same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created and placed under the Board of Public Works the City Hall Department.

§ 2. There may be the number of officers and employes prescribed in this ordinance and no more in said department and their salaries and compensations shall not be greater than the maximum rates as fixed in this ordinance, but may by agreement between the Board of Public Works and said employes be fixed at any rate less than the said maximum rate as fixed in this ordinance, and the payrolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled "An ordinance prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved December 27, 1917.

§ 3. Officers and employes and their salaries and compensation:

	Compensation Per Annum.
City Hall engine man.....	\$1,280.00
Night engine man.....	1,200.00
Chief janitor	1,080.00
Elevator man	780.00
Chief telephone operator.....	900.00
Telephone operator	600.00
Three firemen, \$3.00 per day each.....	3,285.00
Nine janitors at \$65.00 per month each.....	7,020.00
Scrub women, \$1.50 per day each for services actually rendered.	
Laborers, 30c per hour for services actually rendered.	
One night custodian at \$75.00 per month.....	900.00

§ 4. The Board of Public Works, in case of an emergency, and with the approval of the Mayor, shall have the power to employ additional help in the said department herein mentioned, the salaries of the same to be fixed by the Board of Public Works, and the names of such employes shall appear on the regular payrolls as "Special Employes;" said special employes may be dismissed at any time by the Board of Public Works.

§ 5. The ordinance approved May 22, 1919, entitled "An ordinance concerning the City Hall Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said Department," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect and be in force from and after its passage. (*Approved October 23, 1919.*)

CITY HOSPITAL.

Room for the Insane.

AN ORDINANCE providing for a room, furniture and appliances at the City Hospital, suitable for the insane.

Be it ordained by the General Council of the city of Louisville:

That the Board of Public Safety are hereby authorized and instructed to prepare and cause to be established at the City Hospital a room for the reception, custody, and treatment of the insane patients that may be sent to said hospital; that said room shall be furnished with one iron bed or crib, such as is used at the lunatic asylum at Lakeland, and known as No. 46, Smith and Davis Manufacturing Company, or one equal to same, and such muffs, strips, and bandages, and other appliances necessary for the purposes of said room, the cost thereof to be charged to charity institutions. This ordinance to take effect from and after its publication. (*Approved March 15, 1897.*) (See also (1) *Nurses; Chauffeurs.* For employes see *Board of Public Safety.*)

CLAIMS.

How Paid.

AN ORDINANCE prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all claims against the city of Louisville shall be made out in duplicate upon the printed forms furnished by the Comptroller, and shall be certified to by the officer ordering the work or material, who shall state the authority therefor. Said certification shall be made to the Auditor and the claims so certified shall be registered in the order of their reception by the Auditor, and all claims approved by the Auditor shall be transmitted by him to the Comptroller.

§ 2. All such claims when received by the Comptroller shall be registered by him and numbered in the order of their reception by him in a book kept for that purpose showing the titles of accounts to which such claims are chargeable, both the original and duplicate to bear evidence of registration by date, number and folio of register.

§ 3. That no claims shall be entertained by the General Council unless made out in accordance with sections 1 and 2 of this ordinance.

§ 4. That upon the passage by the General Council and approval by the Mayor of any claim, the Comptroller shall file in his office the original and shall attest and deliver to the owner thereof the duplicate of such claim.

§ 5. That upon the presentation to the Auditor of such duplicate, properly certified and attested, as hereinbefore provided he shall issue his warrant for the amount of said claim, and shall take the receipt of the holder of the claim thereon, which claim, with the said receipt, shall be filed in his office.

§ 6. When the claim is in the form of a payroll, such payroll shall be made out upon the form furnished by the Comptroller and shall be certified by the chief of department or by the President of the board under whose authority the expenses are created, except that the payroll of the city officers and other employes shall be made out by the Comptroller and certified by

the Mayor to the Auditor for registration and approval, and when registered and approved by the Auditor the same shall be transmitted by said Auditor to the Comptroller for registration and all the conditions and regulations of other claims as hereinbefore provided shall be observed.

Thereafter the Auditor shall draw his warrant in favor of each person whose name appears upon said payroll, and upon the delivery of said warrant said payroll shall be signed by such person.

§ 7. No warrant shall be issued by the Auditor, or money paid by the Treasurer, except in conformity with the provisions of this ordinance and approval of the claim by the General Council; provided, however, that it shall not be necessary for the General Council to approve the payment of salaries and wages of officers and employes of the city.

§ 8. Salaries and wages of officers and employes of the city of Louisville may be paid in weekly installments, after such salaries and wages have been earned, unless any officer or employe shall notify the Comptroller in writing that he prefers his salary or wages in monthly installments, in which event it will be paid monthly.

§ 9. An ordinance approved September 10, 1909, entitled "An ordinance prescribing the manner in which claims against the city of Louisville shall be made," is hereby repealed.

§ 10. This ordinance shall take effect from and after its passage. (*Approved December 27, 1917.*) See also *Warrants claims.*)

CLERKS, BOARDS OF THE GENERAL COUNCIL.*

Duties and Salary.

AN ORDINANCE concerning the clerks of the boards of the General Council.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each board of the General Council shall elect, at the time of its first organization after its election, a competent clerk for the term for which said board is elected, whose duty

*See Sec. 2770 Ky. St.

it shall be to keep a correct journal of the proceedings of the board in which he is elected, perform the duties of clerk at the meetings of said board, and keep in his possession, subject to the orders of the General Council, all papers and property belonging to said board.

§ 2. That the clerks so chosen shall be and are hereby made *ex-officio* clerks to the Comptroller, and in such capacity shall be the custodian of all such records as the Comptroller may designate, and shall, under the direction of the Comptroller, prepare all distraint and garnishment warrants provided for in sections 215 and 218 of "An act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto.

§ 3. That the clerks of said boards shall, each, receive a salary of two thousand (\$2,000) dollars per annum, to be paid monthly in the same manner that the salaries of other city officers are paid.

§ 4. This ordinance shall take effect from and after the expiration of the terms of office of the present incumbents. (*Approved April 21, 1899.*)

COAL YARD.

Municipal.

AN ORDINANCE authorizing the purchase of a tract of land on Logan street from the Louisville & Nashville Railroad Company.

Whereas, it is desired that the tract of land hereinafter described is necessary for a municipal railroad switch and coal yard, now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville is authorized to purchase at the price of seven thousand (\$7,000.00) dollars a tract of land located on the east side of Logan street, south of Breckinridge street, in the city of Louisville, Ky., bounded as follows:

Beginning on the east side of Logan street at the southwest corner of a tract of land belonging to the city of Louisville,

thence southwardly along the east side of Logan street two hundred and thirty-one (231) feet, and extending back eastwardly between parallel lines, the northern line binding on the south side of the lot belonging to the city of Louisville to the right of way of the Louisville & Nashville Railroad Company, the northern line being two hundred and five (205) feet in length and the southern line being one hundred and fifty-three (153) feet in length.

The title to said property shall be such as is approved by the Mayor.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 11, 1918.*)

COMFORT STATION DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the Comfort Stations Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created and placed under the Board of Public Works the Comfort Stations Department.

§ 2. There may be the number of officers and employes prescribed in this ordinance, and no more, in said department, and their salaries and compensations shall not be greater than the maximum rates as fixed in this ordinance, but may, by agreement between the Board of Public Works and said employes, be fixed at any rate less than the maximum rate as fixed in this ordinance, and the payrolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled, "An ordinance prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved September 4, 1918.

§ 3. Officers and employes and their salaries and compensation:

Two Superintendents of Comfort Station \$75.00 per month

Two Asst. Superintendents of Comfort Station 40.00 per month

§ 4. The Board of Public Works, in case of an emergency and with the approval of the Mayor, shall have the power to employ additional help in said department herein mentioned, the salaries of the same to be fixed by the Board of Public Works, and the names of such employes shall appear on the regular payroll as "Special Employes," said special employes may be dismissed at any time by the Board of Public Works.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved November 7, 1919.*)

(1) COMPTROLLER.*

Clerk.

AN ORDINANCE providing for a clerk for the City Comptroller.
Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Comptroller, with the approval of the Mayor, shall have the power to appoint a clerk for his office, who shall perform such duties as may be directed by the City Comptroller or by ordinance.

§ 2. That the said clerk shall receive a salary of two thousand dollars per annum, payable monthly.

§ 3. That this ordinance shall take effect from its passage.

§ 4. The ordinance providing for a clerk for the City Comptroller, which was approved December 30, 1901, is hereby repealed. (*Approved April 17, 1905.*) (*See also Claims; Warrants.*)

*See Secs. 2897-2900 Ky. St.; *National Surety Co. v. City of Louisville*, 165 Ky. 38.

(2) COMPTROLLER.**Additional Clerk.**

AN ORDINANCE providing for an additional clerk for the City Comptroller.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Comptroller, with the approval of the Mayor, shall have the power to appoint an additional clerk for his office, who shall perform such duties as may be directed by the City Comptroller or by ordinance.

§ 2. That said clerk shall receive a salary of twelve hundred (\$1,200) dollars per annum, payable monthly.

§ 3. That an ordinance entitled "An ordinance providing for an additional clerk for the City Comptroller" and approved April 29, 1907, be and the same is hereby repealed.

§ 4. That this ordinance shall take effect from its passage. (*Approved September 30, 1918.*)

CONVICT-MADE GOODS.**To be so Labeled or Marked.**

AN ORDINANCE concerning convict made goods, wares, and merchandise.

Be it ordained by the General Council of the city of Louisville:

§ 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory, or other establishment in or out of the State of Kentucky, in which convict labor is employed, and imported, brought, introduced, or offered for sale in the city of Louisville, shall, before being exposed for sale, be branded, labeled or marked, as hereinafter provided, and shall not be exposed for sale in any place within the city of Louisville without such brand, label, or mark.

§ 2. The brand, label, or mark hereby required shall contain, at the head or top thereof, the words, "convict made," followed by the year and the name of the penitentiary, prison, reformatory, or other establishment in which it was made, in plain English lettering and the style and size known as great primer Roman, condensed, capital. The brand or mark shall, in all cases, where the nature of the article will permit, be placed

upon the same and only where such branding or marking is impossible shall it be placed upon the box or other covering of the same, or be attached to the article as a label. Said brand or mark shall be placed upon the most conspicuous part of the article or its covering, and said label, when used instead of a brand or mark, shall be attached in the most conspicuous place.

§ 3. It shall not be lawful for any person dealing in the city of Louisville in any such convict made goods, wares, or merchandise, manufactured in or out of the State of Kentucky, knowingly to have the same in his possession for the purpose of sale, or to offer the same for sale, without the brand, mark, or label required by this ordinance, or to remove or to deface such brand, mark, or label. Any person offending against the provisions of this ordinance shall be, upon conviction thereof, sentenced to pay a fine of not exceeding five hundred dollars (\$500) or to be imprisoned for a term not exceeding twelve (12) months, or both, in the discretion of a jury or court trying the case.

This ordinance shall take effect and be in force from and after its passage. (*Approved August 27, 1897.*) (See also (5) *Advertisements.*)

(1) DAY'S LABOR.

For Rammers and Pavers.

AN ORDINANCE fixing length of a day's work for the city of Louisville by rammers and pavers.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the length of a day's work for the city of Louisville by rammers and pavers shall be nine hours, as follows: From 7 o'clock a. m. to 12 o'clock m., and from 1 o'clock p. m. to 5 o'clock p. m.; and if any rammer or paver shall voluntarily labor for the city a longer time than nine hours on any day, he shall receive for the extra time a proportionate part of the per diem now fixed by ordinance, and the payrolls for rammers and pavers shall be made up, certified, registered, and allowed according to the provisions of this ordinance.

§ 2. That this ordinance shall take effect from its passage. (*Approved March 22, 1900.*) (See also *Office Hours.*)

(2) DAY'S LABOR.**For All Laborers for City.**

AN ORDINANCE fixing nine hours as a day for all laborers who work for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter nine (9) hours shall constitute a day for all laborers who work by the day for the city of Louisville, or in any of its departments, and in making up the payrolls for such laborers the compensation for day's work shall be allowed for each nine hours of work done or performed by such laborer; and for all time such laborers shall work voluntarily over and above nine hours each day additional compensation shall be allowed such laborers proportionately for such extra time.

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

§ 3. That this ordinance shall take effect from and after its passage. (*Approved October 6, 1900.*)

(1) DISEASES.**Reports Thereof to Health Officer.**

AN ORDINANCE concerning reports to be made to the Health Officer of certain diseases.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician shall report in writing to the Health Officer immediately each and every case of consumption, whooping cough, or typhoid fever which he may be called upon to treat, or has now under treatment, within the city of Louisville, giving the full name, age, color, occupation, and residence of each patient, and if removed to any of the infirmaries or hospitals in the city, the place where the patient was removed from. The Health Officer shall preserve said reports in his office for his own use, and shall in no event allow the information contained therein to be made public or given out for publication.

§ 2. That any person who violates any of the provisions of this ordinance shall be fined not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved November 15, 1898.*)

(2) DISEASES.

Reporting of Communicable and Occupational Diseases.

AN ORDINANCE providing for the prompt reporting by physicians of communicable and occupational diseases.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of every physician in the city of Louisville to report to the health department in writing the full name, age and address of any person under his professional care who is afflicted with any one of the diseases in the following list, with the name of the disease, within twenty-four hours after the time it is diagnosed, and it shall be the duty of the manager or managers, superintendents or persons in charge of every hospital, institution or dispensary in the city of Louisville to make a similar report to the said health department within the same period, relative to any person afflicted with any one of the said diseases, stating in each instance the name of the disease:

Acute interior poliomyelitis (infantile paralysis).

Asiatic cholera.

Diphtheria (croup).

Dysentery (amebic and bacillary).

Continued fever lasting seven days.

Epidemic cerebro-spinal meningitis.

Glanders.

Suppurative conjunctivitis.

Ophthalmia neonatorum.

Hookworm disease.

Leprosy.

Malarial fever.

Measles.

German measles.

Mumps.

Paratyphoid fever.

Pellagra.

Pneumonia.

Plague.

Pulmonary tuberculosis.

Rabies in man, dog or cattle.

Scarlet fever.

Epidemic septic sore throat.

Smallpox.

Tetanus.

Trachoma.

Trichinosis.

Tuberculosis (all forms, specifying parts affected).

Typhoid fever.

Typhus fever.

Varicella.

Whooping cough.

Yellow fever.

Occupational diseases and injuries.

Arsenic poisoning.

Brass poisoning.

Carbon monoxide poisoning.

Lead poisoning.

Mercury poisoning.

Caisson disease (compressed air illness).

Phosphorus poisoning.

Wood alcohol poisoning.

Naphtha poisoning.

Carbon bisulphide poisoning.

Nitrobenzene poisoning.

Any other disease or disability contracted as a result of the nature of the person's employment.

§ 2. If the disease reported is typhoid fever, scarlet fever, diphtheria or epidemic sore throat, every such report shall also show whether the patient has been, or any member of the household in which the patient resides is, engaged or employed in handling milk, butter, cream or other dairy products for sale or preliminary to sale.

§ 3. Cases of typhus fever, smallpox or cholera shall be reported immediately to the Health Office by telephone or messenger, and not later than twenty-four hours thereafter a written report shall be made to the Health Officer, giving, in addition to the name of the disease, the name of the patient, age, residence and other necessary information.

§ 4. Any person or persons violating or assisting in the violation of any part or parts of this ordinance, shall, upon conviction,

tion, be fined not less than ten (\$10) dollars or more than fifty (\$50) dollars, and each day's continuance of the violation shall constitute a separate offense.

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

§ 6. This ordinance shall take effect upon its passage. (*Approved October 6, 1917.*)

(3) DISEASES.

To Prevent the Spreading Thereof Generally.

AN ORDINANCE to prevent the spreading of infectious and contagious diseases.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every physician located or practicing in the city of Louisville who shall know that any person whom he or she is called upon to visit, or who comes or is brought to him or her for examination, suffering from, or is afflicted with, diphtheria, diphtheritic croup, scarlet fever, smallpox, varioloid, or cerebro-spinal meningitis, shall forthwith report the same to the Health Department, in writing, over his or her signature; state the name of the disease, and the name, age and sex of the person suffering therefrom, and shall set forth by street and number or otherwise sufficiently designate the house or room in which said person may be located.

§ 2. Upon receipt by the health authorities of a report of the existence of a case of diphtheria, diphtheritic croup, scarlet fever, smallpox, variolid, cerebro-spinal meningitis, the Health Officer shall at once place, or cause to be placed, in a conspicuous manner upon or near the house or premises in which said case may be located, a placard or placards, upon which shall be printed in large letters the words, "contagious disease here"; and said placard or placards shall remain thereon until such time as the rules and regulations established by the proper health authorities regarding the destruction or disinfection of infected bedding, clothing, etc., shall have been carried out and fully complied with.

§ 3. The head of a family occupying any house or premises near which such placard or placards aforesaid may be placed, or any other person whatsoever, shall be liable for a fine or penalty, provided by this act, in case where such placard or placards are removed, defaced, covered up, taken down, or destroyed with his or her knowledge, act, or consent before the time provided by section two (2) of this ordinance.

§ 4. It shall be the duty of the undertaker, or other person or persons, having the body of any one dying of above named diseases in charge, to thoroughly disinfect and place every such body within the coffin or casket in which it is to be buried within six (6) hours after first being called upon to take charge of the same; provided such call is made between the hours of 5 a. m. and 11 p. m.; otherwise such body shall be so placed in such coffin or casket within twelve (12) hours; the coffin or casket then to be closed tightly and not again opened unless permission be granted by the Health Officer for special cause shown.

§ 5. The body of a person who has died of any transmissible disease shall not remain unburied for longer period of time than thirty-six (36) hours after death, unless special permission be granted by the Health Officer extending the time within which such body may remain unburied for special cause shown. The head of the family, or the person or persons having charge of the funeral of such body, shall be responsible for any violation of the provisions of this section.

§ 6. All services held in connection with the funeral of the body of a person who has died of any transmissible disease must be private, and the attendance thereat shall include only the immediate adult relatives of the deceased, and the necessary number of adult pall-bearers; the head of the family or other person or persons having charge of said funeral services shall be responsible for any violation of the provisions of this section.

§ 7. The body of a person who has died of any of the diseases referred to in section one (1) of this ordinance, or of any transmissible disease, shall in no instance be taken into any church, chapel, public hall, or building for funeral services. The head of the family, or person or persons having charge of said funeral services, and the sexton, janitor, or other person or persons having control of such church, chapel, public hall, or build-

ing, shall be responsible for any violation of the provisions of this section.

§ 8. No person suffering from any of the diseases named in section one (1) of this ordinance, to-wit, diphtheria, diphtheritic croup, scarlet fever, smallpox, variolid, cerebro-spinal meningitis, and no person in charge of such person or patient, and no child or other person belonging to or residing with the family of any person or residing in the same house in which a person may be living, or may be located, who is suffering from any of said diseases shall attend or be permitted to attend any public, private, parochial or Sunday-school, and all school principals, or other persons in charge of said schools are hereby required to exclude any and all such children or persons from said schools, said exclusion to continue for a period of twenty (20) days following the recovery or death of the person last afflicted in said house or family, and any such child and all such children or other persons as aforesaid before being permitted to attend or return to school shall furnish to said principal or other person in charge of said school a certificate signed by said medical attendant, of any such child, children or persons, or by a physician to be designated by the health authorities setting forth that the twenty (20) days mentioned in this section have fully expired. Nor shall any member of the household of those suffering from any of said diseases attend to his or her business, if it is of a public character, unless the quarantine rules of the City Health Department in such cases are complied with. Provided, however, the Health Officer may, in mild or severe types of said diseases, shorten or lengthen such time of exclusion, as the case may require.

§ 9. No person suffering from any of the diseases named in section one (1) of this ordinance, to-wit, diphtheria, diphtheritic croup, scarlet fever, smallpox, varioloid, cerebro-spinal meningitis, shall permit himself or herself to be exposed in any public street or place, or in any manner aid in spreading their malady. Nor shall any such person enter a public conveyance without first notifying the owner, driver or person in charge, who shall provide for its disinfection before again permitting its use.

§ 10. No person who shall be affected with smallpox, varioloid or other disease mentioned in this ordinance shall depart or be removed from the house or building in which he or she shall

first become so sick or infected, except for the purpose of being removed to a hospital for contagious diseases, without the permission of the Health Officer. Nor shall any person remove or cause to be removed or assist in removing any person so sick or infected from any house or building contrary to this ordinance or any provision thereof.

§ 11. Any physician, undertaker, principal, head of family, or other person or persons, as aforesaid, who shall fail, neglect, or refuse to comply with, or who shall violate any of the provisions or requirements of this ordinance, or of the rules and regulations of the aforesaid health authorities, under and by virtue of the provisions of this ordinance, shall, for every offense, upon conviction thereof before the City Court, be fined not less than ten (\$10) nor more than fifty dollars (\$50) for each offense. Each day he fails, refuses or neglects the same to be a separate offense.

§ 12. That every person who shall have smallpox, and refuse, on the demand of the Health Officer, to be sent or taken to the Eruptive Hospital, or to remain at said hospital, after being sent or taken thereto, during his or her illness from said disease, or before being discharged therefrom by its superintendent, shall, for every offense, upon conviction thereof before the City Court, be fined not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50) for each offense.

§ 13. It shall be the duty of all inhabitants of the city of Louisville, who have not been vaccinated, or, if vaccinated not successfully, to procure their own vaccination, or revaccination, as the case may be, within ten days from the passage of this ordinance, and all persons who shall fail, or refuse, to comply with this section of this ordinance within the time prescribed herein, or shall fail, or refuse, on the demand of the Health Officer, to submit to vaccination by him, or by the physician of the Eastern, Western, or Central district, or some other reputable physician of the city of Louisville, shall be fined in any sum, not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense.

§ 14. No principal of any school, and no principal or teacher of any private, sectarian, parochial, or other school, shall admit to any school any child or minor who shall not have been prop-

erly vaccinated. The evidence of such vaccination shall be a certificate by the Health Officer or any practicing physician.

§ 15. The Health Officer is hereby empowered to visit any and all public, private and parochial schools in the city, and to make or cause to be made any examination of the children and minors in attendance therein as often as he may deem necessary to secure compliance with the provisions of this ordinance.

§ 16. Any person violating the laws of vaccination shall for every offense upon conviction thereof before the City Court be fined not less than (\$5), nor more than fifty (\$50) dollars, and shall also be liable to a like fine for every ten (10) days thereafter they shall delay having the operation of vaccination performed.

§ 17. The Physicians of the Eastern, Western and Central districts shall render medical treatment to the indigent residents and shall vaccinate all residents of said city, who shall desire it, free of charge, and make monthly reports to the Health Officer.

§ 18. An ordinance approved February 6, 1899, and entitled "An ordinance to prevent the spreading of infectious and contagious diseases," is hereby repealed. And any or all acts or ordinances in conflict herewith are also hereby repealed.

§ 19. This ordinance shall take effect from and after its publication. (*Approved April 29, 1912.*) (See also *Burial of the Dead; Embalming; Milk; Nuisances; Sanitation; (2) Second Hand Dealers; Spitting.*)

(4) DISEASES.

To Prevent the Spread Thereof in Public Places.

AN ORDINANCE to prevent the spread of communicable diseases in public places.

Be it ordained by the General Council of the city of Louisville:

§ 1. No parent, guardian or other person having control of any child or children shall allow or permit any such child or children to go from any house or building infected with diphtheria, membranous croup, scarlet fever, or any other communicable disease dangerous to the public health, to attend any church,

public meeting, or place of amusement, or to travel or appear on any public street or highway, or on any vessel or steamer, without first securing a permit from the Department of Health of the city of Louisville and without compelling such child or children to make a complete change of clothing.

§ 2. It shall be unlawful for any member of a family or household in which there is a case of diphtheria, membranous croup, scarlet fever, or any other communicable disease dangerous to the public health, and who has been exposed thereto, to attend any church, public meeting or place of amusement, or to travel or appear on any public street or highway, or on any vessel or steamer, without first making a complete change of clothing and procuring a permit from the Health Department of the city of Louisville.

§ 3. Any person violating any provision of this ordinance shall be liable upon conviction to a fine of not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense.

§ 4. This ordinance shall take effect from and after its passage. (*Approved March 7, 1914.*)

(5) DISEASES.

Venereal, to Prevent Spread Thereof.

AN ORDINANCE to prevent the spread of venereal diseases.
Be it ordained by the General Council of the city of Louisville:

Venereal Diseases Declared Dangerous to the Public Health—
Syphilis, gonorrhoea, and chancroid, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health.

§ 1. Venereal Diseases to be Reported.

Any physician or other person who makes a diagnosis in, or treats, a case of syphilis, gonorrhoea, or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution, in which there is a case of venereal disease, shall report such case immediately in writing to the Health Officer of the city of Louisville, stating the name and

address or the office number, age, sex, color, and occupation of the diseased person, and the date of onset of the disease and the probable source of the infection, provided, that the name and address of the diseased person need not be stated except as hereinafter specifically required. The report shall be inclosed in a sealed envelope and sent to the Health Officer of the city of Louisville, who shall report at least once in every three months on the prescribed form to the State Board of Health, all cases reported to him.

§ 2. Patients to be Given Information.

It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhoea, or chancroid, to instruct him in a measure for preventing the spread of such disease, and inform him of the necessity for treatment until cured.

§ 3. Investigation of Cases.

The city Health Officer shall use every available means to ascertain the existence of, and to investigate all cases of syphilis, gonorrhoea, and chancroid within the city of Louisville, and to ascertain the source of such infections. The health officer is hereby empowered and directed to make such examinations of persons reasonably suspected of having syphilis, gonorrhoea, or chancroid, as may be necessary for carrying out these regulations. Owing to the prevalence of such diseases among prostitutes and persons associated with them, all such persons are to be considered within the above class.

§ 4. Protection of Others From Infection by Venereally Diseased Persons.

Upon receipt of a report of a case of venereal disease it shall be the duty of the Health Officer to institute measures for the protection of other persons from infection by such venereally diseased person.

(a) The Health Officer is authorized and directed to quarantine persons who have, or are reasonably suspected of having syphilis, gonorrhoea, or chancroid, whenever, in the opinion of said Health Officer, or the State Board of Health, or its secre-

tary, quarantine is necessary for the protection of the public health. In establishing quarantine the Health Officer shall designate and define the limits of the area in which the person known to have, or reasonably suspected of having syphilis, gonorrhoea or chancroid, and his immediate attendant are to be quarantined, and no person other than the attending physicians shall enter or leave the area of quarantine without the permission of the Health Officer.

Every breach of such quarantine and every refusal to abide by it shall be considered a violation of this ordinance and each hour such breach or refusal continues shall be considered a separate violation.

No one but the Health Officer shall terminate said quarantine, and this shall not be done until the diseased person has become noninfectious, as determined by the local Health Officer or his authorized deputy through the clinical examination and all necessary laboratory tests, or until permission has been given him so to do by the State Board of Health or its secretary.

(b) The local Health Officer shall inform all persons who are about to be released from quarantine for venereal disease, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured before release from quarantine shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the Health Officer:

"I, residing at., hereby acknowledge the fact that I am at this time infected with. and agree to place myself under the medical care of. within. hours, and that I will remain under the treatment of said physician or clinic until released by the Health Officer of the city of Louisville or until my case is transferred with the approval of said Health Officer to another regularly licensed physician or an approved clinic.

I hereby agree to report to the Health Officer within four days after beginning treatment as above agreed, and will bring with me a statement from the above physician or clinic of the medical treatment applied in my case, and thereafter will report as often as may be demanded of me by the Health Officer.

I further agree that I will take all precautions recommended by the Health Officer to prevent the spread of the above disease

to other persons, and that I will not perform any act which would expose other persons to the above disease.

I agree until finally released by the Health Officer, to notify him of any change of address and to obtain his consent before moving my abode outside his jurisdiction.

.....
(Signature)

.....
(Date)

All persons signing the above agreement shall observe its provisions, and any failure so to do shall be a violation of this ordinance. All such agreements shall be filed with the Health Officer and kept inaccessible to the public as provided in Rule 10.

§ 5. Conditions Under Which the Name of a Patient is Required to be Reported.

(a) When a person applies to a physician or other person for the diagnosis or treatment of syphilis, gonorrhoea, or chancroid, it shall be the duty of the physician or person so consulted to inquire of and ascertain from the person seeking such diagnosis or treatment whether such person has theretofore consulted with or has been treated by any other physician or person last consulted. It shall be the duty of the applicant for diagnosis or treatment to furnish this information, and a refusal to do so or a falsification of the name and address of such physician or person consulted by such applicant shall be deemed a violation of this ordinance. It shall be the duty of the physician or other person whom the applicant consults to notify the physician or other person last consulted of the change of advisors. Should the physician or person previously consulted fail to receive such notice within ten days after the last date upon which the patient was instructed by him to appear, it shall be the duty of such physician or person to report to the local Health Officer the name and address of such venereally diseased person.

(b) If an attending physician or other person knows or has good reason to suspect that a person having syphilis, gonorrhoea, or chancroid is so conducting himself or herself as to expose other persons to infection, or is about so to conduct himself or

herself, he shall notify the Health Officer of the name and address of the diseased person and the essential facts in the case.

§ 6. Druggist Forbidden to Prescribe for Venereal Diseases.

No druggist or other person not a physician licensed under the laws of the State shall prescribe or recommend to any person any drugs, medicines, or other substances to be used for the cure or alleviation of gonorrhoea, syphilis, or chancroid, or shall compound any drugs or medicines for said purpose from any written formula or order not written for the person for whom the drugs or medicines are compounded and not signed by a physician licensed under the laws of the State.

§ 7. Spread of Venereal Disease Unlawful.

It shall be a violation of this ordinance for any infected person knowingly to expose another person to infection with any of the said venereal diseases or for any person to perform an act which exposes another person to infection with venereal diseases.

§ 8. Prostitution to Be Repressed.

Prostitution is hereby declared to be a prolific source of syphilis, gonorrhoea, and chancroid, and the repression of prostitution is declared to be a public health measure. The Health Officer is therefore directed to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

§ 9. Giving Certificates of Freedom From Venereal Diseases Prohibited.

Physicians, health officers, and all other persons are prohibited from issuing certificates of freedom from venereal disease, provided this rule shall not prevent the issuance of necessary statements of freedom from infectious diseases written in such form or given under such safeguards that their use in solicitation for sexual intercourse would be possible.

§ 10. Records to Be Secret.

All information and reports concerning persons infected with venereal diseases shall be inaccessible to the public except in so far as publicity may attend the performance of the duties imposed by these regulations and by the laws of the State.

§ 11. The duties and authority herein imposed on and given the Health Officer may be performed and exercised by any of his assistants.

§ 12. Any person violating any of the provisions of this ordinance shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars.

§ 13. This ordinance shall take effect from and after its passage. (*Approved July 3, 1918.*)

(6) DISEASES.

Typhoid Fever Bacteriological Examination.

AN ORDINANCE requiring the bacteriological examination of feces and urine of recovered typhoid fever patients.

Be it ordained by the General Council of the city of Louisville:

§ 1. Every physician attending a case of typhoid fever shall at least ten days after the patient's temperature becomes normal submit specimens of the patient's urine and feces to the Health Department for bacteriological examination.

§ 2. If, in any case, typhoid bacilli are found to be present in such urine or feces the convalescent from whom the specimens were obtained shall not resume his or her occupation without the permission of the Health Department.

§ 3. Any person violating or assisting in the violation of any part or parts of this ordinance, shall, upon conviction, be fined not less than five (\$5) or more than fifty (\$50) dollars, and each day's continuance of the violation shall constitute a separate offense.

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

§ 5. This ordinance shall take effect upon its passage. (*Approved October 6, 1917.*)

DISORDERLY CONDUCT.

AN ORDINANCE concerning disorderly conduct in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whoever shall be found guilty of disorderly conduct in the city of Louisville shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50), or imprisoned in the city workhouse not exceeding thirty (30) days, or both so fined and imprisoned in the discretion of the judge or jury trying the case; and when imprisonment is prescribed by the judge or jury trying the case it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor.

§ 2. That in addition to imposing a fine, the Police Court may hold the offender to bail in a sum not exceeding one thousand (\$1,000) dollars to keep the peace, or be of good behavior for any length of time not exceeding one year.

§ 3. Should the offender fail to give bond or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail be given, or until the time fixed by the judgment shall have expired and the fine be paid or satisfied by labor as provided by law.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from its passage.
(Approved September 10, 1898.) (See also *Drunkenness.*)

(1) DOGS.

Poundkeepers and Salaries.

Board of Public Safety, Pound Keepers.

AN ORDINANCE concerning the Pound Keepers of the city of Louisville, Kentucky, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Pound Keepers within and for the city of Louisville, Kentucky, be and the same is hereby created and placed under the Board of Public Safety, as authorized by law.

§ 2. There may be in said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance and no more; and their salaries and compensation, to be approved by the Board of Public Safety, to be no more than the sums fixed by this ordinance, and the payrolls for said departments shall be made up, certified and registered and said salaries and compensations shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of payrolls, claims and salaries and not otherwise, to-wit:

POUND KEEPERS' DEPARTMENT.

1 pound keeper for Eastern district and 1 pound keeper for Western district at \$50.00 per month, each being at the rate of \$600 per annum.....	\$1,200.00
2 employes	\$1,200.00

§ 3. The Board of Public Safety, in case of emergency and with the approval of the Mayor, shall have the power to employ additional help in the Pound Keepers' Department, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular payroll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved November 11, 1913, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensations of the officers and employes therein," and all ordinances and parts of ordinances in conflict therewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved March 16, 1918.*)

(2) DOGS.**Harboring Vicious Dogs.**

AN ORDINANCE prohibiting the harboring of vicious dogs in the city.

Be it ordained by the General Council of the city of Louisville:

If any person shall, within the limits of said city, harbor or keep any animal of the dog kind that shall bite or fiercely attack any person whatever, such animal at the time of said biting or attack not being within the owner's enclosure, such person so harboring or keeping said animal shall, on conviction thereof before the City Court, be fined in any sum not exceeding one hundred (\$100) dollars; and, if any person so convicted shall continue to harbor or keep said animal within the limits of said city, and said animal shall again bite or fiercely attack any person in the manner aforesaid, the person so harboring or keeping said animal shall, on conviction thereof, be fined a like sum, and on any like conviction shall, from time to time, be fined in like manner, provided that this action shall not extend to a case where the person shall break or enter without permission into any enclosure, and shall be pursued therefrom by any such animal. If the owner shall suffer or permit on his lot or premises the loud and frequent or continued barking, howling, or yelping of any animal of the dog kind, so as to annoy and disturb any neighbors, such owner shall, on conviction, be fined in any sum not exceeding ten (\$10) dollars. (*Approved January 29, 1859.*)

(3) DOGS.**Muzzling and Impounding.**

AN ORDINANCE requiring the muzzling and impounding of dogs in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any dog to run at large upon the streets and public ways of the city of Louisville without having attached to the neck of said dog a license tag issued by the Sinking Fund Commissioners of the city of Louisville, showing that the license has been paid on said dog.

§ 2. That it shall be unlawful for any owner or person in charge of a dog in the city of Louisville to permit such dog to be led or to run at large, or be or remain away from the premises of such owner or person in charge thereof, without first having securely muzzled such dog during the months of June, July, August and September of each year.

§ 3. That it shall be the duty of every police officer of the city of Louisville to take and impound, or cause to be impounded, every dog running at large in violation of sections 1 and 2 of this ordinance.

§ 4. Any person over 21 years of age other than a police officer may take and impound at one of the City Pounds any such dog running at large in violation of sections 1 and 2 of this ordinance, and the Pound Keeper shall give to such person a receipt for every dog received from such person, and upon presentation of such receipt to the Secretary and Treasurer of the Sinking Fund, such person shall be entitled to receive from such Secretary and Treasurer of the Sinking Fund the sum of twenty-five cents.

§ 5. It shall be the duty of the Pound Keeper to make a report every day to the Secretary and Treasurer of the Sinking Fund, giving a description of the dogs taken up, and if a dog is a licensed dog, giving the number of said tag, and said list shall be posted in the office of the Commissioners of the Sinking Fund.

§ 6. Any owner wishing to redeem any unlicensed dog shall pay to the Secretary and Treasurer of the Sinking Fund the amount of the license for said dog and a redemption fee of fifty cents. Upon presentation to such Pound Keeper of the said receipt of said Secretary and Treasurer of the Sinking Fund for the above amount, said dog shall be released by such Pound Keeper after the owner or person redeeming has first caused said dog to be securely muzzled.

§ 7. The owner wishing to redeem any licensed dog shall pay to the Secretary and Treasurer of the Sinking Fund a redemption fee of fifty cents, and upon the presentation to the Pound Keeper of the receipt of said Secretary and Treasurer of the Sinking Fund said dog shall be released, provided the said dog is securely muzzled by the owner or person redeeming before said dog is removed from the pound.

§ 8. If at the end of three days from the time of impounding, any dog remains unredeemed the keeper of the pound shall certify the same to the judge of the City Court of Louisville, who shall fix a day for the hearing of the matter, of which time the owner of said dog, if he be known, shall have three days' notice. If upon the trial of such matter it shall be adjudged that said dog was at large in the city of Louisville contrary to law, and that said dog has remained unredeemed for three days, an order shall be entered in said court directing said Pound Keeper to sell said dog at public outcry at the pound to the highest and best bidder, advertising the time, terms and place of sale for three days by three posters, one at the pound, one at the office of the Secretary and Treasurer of the Sinking Fund, and one at the door of the Jefferson County Court House. Said sale shall be for cash. If no one bids for any dog thus put up at auction, the said Pound Keeper shall immediately kill said dog by means of charcoal fumes.

§ 9. The Board of Public Safety is hereby authorized to purchase or cause to be purchased charcoal for the use of the Pound Keepers in killing the dogs provided for in the foregoing section.

§ 10. The Pound Keepers shall make a monthly report to the Secretary and Treasurer of the Sinking Fund, giving a description of all dogs taken up and by whom, those redeemed and by whom, those bought and by whom and the price paid, and those killed, which statements shall be verified by the said Pound Keepers. All sums paid to said Pound Keepers by purchasers of dogs which may be sold under section 8 of this ordinance shall be by him paid to the Secretary and Treasurer of the Sinking Fund.

§ 11. Any person who shall entice any dog out of the enclosure of the possessor of such dog, or who shall remove his muzzle, or shall bring into the city any dog, muzzled or unmuzzled, for the purpose of taking up and impounding the same, or who shall purchase any dog when sold by the Pound Keeper for the purpose of impounding the same, shall on conviction be fined not less than five (\$5) nor more than fifty (\$50) dollars. It shall be unlawful for a Pound Keeper to receive a dog from a person under 21 years of age, and for each violation of this

provision he shall be subject to a fine of not less than \$5.00 or more than \$25.00.

§ 12. It shall be the duty of police officers of the city of Louisville to kill any dangerous or vicious dog which may be running at large contrary to the provisions of this ordinance, provided such dog can not be safely taken up and impounded.

§ 13. The word dog shall include and mean the singular and plural, and male and female.

§ 14. Any person violating any of the provisions of sections 1 or 2 of this ordinance shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five (\$5) nor more than twenty-five (\$25) dollars.

§ 15. An ordinance entitled "An ordinance in relation to unlicensed dogs," approved October 8, 1895, and all other ordinances in conflict herewith are hereby repealed.

§ 16. This ordinance shall take effect from and after its publication. (*Approved April 20, 1911.*) (See also *Animals.*)

(4) DOGS.

Muzzling and Impounding.

AN ORDINANCE requiring the muzzling and impounding of dogs in the city of Louisville, Ky.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any dog to run at large upon the streets and public ways of the city of Louisville without having attached to the neck of said dog a license tag, issued by the Sinking Fund Commissioners of the city of Louisville, showing that the license has been paid on said dog.

§ 2. That it shall be unlawful for any owner or person in charge of a dog in the city of Louisville to permit such dog to run at large, or be or remain away from the premises of such owner or person in charge thereof, without first having securely muzzled such dog.

§ 3. That it shall be the duty of every police officer of the city of Louisville to take and impound, or cause to be impounded, every dog running at large in violation of sections 1 and 2 of this ordinance.

§ 4. Any person other than a police officer may take and impound at one of the City Pounds any such dog so running at large in violation of sections 1 and 2 of this ordinance, and the Pound Keeper shall give to such person a receipt for every dog received from such person, and upon presentation of such receipt to the Secretary and Treasurer of the Sinking Fund, such person shall be entitled to receive from such Secretary and Treasurer of the Sinking Fund the sum of twenty-five cents.

§ 5. It shall be the duty of the Pound Keeper to make a report every day to the Secretary and Treasurer of the Sinking Fund giving a description of the dogs taken up, and if a dog is a licensed dog, giving the number of said tag, and said list shall be posted in the office of the Commissioners of the Sinking Fund.

§ 6. Any owner wishing to redeem any unlicensed dog shall pay to the Secretary and Treasurer of the Sinking Fund the amount of the license for said dog, and a redemption fee of fifty cents. Upon presentation to such Pound Keeper of the said receipt of said Secretary and Treasurer of the Sinking Fund for the above amount, said dog shall be released by such Pound Keeper, after the owner or person redeeming has first caused said dog to be securely muzzled.

§ 7. The owner wishing to redeem any licensed dog shall pay to the Secretary and Treasurer of the Sinking Fund a redemption fee of fifty cents, and upon the presentation to the Pound Keeper of the receipt of said Secretary and Treasurer of the Sinking Fund said dog shall be released, provided the said dog is securely muzzled by the owner or person redeeming before said dog is removed from the pound.

§ 8. If at the end of three days from the time of impounding any dog remains unredeemed, the keeper of the pound shall certify the same to the Judge of the City Court of Louisville, who shall fix a day for the hearing of the matter, of which time the owner of said dog, if he be known, shall have three days' notice. If upon the trial of such matter it shall be adjudged that said dog was at large in the city of Louisville contrary to law and that said dog has remained unredeemed for three days, an order shall be entered in said court directing said Pound Keeper to sell said dog at public outcry at the pound to the highest and best bidder, advertising the time, terms and place of sale for three days by three posters, one at the pound, one at the office

of the Secretary and Treasurer of the Sinking Fund, and one at the door of the Jefferson County Courthouse. Said sale shall be for cash. If no one bids for any dog thus put up at auction, the said Pound Keeper shall immediately kill said dog by means of charcoal fumes.

§ 9. The Board of Public Safety is hereby authorized to purchase, or cause to be purchased, charcoal for the use of the Pound Keepers in killing the dogs provided for in the foregoing section.

§ 10. The Pound Keepers shall make a monthly report to the Secretary and Treasurer of the Sinking Fund, giving a description of all dogs taken up and by whom, those redeemed and by whom, those bought and by whom, and the price paid and those killed, which statements shall be verified by said Pound Keepers. All sums paid to said Pound Keepers by purchasers of dogs which may be sold under section 8 of this ordinance shall be by him paid to the Secretary and Treasurer of the Sinking Fund.

§ 11. Any person who shall entice any dog out of the enclosure of the possessor of such dog, or who shall remove his muzzle, or shall bring into the city any dog, muzzled or unmuzzled, for the purpose of taking up and impounding the same, or who shall purchase any dog when sold by the Pound Keeper for the purpose of impounding the same, shall on conviction be fined not less than five (\$5) nor more than fifty (\$50) dollars.

§ 12. It shall be the duty of police officers of the city of Louisville to kill any dangerous or vicious dog, which may be running at large contrary to the provisions of this ordinance, provided such dog can not be safely taken up and impounded.

§ 13. The word dog shall include and mean the singular and plural, and male and female.

§ 14. Any person violating any of the provisions of sections 1 and 2 of this ordinance shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than five (\$5) nor more than twenty-five (\$25) dollars.

§ 15. An ordinance entitled "An ordinance in relation to unlicensed dogs," approved October 8, 1895, and all other ordinances in conflict herewith are hereby repealed.

§ 16. This ordinance shall take effect from and after its publication. (*Approved February 24, 1912.*)

(1) DRAINS.

Application to Connect Private Drains.

AN ORDINANCE relating to private drains.

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter any person designing to have a drain connected with any sewer in the city of Louisville shall make application to the chief engineer of the Board of Public Works on a blank form furnished by the said engineer. The chief engineer shall then furnish an estimate of the cost of said drain, including in said estimate all expenses connected therewith, and a liberal margin for all possible contingencies, and the applicant shall make a special deposit of the amount of said estimate with the City Treasurer, who shall issue a certificate of deposit in duplicate, the original of which shall be retained by the applicant, and the duplicate filed with the chief engineer.

§ 2. Upon said duplicate being filed, the chief engineer shall have the drain laid from the sewer to the property line of the party applying therefor, and at the end of the current month shall certify to the applicant by postal card the excess of the deposit over the actual cost of said drain, and said excess shall be refunded to the party by voucher, furnished by the chief engineer, approved by the Board of Public Works and registered by the Comptroller. The postal card mailed to the applicant by the chief engineer, notifying him of the amount of rebate, shall be a sufficient voucher when paid by the City Treasurer.

§ 3. To enable the chief engineer to carry out the provisions of sections 1 and 2 of this ordinance, the Board of Public Works is hereby authorized to employ men competent to do such work, and shall keep a record of all the transactions connected with the laying of said drains.

§ 4. The money received by the Treasurer for the laying of the drains shall be kept as a special account, and credited to the account of private drains, and shall be used to pay off all liabilities incurred for laying drains, and for no other purpose. Said money is in no wise to be considered or construed as the money of the city of Louisville.

§ 5. The chief engineer is hereby empowered to fix the grades, inclinations and depths of all drains within the limits of the street or other public highway.

§ 6. All ordinances in conflict herewith be and are hereby repealed.

§ 7. This ordinance shall take effect from and after its publication. (*Approved November 9, 1895.*)

(2) DRAINS.

Requiring Connection of Private Drains.

AN ORDINANCE requiring the connection of private drains with public sewers.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the inspector of buildings shall require each architect, contractor, builder, or other person who shall apply to him for a permit to erect any new building, or to repair an old building, to exhibit to him, before he shall issue to such person a permit, satisfactory evidence from the Board of Public Works that such applicant has connected or will, as soon as practicable, connect the private drain from the proposed building, or building to be repaired, with the public sewer, provided such building shall be erected on property abutting on a street or alley in which there is located such a sewer.

§ 2. That this ordinance shall take effect from and after its passage. (*Approved April 27, 1900.*) (See also *Sewers; Plumbing Code; Building Code.*)

DRUNKENNESS.

Punishment.

AN ORDINANCE punishing drunkenness in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whoever shall be found guilty of drunkenness in the city of Louisville shall be fined not less than five (\$5) nor more than twenty (\$20) dollars for each offense.

§ 2. That, in addition to imposing a fine, the Police Court may hold the offender to bail in a sum not exceeding one thousand (\$1,000) dollars to keep the peace, or be of good behavior for any length of time not exceeding one year.

§ 3. Should the offender fail to give bond, or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail shall be given, or until the time fixed by judgment shall have expired, and the fine be paid or satisfied by labor, as provided by law.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from its publication. (*Approved July 13, 1896.*) (See also *Disorderly Conduct.*)

EGGS.

Regulating the Handling and Labeling Thereof.

AN ORDINANCE regulating the handling and labeling of eggs and providing penalties for the violation thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons, firm or corporation to sell, expose for sale or have in their possession for sale in the city eggs that are not properly labeled and which have not been candled and found to be in good condition within four (4) days previous to the time of sale by a licensed egg candler to be licensed by the Health Officer of the city of Louisville.

§ 2. Storage eggs to be properly labeled and candled must have attached to the container from which they are sold a printed label bearing the words "Cold Storage Eggs" and the name of the month in which they were placed in cold storage, said label to be not less than ten (10) inches square with letters not less than two (2) inches in height and said eggs to be free from rots and spots and badly shrunken eggs.

§ 3. That it shall be the duty of the Health Officer of the city of Louisville without charge to grant license to every person qualified to candle eggs, who shall apply for same, giving him

a registered number, which number shall be stamped, together with the date and time of candling, on every package of eggs candled by said person.

§ 4. That it shall be the duty of the Health Officer to suspend the license of any candler for a period of six (6) months who shall misrepresent in any way the quality, kind or condition of eggs candled by him, and to cause a notice of such suspension of his or her permit to be published.

§ 5. That it shall be unlawful for any person or persons, firm or corporation to sell eggs in cases, boxes or other container bearing the name of another person or persons, firm or corporation unless he or they be true and lawful agents of same.

§ 6. That it shall be unlawful for any person or persons, firm or corporation to transfer eggs from properly labeled case, box or package to another, except to one bearing their own name and label, thereby assuming entire responsibility for the condition of said eggs.

§ 7. Any person, firm, company or corporation which shall violate any of the provisions of this ordinance shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each separate offense.

This ordinance shall take effect from and after its publication. (*Approved April 23, 1913.*) (Construed and upheld in *City of Louisville v. Henriott*, Jefferson Circuit Court, Criminal Division. See also *Food Adulteration and Misbranding.*)

ELECTRIC WIRING AND APPARATUS.

Installation and Supervision.

AN ORDINANCE concerning the installation and supervision of electric plants, machinery, appliances, wiring and apparatus in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all installments of electric plants, machinery, appliances, wiring, and apparatus in any house, building or other structure in the city of Louisville for the generation or utilization of electricity for light or power shall be constructed and installed in conformity to the rules, regulations and require-

ments of the National Electrical Code of the National Board of Fire Underwriters for the installation of electric wiring and apparatus, and of the future modifications of said code, a copy of which is filed and shall be kept on file in the office of the Board of Public Safety.

§ 2. That there shall be appointed by the Mayor a qualified electrician, whose duty it shall be to inspect all premises where electric plants, machinery, appliances, wiring and apparatus for light or power shall be located, or where the location of the same may be proposed, to issue permits for the installation or use of electric plants, machinery, appliances, wiring and apparatus for light or power in the city of Louisville, and to issue certificates afterward that such installations are in accordance with the rules, regulations and requirements of said National Electrical Code.

§ 3. That the construction of any electric plant, machinery, appliances, wiring or apparatus, or the installation of the same for light or power shall not be commenced in any house, building or other structure in the city of Louisville until a permit has been issued therefor by the electrical inspector, and no electrical current or currents shall be put in use in such installation until a certificate shall have been issued by the electrical inspector stating that the installation is in full compliance with the rules, regulations and requirements of said National Electrical Code, nor until a permit has been issued by said inspector for the use of electrical currents in said installation.

§ 4. It shall be the duty of the electrical inspector, under the direction of the Board of Public Safety, to inspect or cause to be inspected, all premises, houses, buildings or other structures in the city of Louisville, when in course of construction or erection, to see that the electric plants, machinery, appliances, wiring or apparatus for light or power therein conform to the rules, regulations and requirements of said National Electrical Code.

It shall further be the duty of said inspector during reasonable hours, on application to him by the owner or occupant, or by the Louisville Board of Fire Underwriters, or upon the complaint under oath of any reputable citizen, to inspect or cause to be inspected any premises, house, building or other structure, wherein is located any electrical plant, machinery, appliance,

wiring or apparatus for light or power, and to examine the same to ascertain whether or not such plant, machinery, appliance, wiring or apparatus has been constructed or installed in conformity to the rules, regulations and requirements of said National Electrical Code, or at the time of said inspection conforms to said code, or is dangerous or defective in any manner; and wherever such plant, machinery, appliance, wiring, or apparatus shall be found to be dangerous or defective, it shall be the duty of the owner or occupant of such premises, house, building or other structure, upon written notice by said inspector, to remedy within a reasonable time, to be fixed in said notice, the said defect or dangerous condition and to conform to the rules, regulations and requirements of said National Electrical Code, in such manner as shall be directed by said inspector and under his supervision.

Provided, that if such owner or occupant, or the agent of either, shall within five days from the date of the service or receipt of such notice from said inspector, protest in writing against any required improvement or change, and shall deposit with the City Treasurer the sum of twenty (\$20) dollars, to cover the expense of re-examination, it shall be the duty of the Board of Public Safety to designate two additional electricians together with said electrical inspector to make a re-examination, and if the Board of Public Safety approve a decision against the protestant, the said board shall cause said protestant or his agent to be notified of the decision, and the work ordered by the inspector aforesaid shall be commenced within five days after the receipt or service of said notice, and be completed within a reasonable time. Should the owner or occupant, or the agent of either, neglect or refuse to comply with the notice of said inspector or of said board in case a protest is filed as aforesaid, it shall then be the duty of said inspector to report said neglect or refusal to said board, and for each violation of any provision of this ordinance by the owner or occupant of any premises, house, building or other structure, or the agent of either, he shall be subject to a fine of ten (\$10) dollars, and each day such installation is used or operated in violation of any provision of this ordinance shall constitute a separate offense.

§ 5. That the annual salary of said electrical inspector shall be \$1,500, to be paid in monthly installments.

§ 6. That this ordinance shall not apply to the electrical plants, machinery, appliance, wiring or apparatus for the generation or utilization of electricity for light or power owned or operated in the city of Louisville by any street car company or any railroad company using electricity for motive power.

§ 7. That this ordinance shall take effect from and after its passage. (*Approved August 24, 1904.*) (See (5) *License; Underground Wires.*)

ELECTRIC CONTRACT.

Between the City and H. M. Byllesby & Co.

AN ORDINANCE authorizing the Mayor of the city of Louisville on behalf of said city to enter into and execute a contract with H. M. Byllesby & Company with reference to certain public utility companies operating in said city, to-wit: Louisville Lighting Company, Kentucky Electric Company, Louisville Gas Company, Kentucky Heating Company and all other lighting companies now controlled by H. M. Byllesby & Company, and providing for the carrying out of the terms and conditions of said contract.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville for and on behalf of said city be and he is hereby authorized, empowered and directed to enter into and execute a contract with H. M. Byllesby & Company, a corporation organized and existing under the laws of the State of New Jersey, in words and figures as follows, to-wit:

This agreement made this ——— day of March, 1913, by and between the city of Louisville, a municipal corporation, party of the first part, and H. M. Byllesby & Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey, party of the second part, witnesseth:

That whereas, The city of Louisville is desirous of obtaining for the use of its citizens a larger supply of natural gas and to secure for its citizens the benefits to be derived from obtaining such natural gas at a price lower than the cost of manufactured gas, and for that purpose it intends to offer for sale a franchise providing for furnishing such a supply of gas, and

Whereas, The party of the second part controls a majority of the stock of the Louisville Lighting Company and is desirous of obtaining the physical properties of the Kentucky Electric Company and is willing to bid for said natural gas franchise and to bring said natural gas to Louisville and furnish the same to the citizens of Louisville, and

Whereas, The city of Louisville is desirous of fixing a maximum rate at which electricity shall be furnished in the city of Louisville,

Now, therefore, in consideration of the privileges herein granted to said H. M. Byllesby & Company and of the permission of said city of Louisville to H. M. Byllesby & Company to acquire the physical properties of the Kentucky Electric Company and operate the same in conjunction with the properties of the Louisville Lighting Company, it is agreed by and between the parties hereto as follows:

First. (A) The city of Louisville will create and forthwith offer for sale a franchise for the furnishing of natural gas and manufactured gas in the form hereto annexed and marked Exhibit "A."*

(B) The city of Louisville consents to the acquiring by or in the interest of said H. M. Byllesby & Company of the capital stock and property of the Kentucky Electric Company and in the event of such acquisition hereby releases said Kentucky Electric Company, its stock and its property, from the prohibitions contained in section 6 of the franchise of said Kentucky Electric Company, said section being in words and figures as follows, to-wit: "The company shall not sell out to, make joint stock with or pass under the control of any competing company, nor shall it by any device enter into any arrangement which will prevent bona fide competition in the furnishing of electricity, and in case the company shall violate this section the franchise herein granted shall become void;" and the city of Louisville agrees to dismiss the action now pending in the Jefferson Circuit Court, No. 73162, and entitled City of Louisville vs. Kentucky Electric Company, and agrees to a dissolution of the injunction heretofore issued in said cause, provided, however, that the provisions of this contract consenting to the acquisition

*See (2) Franchise.

by or in the interest of said H. M. Byllesby & Company of the capital stock and property of the Kentucky Electric Company shall not be effective unless the said H. M. Byllesby & Company, or some corporation controlled by it shall become the purchaser of the natural gas franchise provided for herein and shall execute bonds in the sum of three hundred thousand (\$300,000.00) dollars in all required in sections 6 and 7 of said franchise.

Second. H. M. Byllesby & Company for and in consideration of the covenants herein contained and privileges herein granted by said city of Louisville for and on behalf of itself and its successors provided for in section 5 hereof agrees,

(A) That it will bid, or cause to be bid at the sale of the natural gas franchise offered by said city hereinbefore referred to, at least the upset price fixed in said franchise and in the event that it acquires said franchise directly or indirectly it will cause the terms of said franchise to be carried out and natural gas to be brought to the city of Louisville and furnished the inhabitants thereof as in said franchise provided.

(B) That it will cause the Louisville Lighting Company in the event that company acquires the property of the Kentucky Electric Company or will cause any corporation which shall acquire the franchise or property of the Louisville Lighting Company and the property of the Kentucky Electric Company, and any other lighting companies now controlled by said H. M. Byllesby & Company, to abide by the terms of the following ordinances when duly passed by the General Council of the city of Louisville and approved by its Mayor, and to furnish the inhabitants of said city and said city electricity for lighting and power purposes at a price not to exceed the rates therein named upon the acquisition of said property of the said Kentucky Electric Company as aforesaid, to-wit:*

AN ORDINANCE fixing the maximum rates to be charged for electricity in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person, firm or corporation operating, conducting or maintaining a plant for the generation of electricity shall charge more for said electricity than the following rates, which

*See Electricity Charges.

are hereby fixed, established and ordained to be the maximum rates for electricity in the city of Louisville.

1 to 150 k. w. h. per month 8 cents per k. w. h., less 5 per cent. for prompt payment, 7.60 net.

150 to 300 k. w. h. per month 7 cents per k. w. h., less 5 per cent. for prompt payment, 6.65 net.

300 to 500 k. w. h. per month 6 cents per k. w. h., less 5 per cent. for prompt payment, 5.70 net.

500 k. w. h. per month 5 cents per k. w. h., less 5 per cent. for prompt payment, 4.75 net.

Power, maximum, per month 4 cents per k. w. h.

§ 2. That any person, firm or corporation violating any provision of this ordinance or charging a higher rate for electricity than is fixed by this ordinance shall be subject to a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars for each offense. The charge to each person for electricity in excess of the rates herein fixed and each month that such charge is made in excess of the rates herein fixed shall constitute a separate offense.

§ 3. This ordinance shall take effect from and after its passage.

(C) The rates for electricity shall be uniform for equal service, and rates for power shall be the same to all consumers using equal amounts of electricity, under similar conditions, as to the time of the maximum load, and the relation of maximum load to the average. All rates for electricity shall be filed with the Board of Public Works of the city of Louisville and be open for public inspection. The company may make special contracts with consumers at rates based upon the amount of electricity used and the conditions of the contract, which special rates may be less than those charged to consumers taking a smaller amount of electricity or taking electricity under different conditions, but said special rates shall be the same to all consumers using a like amount of electricity under the same contract conditions. A schedule of such special rates and contract conditions shall be filed with the Board of Public Works and each and every change therein shall also be filed with the Board of Public Works and be open to public inspection.

All meters shall be furnished, owned and maintained at the cost of H. M. Byllesby & Company, and the city of Louisville

shall make reasonable regulations, by ordinance, for testing and inspecting the same.

(D) That it will cause said Louisville Lighting Company in the event that company acquires the property of the Kentucky Electric Company or will cause any corporation which shall acquire the franchise or property of the Louisville Lighting Company and the property of the Kentucky Electric Company to furnish to the city of Louisville street lamps and electricity therefor at a price not to exceed the following rates, to-wit: -

All street lamps of the latest and most approved pattern consuming a current of not less than 320 watts per hour at the pole furnished with current from underground wires not to exceed the rate of \$60.00 per lamp per year.

All street lamps of the latest and most approved pattern consuming a current of not less than 320 watts per hour at the pole furnished with current from overhead wires at a rate not to exceed \$56.00 per lamp per year.

The above rates regarding street lamps are based upon current consumption and the cost and maintenance of fixtures, and such changes or regulations may be made from time to time as may give the city the advantage of any inventions or improvements.

Third. The city of Louisville reserves the right to make reasonable regulations of rates for the use of electricity and for lamps for both private consumers and municipal purposes, and the capital stock or bond issue of said company shall not be considered in fixing said rates.

The city of Louisville, through agents selected by either the Mayor or the General Council, shall have the right to examine the physical properties, books, records and contracts of said company, and all other facts affecting rates, at not more frequent intervals than every two years, beginning with the date of this contract, for the purpose of determining reasonable rates to be charged for electricity.

Fourth. This contract between the parties hereto shall be for a term of twenty (20) years from the date hereof.

Fifth. It is further agreed between the parties hereto that it is intended to substitute for H. M. Byllesby & Company as a party hereto the corporation which shall acquire the properties of the Louisville Gas Company, the Louisville Lighting Com-

pany, the Kentucky Heating Company and the Kentucky Electric Company, and any other lighting companies now controlled by H. M. Byllesby & Company, and when such corporation shall bind itself to carry out the terms of this agreement with the city of Louisville in the place of H. M. Byllesby & Company, H. M. Byllesby & Company shall be released from all liability hereunder.

In witness whereof, the said city has, pursuant to ordinance of its General Council, caused this contract to be executed in its name and on its behalf by its Mayor, and the said H. M. Byllesby & Company has, pursuant to resolution of its Board of Directors, caused this contract to be executed in its corporate name and on its behalf by its vice president and its corporate seal to be hereunto affixed, the day and year first above written.

CITY OF LOUISVILLE,

By Mayor

H. M. BYLLESBY & COMPANY,

By President

§ 2. That the Mayor and proper officers of the city of Louisville be and they are hereby authorized, empowered and directed to take all steps and do all things which may be necessary or proper to carry out the terms and conditions of this contract.

§ 3. This ordinance shall take effect from and after its passage. (*Approved March 29, 1913.*)

(See also (2) *Franchises; Gas and Electricity Inspection.*)

ELECTRICITY CHARGES.

Regulation of Rates.

AN ORDINANCE fixing the maximum rates to be charged for electricity in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person, firm or corporation operating, conducting or maintaining a plant for the generation of electricity shall charge more for said electricity than the following rates which are hereby fixed, established and ordained to be the maximum rates for electricity in the city of Louisville:

1 to 150 k. w. h. per month 8 cents per k. w. h., less 5 per cent. for prompt payment, 7.60 net.

150 to 300 k. w. h. per month, 7 cents per k. w. h., less 5 per cent. for prompt payment, 6.65 net.

300 to 500 k. w. h. per month, 6 cents per k. w. h., less 5 per cent. for prompt payment, 5.70 net.

500 k. w. h. per month, 5 cents per k. w. h., less 5 per cent. for prompt payment, 4.75 net.

Power, maximum, per month, 4 cents per k. w. h.

§ 2. That any person, firm or corporation violating any provision of this ordinance or charging a higher rate for electricity than is fixed by this ordinance shall be subject to a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars for each offense. The charge to each person for electricity in excess of the rates herein fixed and each month that such charge is made in excess of the rates herein fixed shall constitute a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved August 8, 1913.*) (See *Electric Contract*; also *Gas and Electricity Inspection.*)

EMBALMING.

AN ORDINANCE relating to the practice of embalming in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That for the better protection of life and health, and to prevent the spread of contagious diseases, there is hereby established and created a board to be known as the "Embalming Board of Louisville, Kentucky." Said board shall consist of the president of the Board of Public Safety, the Health Officer, the Jefferson county referee of the State Board of Health, the Coroner of Jefferson county, and one embalmer, who has had not less than five years' experience, to be selected by the embalmers of the city of Louisville. Each member shall serve during his official term of office, and be succeeded by his successor in office. The embalmer of this board shall serve two years, when his successor shall be named by the embalmers of the city. The Health Officer shall be chairman of said board.

§ 2. The said board shall from time to time adopt rules, regulations and by-laws, not inconsistent with the laws of the state, or of the United States, whereby the performance of the duties of said board and the practice of embalming of dead human bodies shall be regulated.

The said board shall meet once in each year, and may meet as often as the proper and efficient discharge of its duties shall require or the Health Officer may suggest.

§ 3. From and after the passage of this ordinance, every person now engaged or hereafter desiring to engage in the practice of embalming dead human bodies, within the city of Louisville, shall make written application to said "Embalming Board" of the city for a permit to practice embalming, whereupon the applicant shall present himself or herself before said board at a time and place to be fixed by said board, and if the board shall find upon due examination that the applicant is of good moral character, possessed of skill and knowledge of said art of embalming, and of the care and disposition of the dead, the said board shall register such applicant as a duly qualified embalmer, and issue to such applicant a permit, which shall be signed by the Health Officer and at least two other members of said board and be attested by the seal of the Health Department; and shall entitle the person named therein to practice the art of embalming in the city of Louisville.

§ 4. On and after June 1, 1898, it shall be unlawful for any person, not a registered embalmer, to practice the art of embalming in the city of Louisville, unless said person is a registered and licensed embalmer, within the meaning of this ordinance.

§ 5. Any person who shall practice, or hold himself or herself out as practicing the art of embalming in the city of Louisville, without having complied with the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof before the City Court shall be fined in a sum not less than fifty (\$50) or more than one hundred (\$100) dollars for each offense.

§ 6. This ordinance shall take effect from and after its passage. (*Approved May 10, 1898.*) (See also *Burial of the Dead; Diseases; Morgue.*)

ENGINEERING DEPARTMENT.

Employes and Salaries.

AN ORDINANCE concerning the Engineering Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created and placed under the Board of Public Works, the Engineering Department.

§ 2. There may be the number of officers and employes prescribed in this ordinance and no more in said department and their salaries and compensation shall not be greater than the maximum rates as fixed in this ordinance, but may be fixed by the Board of Public Works at any rate less than the said maximum rate as fixed in this ordinance, and the pay rolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled "An ordinance prescribing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved December 27, 1917.

§ 3. Officers and employes and their salaries and compensation:

	Compensation Per Annum.
Chief Engineer	\$4,000.00
First Assistant Engineer.....	2,500.00
Second Assistant Engineer.....	2,000.00
Five Assistant Engineers at \$1,500 each, per annum..	7,500.00
Two Assistant Engineers at \$1,200 each, per annum..	2,400.00
Four Levelmen at \$780 each, per annum.....	3,120.00
Three Transitmen at \$660 per annum, each.....	1,980.00
Five Rodmen at \$540 each, per annum.....	2,700.00
One Chief Draftsman.....	1,500.00
Four Draftsmen at \$1,500 each, per annum.....	6,000.00
Calculator	1,500.00
Chemist	1,500.00
Assistant Chemist	1,320.00
Superintendent of Street Construction and Repairs...	1,500.00

Superintendent of Sewer Construction and Repairs...	\$1,500.00
Two Assistant Superintendents of Street Construction at \$1,500 each, per annum.....	3,000.00
One Assistant Superintendent of Sewer Construction..	1,500.00
Chief Clerk to Chief Engineer.....	1,200.00
Bookkeeper	1,320.00
Stenographer and File Clerk.....	1,200.00
Chief Clerk of Sewers.....	1,200.00
Assistant Clerk of Sewers.....	1,000.00
Two Automobile Mechanics at \$1,200 each, per annum	2,400.00
Two Clerks at \$1,200 each, per annum.....	2,000.00
Two Clerks at \$1,000 each, per annum.....	2,000.00
Four Timekeepers at \$1,000 each, per annum.....	4,000.00
Superintendent of Garage.....	1,500.00
Chief Mechanic	1,500.00

The following employes shall be paid, respectively, the amounts shown below for services actually rendered:

Not more than 40 Supervisors at, per day.....	\$3.50
Not more than 10 Foremen, per day.....	4.00
Chauffeurs, per day.....	3.50
Truck Chauffeurs, per day.....	4.00
Watchmen, per day.....	2.50
Blacksmith Foreman, per hour.....	.60
Blacksmiths, per hour.....	.50
Blacksmith Helpers, per hour.....	.25
Bricklayers, per hour.....	.85
Brick Pavers, per hour.....	.44½
Carpenters, per hour.....	.60
Cement Finishers, per hour.....	.50
Curb Setters, per hour.....	.60
Enginemen, per hour.....	.44½
Granite Pavers, per hour.....	.55½
Horseshoers, per hour.....	.44½
Laborers, per hour.....	.30
Painters, per hour.....	.62½
Pipe Layers, per hour.....	.35
Plasterers, per hour.....	.75
Plumbers, per hour.....	.70
Rammermen, per hour.....	.44½

Skilled Laborers, per hour.....	\$0.35
Stonecutters, per hour.....	.60
Trench Bracers, per hour.....	.30
Two Animal Teams, including Driver, per day.....	6.00
Rock Breakers, per cubic yard.....	.50

§ 4. The Board of Public Works, in case of an emergency, and with the approval of the Mayor, shall have the power to employ additional help in the said department herein mentioned, the salaries of the same to be fixed by the Board of Public Works and the names of such employes shall appear on the regular pay roll as "Special Employes." Said special employes may be dismissed at any time by the Board of Public Works.

§ 5. The ordinance approved August 23, 1919, entitled "An ordinance concerning the Engineering Department, placing same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect and be in force from and after its passage. (*Approved November 7, 1919.*)

EXPENDITURE OF MONEY.

What Ordinances and Resolutions Therefor Shall State.

AN ORDINANCE providing for the maximum cost of work and the fund to which it is chargeable, to be inserted in all ordinances and resolutions involving the expenditure of money.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter all ordinances and resolutions introduced into the General Council, involving the expenditure of money, shall contain the maximum cost of the work or labor to be done, or material furnished, certified to by the head of the department having same in charge, together with the name of the fund to which same shall be charged; and no more than said maximum price shall ever be paid for said labor, work, or material.

§ 2. All ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect from its publication. (*Approved February 29, 1896.*)

(1) EXPLOSIVES.

Regulating the Use of Blank Cartridges.

AN ORDINANCE concerning blank cartridges which may be used to produce an explosion by the aid of a pistol or other device.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation in the city of Louisville to sell, give away or to dispose of in any manner or form, except as hereinafter provided, any blank cartridge or cartridges of any sort, size or kind without a leaden bullet or leaden substance therein, but which shall or might be used or employed to produce an explosion by the aid of a pistol or by any other device.

§ 2. It shall be unlawful for any person or persons to use or explode, or cause to explode by pistol or any other device, a blank cartridge or blank cartridges upon any of the streets, highways, alleys or lots in the city of Louisville.

§ 3. The sections of this act shall not apply to sales made of blank cartridges on permits issued by the Board of Safety to owner or managers of theaters for use on the stage during performances at said theaters, nor to any officer of a regularly organized military company or drill corps, to be used by said company or corps within an inclosed lot, room or space, and for drill purpose only.

§ 4. Any person, firm or corporation violating any provision of this ordinance shall, upon trial and conviction, be subject to a fine of not less than \$10 nor more than \$50 for each offense.

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

§ 6. This ordinance shall take effect from its passage. (*Approved February 16, 1904.*)

(2) EXPLOSIVES.

Use Thereof for Celebration.

AN ORDINANCE relating to the use of explosives intended for celebration.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person shall, at any time, discharge or set off anywhere within the city, or sell or offer for sale, any blank pistols, blank cartridges, cane ammunition or canes for exploding same, cannon crackers, or any firecrackers exceeding two inches in length by one-fourth inch in diameter, or firecrackers of any size containing explosives stronger than ordinary powder, Turkish crackers, torpedoes, except the ordinary commercial toy, or any other article loaded with the two chemicals, chlorate of potash and sulphur.

§ 2. That any person, firm or corporation violating the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not exceeding one hundred (\$100) dollars for each offense or imprisoned not exceeding thirty (30) days, or both, at the discretion of the court.

§ 3. This ordinance shall take effect and be in force after January 1, 1911.

§ 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (*Approved November 16, 1910.*)

(3) EXPLOSIVES.

Regulating Storage and Transportation Thereof.

AN ORDINANCE regulating the storage and transportation of dynamite and nitroglycerine and other high explosives in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person, firm or corporation shall use or occupy in the city of Louisville as a place for the storage of dynamite, or nitroglycerine, or substances containing nitroglycerine, or any high explosive or whatever name or composition, any house located within two hundred yards of any other building, nor then, unless such house be fireproof and fully protected from lightning and enclosed within a fence twelve feet high.

§ 2. No person shall have in any house or place in the city of Louisville, or other than a house or place as described in section 1 of this ordinance, a quantity of dynamite or nitroglycerine, or substances containing nitroglycerine, or any high explosive of whatever name or composition, exceeding twenty-five pounds, from 7 o'clock p. m. to 5 o'clock a. m.

§ 3. This ordinance shall prohibit the keeping of as much as seventy-five pounds of dynamite, or nitroglycerine, or substances containing nitroglycerine, or any high explosive of whatever name or composition, for sale or shipment in a storehouse or elsewhere in the city of Louisville, during the day from dawn to sunset, provided that a common carrier shall be allowed forty-eight hours in which to store or dispose of such explosive after giving prompt notice to the consignee of its arrival, to receive same, and such consignee failing to promptly receive and dispose of same as herein provided after such notice shall be liable to the penalties herein provided.

§ 4. No person, firm or corporation shall transport any quantity of dynamite, nitroglycerine, or substances containing nitroglycerine or any quantity of any high explosive of whatever name or composition, over the streets of the city of Louisville, except in a wagon or vehicle with springs and built or made to protect the same from explosion from heat or collision with other vehicles or objects, and unless such wagon or vehicle is labeled on both sides in large letters with the name of the explosive being carried.

§ 5. Any person, firm or corporation violating any of the provisions of this ordinance, on conviction thereof, shall be punished by a fine for each offense of not less than fifty (\$50) dollars or more than one hundred (\$100) dollars.

§ 6. This ordinance shall go into effect from and after its passage and publication, and all ordinances in conflict herewith are hereby repealed. (*Approved April 6, 1911.*) (See also *Petroleum.*)

EXPOSURE OF PERSON.

AN ORDINANCE in relation to exposure of person.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who shall expose his or her person indecently, or cause any person to do so, within the city limits, shall be fined one hundred (\$100) dollars for each offense.

§ 2. That, in addition to imposing a fine, the police court may hold the offender for bail in a sum not exceeding one thousand (\$1,000) dollars, to be for said offender's good behavior for any length of time not exceeding one year.

§ 3. Should the offender fail to pay the fine or fail to give bond, he or she shall forthwith be committed to the city workhouse, to be kept in custody until bail be given, or until the time fixed by the judge expires, and the fine be paid or satisfied by labor, as provided by law.

§ 4. All ordinances in conflict with this are hereby repealed.

§ 5. This ordinance shall take effect from and after its publication. (*Approved July 18, 1898.*) (See also *Bathing.*)

FIRE AND POLICE DEPARTMENTS.

Detailing Men From.

AN ORDINANCE to prevent the detailing of men from the Fire Department or Police Department to work that does not strictly pertain to said departments.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall constitute a violation of the rules of said departments for any officer or officers from the Board of Public Works, Board of Public Safety, Fire Department, or Police Department, to detail any of the men to work that does not strictly pertain to the duties of said department, as hereinafter provided.

§ 2. Said officer or officers who may violate this ordinance by detailing men from either one of said departments to do carpenter's, bricklayer's, painter's, plasterer's, or any other kind of work that does not belong to the duties of an employe of said

departments, shall be found guilty of violating the rules of said departments, and be at once discharged by the Mayor or the respective boards.

§ 3. This ordinance shall only apply to work, the cost of which exceeds the sum of (\$10) ten dollars.

§ 4. This ordinance shall go into effect from and after its passage and publication. (*Approved June 13, 1898.*)

(See also *Police, Private Watching.*)

FIRE ALARM TELEGRAPH.

Protection Thereof.

AN ORDINANCE to protect the Fire Alarm Telegraph of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whoever shall willfully and improperly interfere with, deface, destroy, or injure the Fire Alarm Telegraph, or any part thereof, or any of its appurtenances, or shall unlawfully do anything to the same so as to prevent or delay or with a view to prevent or delay the proper and timely use thereof, shall for each offense be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars.

§ 2. It shall be unlawful for any one to open any of the signal boxes, except with the keys furnished by the superintendent of the Fire Alarm Telegraph; and whoever shall violate the provisions of this section shall be fined, for each offense, not less than five (\$5) dollars nor more than twenty-five (\$25) dollars.

§ 3. It shall be unlawful for any one not authorized thereto by the properly constituted city authorities to have made, or use, or keep any key with which to open any time any of the signal boxes; and for a violation of any of the provisions of this section, the party offending shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each offense.

§ 4. Parties fined under any of the provisions of either of the sections of this ordinance shall be confined in the city workhouse until said fine shall be paid, as provided and permitted by the city charter. (*Approved May 31, 1865.*)

FIRE DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the Fire Department of the city of Louisville placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Fire Department within and for the city of Louisville be and the same is hereby created and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance, and no more; and their salaries and compensation, to be approved by the Board of Public Safety, shall be no more than the sums fixed by this ordinance, and the pay rolls for the said department shall be made up, certified and registered and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries and not otherwise, to-wit:

FIRE CORPS.

1	Chief at a salary per annum of.....	\$4,000.00
4	Assistant Chiefs at a salary per annum of \$2,000 each	8,000.00
1	Secretary at a salary per annum of.....	1,650.00
1	Assistant Secretary at \$3.50 per day, aggregating per annum	1,095.00
30	Captains (including Drill Master) at \$4.50 a day each, aggregating per annum.....	49,275.00
31	Lieutenants (including Assistant Drill Master) at \$4.20 a day each, aggregating per annum...	47,523.00
22	Engineers at \$4.20 per day each, aggregating per annum	33,726.00
211	Privates at \$4.00 per day each, aggregating per annum	308,060.00

FIRE ALARM CORPS.

1 Chief Operator at an annual salary of.....	\$2,000.00
4 Telegraph Operators at \$4.50 per day each, aggregating per annum.....	6,570.00
3 Telephone Operators at \$4.20 per day, aggregating per annum.....	4,599.00
6 Linemen at \$5.25 a day each, aggregating per annum	11,497.50

REPAIR CORPS.

1 Master Mechanic at a salary per annum of.....	\$2,150.00
1 Foreman at a salary per annum of.....	2,000.00
4 Machinists at \$5.60 a day each (except Sundays), aggregating per annum.....	7,011.20
2 Hydrantmen at \$6.07 a day each (except Sundays), aggregating per annum.....	3,799.82
2 Painters at \$5.00 a day (except Sundays), aggregating per annum.....	3,130.00
1 Harnessmaker at \$4.00 per day (except Sundays), aggregating per annum.....	1,252.00
1 Blacksmith at \$4.50 per day (except Sundays), aggregating per annum.....	1,408.50
1 Blacksmith Helper at \$3.50 per day (except Sundays), aggregating per annum.....	1,095.50
1 Clerk at \$3.85 per day (except Sundays), aggregating per annum.....	1,205.05
1 Supply Wagon Driver at \$3.50 a day, aggregating per annum	1,277.50

330 members at a total of.....\$502,325.07

§ 3. There shall be not less than one substitute fireman for each company. The Board of Public Safety is further empowered to employ such additional help as may be necessary in the repair shop not exceeding fifteen men at any one time, to be approved by the Board of Public Safety, and whose salaries shall be fixed by the Board of Public Safety, and whose names shall appear on the regular pay roll of the repair shop as special men, but who may be dismissed at any time by the Board of Public Safety, and shall not be considered regular or uniformed men.

The Board of Public Safety in case of emergency, and with the approval of the Mayor, shall have the power to employ additional help in the Fire Department, not exceeding ten men, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "special employes" and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved September 29, 1919, and entitled "An ordinance concerning the Fire Department of the city of Louisville, placing the same under the Poard of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force on and after its passage. (*Approved October 22, 1919.*)

(2) FIRE DEPARTMENT.*

Government.

AN ORDINANCE providing for the government of a Fire Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Fire Department of the city of Louisville shall consist of no less than twenty engine companies, five hook and ladder companies, one water tower company, with such hose and reels and fuel wagons as may be necessary to properly equip the same; also a repair shop to repair engine apparatus, etc.; also a fire alarm telegraph.

§ 2. The qualifications for officers or employes of the Fire Department shall be the qualifications required by section 105 of the "Act for the government of cities of the first class," approved July 1, 1893.

§ 3. The chief fireman shall be appointed by the Board of Public Safety, and shall hold his office during the pleasure of said board.

§ 4. All officers and employes of the Fire Department shall reside within as convenient distance of the stations of their respective companies as possible, and the duties assigned to them shall be strictly complied with.

§ 5. The chief fireman shall make a complete and full report of the expense of the Fire Department for each month; which report shall be transmitted by him to the Board of Public Safety, and by said Board of Public Safety to the Comptroller for registration and presentation to the General Council for allowance. In such cases where such presentation to the General Council is required under ordinance covering pay rolls and payment of claims by the city of Louisville, said report shall be made and transmitted as soon as practicable after the close of each month, and shall embrace each and every expense incurred by the department during the month for which it was made, certified by the Secretary of the Fire Department and by the chief fireman and approved by the Board of Public Safety. The form of the report shall be the form provided by the Comptroller, and shall be supplied by the City Buyer upon proper requisition. In making up said report the following system shall prevail, viz.:

One sheet to be used for the chief fireman and his staff and the expenses of his office, one for the fire alarm telegraph corps, one for the repair shop and expenses thereof, and one for each company. In each case the officers or employes shall be entered first in the order of their rank, and, after aggregating the same, the miscellaneous expenses of said companies shall then be entered in detail and in the aggregate, and said pay roll shall be certified by the captain of said company by signing this way and shall be delivered to the Secretary of the Fire Department. Said report of such captains of each company shall show the exact time served by each member of his company and the period covered by said report.

The Secretary shall also keep an account with each company, the machine shop and telegraph corps, etc., and charge to said accounts every item furnished each of said companies during each month after September 1, 1908.

Said Secretary shall tabulate and show on said inventory sheets on October 1, 1908, the amount of the inventory of October 1, 1908, the cost of all the items charged to each company

during the previous month, the amount of the inventory of September 1, 1908, and the net quality and cost of each item used by each company during September, 1908, and each monthly inventory thereafter shall give the same information for the preceding month.

These monthly inventories shall be kept in the Board of Public Safety and entered upon a summary sheet. Said summary sheet shall be so arranged as to show clearly the cost of maintenance of each company for each month.

Each company shall be put upon a competitive basis as far as may be practicable without impairing the efficiency of the department, and each captain will be held accountable for the expenses and efficiency of his company, and the results obtained by each captain will be duly considered in making promotions.

An annual inventory of all material and supplies, commencing September 1, 1908, will be taken of the machine shop on suitable sheets furnished by the City Buyer on proper requisition. Said inventory shall embrace every item in the repair shop and show the cost of same. One copy of this inventory will be kept by the Master Mechanic, one copy in the office of the Chief Fireman and one copy in the office of the Board of Public Safety.

§ 6. Neither the Chief Fireman, Assistant Chief Fireman, Captains, Secretary nor other officer or employe of the Fire Department shall be permitted to purchase or contract for any article or thing whatever, for the use of said department, or to accept any article or service by which the city may become liable, except as provided in section 10 hereof. All animals, apparatus, equipment, forage, fuel or other articles or supplies and repairs shall be obtained by requisition upon the City Buyer. Requisitions for companies' supplies shall be signed by the captains and approved by the assistant chief of the district and by the chief fireman; for telegraph supplies by the chief telegraph operator, and approved by the chief fireman; for repair shop supplies by the master mechanic, and approved by the chief fireman; and for the office of the chief fireman, by the secretary, and approved by the chief fireman, transmitted through the Board of Public Safety, and with its approval to the City Buyer, to be supplied by him.

§ 7. Any captain, clerk or other person whose duty it is to make a pay roll report, shall, for failure to include all of the

expenses for each month for which the pay roll report is made, or intended to be made, be reported by chief fireman to the Board of Public Safety.

§ 8. For intentionally making any false entry or statement upon any book, pay roll or report, in addition to the penalty now prescribed by law, such persons so making such false entry or statement may be charged therewith by the Mayor before the Board of Public Safety, and, if found guilty, be at once dismissed from the services by the Board of Public Safety, and forever be incapacitated from holding any office or place in the Fire Department, or in any other department of the city.

§ 9. The chief fireman shall be the superintendent of the fire alarm telegraph; he shall see that the same is kept in proper working order, and may, with the approval of the Board of Public Safety, make such rules and regulations as may be deemed necessary to secure the greatest efficiency and the proper government and protection thereof.

§ 10. The chief fireman and his assistants are hereby clothed with full police authority in all matters relating to the Fire Department, and should an occasion arise where the force of firemen on duty at a fire is inadequate to arrest the progress of such fire, protect life and property and maintain order, said chief firemen or his assistant who may be in command, may for such occasion employ additional force, and report the name or names of said person or persons so employed to the Board of Public Safety for authority for payment; upon granting such authority their names shall be entered upon the pay roll report of the company with which said person served for the period in which the work was performed; provided, however, nothing herein shall be construed to be authority for the employment of anyone to be paid by the city as a substitute for an absentee; and, provided, further, that the amount allowed them does not exceed the pay of regular firemen.

§ 11. The chief fireman and his assistants and captains are hereby authorized, and it shall be their duty, to visit any house, yard or premises wherein it is known or supposed that any character of stock, material or fixtures exist which may be dangerous in promoting fire; and upon examination thereof should any such danger be deemed to exist the chief fireman shall report the same in writing to the Board of Public Safety, and if said board

shall also deem such danger to exist, it shall direct in writing the owner or agent or occupant of the premises containing such stock, material or fixtures to remove or alter the same in such manner as to remove such danger; and should the person so notified fail or refuse to so remove or alter same for five days after receiving said notice, he shall be fined in a sum of not less than ten nor more than fifty dollars, and each day he fails or refuses so to do shall be a separate offense.

§ 12. Each assistant chief fireman, in his respective district, shall see that each company is supplied with all things necessary to secure the greatest efficiency, and that the fire hydrants and cisterns are in order and properly supplied with water. The headquarters of the assistant chief fireman shall be at such place within his district and he shall have such office hours as the chief fireman may prescribe.

§ 13. All officers of the Fire Department, all of the members of the fire corps and fire alarm telegraph corps, regularly members of the Fire Department, and who during the previous twelve months have received pay for not less than two hundred days' time, and whose duties require of them both day and night service, be and are hereby granted leave of absence for ten days in each year without loss of pay or salary at such time in the year as the Board of Public Safety and Chief of said department may determine.

The places of all firemen and officers who may be granted the ten days' leave of absence as herein provided, may be filled by regularly appointed substitute firemen, whose names shall be entered upon the pay roll of the company in which they serve for the actual time they so substitute, at the same compensation paid the men serving in the capacity in which said substitute may serve.

All officers of the Fire Department, all of the members of the fire corps and fire alarm telegraph corps, regularly members of the Fire Department, be and are hereby granted leave of absence for three days of twenty-four hours each, without loss of pay or salary, in the event of the death of a parent, child, wife, sister or brother of any such officer or fireman. Said days are to count from the time of the death of such relative; this leave of absence shall not be granted in the event such relative die and be interred away from the city of Louisville, except such

officer or fireman attend the funeral of such deceased relative.

The Board of Public Safety shall by rules, to be adopted by them, fix the hours of duty for the members of the Fire Department; such rules shall allow a total of time off duty of not less than seventy-two hours in each month without loss of pay or salary; provided, however, that under the rules so adopted by the Board of Public Safety, any officer or member of the Fire Department shall have hours of relief from duty on any regular election day or primary election day or day of registration in the city of Louisville, he shall, though not on active duty, nevertheless on that day go dressed in his regular uniform; no officer or member of said department shall on any said such day be at or about any place of election or registration, except as herein provided for the purpose of registering or voting. Officers or members of said department, who under said rules are on active duty during the hours of election or registration shall not absent themselves from the engine house, company or regular place of duty on any regular election day or primary election day in the city of Louisville except for a period not exceeding two hours, during which he shall be permitted to go dressed in his regular uniform to his own precinct to cast his vote, if he so desires, and for no other purpose whatever; and leaves of absence on such election day shall be regulated by the Chief of the Fire Department and the captain of each company, that not exceeding two members of any company who under the rules of the Board of Public Safety shall be on duty at that time shall be absent from the engine house, company or regular place of duty at any one time to cast their votes as aforesaid.

§ 14. It shall be the duty of the Chief of the Fire Department to cause to be kept a public register of the hours of active duty for each officer and member of said department and of any leaves of absence which may be granted to any said officers or members of said department; so that it may be shown at any time on examination of said register, which shall be open during office hours on each day and subject to the inspection of any citizen or officer of the city, what officers or members of said department were on or off duty, or on leave of absence, the dates and hours thereof in each month.

§ 15. That it shall be unlawful for the chief engineer, any assistant chief engineer or other officers, fireman or member

of the Fire Department of the city of Louisville to engage in electioneering or take any part in a regular or primary election held in the city of Louisville, except, while dressed in his regular uniform, to attend at his own precinct to cast his vote as provided for in the first section of this ordinance; and any such officer, fireman or member of said department who shall be absent on any day from his engine house, company or regular place of duty, except during the hours where under the rules of the Board of Public Safety he shall be excused from duty, or except while dressed in his regular uniform, for the period of not exceeding two hours at his own precinct on regular or primary election day, in the city of Louisville, for the purpose of casting his vote, shall be subjected to a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each offense, and upon conviction of such offense in the Police Court of the city of Louisville he shall be dismissed from further service in said department by said board, and shall not thereafter be appointed to any position in said department or placed upon the pay roll thereof, or draw any compensation from the city for services in said department.

§ 16. That the captain of each company shall keep a register of the names of each officer and fireman in his company, who shall go to his own precinct, dressed in his regular uniform, to cast his vote on any regular or primary election day in the city of Louisville, which shall show the hours in the day each officer or fireman of such company was absent on such day, and the number of the precinct and ward he attended for that purpose, and within two days after each regular election or primary election day, in the city of Louisville, the captain of each company shall file such register kept by him with the Board of Public Safety, which register shall be signed and verified under oath by him as true and correct, and be subject at any time during the office hours of said board to the inspection of any citizen or officer of the city of Louisville.

It shall be the duty of the chief engineer of said department to keep a register of the names of each of his assistant chief engineers or aides to the said chief engineer, and of the chief operator of the fire alarm telegraph, to keep a register of the names of each operator, line repairer and batteryman under him or connected with the fire alarm telegraph, who shall go to

his own precinct dressed in his regular uniform to cast his vote on any regular or primary election day in the city of Louisville, and to file the same with said board in the same manner, and within the same time as is required by this section of this ordinance of captains of companies. Any violation of this section of this ordinance by the chief engineer of said department or by the captain of any fire engine company, chemical engine company, hook and ladder company or water tower company, or by the chief operator of the fire alarm telegraph in said department, shall subject him to a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each offense, and upon conviction for such offense in the Police Court of the city of Louisville he shall be dismissed from further service in said department by said board and shall not thereafter be appointed to any position in said department or be placed upon the pay roll thereof, or draw any compensation from the city for services in said department.

§ 17. That it shall be the duty of the members of the Board of Public Safety to faithfully execute the provisions of this ordinance, and if any member of the said board shall grant or unite with any other member of said board in granting a leave of absence to any officer or fireman of said department not allowed by the provisions of this ordinance, or shall fail or refuse to dismiss, or unite with any other member of said board in dismissing any officer, fireman or member of said department who has been convicted in the Police Court of the city of Louisville of violating any provision of this ordinance, or shall, after such conviction, place any such officer, fireman or member of said department on the pay roll of the Fire Department, or certify that such convicted officer, fireman or member of said department is entitled to any compensation for services in said department from the city of Louisville, he shall be subject to a fine of not less than one hundred (\$100.00) dollars for each offense.

§ 18. That any fireman who shall be disabled from discharging his duties while on duty as a fireman in the Fire Department shall be entitled to his salary or per diem for a period not exceeding thirteen (13) weeks from the commencement of such injury. Should any fireman be so actually and totally disabled for a period longer than thirteen weeks, on proper written report, signed by the captain of his company,

the assistant chief of his district and the chief fireman, the General Council may, by resolution adopted monthly without invalidating this ordinance, extend the limit of such disability to not exceeding eight months. And in all such cases the Board of Public Safety is hereby authorized and directed to place the name of such disabled fireman on the pay rolls of the Fire Department as aforesaid.

That at least once every week each disabled fireman shall file with the Board of Public Safety a certificate from his attending physician, should he have one, who shall be a reputable practicing physician of the city of Louisville, and also from one of the city physicians designated by the Board of Public Safety, showing the continuance of his disability, which certificate shall be attached to the Fire Department pay rolls.

§ 19. No company shall go more than five miles beyond the corporate limits of the city of Louisville without the consent of the chief fireman and the Board of Public Safety or the Mayor, nor shall any company attend any parade without the consent of the Mayor or the Board of Public Safety. No company shall go beyond the city limits in any event except by the direction of the Chief of the Fire Department, or in the case of emergency, in cases where the Chief of the Fire Department cannot be readily found, by the direction of the operator at that time in charge of the fire alarm telegraph office.

§ 20. All officers and members of the Fire Department, except the secretary and assistant secretary and the clerk in the repair shop, shall be uniformed and shall be required to wear said uniform at all times while on active duty. Said uniforms shall be of the kind, character, description and quality which may be prescribed by the Board of Public Safety. Substitute firemen shall wear same character of uniform as regular firemen.

§ 21. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; and an ordinance approved November 10, 1908, and entitled "An ordinance providing for the government of a fire department for the city of Louisville," and an ordinance approved January 16, 1900, and entitled "An ordinance concerning the Fire Department of the city of Louisville," and relating to leaves of absence for election and upon other days are hereby expressly repealed; and this ordinance shall take effect from and after its passage. (*Approved July 3, 1919.*)

(3) FIRE DEPARTMENT.**Speed of Vehicles.**

AN ORDINANCE to regulate the speed of vehicles of the Fire Department, etc., of the city of Louisville while going to or returning from a fire.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person employed in the Fire Department of the city of Louisville, and any person employed by any Salvage Corps, District Telegraph Company or other person, firm or corporation, in going to or returning from fires, in answer to any fire alarm, to operate any vehicle over the streets of the city of Louisville at a greater rate of speed than twenty miles an hour.

§ 2. Any person violating the provisions of section 1 of this ordinance shall be fined not less than \$5.00 nor more than \$50.00 for each offense.

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

§ 4. This ordinance shall take effect from and after its passage and publication. (*Approved February 4, 1910.*)

(See also *Right of Way.*)

FIRE ESCAPES.***General Provisions.**

AN ORDINANCE concerning the erection and maintenance of fire escapes on public and private buildings in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all fire escapes of every character, now erected or hereafter to be erected in said city, shall be under the direction and control of the Inspector of Buildings and his deputies; and in conformity with the sections of this ordinance.

§ 2. All buildings occupied by any person or persons or in which any person or persons shall be employed or assemble

*See Secs. 1830-1832 Ky. St.

(except such as are used as private residences exclusively), of three or more stories in height, shall be provided with one or more permanent approved fire escapes when ordered by the Inspector or his deputies, and the escape must be in such number, and constructed and located in such manner as directed in said notice or order.

§ 3. All fire escapes shall extend from the second floor to the top of the building, and the second floor balcony must be connected with the ground with swinging steps, or some device approved by the Inspector or his deputies.

§ 4. The Inspector or his deputies shall inspect all fire escapes as often as may be necessary, and see that they are kept in good repair. If on inspection it is found that any fire escape is in bad repair or unsafe, the Inspector shall immediately cause to be served a notice, as set forth in section 9 of this ordinance.

§ 5. No obstruction shall be placed on the balcony or steps of any fire escape, and the passageways and windows leading to fire escapes must be kept clear and unobstructed at all times.

§ 6. In all buildings to which a fire escape is attached where people work, sleep, or assemble after dark, a red light must be displayed at night, at the entrance of each of said fire escapes. A sign not less than six by eighteen inches, marked "fire escape" in red letters, must be displayed at the entrance to all fire escapes.

§ 7. When in the opinion of the Inspector or his deputies a fire escape or fire escapes should be erected on a building, as provided in this ordinance, he shall serve, either in person, by deputy, or a member of the Police Department of the city, a written or printed notice to the owner, if in the city, or his agent, lessee, or the occupant of such building if the owner resides outside or is absent from the city, notifying him or them to erect such fire escape or escapes as shall be required to be erected.

§ 8. If the owner, after such notice to himself or agent, occupant, or lessee, as provided for in section 7 of this ordinance, fails for a period of thirty days after receiving such notice to comply with the same, he shall be liable to a fine of ten (\$10) dollars for each day's failure to comply with the same.

§ 9. The Inspector shall notify the owner, if in the city, or his agent, lessee, or the occupant of such building, if the owner resides outside, or is absent from the city, by a written or

printed notice, served either in person or by deputy or a member of the Police Department, of any violation or anything necessary to carry out the requirements of this ordinance, and a failure on the part of the owner, after the execution of such notice, to comply with the same within five days after the service of such notice, as aforesaid, shall subject him to a fine of five (\$5) dollars for each day's failure to comply therewith. The penalty defined in this section shall not apply to the provisions of sections 2, 3, 7 and 8 of this ordinance.

§ 10. When requested by the Inspector or his deputy, the owner, agent, lessee, or occupant of any building in the city of Louisville shall immediately furnish to the Inspector of Buildings a written statement, giving the number of males and females employed, gathered, or occupied on each floor of such building.

§ 11. It shall be the duty of every person, firm or corporation doing business within the limits of the city of Louisville who employs or permits persons to live in or occupy any building (except exclusively private residences), three or more stories in height, to notify in writing the Inspector of Buildings of the fact within thirty days after the passage of this ordinance, or within the same period after the occupancy of such building hereafter erected. A failure to comply with this section shall subject such person, firm or corporation to a fine of not less than five (\$5) dollars for each and every day any person or persons shall be employed or permitted to live in or occupy such building without such notice to the Inspector of Buildings.

§ 12. Any owner, agent, occupant or lessee of a building who, having been ordered by the Inspector of Buildings or his deputies to erect thereon or therein a fire escape, shall have a right to appeal from such order to the Board of Public Safety, provided said appeal shall be made within five days after the receipt of such order, and the decision of said Board of Public Safety in the matters shall be final.

§ 13. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 14. This ordinance shall take effect from its passage. (*Approved August 14, 1899.*) See also *Building Code; Tenement House Laws* (Charter) Sec. 3037g.)

FIREMEN'S ASSOCIATION, VETERAN.

AN ORDINANCE concerning the Veteran Firemen's Association of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to aid in the maintenance of the Veteran Firemen's Home, on First street, between Jefferson and Green streets, in the city of Louisville, there shall be paid to the president of the Veteran Firemen's Association, monthly, for the current expenses of maintaining said home, out of the funds appropriated for incidental expenses not exceeding the sum of seventy-five (\$75) dollars.

§ 2. That it shall be the duty of the Board of Public Safety to make up and certify on a pay roll each month the claim for the items of expense for said home, verified under the oath of the president of said association, which claim shall then be registered by the Comptroller and allowed by the General Council, as required by law in cases of other claims against the city.

§ 3. That this ordinance shall take effect from its passage. (*Approved July 2, 1900.*)

(1) FIRE HYDRANTS.**Construction.**

AN ORDINANCE concerning the erection of fire hydrants.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, unless otherwise provided by the ordinance directing the work to be done, the erection of fire hydrants shall be done as hereinafter provided.

§ 2. All hydrants to be first class in workmanship and of the latest improved pattern, be provided with frost case, and must close with pressure, and to be of a kind that repairs may be made without disturbing the frost case or digging up of the street or sidewalk paving.

§ 3. The stand-pipe of four-inch hydrants to be not less than five inches inside diameter, and on six-inch hydrants shall not be less than six and one-half inches inside diameter, and be of sufficient length to allow four feet cover.

§ 4. All four-inch hydrants shall be provided with one nozzle of the size to be determined by the chief of the Fire Department, and all six-inch hydrants shall be provided with two nozzles of the size to be determined by the Chief of the Fire Department, with an independent shut-off to each nozzle.

§ 5. All hydrants shall be connected with the water mains of the same size pipe (and of standard quality) as that of the stand-pipe of the hydrant, and said connection shall be subject to the approval of the chief engineer of the Louisville Water Company.

§ 6. Each hydrant shall be provided with a separate auxiliary valve, which shall be placed in the pipe connection immediately in front of the hydrant.

§ 7. The stuffing-boxes and all bearings to be brass lined, the valves and valve stems for the independent nozzle shut-offs to be bronze, and the entire hydrant shall be equal in all respects to the sample submitted by each bidder.

§ 8. All hydrants shall be provided with proper openings in the stand-pipe so as when not in use the surplus water will be allowed to flow out of the stand-pipe of the hydrant to the sewer connection underneath or any other mode of drainage as may be approved by the Board of Public Works.

§ 9. The contractor shall guarantee the faithful performance of his contract according to this ordinance, and the hydrants, material and connections thereto, shall be kept in good repair for a period of six years from the completion of the work and its acceptance by the Board of Public Works.

§ 10. All ordinances in conflict herewith be and are hereby repealed. (*Approved July 1, 1895.*)

(2) FIRE HYDRANTS.

Interfering With Hydrants, Pipes, etc.

AN ORDINANCE regulating the use of fire hydrants, cisterns, valves, etc.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, except officers and agents of the Louisville Fire Department, members of the Louisville Fire Department, or other persons especially desig-

nated by the city of Louisville, to open or close any valve of any water pipe, fire cistern, fire hydrant, or water plug. Any person violating the provisions of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars nor more than fifteen (\$15) dollars for each offense.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 16, 1895.*)

(3) FIRE HYDRANTS.

Method of Tapping Water Mains for Hydrants.

AN ORDINANCE in relation to the tapping and making connection to water mains in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in installing fire hydrants with the Louisville Water Company's mains, which are already laid, the connection of said water mains shall be made without shutting off the water supply, by such method as is used and approved of in the principal cities of the country, thereby avoiding the great delay of having the water supply interrupted in the event of a fire, and also prevent the shutting down of factories and elevators at such points where hydrants may be erected.

§ 2. This ordinance shall take effect from and after its publication. All ordinances in conflict herewith be and are hereby repealed. (*Approved February 8, 1897.*)

(See also *Public Ways, Construction or Repair.*)

(4) FIRE HYDRANTS.

How Cost of Wells, Hydrants, Plugs, etc., is Borne.

AN ORDINANCE concerning the construction of public wells and cisterns and water attachments of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the digging and walling of public wells and cisterns, and the placing of fire plugs, hydrants, and attachments to the street water pipes on the public ways within the city shall

be done at the cost of the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, or in any other equitable mode of apportionment which shall be prescribed in the ordinance for the particular work.

§ 2. This ordinance to take effect from and after its publication. (*Approved September 17, 1894.*)

FOOD ADULTERATION AND MISBRANDING.

Defined and Prohibited.

AN ORDINANCE for preventing the manufacture and sale of adulterated or misbranded foods, and providing penalties for violation thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, persons, firm or corporation within the city to manufacture for sale, produce for sale, expose for sale, have in his or their possession for sale, or sell any article of food which is adulterated or misbranded, within the meaning of this ordinance.

§ 2. That the term food as used in this ordinance shall include every article used for or entering into the composition of food or drink for man or domestic animals.

§ 3. For the purpose of this act, an article of food shall be deemed misbranded:

First—If the package or label shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall not be true in any part; or any statement purporting to name the substances of which such article is made, which statement shall not give fully the name or names of all substances contained in any measurable quantity.

Second—If it be labeled or branded in imitation of or sold under the name of another article, or is an imitation either in package or label of another substance of a previously established name; or if it be labeled or branded so as to deceive or mislead the purchaser or consumer with respect to where the article was made, or as to its true nature and substance, or as to any identi-

fying term whatsoever whereby the purchaser or consumer might suppose the article to possess any property or degree of purity or quality which the article does not possess.

Third—If it be misrepresented as to weight or measure, or, if where the length of time the product has been ripened, aged or stored, or if where the length of time it has been kept in tin or other receptacle tends to render the article unwholesome, the facts of such excessive storage, ripening, aging or packing are not plainly made known to the purchaser and to the consumer.

Fourth—If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

§ 4. For the purpose of this ordinance, an article of food shall be deemed to be adulterated:

First—If any substance or substances be mixed or packed with it so as to reduce, lower or injuriously affect its quality or strength.

Second—If any substance be submitted wholly or in part for the article.

Third—If any valuable constituent of the article has been wholly or in part abstracted; or, if the product is below that standard of quality represented to the producer or consumer.

Fourth—If it is mixed, colored, coated, polished, powdered or stained, whereby damage is concealed, or if it is made to appear better or of greater value than it is, or if it is colored or flavored in imitation of the genuine color or flavor of another substance of a previously established name.

Fifth—If it contains added poisonous ingredient which may render such article injurious to health, or if it contains any anti-septic or preservative which may render such article injurious to health, or any other antiseptic or preservative not evident or not plainly stated on the main label of the package.

Sixth—If it consists of or is manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter,

or that has been fed upon the offal from a slaughter house. Provided, that any article of food which may be adulterated and not misbranded within the meaning of this ordinance, and which does not contain any added poisonous or deleterious ingredient, and which is not otherwise adulterated within the meaning of paragraphs four, five and six of section 4 of this ordinance, or which does not contain any filler or ingredient which debases without adding food value, can be manufactured or sold, if the same be labeled, branded or tagged so as to show the exact character thereof. And all such labels and all labeling of packages provided for in any provisions of this ordinance shall be on the main label of each package, and in such position and character of type and terms as to be plainly seen, read and understood by the purchaser or consumer. Provided, further, that nothing in this ordinance shall be construed as requiring or compelling the proprietors, manufacturers or sellers of proprietary foods which contain no unwholesome substances or ingredients to disclose their trade formulas, except in so far as the provisions of this act require to secure freedom from adulteration, imitation or misbranding. But in the case of baking powders, every can or other package shall be labeled so as to show clearly the name of the acid salt which shall be plainly stated in the face of the label to show whether such salt is cream of tartar, phoshate or alum. Provided further, that nothing in this ordinance shall be construed to prohibit the manufacture or sale of oleomargarine, butterine or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of the real character, free from coloration or ingredient that causes it to look like butter.

§ 5. Any officer, agent or employe representing the Health Department, or Health Officer of the city of Louisville, shall at all times have right of entry for inspection to any building, premises or place of any kind where food products are stored or kept for sale, and to any wagon, railroad car or other vehicle of any kind used for the conveyance of food products to be sold in the city of Louisville; and such officer, agent or employe shall at all times have the right to inspect all apparatus, appliances, utensils or other equipment to be used in connection with the production, handling, transportation or distribution of food products to be sold or offered for sale in the city of Louisville;

and such officer, agent or employe shall have the right at any time to take samples of food products therefrom for the purpose of analysis. No person shall interfere with such Health Officer or with any agent or employe in performance of his official duty when such person has reasonable grounds for recognizing said Health Officer or agent or employe in his official capacity, nor shall any person hinder, prevent or refuse to permit any inspection or examination aforesaid.

§ 6. All food products kept or handled in violation of this ordinance shall, upon discovery thereof, be immediately seized by or under the direction of the Health Officer or his assistants or by the City Chemist or Bacteriologist, or the Sanitary Inspectors of the Health Department, or by any other person or persons properly designated and authorized by the Health Officer, and it shall be the duty of any police officer at or near the place of such seizure to assist the Health Officer or his assistants to make such seizure when called upon to do so. At the time of such seizure, or as soon thereafter as it can be done, the officer or person making such seizure shall deliver to the person in charge of such food products (or if no person be found in charge of such food products (or if no person be found in charge of same, shall post in a conspicuous place at or near the place of seizure) a written notice warning all persons interested in the food products so seized to appear before the Acting Police Judge of the city of Louisville at a time and place to be stated in such notice (which time shall not be less than one hour or more than twenty-four hours from the time of seizure) to show cause, if any they can, why such food products shall not be declared confiscated and forfeited in order to be destroyed. Upon such hearing, said Police Judge shall declare it forfeited and confiscated and order destroyed all food products consisting of or manufactured from in whole or in part of a diseased, contaminated, filthy or decomposed substance, either animal or vegetable, unfit for food, or an animal or vegetable substance produced, stored, transported or kept in a condition that would render the article diseased, contaminated or unwholesome, or if it is any part the product of a diseased animal, or the product of an animal that has died otherwise than by slaughter, or that has been fed upon the offal from a slaughter house. If at the time of such forfeiture no person appear to resist the forfeiture,

the cause of forfeiture shall be deemed confessed, and shall be so ordered together with the destruction of such food products. Food products which can not be confiscated, forfeited and destroyed under authority of this section, shall upon demand of the person from whose custody it was taken, be delivered up to such person.

§ 7. In all prosecutions under this ordinance, the courts shall admit as evidence a guaranty which has been made to the holder of the guaranty by any manufacturer or wholesaler residing in this city to the effect that the product complained of is not adulterated or misbranded within the provisions of this act. And said guaranty properly signed by the wholesaler, jobber or manufacturer or other party residing within this city from whom the holder of the guaranty may have purchased the article or articles complained of, and containing the full name and address of the party or parties making the sale of such articles to the holder, of the guaranty, and in the absence of any proof that the article or articles complained of were adulterated or misbranded after they had been received by the holder of the guaranty under the provisions of this ordinance.

§ 8. Any person, firm, company or corporation which shall violate any of the provisions of this ordinance shall be fined not less than ten (\$10.00) nor exceeding one hundred dollars (\$100.00), or be imprisoned not to exceed fifty days, or both such fine and imprisonment.

§ 9. This ordinance shall take effect from and after its passage. (*Approved April 25, 1910.*) See also *Eggs; Meats; Milk.*

FORTUNE TELLING.

Prohibited When for Reward.

AN ORDINANCE prohibiting all forms of fortune telling for reward.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to exercise the business of fortune telling or to profess or attempt to tell fortunes, or to locate lost or stolen articles, or to ascertain the present,

past or future condition or fortune of any person by means of cards, mesmerism, clairvoyance or any other device for fee, reward or compensation.

§ 2. Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$50.00 for each offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved January 16, 1914.*)

(1) FRANCHISE.

Penalty for Violating.

AN ORDINANCE providing a penalty for the violation of any of the terms, conditions or provisions of any franchise granted by the city of Louisville to any public service corporation, firm or individual, and not otherwise provided for in the ordinance granting such franchise.

Whereas, a number of public service corporations, individuals and companies have been granted franchises of a public nature to do business in the city of Louisville, and

Whereas, there are various terms, conditions and provisions annexed to and made a part of said grants, for the violation of which no penalty has been affixed; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. Hereafter it shall be unlawful for any individual, firm or corporation owning or exercising any franchise of a public nature under any grant or ordinance of the city of Louisville, to violate any of the terms, conditions or provisions of the ordinance or grant under which such franchise is owned or exercised, or under which such person, firm or corporation claims its right to transact its business in the city of Louisville.

§ 2. Any person, firm or corporation violating any of the provisions of this ordinance, or violating any of the terms, conditions or provisions of any ordinance under which such person, firm or corporation exercises or claims a franchise to do a public service business in the city of Louisville, and for which no penalty is affixed in the ordinance granting same, shall be guilty of a misdemeanor, and on conviction shall be fined not less than

ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense. Each day any such term, condition or provision is violated shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved November 6, 1909.*)

(See also *Public Service Corporations.*)

(2) FRANCHISE.

For Distribution of Natural, Manufactured and Mixed Gas.

AN ORDINANCE creating the franchise or privilege of acquiring, laying, maintaining and operating in the streets, avenues, alleys and public ways of the city of Louisville, Kentucky, a system of mains, pipes and appliances for the distribution and sale of natural gas, manufactured gas and mixed gas, and providing for the sale of said franchise.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created the franchise or privilege of acquiring, laying, maintaining and operating in the streets, avenues, alleys and public ways of the city of Louisville, Kentucky, a system of mains, pipes, fixtures and appliances for the distribution and sale of natural gas, manufactured gas and mixed gas for heating and lighting and other purposes.

§ 2. The person, firm or corporation which shall become the purchaser of said franchise shall for convenience be hereinafter referred to as the grantee.

§ 3. The grantee shall have the right, privilege, permission, authority and franchise, subject to the provisions hereof and to all powers reserved to said city, to acquire, lay, construct, maintain and operate a system of mains and pipes in, along, through and under the streets, avenues, alleys and public ways within the corporate boundaries of the city of Louisville as they now exist or may hereafter be extended and on and under the bridges and viaducts owned and controlled by said city for distributing and selling natural, manufactured and mixed gas.

§ 4. All pavements and sidewalks shall be taken up and all excavations in said streets, avenues, boulevards, sidewalks, lanes, highways, alleys and public ways shall be made only with

the written permission of the Board of Public Works and under the supervision of said board, and such mains, pipes and appliances shall be located in such portion of the streets, avenues, boulevards, lanes, highways, bridges, viaducts or public ways as may be designated by the Board of Public Works, using alleys as far as practicable, provided that said pavements and sidewalks and excavations shall be replaced and restored by and at the expense of the grantee to their former condition, and shall be maintained for five years in as good condition as the remainder of said street, alley or public way. Should said grantee fail or refuse to replace or restore said pavement, sidewalk or excavation within a reasonable time then same may be replaced and restored by the city under the direction of the Board of Public Works at the cost and expense of the grantee. Before any excavations are made by the grantee at any time on any street or highway or any public way for any of the purposes named in this ordinance, a plan of same must be filed with and written permission therefor shall be obtained by the proper officer from the Board of Public Works of said city, which permit shall state the particular part of the street or highway or sidewalk where said work is to be done and the length of time said permit shall authorize work to be done thereunder.

§ 5. Whenever the city shall grade or regrade any street, alley or public highway, or shall construct or reconstruct any sewers or connections along or across which said grantee shall have constructed any mains or pipes it shall be the duty of said grantee at his own expense to change said mains or pipes so as to conform to the street, alley or public highway so graded or regraded, and to conform to said sewers constructed or reconstructed on an order therefor from the Board of Public Works of said city.

§ 6. Said grantee, his successors or assigns, shall within sixty (60) days after the acceptance of this ordinance begin and continue to lay a main line or lines of pipe or cause the same to be done from the most available source of supply of natural gas in the State of West Virginia to the city of Louisville, which said main line or lines shall consist of continuous piping and be a piping capable of withstanding a pressure of three hundred and fifty (350) pounds per square inch and be of a size having a capacity for supplying twelve million (12,000,000) cubic feet

of gas per day to said city and provided with all necessary equipment to supply the capacity aforesaid, and said grantee shall complete said line or lines of pipe within one year from the passage and acceptance of this ordinance, unless prevented from so doing by the delays of bona fide litigation or by other cause or causes beyond the control of the grantee. And said grantee shall immediately thereafter commence to supply natural gas to consumers up to the capacity aforesaid, provided that if the work herein authorized be delayed by injunction, bona fide litigation or by other cause or causes beyond the control of the grantee such delay or delays shall not be considered in estimating the time within which such work shall be commenced and completed and natural gas supplied. Said supply of twelve million (12,000,000) cubic feet per day shall not be reduced by reason of any connections with said pipe line being made between the city of Louisville and the source of supply. And said grantee, his successors or assigns shall in forty (40) days after the acceptance of the bid of grantee execute a bond to the city of Louisville with good and sufficient surety, to be approved by said city in the sum of two hundred and fifty thousand (\$250,000) dollars conditioned upon the carrying out of the provisions of this section of this ordinance as to the beginning, continuance and completion of the laying of said pipe line and beginning to furnish natural gas thereby and upon said conditions being fulfilled said bond shall terminate and sureties be released, and said bond shall be given as additional security to the bond provided for in section 7.

§ 7. The grantee shall, within forty (40) days after the acceptance of the bid of grantee execute a bond to the city of Louisville, with good and sufficient sureties to be approved by the city, in the sum of fifty thousand (\$50,000) dollars, conditioned upon the faithful performance and discharge of all the obligations imposed by section 6 hereof, and conditioned that the grantee shall restore the sidewalks and pavements and all public ways to the original condition and maintain the same as provided in section 4, and shall save the city harmless from all loss and damage which may be done to its public ways or other property, or to persons or property of individuals by the conduct of the grantee's business, or arising out of the uses and privileges herein granted. Said bond shall be renewed from time to

time as and when required by the city of Louisville. Said bond shall further be conditioned that the grantee shall defend all suits and pay all judgments against the city of Louisville and hold the city free from all liability arising out of the construction, maintenance, or operation of the grantee's mains; conduits or other apparatus in the public ways of the city of Louisville.

§ 8. The quality of natural gas, or natural and manufactured gas, or manufactured gas to be furnished shall be adequate and proper for the uses and purposes herein named and shall not be less than seven hundred (700) British thermal units to the cubic foot as furnished at the point of consumption, and the pressure at no time shall be less than three ounces nor more than twelve ounces to the square inch at the point of consumption, and these facts shall be ascertained by the Gas Inspector provided for in section 9 hereof, and in case the quality of gas furnished shall in any month for an aggregate period of seventy-two hours fall below said standard of seven hundred (700) British thermal units to the cubic foot at the point of consumption then the bills for that month of all consumers shall be reduced directly in the proportion that the average number of British thermal units furnished below said standard during any such period of seventy-two hours, or any period said gas falls below said standard above said period of seventy-two hours, shall bear to the standard of seven hundred (700) British thermal units established herein, and if the pressure at the point of consumption shall in any month for an aggregate period of seventy-two hours fall below said standard herein fixed, then all bills of consumers for gas furnished during said month shall be discounted 10 per cent. from the net price or rate provided, and if said time that such natural gas falls below such standard in such month exceeds seventy-two hours then said bills shall be discounted an additional 10 per cent. for each additional seventy-two hours or portion thereof.

§ 9. The said grantee shall at his own expense construct service pipes from his mains to the property lines, the consumer to construct and extend them thence into their premises at their own expense, provided that where the owners of property consent the grantee may at his own expense place and maintain at least one service pipe into the premises to the point of consumption. The grantee shall at his own cost and expense supply,

place and maintain all gas meters, which shall be of a standard make, tested and sealed, and they shall remain the property of the grantee. Over a 2 per cent. variation at any time shall be cause for the replacement of any meter. All of said meters shall be subject at all times to a reasonable system of inspection to be provided for by ordinance of the city of Louisville. A competent chemist or gas inspector may be employed by the city of Louisville to inspect meters as to their accuracy at any time and to test the pressure and heat unit quality of the gas furnished by said grantee once a day or oftener, as may be desired, and to analyze the gas furnished for added dilutents or impurities. Said inspector shall report the result of any and all tests to the Board of Public Works, or its successors in office or authority, to be entered upon a record kept for that purpose, which shall be open at all times to public inspection. The duties, term of office and compensation of such employe and assistants, if any, shall be fixed by ordinance.

§ 10. In consideration of the privileges herein granted the said grantee shall furnish gas to consumers for light, heat or other purposes from and after natural gas is first furnished hereunder at not exceeding the following rates:

AMOUNT TO BE CHARGED THEREFOR.

For the first 100 cubic feet per month or less, 40 cents.

More than 100 and less than 300 cubic feet per month, 47 cents.

More than 300 and less than 700 cubic feet per month, 62 cents.

More than 700 and less than 1,100 cubic feet per month, 72 cents.

More than 1,100 and less than 1,300 cubic feet per month, 83 cents.

More than 1,300 and less than 1,500 cubic feet per month, 94 cents.

More than 1,500 and less than 1,600 cubic feet per month, \$1.02.

More than 1,600 and less than 1,700 cubic feet per month, \$1.08.

More than 1,700 and less than 1,800 cubic feet per month, \$1.16.

More than 1,800 and less than 1,900 cubic feet per month, \$1.21.

More than 1,900 and less than 2,000 cubic feet per month, \$1.33.

For the first 2,000 cubic feet per month, \$1.33. All additional gas over the first 2,000 cubic feet per month, at the rate of 38.88 cents per thousand cubic feet.

The consumer shall be allowed a discount of ten (10) per cent. from the above rates on all bills paid within ten days from the date hereof.

The grantee may also make special contracts with consumers at rates based upon the amount of gas used and the conditions of the contract, which special rates may be less than those charged to consumers taking a smaller amount of gas or taking gas under different conditions, but said special rates shall be the same to all consumers using a like amount of gas under the same contract conditions.

A schedule of such special rates and contract conditions shall be filed with the Board of Public Works and each and every change therein shall also be filed with the Board of Public Works and be open to public inspection. But if the demand from special rate consumers threatens the general supply the grantee may shut off the supply from special rate consumers in whole or in part, and if the grantee fails or refuses to do so the General Council may by ordinance require the grantee to do so.

§ 11. If at any time within the life of the franchise hereby created said Board of Public Works of the city of Louisville shall approve a plan for the erection and maintenance of street lamp posts or standards along any street, boulevard or public way within the city limits, or extending beyond the city limits of the city of Louisville, and the city of Louisville shall provide for the erection of same, and said grantee shall have a main or pipe line extending along said street, boulevard or public way, said grantee agrees to connect said main or pipe line with said standards and to fit said standards with incandescent equipment, to maintain, repair, replace all globes, clean, light and extinguish, and to furnish natural gas, mixed gas or manufactured gas to the same on the all-night schedule at a reasonable rate to be fixed by the Board of Public Works after a hearing of the grantee and by ordinance duly passed by the General Council.

§ 12. The object of the franchise hereby created is to make available for the people of Louisville natural gas at a rate commensurate with the cost of natural gas to the people of other cities similarly situated and below the cost of manufactured gas, and said grantee shall take all reasonable precautions and measures necessary to furnish natural gas hereunder, during the life of this franchise, but in the event said grantee shall, through no fault of his own, be unable to supply natural gas in sufficient quantities to meet the demand for same, and it shall become necessary to use a material quantity of manufactured gas, the grantee shall give written notice thereof to the Mayor, the Board of Public Works, and the General Council, and thereupon the Board of Public Works shall, by experts employed by it, make a thorough investigation of all the facts relating to the inability of the grantee to supply natural gas and also of all the facts bearing on the reasonableness of rates for natural gas mixed with manufactured gas, or for manufactured gas, and in making said investigation said board or said experts shall have the right to examine the plant, business, books and records of said grantee, and said Board of Public Works shall, after a full hearing of the grantee, find whether or not said grantee's claim that he is unable to supply natural gas is well founded, and shall report said finding to the General Council and also report all the facts which it has ascertained by said investigation, and the General Council shall after considering said report and taking into consideration all the conditions surrounding the furnishing of said natural gas mixed with manufactured gas or manufactured gas, fix reasonable rates to be charged therefor in the event it shall find that said grantee is unable to furnish natural gas in sufficient quantities as required by the franchise and in case said General Council does not within ninety (90) days after said written notice from the grantee fix such rates, or in case of a disagreement as to the inability of said grantee to furnish natural gas between the General Council and the said grantee, then said grantee shall have recourse to the courts to establish said fact, and when said grantee shall establish said fact to the satisfaction of the court, said grantee shall have the right to distribute natural gas mixed with manufactured gas, or manufactured gas, at rates to be fixed by said grantee until said General Council shall fix rates to be charged for such gas by said

grantee, upon which said grantee shall at once accept such rates fixed by the General Council, as the rates for furnishing said gas and such rates may be adjusted from time to time as may be necessary upon notice, hearing and investigations as aforesaid, but the rates to be fixed hereunder, whether by said grantee or by the General Council, shall at all times be reasonable both as to said grantee and the public, and in the event a supply of natural gas shall again become available from said West Virginia field for the purpose of this franchise the right of said grantee to furnish manufactured gas shall cease and it shall become the duty of said grantee to again furnish natural gas at the rates herein prescribed.

§ 13. All bills for gas shall be due and payable ten days from the date thereof and upon the failure of any consumer to pay any bill within fifteen days from such date, the grantee may discontinue the service of such consumer and said grantee shall not be required to furnish service to such consumer until he has first paid all money due the grantee and in addition thereto a charge of one dollar for turning on or reconnecting the service.

§ 14. Said grantee shall extend its mains and pipes for the distribution of natural gas on such streets, avenues, ways and alleys as may be named by ordinance of the General Council followed by notice from the Board of Public Works to proceed thereunder and within the time specified in said notice, provided that in every such case at least six consumers on an average for every four hundred feet of extension so made necessary shall first in writing agree to take such gas from said grantee for a period not less than one year at the rate then in force and effect. Every ordinance providing for extending the mains and pipes as above mentioned, shall have appended thereto the signatures of the required number of prospective consumers and such ordinance shall further contain a provision that in case such prospective consumers, or any of them, causing a reduction below the required number of consumers, fail within thirty days after the passage of the ordinance aforesaid to agree to enter into a contract with the grantee as herein required, such ordinance shall not be enforced. If the grantee should fail or refuse to obey any such ordinance for a period of ninety days after the approval of the same and after said consumers have made or offered to make the agreements aforesaid, said grantee shall

pay to the city the sum of five (\$5) dollars for each and every day such failure or refusal continues. Failure to obey such ordinance authorizing an extension of mains and pipes each day shall constitute a separate violation, and shall entitle the city to the aforesaid sum.

§ 15. If any street, avenue or highway is about to be paved or repaved by the city of Louisville, said grantee shall, on notice from the Board of Public Works, make any extensions of mains and pipes ahead of the paving, including connection to the property lines where buildings are already located and to the property line in front of vacant property if there is assurance that houses will be erected upon said vacant property within twelve months; provided, however, that the mains of said grantee shall be already located not more than two hundred (200) feet from any portion of the street to be paved or repaved.

§ 16. In order that the city and its inhabitants may receive the benefits of natural gas more speedily and with less disturbance of the streets, avenues, alleys and ways of the city and less inconvenience to the public than would otherwise be possible the grantee is hereby authorized to acquire the ownership or use or control by consolidation, purchase, lease, agreement or otherwise, of the pipes, mains, works and property of either or both the Louisville Gas Company and the Kentucky Heating Company of the city of Louisville, and the consent of the city, in so far as such consent is necessary is hereby expressly given to said grantee, his successor and assigns, to make such consolidation, transfer, lease or disposition of his or their pipes, mains and property, with the provisions that any consolidation, purchase, lease, agreement, use or enjoyment shall be subject to the provisions of this ordinance and subject to all rights reserved by and for said city of Louisville by the provisions of the charter of the Louisville Gas Company, except the provisions in reference to prices of gas for illuminating purposes and fuel purposes and the candle power of said gas, which provisions are expressly waived by the city in so far and for the time the physical property of said Louisville Gas Company is acquired or used under this franchise.

And the right of the city of Louisville to purchase the property of the Louisville Gas Company at the expiration of the charter of said Louisville Gas Company is reserved, but said right is

deferred until the expiration of this franchise if the property of the Louisville Gas Company is used under this franchise as set forth above.

§ 17. This franchise, and all work that may be done thereunder, shall be subject to such regulations, rules, laws and ordinances as may now be in force, or which may be hereafter enacted or adopted for the reasonable regulation of the uses of the streets and ways of the city of Louisville and subject to such reasonable regulations as may be adopted for the general welfare of the citizens or the safety of their lives and property.

§ 18. All prohibitions, forfeitures and obligations, and all other provisions of this ordinance shall be binding upon the grantee, his successors and assigns, whether expressly so stated herein or not, and all grants and privileges secured by this ordinance to said grantee shall be held to inure to the benefit of such grantee, his successors and assigns, and the consent of the city of Louisville is hereby expressly given to said grantee to assign this ordinance and all permission, right and privileges and authority hereby granted to any corporation which may be created for the purpose of carrying out the terms and conditions of this ordinance.

§ 19. The franchise created by this ordinance is subject to the exclusive privilege in a charter heretofore granted to the Louisville Gas Company.

§ 20. The franchise hereby created shall continue for a period of twenty (20) years from and after the same shall become effective, and shall constitute a contract between the grantee, his successors, assigns or transferee, and the city of Louisville, binding the grantee to render the service herein specified.

§ 21. It is hereby expressly provided that at the expiration of said term of twenty (20) years the city of Louisville may acquire by arbitration all the plant, equipment and construction installed or used under the provisions of this franchise in the following manner:

Notice of the intent of said city to exercise its option hereby retained shall be given to said grantee, his successor or assigns, at least two years prior to the expiration of said term of twenty years. In case such parties are unable to agree upon a price to be paid therefor, the amount shall be fixed by a Board of Arbitration to be chosen as follows:

Two members of said board shall be appointed by the Mayor of the city of Louisville, one of whom shall be a qualified gas expert. Two members of said board shall be appointed by the grantee, his successor and assigns, one of whom shall not be interested in any way or connected in any manner with said grantee, his successor or assigns, and one of whom shall be a qualified gas expert, and these four arbitrators shall select a fifth member who shall serve with them as said Board of Arbitration, and said board shall fix the price to be paid therefor. Said Board of Arbitration shall have the power to examine all the physical property, books and records of the grantee, his successor and assigns at any time, but the city of Louisville shall not be required to purchase at said price unless it elects to do so, and it shall make its selection within ninety (90) days from the date of the report of said arbitrators. The salary and expenses of the Board of Arbitration shall be divided equally between the grantee and the city of Louisville.

§ 22. The city of Louisville, through the inspector herein provided for, or other agents and inspectors hereafter to be appointed by the Mayor of said city for this purpose, shall have the right at any time to examine the books, papers, contracts, obligations and agreements of the grantee, and also all physical property, plants, generating stations, pipes, appliances and equipment of said grantee, built, erected, maintained or operated under and pursuant to the provisions of this ordinance. But said inspection shall not be had more than once in any one year, and said inspector or inspectors before acting on behalf of the city, shall be duly sworn to secrecy and shall make their report only to the Mayor of said city, to be used by him as he may see fit for the purpose of carrying out the provisions of this franchise.

§ 23. Nothing in this ordinance contained shall be construed as exclusive or as preventing the city of Louisville from granting a like franchise or privilege to any other person, firm or corporation.

§ 24. It shall be the duty of the Board of Public Works as soon as practicable after the passage of this ordinance to advertise by not less than two insertions covering a period of not less than two weeks in the Louisville Times and Louisville Anzeiger, daily papers of the city of Louisville, the sale of the franchise

or privilege herein set out and to sell the same at public auction to the highest and best bidder at a time and place to be fixed by the said board. The right to reject any and all bids shall be reserved. The highest bid made by each bidder shall be transmitted to the General Council at its next meeting following the same with the recommendation of the Board of Public Works as to which bid the said board considers the highest and best, and the General Council may accept that bid which in its judgment is highest and best.

§ 25. No bid for such franchise shall be received or considered by said board unless such bidder shall at the time set for such sale deposit with the person conducting the sale for the city of Louisville a certified check payable to the Treasurer of said city for the sum of two thousand five hundred (\$2,500) dollars, duly certified by some bank doing business in the city of Louisville, which sum shall be treated as part payment of the first installment of the purchase price by the successful bidder in case he shall comply with the terms of his bid, but if he shall not do so it shall be retained as liquidated damages due the city. Any checks which may be deposited by unsuccessful bidders shall be returned to them when the General Council shall have accepted the bid which in its judgment is highest and best. The upset price of said franchise or privilege shall be and the same is hereby fixed at twenty-five thousand (\$25,000) dollars, and the Board of Public Works shall not accept any bid for less than that amount.

§ 26. In case the successful bidder for said franchise or privilege shall fail, within forty days after his said bid shall have been accepted, to comply with the provisions of this ordinance, he shall forfeit the amount of his bid to the city of Louisville and be released from all obligations hereunder, and the Board of Public Works shall again advertise said franchise or privilege for sale in the manner in which the first sale was made and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and in case the successful bidder at such sale shall fail or refuse to comply with the terms of said sale within the time prescribed, then the Board of Public Works may again advertise such franchise or privilege for sale in the manner provided herein and may

continue to do so until said franchise or privilege is purchased by some bidder who will comply with the terms of said sale.

§ 28. This ordinance shall take effect from and after its passage. (*Approved March 29, 1913.*)

(See also *Electric Contract; Gas and Electric Inspection.*)

(3) FRANCHISE.

For Conveying Heat.

AN ORDINANCE to provide for the sale of a franchise for constructing, laying and maintaining a system of pipes and appliances for the conveyance and distribution of steam for heating and other purposes under and across Twentieth street, between Maple and Howard streets, in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege for constructing, laying and maintaining one two and one-half inch pipe and one one and one-fourth inch pipe for the purpose of conveyance and distribution of steam for heating and other purposes in, under and across Twentieth street at a point approximately seventy-five (75) feet north of the Pennsylvania Terminal Railroad Company's right of way and between Maple and Howard streets.

§ 2. This franchise or privilege shall continue for a period of twenty (20) years from the time same takes effect.

§ 3. Said pipes shall be laid in and across the street authorized by this ordinance at some point which will not interfere with any pipes or sewers now occupying said street.

§ 4. Said pipe shall be laid under the direction of the Chief Engineer of the Board of Public Works at such depth and in such manner as he may prescribe. The work shall be done under the direct supervision of an employe of the Board of Public Works designated by the Board, and the bidder to whom the franchise is awarded shall pay the Board of Public Works immediately upon the reception of the work at the rate of \$4.00 per day for each day of nine hours spent by such employe in supervising said work.

The street shall be restored to its former condition to the satisfaction of the Chief Engineer of the city.

§ 5. The bidder to whom this franchise or privilege shall be awarded shall at his or its expense change the location of the pipes and appliances installed under this ordinance upon notice to the Board of Public Works that said location interferes with other plans for the use of the public way herein.

§ 6. Said bidder shall not only comply with the present law with reference to smoke consumers, but shall at any time make such changes as future inventions and laws and ordinances may invent as a means of lessening the issuance of smoke into the air.

§ 7. As soon as may be practicable after the passage of this ordinance it shall be the duty of the Board of Public Works to advertise in at least one daily paper published in the city of Louisville by two insertions covering a period of not less than ten (10) days, that bids will be publicly received for the before-mentioned franchise or privilege and said Board shall thereafter according to such advertisement receive such bids and award such franchise or privilege to the highest and best bidder; subject, however, to the approval of the General Council of said city. Such advertisement shall reserve the right to reject any and all bids.

§ 8. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check, payable to the Treasurer of said city for the sum of \$25.00 and which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of twenty-five (\$25.00) dollars shall be treated as part payment by the successful bidder in case he complies with his bid, and if he shall not comply with his bid, it shall be treated and retained as liquidated damages to the city.

§ 9. The bidder to whom such franchise or privilege shall be awarded shall within ten (10) days after the privilege becomes operative execute bond to the city of Louisville with good and sufficient sureties to be approved by the city in the sum of two thousand (\$2,000.00) dollars, conditioned upon the

faithful performance and discharge of all the obligations imposed by this ordinance from the date thereof and same shall be and remain in force and effect during the life of this franchise; said bond shall further be conditioned that the purchaser of said franchise shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the pipes in the streets aforesaid authorized by this ordinance.

§ 10. No sale of such franchise or privilege shall be made for less than fifty (\$50.00) dollars.

§ 11. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted to pay to the City Treasurer the full purchase price of said franchise or privilege and furnish the bond required in section 9 hereof, the Board of Public Works shall again advertise said franchise or privilege for sale as provided herein, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and shall continue to do so, provided that said franchise shall not be advertised for sale the second time unless some prospective purchaser shall request the Board to so offer it for sale.

Every bidder who fails to comply with the terms of his bid when accepted shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 12. Nothing in this ordinance shall be construed as exclusive, or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 13. This ordinance shall take effect and be in force from and after its passage. (*Approved August 22, 1918.*)

(4) FRANCHISE.**Electric Conduits.**

AN ORDINANCE creating the franchise or privilege of constructing, laying and maintaining wires for conducting electricity across Ninth street between Broadway and York streets, and thence through the first alley south of Broadway between Eighth and Ninth streets, and thence across Eighth street, and also along Ninth street from the first alley south of Broadway, northwardly extending across Broadway and thence along Ninth street from Broadway to the first alley north of Broadway with the privilege of constructing the necessary poles to lay and maintain said wires; and distributing said electricity to the buildings occupied by the Louisville & Nashville Railroad Company at the southeast corner of Eighth and Broadway and at the northeast corner of Ninth and Broadway streets, and providing for the sale of said franchise.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege for constructing, laying and maintaining wires and the necessary poles for conducting electricity across Ninth street between Broadway and York streets, and thence through the first alley south of Broadway between Eighth and Ninth streets, and thence across Eighth street, and also along Ninth street from the first alley south of Broadway, northwardly extending across Broadway and thence along Ninth street from Broadway to the first alley north of Broadway with the privilege of constructing the necessary poles to lay and maintain said wires, and distributing said electricity to the buildings occupied by the Louisville & Nashville Railroad Company at the southeast corner of Eighth and Broadway and at the northeast corner of Ninth and Broadway streets.

§ 2. This franchise or privilege shall continue for a period of twenty years from the time the purchase thereof is approved by the General Council.

§ 3. Said wires shall be constructed, strung and maintained over and across the streets authorized by this ordinance at some point which will not interfere with any existing wires now occupying said streets.

§ 4. The construction of said wires shall be done at the expense of the bidder to whom this franchise is awarded, under the supervision of and according to the plans to be approved by the Board of Public Works. Said construction shall be done under the supervision of an employe of the Board of Public Works, to be designated by said Board, and the bidder to whom this franchise or privilege is awarded shall pay to the city of Louisville the actual cost to it of the services of such employe in such service.

§ 5. The bidder to whom this franchise or privilege shall be awarded shall at his or its expense change the location of said wires constructed under this ordinance upon notice from the Board of Public Works that such plans interfere with the use of the public ways herein.

§ 6. That the acceptance of this franchise or privilege shall be construed as an acceptance by the purchaser of all the conditions herein set forth.

The grantee of this franchise shall save the city harmless from all loss and damage which may be done to its public ways or other property, or to persons or property of individuals by the conduct of the grantee's business, or arising out of the uses and privileges herein granted and shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of said wires and poles over and upon said streets authorized to be constructed and maintained by this ordinance.

§ 8. Nothing in this ordinance shall be construed as being exclusive or as preventing the city of Louisville from granting franchises or privileges to other parties for the distribution and sale of electricity.

§ 9. As soon as may be practicable after the passage of this ordinance it shall be the duty of the Board of Public Works to advertise in at least one daily paper published in the city of Louisville by two insertions covering a period of not less than ten (10) days, that bids will be publicly received for the before-mentioned franchise or privilege and said Board shall thereafter according to such advertisement receive such bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of said

city. Such advertisement shall reserve the right to reject any and all bids.

§ 10. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check, payable to the Treasurer of said city for the sum of twenty-five (\$25.00) dollars, and which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of twenty-five (\$25.00) dollars shall be treated as part payment by the successful bidder in case he complies with his bid, and if he shall not comply with his bid, it shall be treated and retained as liquidated damages to the city.

§ 11. No sale of such franchise or privilege shall be made for less than twenty-five (\$25.00) dollars.

§ 12. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted to pay to the City Treasurer the full purchase price of said franchise or privilege, the Board of Public Works shall again advertise said franchise or privilege for sale as provided herein, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and shall continue to do so, provided that said franchise shall not be advertised for sale the second time unless some prospective purchaser shall request the Board to so offer it for sale.

Every bidder who fails to comply with the terms of his bid when accepted shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 13. This ordinance shall take effect and be in force from and after its passage. (*Approved February 27, 1919.*)

(5) FRANCHISE.**Heat.**

AN ORDINANCE creating a franchise or privilege of constructing, laying and maintaining a pipe for the conveyance and distribution of steam for heating purposes in, under and across Cedar street between Fourteenth Fifteenth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege for constructing, laying and maintaining a pipe not exceeding two and one-half inches in diameter for the conveyance and distribution of steam for heat in, under and across Cedar street between Fourteenth and Fifteenth streets, at a point approximately sixty-five (65) feet west of Fourteenth street.

§ 2. This franchise or privilege shall continue for a period of twenty (20) years from the time same shall take effect.

§ 3. All work done under this franchise shall be done in accordance with such plans and specifications and subject to such rules and regulations as shall be approved by the Board of Public Works of Louisville, Kentucky.

§ 4. The grantee of this franchise shall, at its own expense, change the location of mains, pipes and appliances installed under this franchise upon notice from the Board of Public Works that said location interferes with other plans for the use of the public way herein.

§ 5. Said company shall not only comply with the present law with reference to smoke consumers, but shall at all times make changes as future inventions and laws and ordinances may direct as a means of lessening the issuance of smoke into the air.

§ 6. Nothing in this franchise shall be construed as exclusive or as preventing the city of Louisville from granting franchises or privileges to other parties for the distribution of steam.

§ 7. As soon as may be practicable after the approval of this ordinance it shall be the duty of the Board of Public Works to advertise in two papers of the city of Louisville, by two insertions covering a period of not less than ten (10) days, that said franchise or privilege will be sold at public auction, and said Board shall thereafter, according to such advertisement, receive such bids and award such franchise or privilege to the highest

and best bidder, subject, however, to the approval of the General Council of the city of Louisville. The Board of Public Works shall reserve the right to reject any and all bids, and the advertisement shall so provide.

§ 8. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten (10) days after the same shall have been approved by the General Council, and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check payable to the City Treasurer for the sum of five (\$5.00) dollars and which check shall have been duly certified by a bank established and doing business in the city of Louisville.

Said sum of five (\$5.00) dollars shall be treated as payment by the successful bidder in case he complies with his bid, and if he shall not comply with his bid shall be treated and retained as liquidated damages due the said city, subject to the provisions of section 12 hereof as to further damages in case said franchise shall be resold.

§ 9. The bidder to whom such franchise or privilege shall be awarded shall, within ten (10) days after the privilege becomes operative, execute to the city of Louisville with good and sufficient sureties, a bond to be approved by the Board of Public Works in the sum of five hundred (\$500.00) dollars, conditioned upon the faithful performance and discharge of the obligations imposed by the ordinance from the date thereof and same shall be and remain in force and effect during the life of this franchise. Said bond shall further be conditioned that the purchaser of said franchise shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance and operation of the structures authorized under this franchise.

§ 10. No sale of such franchise or privilege shall be made for less than the sum of five (\$5.00) dollars and the cost of advertising the sale of the franchise, as provided herein.

§ 11. In case the successful bidder for the franchise or privilege shall fail within ten days after said bid shall have been accepted to pay the city of Louisville the full purchase price of said franchise or privilege and furnish the bond required in section 9 hereof, the Board of Public Works shall again advertise

said franchise or privilege for sale as provided herein, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and shall continue to do so; provided, that said franchise shall not be advertised for sale the second time unless deemed advisable by the Board of Public Works.

Every bidder who fails to comply with the terms of his bid when accepted shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 12. This ordinance shall take effect and be in force on and after its passage. (*Approved December 12, 1918.*)

(6) FRANCHISE.

Steam Heat.

AN ORDINANCE to provide for the sale of a franchise for construction, laying and maintaining a system of pipes and appliances for the conveyance and distribution of steam for heating and other purposes under and across Fifth street between Market street and Main streets, and in, under and across Market street between Fifth street and Sixth street, in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege for constructing, laying and maintaining one twelve-inch casing containing pipes for the conveyance, distribution and sale of steam for heating and other purposes to public and private consumers in, under and across Fifth street at a point approximately ten (10) feet north of Market street and in, under and across Market street at a point approximately forty-one (41) feet west of Fifth street.

§ 2. This franchise or privilege shall continue for a period of twenty (20) years from the time same takes effect.

§ 3. Said pipes shall be laid in and across the street authorized by this ordinance at some point which will not interfere with any existing pipes or sewers now occupying said street.

§ 4. Said pipes shall be laid under the direction of the Chief Engineer of the Board of Public Works at such depth and in such manner as he may prescribe. The work shall be done under the direct supervision of an employe of the Board of Public Works designated by the Board, and the bidder to whom the franchise is awarded shall pay to the Board of Public Works immediately upon the reception of the work at the rate of \$3.00 per day for each day of nine hours spent by such employe in supervising said work.

The street shall be restored to its former condition to the satisfaction of the Chief Engineer of the city.

§ 5. The bidder to whom this franchise or privilege shall be awarded shall at his or its expense change the location of the pipes and appliances installed under this ordinance upon notice to the Board of Public Works that said location interferes with other plans for the use of the public way herein.

§ 6. Said bidder shall not only comply with the present law with reference to smoke consumers, but shall at any time make such changes as future inventions and laws and ordinances may invent as a means of lessening the issuance of smoke into the air.

§ 7. As soon as may be practicable after the passage of this ordinance, it shall be the duty of the Board of Public Works to advertise in at least one daily paper published in the city of Louisville by two insertions covering a period of not less than ten (10) days, that bids will be publicly received for the before-mentioned franchise or privilege and said Board shall thereafter, according to such advertisement, receive such bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of said city. Such advertisement shall reserve the right to reject any and all bids.

§ 8. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten days after the same shall have been approved by the General Council, and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check, payable to the Treasurer of said city for the sum of fifty (\$50) dollars, and which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of fifty (\$50)

dollars shall be treated as part payment by the successful bidder in case he complies with his bid, and if he shall not comply with his bid, it shall be treated and retained as liquidated damages to the city.

§ 9. The bidder to whom such franchise or privilege shall be awarded shall, within ten (10) days after the privilege becomes operative, execute bond to the city of Louisville with good and sufficient sureties to be approved by the city in the sum of five thousand (\$5,000.00) dollars, conditioned upon the faithful performance and discharge of all the obligations imposed by this ordinance from the date thereof, and same shall be and remain in force and effect during the life of this franchise; said bond shall further be conditioned that the purchaser of said franchise shall defend all suits and pay all judgments against the city of Louisville arising out of the construction, maintenance or operation of the pipes in the streets aforesaid authorized by this ordinance.

§ 10. No sale of such franchise or privilege shall be made for less than one hundred (\$100.00) dollars.

§ 11. In case the successful bidder for said franchise or privilege shall fail within ten days after said bid shall have been accepted to pay to the City Treasurer the full purchase price of said franchise or privilege and furnish the bond required in section 9 hereof, the Board of Public Works shall again advertise said franchise or privilege for sale as provided herein, and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and shall continue to do so, provided that said franchise shall not be advertised for sale the second time unless some prospective purchaser shall request the Board to so offer it for sale.

Every bidder who fails to comply with the terms of his bid when accepted shall be liable to the city for the amount by which his bid less his deposited check exceeds the amount for which the franchise is ultimately sold.

§ 12. Nothing in this ordinance shall be construed as exclusive or as preventing the city of Louisville from granting a like privilege to any other person, firm or corporation.

§ 13. This ordinance shall take effect and be in force from and after its passage. (*Approved October 24, 1918.*)

(7) FRANCHISE.

AN ORDINANCE for creating and the sale of a franchise or privilege of laying a pipe or pipes and appliances for the conveyance of water and steam across Howard street between Eighteenth and Twentieth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created a franchise or privilege for constructing, laying and maintaining one pipe or conduit in which may be placed other pipes for the transmission of water and steam across Howard street between Eighteenth and Twentieth streets at a point approximately three hundred (300) feet west of Eighteenth street, in the city of Louisville.

§ 2. This franchise or privilege shall continue for a period of twenty (20) years from the time the same shall take effect.

§ 3. All work done under this franchise shall be done in accordance with such plans and specifications and subject to such rules and regulations as shall be approved by the Board of Public Works of Louisville, Kentucky.

§ 4. The grantee of this franchise shall, at its own expense, change the location of mains, pipes and appliances installed under this franchise upon notice from the Board of Public Works that said location interferes with other plans for the use of the public way herein.

§ 5. Said company shall not only comply with the present law with reference to smoke consumers, but shall at any time make such changes as future inventions and laws and ordinances may direct as to means of lessening the issuance of smoke into the air.

§ 6. Nothing in this franchise shall be construed as exclusive or as preventing the city of Louisville from granting franchises or privileges to other parties for the distribution and sale of steam.

§ 7. As soon as may be practicable after the approval and passage of this ordinance it shall be the duty of the Board of Public Works to advertise in a daily newspaper published in Louisville, Kentucky, by two insertions covering a period of not less than ten (10) days, that said franchise or privilege will be sold at public auction, and said Board shall thereafter, according to such advertisement, receive such bids and award such

franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of the city of Louisville; the Board of Public Works shall reserve the right to reject any and all bids, and the advertisement shall so provide.

§ 8. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of such bid in cash to the Treasurer of said city within ten (10) days after the same shall have been approved by the General Council, and no bid shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check payable to the Treasurer of said city for the sum of thirty (\$30) dollars, and which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville.

§ 9. Said sum of thirty (\$30) dollars shall be treated as part payment by the successful bidder in case he complies with his bid, and if he shall not comply with his bid it shall be treated and retained as liquidated damages due to the said city, subject to the provisions of section 12 hereof as to further damages in case said franchise shall be resold.

§ 10. The bidder to whom such franchise or privilege shall be awarded shall, within ten days after the privilege becomes operative, execute to the city of Louisville, with good and sufficient sureties, a bond to be approved by the Board of Public Works in the sum of \$5,000, conditioned upon the faithful performance and discharge of the obligations imposed by the ordinance from the date thereof, and same shall be and remain in force and effect during the life of this franchise. Said bond shall further be conditioned that the purchaser of said franchise shall defend all suits and pay all damages against the city of Louisville arising out of the construction, maintenance and operation of the structures authorized under this franchise.

§ 11. No sale of such franchise or privilege shall be made for less than the sum of thirty (\$30) dollars and the cost of advertising the sale of the franchise as provided herein.

§ 12. In case the successful bidder for the franchise or privilege shall fail within ten days after said bid shall have been accepted to pay the city of Louisville full purchase price of said franchise or privilege and furnish the bond required in section 10 hereof, the Board of Public Works shall again advertise said

franchise or privilege for sale as provided herein and shall again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made, and shall continue to do so, provided that said franchise shall not be advertised for sale the second time unless deemed advisable by the Board of Public Works.

Every bidder who fails to comply with the terms of his bid when accepted shall be liable to the city for the amount by which his bid, less his deposited check, exceeds the amount for which the franchise is ultimately sold.

§ 13. This ordinance shall take effect and be in force on and after its passage. (*Approved October 23, 1919.*)

(8) FRANCHISE.

AN ORDINANCE creating a franchise or privilege of constructing, maintaining and operating a pipe or conduit, or system of pipes or conduits, across and in the first alley south of Chestnut street, from Fourth to Fifth streets; and across and in the alley from the first alley south of Chestnut street to the first alley north of Broadway, being between Fourth and Fifth streets; and across and in the first alley north of Broadway, from Fourth to Fifth streets, for the purpose of conducting steam for heating purposes.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created by the General Council of the city of Louisville a franchise or privilege for constructing, maintaining and operating a pipe or conduit, or system of pipes or conduits, across and in the first alley south of Chestnut street, from Fourth to Fifth streets; and across and in the alley from the first alley south of Chestnut street to the first alley north of Broadway, being between Fourth and Fifth streets; and across and in the first alley north of Broadway, from Fourth to Fifth streets, for the purpose of conducting steam for heating purposes. Said pipe or conduct, or system of pipes or conduits, shall be located in said alleys as shall be directed by the Board of Public Works and shall in no wise interfere with any sewers or other existing structures.

§ 2. This franchise or privilege shall continue for a period of twenty years from the time same shall take effect.

§ 3. All work done under this franchise or privilege shall be done in accordance with such plans and specifications and subject to such rules and regulations as shall be approved by the Board of Public Works of Louisville, Kentucky.

§ 4. Nothing in this franchise shall be construed as exclusive or preventing the city of Louisville from granting a franchise or privilege to other parties for the purpose of conducting steam for heating purposes in or across the above-described alleys.

§ 5. That the acceptance of this franchise or privilege shall be construed as an acceptance by the purchaser of all the conditions herein set forth.

§ 6. Before proceeding to construct said herein described pipe or conduit, or system of pipes or conduits, in so far as the same shall lie in or across any public way, or to repair same after it has been constructed, the purchaser of said franchise or privilege shall obtain from the Board of Public Works of the city of Louisville a permit to perform the work in question. Such work of construction or repair shall be done under the supervision of an employe of the Board of Public Works, to be designated by said Board of Public Works, and the purchaser of said franchise or privilege shall pay to the city of Louisville for each day spent by said employe in said supervision the exact cost of the employment of said employe of the city of Louisville.

§ 7. The bidder to whom such franchise or privilege shall be awarded shall, within ten days after the privilege becomes operative, execute to the city of Louisville with good and sufficient securities, a bond to be approved by the Board of Public Works in the sum of \$5,000.00, conditioned upon the faithful performance and discharge of the obligations imposed by the ordinance from the date thereof and same shall remain in force and effect during the life of this franchise. Said bond shall further be conditioned that the purchaser shall indemnify and save harmless the city of Louisville from any claims for damages by reason of the construction, maintenance or operation of said pipe or conduits, or system of pipes or conduits, or by the failure to repair the same. The acceptance of this franchise or privilege and the construction of said pipe or conduit, or system of pipes

or conduits, shall bind the said purchaser, its successors and assigns to the city of Louisville for the performance of said undertakings and provisions of said ordinance, and it is expressly understood that the amount of the bond herein specified shall not limit the amount of the obligation which the purchaser of said franchise may incur by virtue of the defense of any and all suits which may be brought against the city of Louisville arising out of the construction, maintenance and operation of said pipe or conduit, or system of pipes or conduits.

§ 8. As soon as may be practicable after the passage and approval of this ordinance, it shall be the duty of the Board of Public Works to advertise in at least one daily paper published in the city of Louisville, by two insertions covering a period of not less than ten days, that bids will be publicly received for the sale of this franchise. The Board of Public Works shall thereafter, according to such advertisement, receive bids and award such franchise or privilege to the highest and best bidder, subject, however, to the approval of the General Council of the city of Louisville. The Board of Public Works shall reserve the right to reject any and all bids, and the advertisement shall so provide.

§ 9. The bidder to whom such franchise or privilege shall be awarded shall pay the amount of his bid in cash to the City Treasurer within ten days after the same has been approved by the General Council, and no bids shall be received or considered by said Board of Public Works unless the bidder shall deposit with his bid a check, payable to the City Treasurer of the city of Louisville, for the sum of \$100.00, which check shall have been duly certified by a bank established and doing a regular business in the city of Louisville. Said sum of \$100.00 shall be treated as a part payment by the successful bidder in case he complies with the terms of the sale, and if he should not comply with the terms of said sale, said check shall be retained and treated as liquidated damages due the city of Louisville.

§ 10. No sale of such franchise or privilege shall be made for less than the sum of \$100.00.

§ 11. In case the successful bidder of this franchise or privilege shall fail, within ten days after said bid has been accepted, to pay to the city of Louisville the full purchase price of said franchise or privilege and furnish the bond required in section

7 hereof, the Board of Public Works may again advertise said franchise or privilege as provided herein and may again sell said franchise or privilege in the same manner and upon the same conditions and requirements in all respects as the original sale of said franchise or privilege was made.

§ 12. For the violation of any provision of this franchise or privilege by the purchaser thereof, its successor or assigns, or by any officer, agent or employe of said purchaser, its successors or assigns, shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense.

§ 13. This ordinance shall take effect from and after its passage. (*Approved October 23, 1919.*)

FREE PUBLIC LIBRARY.

Establishment.

AN ORDINANCE signifying and declaring the purpose and intent of the city of Louisville to establish and maintain and establishing and undertaking to maintain a Free Public Library under and in accordance with the provisions of an act entitled, "An act providing for the establishment and maintenance of Free Public Libraries in cities of the first class," approved March 21, 1902.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville hereby signifies and declares its purposes and intent to establish and maintain and does hereby establish and undertake to maintain a free public library under and in accordance with the provisions of the act of the General Assembly of the Commonwealth of Kentucky, entitled, "An act providing for the establishment and maintenance of free public libraries in cities of the first class," approved by the Governor March 21, 1902.

§ 2. That this ordinance shall take effect from its passage. (*Approved April 12, 1902.*)

(1) GARBAGE.**Removal in General.**

AN ORDINANCE prohibiting the sweeping, throwing, or placing of dirt, trash, garbage, or other waste on the sidewalks, or into the gutters of the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to sweep, throw, or place any dirt, trash, garbage, or waste on the sidewalks, or into the gutters of the public ways of the city of Louisville.

§ 2. All such dirt, garbage, trash, or waste shall be placed in boxes, barrels, or other receptacles, and the same deposited on the curb or sidewalk in front of the premises from which it came before 7 o'clock A. M. of each day, so that it may be removed by proper employes of the city.

§ 3. Any violation of any of the provisions of this ordinance shall be punished by a fine of not less than five dollars (\$5) nor more than twenty dollars (\$20) for each offense.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. The ordinance to take effect from its approval. (*Approved October 8, 1895.*)

(See also *Weeds; Public Ways—Use and Protection.*)

(2) GARBAGE.**Accumulation in Public Places.**

AN ORDINANCE to prohibit the throwing or placing of dirt or rubbish or material of any kind in any of the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons to throw or place any dirt, rubbish, nails, tacks, spikes, wire, broken bits of metal, glass, pottery ware, or any sharp or dangerous rubbish, stone, or material of any kind in any street, alley or public way of the city of Louisville, or thereby impede or obstruct the flow of water in any gutter of any street, alley, or public way in the city of Louisville.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty dollars (\$20) for each offense.

§ 3. This ordinance shall not prevent the use of streets or alleys in case where buildings are being erected in such manner as now provided by law.

§ 4. This ordinance shall take effect from and after its passage. (*Approved October 8, 1895.*)

(3) GARBAGE.

Removal Within Certain Limits.

AN ORDINANCE regulating the removal of ashes, garbage, trash, rubbish, etc., in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any owner, tenant, lessee or occupant of any buildings or place of business within the limits of the district of the city of Louisville, described in Section 4 of this ordinance to throw or lay any ashes, offal from kitchen, garbage, shells, straw, shavings, glass, dirt, old hoops, trash, rubbish, or sweepings of any kind whatever, or allow any noxious and impure liquid to run or flow into or upon any public way or other public place in the city of Louisville; but it shall be the duty of every owner, tenant, lessee, or occupant of any and every building or place of business within the limits of the district described in Section 4 of this ordinance, forthwith to provide, or cause to be provided, and at all times thereafter to keep and be kept provided within such building or upon the premises suitable and sufficient boxes, barrels, or tubs for receiving and holding, without leakage, and without being filled within four inches of the top thereof, all the ashes, rubbish, garbage, and liquid substances of whatever kind that may accumulate during thirty-six hours from said building or place of business, or the portion thereof of which such person may be the owner, tenant, lessee, or occupant.

§ 2. That it shall be the duty of every owner, tenant, lessee, or occupant of any and every building and place of business within the limits of the district described in Section 4 of this

ordinance, to provide a separate receptacle for ashes, rubbish, etc., and another for garbage and liquid substances, the latter receptacle to be made of or lined with some suitable metal; and all ashes, rubbish, etc., shall not be placed or kept in the same vessel with garbage and liquid substances.

§ 3. All boxes, or other receptacles, required under the provisions of Sections 1 and 2 of this ordinance, shall be placed, between the hours of sunrise and 10 o'clock A. M., at such time as may be required or fixed by the person or persons whose duty it shall be to remove the same, on all paved streets running north and south, in the rear of the property of the owner, tenant, lessee, or occupant thereof, if there is a paved alley in the rear of the same, or in front thereof, if there is not, on Mondays, Wednesdays and Fridays; and on all paved streets and alleys running east and west on Tuesdays, Thursdays and Saturdays. If such boxes, vessels, or receptacles are placed on the sidewalks they shall be placed within one foot of the curbstone thereof, or edge next to the street pavement, and all such boxes, vessels and other receptacles shall be removed from the sidewalk by the owner, tenant, or occupant of the property within one hour after they shall have been emptied; and the same, although they shall not have been previously emptied, shall not be allowed by the owner, tenant, lessee, or occupant of the property to remain on any street, alley, sidewalk, or other public place after the hour of 10 A. M.

§ 4. That the limits of the districts covered in this ordinance shall be as follows: Beginning at a point in the center line of Chestnut street at the center line of Ninth street; thence southwardly with the center line of Ninth street, and Ninth street, extended, to the center line of Brandeis avenue, extended; thence eastwardly with the center line of Brandeis avenue, and Brandeis avenue, extended, to the center line of Flat Lick Road; thence in a straight line to a point in the center line of Texas street, extended, where it is intersected by the center line of the first alley south of Forest street, extended; thence with the center line of Texas street, and Texas street, extended, to the center line of Goss avenue; thence northeastwardly in a straight line to the intersection of the center line of Baxter avenue, with the center line of Finzer or Park avenues; thence with the center line of Finzer or Park avenues, to the center line of Everett

avenue; thence northwestwardly with the center line of Everett avenue, and Everett avenue, extended, to the center line of Baxter avenue; thence with the center line of Baxter avenue to the center line of Chestnut street, extended; thence with the center line of Chestnut street, and Chestnut street, extended, to the point of beginning.

§ 5. Any person who shall wilfully turn over or upset any of the vessels or receptacles used for any of the purposes defined in this ordinance, thereby spilling the contents or any portion of them on any street, alley, or other public place, shall, on conviction thereof, be fined as provided for in Section 6 of this ordinance.

§ 6. Any violation of any of the provisions of this ordinance by the owner, tenant, lessee, or occupant of any building or place of business within the district described in Section 4 of this ordinance, shall subject the person or persons guilty thereof to a fine of not less than one dollar (\$1), nor more than five dollars (\$5) for each offense.

§ 7. That all other ordinances in conflict with this ordinance are hereby repealed.

§ 8. That this ordinance shall take effect from and after its approval. (*Approved April 7, 1905.*)

(2) GARBAGE.

Separation, Receptacles, etc.

AN ORDINANCE providing for the separation of garbage and miscellaneous waste, type of receptacles, collection and disposal.

Be it ordained by the General Council of the city of Louisville:

§ 1. The term "Garbage" shall include all combustible matter which is liable to ferment, decay, putrefy, decompose or become offensive or a menace to health, and the refuse matter from kitchens, dining rooms and other parts of hotels, restaurants, boarding houses, tenement houses, dwelling houses, market houses, private hotels and clubrooms, and the refuse fruits and vegetables from fruit stands, commission houses, groceries

or any other places of business, and all the refuse animal matter, excepting any portion or particle of meat or animals unfit or not intended for immediate market and to be subjected to a rendering process from slaughter houses, butcher shops, meat shops, poultry or fish stores or any place where meat is sold.

§ 2. The term "Ashes" shall include cinders and all solid products of complete combustion of wood, coal or other combustible material, provided the same has been completely burned and has not been mixed with any combustible or insanitary material.

§ 3. The term "Manure" shall include all excreta of any domestic or other animals, livestock or fowl, and hay, straw or other material when mixed with excreta of any such animal, livestock or fowl.

§ 4. The term "Other Refuse" shall include all yard screenings, dirt, rags, waste paper and all other unsightly materials.

§ 5. Every household keeper, restaurant or hotel keeper and all keepers of stores and places of business are hereby required to place garbage in a separate watertight, flyproof receptacle, and furthermore, to place all ashes and other refuse in another receptacle, which shall be constructed as to prevent the contents from spilling, flying about or otherwise.

§ 6. The vessels for garbage as prescribed and required by the preceding section (5) shall be watertight and made of metal with a close-fitting metal cover. Such vessels shall be provided with handles, sufficient for the safe and convenient emptying of same.

§ 7. The city of Louisville shall, as soon as practicable, reorganize the present garbage collection system and provide for the separate removal of garbage in a special watertight wagon (which vehicle shall have covers), and the disposal of the garbage in such a manner as not to endanger the public health.

§ 8. No person or persons shall engage in the collection or transportation of garbage, manure, ashes or other refuse as a business without a permit from the Board of Public Works or otherwise in accordance with the terms of the said permit.

§ 9. Any person or persons violating or assisting in the violation of any part or parts of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars or more than fifty (\$50) dollars.

§ 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 11. This ordinance shall take effect sixty days after its passage. (*Approved October 6, 1917.*)

(See also *Weeds; Stagnant Water.*)

GAS—CONTRACT FOR SALE OF FROM KENTUCKY.

AN ORDINANCE authorizing the Mayor of the city of Louisville to execute a contract in behalf of the said city with the Louisville Gas and Electric Company authorizing said company to distribute and sell natural gas in Louisville from the gas field near the forks of Beaver Creek, Kentucky, supplementing the supply of gas from the West Virginia field under its franchise with the city of Louisville and created under an ordinance approved March 29, 1913.

Be it ordained by the General Council of the city of Louisville:

That the city of Louisville through its Mayor do and the said Mayor is hereby authorized, empowered and directed to enter into and execute a contract in behalf of the city of Louisville with the Louisville Gas and Electric Company, a corporation organized and existing under the laws of the State of Kentucky, in the following words, to-wit:

THIS AGREEMENT MADE THIS.....day of October, 1918, by and between the city of Louisville, Kentucky, acting through its duly authorized representative, party of the first part, and the Louisville Gas and Electric Company, a corporation of the State of Kentucky, party of the second part,

WITNESSETH: That whereas the first party sold to the second party a certain franchise created by ordinance approved the 29th day of March, 1913, and

Whereas, Under the said franchise the second party agreed to bring to Louisville natural gas from the State of West Virginia and to distribute the said natural gas in the city of Louisville under certain terms and conditions, which are fully set out in said franchise; and

Whereas, The second party has not maintained a good service of gas to the general public at such times as the demand for gas exceeded the supply; and

Whereas, The second party has not at certain times in the past furnished as much as twelve million cubic feet of gas per day from the gas field in West Virginia; and

Whereas, It appears probable that a considerable supply of natural gas may be obtained in Eastern Kentucky if first party will consent that second party may obtain and furnish such gas for distribution in Louisville under its said franchise; and

Whereas, Both the first and second parties are desirous that an increased supply of natural gas shall be brought to the city of Louisville; and

Whereas, First and second parties both believe that the gas existing near the forks of Beaver Creek, Kentucky, is one of the best gas fields in Kentucky;

Now, therefore, in consideration of the above facts and of the benefit to be derived by both parties, it is agreed:

First—That the first party will and does withdraw any objection to the introduction hereafter into the city of Louisville by the second party, under its franchise, of natural gas from the gas fields existing near the forks of Beaver Creek, Kentucky, and agrees to the modification of said franchise in this particular only.

Second—It is distinctly understood that this agreement is made only for the purpose of granting the party of the second part the privilege of supplying gas from the Eastern Kentucky field before mentioned, supplementing the gas coming from the State of West Virginia, and does not change or alter the franchise in any other respect whatsoever, and this agreement is not to be construed as giving or granting to the second party the privilege or right of furnishing gas from the afore-mentioned Eastern Kentucky field in lieu of gas from the State of West Virginia, as provided and required by said franchise, but this privilege is granted merely to supplement the supply of natural gas furnished from the State of West Virginia.

Third—This agreement is without prejudice to the rights of either party under said franchise as it existed before this modification.

IN TESTIMONY WHEREOF the parties hereto have caused their corporate name to be signed and their seals to be affixed by their duly authorized officers.

This ordinance shall take effect from and after its passage. (*Approved October 24, 1918.*)

GAS AND ELECTRICITY—INSPECTION.

Appointment of Inspector and Duties.

AN ORDINANCE providing for the appointment of an Inspector of Gas and Electricity and prescribing his duties and compensation.

Be it ordained by the General Council of the city of Louisville:

§ 1. APPOINTMENT OF INSPECTOR. That the Mayor of the city of Louisville at the beginning of his term as Mayor is hereby authorized and empowered to appoint, subject to the approval of the Board of Aldermen, a competent person as Inspector of Gas and Electricity who is qualified and recommended to the Mayor as hereinafter provided.

The Inspector, his deputies or his clerk, shall not be pecuniarily interested either directly or indirectly in the manufacture or sale of gas or electricity, meters, or any article or commodity used by gas or electric light companies, or used for any purpose connected with the consumption of gas or electricity.

The Inspector, his deputies or his clerk shall not give certificates or written opinions to the maker or vendor of any such article or commodity.

The Board of Public Works and the City Engineer shall constitute a board for the examination of all persons who shall apply for the position of Inspector. Said board shall give public notice of the time and place of such examination by insertion in the daily papers or otherwise as said board may direct. At the time and place so fixed the board shall examine all applicants in such manner as it shall deem necessary to determine their technical knowledge and competency to perform all duties of Inspector as called for in this ordinance. Said board shall within two weeks

after such examination certify to the Mayor the names of such persons as said board shall deem fully competent to make the tests required in this ordinance. Only persons whose names are so certified shall be eligible to be appointed Inspector. Provided, however, that any person who shall previously have held the office of Inspector under this ordinance may be reappointed to said office without such certificate from the board. Provided, also, that a person who has once been certified as competent by said board shall be subsequently eligible for appointment without again being examined thereby during a period of four years from such first examination.

§ 2. TERM OF OFFICE OF INSPECTOR. Before entering upon the duties of said office said Inspector shall take the oath of office such as required by other city officials and shall give bond, to be approved by the Mayor and General Council, in the sum of five thousand (\$5,000) dollars for the faithful performance of his duties.

He shall receive a salary at the rate of three thousand (\$3,000) dollars per annum, payable monthly in like manner as the salaries of other city officers and employes.

He shall serve for a term of four years, but said Inspector may be removed by the Mayor at any time upon written notice to that effect, giving his reasons for such action.

§ 3. DEPUTIES AND CLERK. The Inspector, with the consent and approval of the Mayor, may appoint not more than two deputy inspectors. Each of said deputies shall be competent to perform any and all tests herein provided for which he shall be required or directed to make. Said deputies so appointed shall have the power under the direction of the Inspector to perform any duty which may be required of the Inspector under the provisions of this ordinance.

The Inspector, with the consent and approval of the Mayor, may also appoint an assistant or clerk who need not necessarily be competent to make the tests herein provided for, but who shall under his direction aid in the performance of the duties of this office. Said deputies and clerk shall take the oath of office such as is regularly required of other city officials, and shall give bond in the sum of two thousand five hundred (\$2,500) dollars for the faithful performance of their duties. Said deputies and

clerk shall hold office for a term of four years, but shall be removable at any time at the pleasure of the Mayor.

Each of said deputy inspectors shall receive a salary at the rate of one thousand five hundred (\$1,500) dollars per annum, payable monthly. The clerk shall receive a salary of one thousand two hundred (\$1,200) dollars per annum, payable monthly.

§ 4. DUTIES OF INSPECTOR. (1) The Inspector shall test or determine as hereinafter prescribed the quality and pressure of all gas and the voltage of electricity furnished by any gas or electric company operating in the city of Louisville and the accuracy of gas and electric meters. He shall have full charge and control of all testing stations, laboratories and offices provided for his use for such testing and for the keeping of records.

(2) He shall examine and, subject to the action of the Board of Public Works, approve all rates filed with the Board of Public Works as charged by any gas or electric company.

(3) He shall receive and investigate complaints regarding the quality of gas, gas pressure, electric voltage, and the accuracy of gas and electric meters, and when so requested shall promptly report the result of said investigation to the party complaining and to the company involved.

(4) He shall keep at his office a record of all tests and calibrations and formal complaints, which shall be preserved complete and correct, including all tests of gas, quality and pressure, of electric voltage and of all gas and electric meters examined.

(5) He shall make a monthly report of the tests made as to candle power, heating value, impurities and pressure of gas, and the electric voltage and the tests made of gas and electric meters. One copy of said report shall be sent to the company concerned, one to the Board of Public Works of the city of Louisville, and the whole report, or an abstract of said report, may be published by the Board of Public Works in the official papers of the city of Louisville. The Inspector shall also render to the Board of Public Works each month a statement of the amount due to the city or to the consumers from any gas or electric company for penalties or fees required under this ordinance or the franchise of said gas or electric companies.

(6) The Inspector shall make a special report to the Mayor, and to the Board of Public Works whenever the quality or

pressure of the gas or voltage of electricity shall be shown by tests not to conform to the requirements of this ordinance or the franchise of the gas and electric companies. The substance of said special report shall be communicated to the company by the Inspector immediately upon the delivery of same to the Mayor after completion of the test which showed such condition to exist.

(7) He shall perform any and all other duties naturally connected with this office as required or implied by any part of this ordinance, or any existing or future franchise, or as specially assigned to him at any time by the Mayor or the General Council.

§ 5. TESTING STATIONS. (1) As soon as practicable after the passage of this ordinance the city shall provide and maintain testing stations and shall equip and maintain the same with such apparatus and supplies as may be needed for carrying out the provisions of this ordinance. One of said stations shall be located at the City Hall and others may be established at or near centers of gas consumption and if possible shall not be less than one mile, or more than two miles, measured in a direct line, from any manufacturing plant of the company or companies furnishing gas in the city of Louisville. The company or companies shall run special service pipes for gas and wiring for electricity into each of said testing stations, the same to be of such size and installed in such manner as may be directed by the Inspector, provided that the company or companies shall be allowed to so protect these service pipes for gas as to prevent their exposure to temperature lower than those of the gas-supplying mains.

(2) One of said testing stations shall also be equipped by the city with a gas meter prover and all necessary appliances which the Inspector shall require for the testing of such meters as are tested on complaint under the regulations of this ordinance.

(3) One of said testing stations shall be equipped by the city with approved standard electricity meters and other necessary appliances and apparatus which the Inspector may require for the testing of electricity meters; voltage regulation; and in general carrying out the provisions of this ordinance.

§ 6. METHOD OF TESTING. The method of testing the quality and pressure of said gas and the voltage of electricity and the accuracy of gas and electric meters shall be those set forth in

the latest Circular of the National Bureau of Standards of the Department of Commerce, or according to the best practice.

§ 7. GAS METERS AND GAS METER TESTING. (1) The company shall provide itself with a suitable meter prover and shall maintain the same in proper condition to test the accuracy of its meters. Every gas meter, before being installed by the company or the measurement of gas supplied to any consumer, shall be tested and if necessary be repaired or adjusted to be correct within one per cent. Every meter so tested and found correct shall be marked with the date of the test. This testing should be done by the company under the supervision of the Inspector.

(2) During each period of one year after the passage of this ordinance until all such meters have been tested, the company shall remove for test no less than twenty per cent. of the meters now in service. The removal of said meters now in service shall be made as nearly as possible in the order of the length of time since they were last tested, those longest in service being removed first.

(3) All new meters purchased by the company and all old meters which shall have been repaired or adjusted or removed from service for any cause shall be tested and sealed before installation.

(4) No meter, after being once tested and sealed, shall be allowed to remain in service longer than five years before being again tested and sealed as provided above.

(5) Upon the application of any consumer and the deposit of a fee of fifty cents the Inspector shall test said consumer's meter in the manner provided herein. If the meter proves more than two per cent. fast the company owning the meter shall pay to the consumer his fee of fifty cents, and further the company shall refund to the complaining consumer such a percentage of the amount of the bills for the time said meter was in use, not exceeding three months, as the meter shall have been shown to be in error at the time of said test. If the meter proves more than two per cent. slow the company may charge to the complaining consumer such percentage of the amount of the bills for the time said meter was in use, not exceeding three months, as the meter shall have been shown to be in error at the time of said test.

The removal and transportation of all meters shall be done by the company at its own expense.

For purposes of supervision of the testing of meters, the Inspector shall have access at all reasonable hours to the shops of the company where such tests are made and to the records of all such tests. He shall be allowed at any time to examine or calibrate the provers used for the testing of meters and to check the results of tests in any number of meters which he may wish to examine. The supervision shall be such as not to interrupt the regular testing work of the company more than is necessary to insure the careful and accurate tests of all meters; and the company shall in no case be relieved of the responsibility for the accuracy of its meters.

At the end of each month the Inspector shall pay into the city treasury all fees deposited under this section and section 8 hereof.

§ 8. ELECTRIC METERS AND ELECTRIC METER TESTING. (1) The company shall have available suitable working standards for the testing of electric service meters, and shall maintain these standards correct within one-half of one per cent. or apply the proper corrections to all tests made with them. Each standard shall at all times be accompanied by a certificate giving the date it was last checked, the correction to be applied at various loads, and signed by the proper authority. The certificates, when superseded, shall be kept on file in the company's office and be kept open to inspection by the Inspector at any time.

(2) Every electric service meter shall within thirty days after being installed by the company on any consumer's premises, be checked by the owning company for correct electrical connections, mechanical condition, proper and suitable location, and accuracy of adjustment and registration at approximately one-tenth and three-fourths of the rated capacity of the meter, commonly called light load and heavy load. All meters so checked and found in error in excess of one per cent. in comparison with approved suitable standards, shall be adjusted to register correctly to within one per cent. at both light and heavy load.

(3) All electric service meters installed upon consumers' premises shall be periodically tested, and if found in error more than one per cent. at light load or heavy load be adjusted to

register within one per cent. by the owning company in accordance with the following schedules:

(a) DIRECT CURRENT METERS. Meters of rated capacity up to and including 25 amperes shall be tested at least once in 18 months.

Meters of rated capacity exceeding 25 amperes up to and including 500 amperes shall be tested at least once in every 12 months.

Meters of rated capacity exceeding 500 amperes shall be tested at least once in 6 months.

(b) ALTERNATING CURRENT METERS. Single phase meters of rated capacity up to and including 25 amperes, shall be tested at least once in every 30 months.

Single phase meters of rated capacity exceeding 25 amperes shall be tested at least once in every 24 months.

Poly phase meters of rated capacity up to and including 150 amperes shall be tested at least once in every 24 months.

Poly phase meters of rated capacity exceeding 150 amperes shall be tested at least once every 12 months.

(4) The company shall after the passage of this ordinance take such steps as may be approved by the Inspector to test all its meters according to the schedules herein set forth. All tests made at time of installation and all periodic tests of electric meters shall be subject to such supervision by the Inspector as he may deem necessary to insure that provisions of this ordinance are complied with.

(5) Upon formal application by any consumer to the Inspector a test shall be made of the consumer's electric service meter by the Inspector, such test to be made as soon as practicable after receipt of application. For such tests a fee of fifty cents shall be paid by the consumer at the time the application is made for the test; this fee to be retained if the meter is found to be slow or incorrect within four per cent. as averaged at light load and heavy load. If the meter is found to be more than four per cent. fast, as averaged at light load and heavy load, the company shall pay to the consumer the fee of fifty cents, and further the company shall refund to the complaining consumer such a percentage of the amount of the bills for the previous three

months, or for the time the meter was in service, not exceeding three months, as the meter was found to be in error at the time of the test.

If the meter is found to be more than four per cent. slow, as averaged at light load and heavy load, the company may charge to the complaining consumer such percentage of the amount of the bills for the previous three months or for the time the meter was in service, not exceeding three months, as the meter was found to be in error at the time of the test.

(6) The company owning any meter on which the Inspector is about to make a test upon consumer's complaint, shall be notified by the Inspector that such test is to be made, and should have a representative present to open the meter, and if necessary to adjust the meter to within the required limits of one per cent. at light load and heavy load, and to seal the meter after completion of test and adjustment.

(7) The installation, removal, installation and periodic tests and adjustments and transportation of meters shall be at the expense of the company owning the meters.

§ 9. GAS PRESSURE. The pressure of the gas distributed to any consumer shall be adequate and proper for the uses and purposes thereof, and the pressure of the gas furnished for household or residence purposes distributed by the company as measured at the outlet of the gas service pipe to any consumer shall never be less than equivalent to three ounces nor more than equivalent to five ounces, and the daily variation in the pressure at any such outlet shall never be greater than equivalent to one and one-half ounces. Provided, however, that the company may upon request of or with the consent of any consumer supply said consumer with gas at higher pressure than above specified.

The company shall provide itself with not less than two portable recording gas pressure gauges and shall maintain these at different points on its distributing system in order that not less than two continuous records of the pressure of the gas at such point shall be made. These gauges may be moved to different parts of the distributing system at the discretion of the company.

The Inspector shall also make regular records of the pressure of the gas at each gas testing station and elsewhere on the dis-

tributing system of the company as he may deem necessary to determine whether or not the company is complying with the provisions of this section.

§ 10. VARIATION OF VOLTAGE AND VOLTAGE SURVEYS. (1) The company shall adopt a standard voltage for its entire constant potential system, or for each of the several districts into which the system may be divided, and shall maintain such a voltage, as measured at any consumer's cut-out by a standardized indicating voltmeter, so that variations of more than three per cent. above or three per cent. below such standard voltage shall not occur between sunset and eleven o'clock P. M. for periods exceeding five minutes on lighting circuits. On other than exclusively lighting circuits variations of more than ten per cent. above or ten per cent. below the standard voltage shall not occur at any time for periods exceeding five minutes. Provided, however, that variations in voltage caused by the operation of apparatus on the consumer's premises, in violation of the company's rules, the action of the elements, or other causes beyond the company's control shall not be considered a violation of this section.

(2) The company shall provide itself with one or more portable indicating voltmeters and one or more graphic recording voltmeters, these instruments to be of a type and capacity suited to the voltage supply.

The company shall make a sufficient number of voltage surveys to indicate the service furnished from each feeder and to satisfy the Inspector of its compliance with the voltage requirements, and shall keep one or more graphic recording voltmeters in continuous service at its plant, office, or some consumer's premises. All voltmeter records shall be kept open for public inspection.

§ 11. QUALITY OF NATURAL GAS. The natural gas supplied by the company shall be straight natural gas without admixture of air or artificial gas, except as air may be introduced in the pumping or as artificial gas may be admixed with the natural gas in the provisions of the franchise of the company. In the event that it is necessary to supply a mixture of artificial and natural gas the company shall on or before the 10th day of each month report to the Inspector the amount of natural gas and

amount of artificial gas supplied during the previous month and the monthly average total heating value of both the artificial gas and natural gas thus supplied.

§ 12. RECORDS OF THE COMPANY. The company shall maintain complete and correct records as prescribed hereinafter and shall allow free access to said records at all reasonable hours to the Inspector, deputy inspector, clerk, or other city official who may be authorized by the General Council to have such privilege. The records shall include the following:

(1) Record of all consumers purchasing gas or electricity from the company and the number of the meter or meters in use by each.

(2) Records of all the meters owned by the company with the date of their purchase, and a record of the use, tests, and repairs to which each has been subjected, with the result of each testing and the location of each meter.

(3) Record of all complaints made to the company regarding (a) the quality of gas, (b) the pressure of the gas, (c) the voltage of electricity, and (d) the accuracy of meters, both gas and electric, and the record of the method of disposal of each of said complaints.

(4) Record, with the necessary maps and charts, of all gas mains, gas service pipes, governors, and other connections or appliances owned and used by the company in the distribution of gas, and all mains, cables, wires, etc., used in the distribution of electricity.

§ 13. COMPLAINTS. The company shall make a reasonable investigation of all complaints made to it by the Inspector or by any consumer and shall promptly make all such changes, alterations or additions to its methods or apparatus and equipment as may be necessary in order that the quality and pressure of the gas and the furnishing of electric current shall be such as is required by the provisions of this ordinance and any existing franchise for furnishing gas and electricity in the city of Louisville. When requested by any complainant the company shall inform said complainant as to the results of the investigation of his complaint, stating the cause of the difficulty and the approximate time when it will be corrected.

§ 14. PENALTIES. The company shall be subject to and shall pay to the city of Louisville upon conviction a penalty of the amounts set forth below whenever and as often as it shall violate the respective provisions of this ordinance, it being understood that the penalties herein enumerated are not to waive or in any way lessen the rights of the consumers of the city of Louisville or the city of Louisville as fixed in the ordinances and franchises granted to such offending companies or persons.

(1) In case that the daily average total heating value of the gas required to have such heat units shall be less than 700 British thermal units per cubic feet of gas for any day, a fine of not less than \$50 nor more than \$100 for each day.

(2) In case that the monthly average candle power of the gas furnished by any company, whose charter or franchise shall require a stipulated candle power, shall be less than that stipulated, a fine of not less than \$50 nor more than \$100 for each day.

(3) Where manufactured gas is furnished in case that more than a trace of the hydrogen sulphide is shown by proper tests provided therefor to be present in the gas on three or more successive days, a fine of from \$25 to \$100 for each day within such period of three or more working days.

(4) Where manufactured gas is furnished in case that the total sulphur in the gas for any week is found to be in excess of thirty grains per one hundred cubic feet of gas, a fine of from \$25 to \$100 for each week.

(5) Where manufactured gas is furnished, in case that the ammonia in the gas for any week is found to be excess of five grains per one hundred cubic feet of gas a fine of not less than \$50 nor more than \$100 for each such week.

(6) In case that the test shows an admixture of any air with the gas on any day contrary to the provisions of section 11 hereof, a fine of not less than \$50 nor more than \$100 for each day such condition exists.

(7) In case that the pressure of the gas as measured at the outlet of the company's service pipe to any consumer furnished for household or residence purposes is at any time found to be less than equivalent to one and one-half ($1\frac{1}{2}$) inches of water pressure, a fine of \$100 for each day when such pressure shall be found, or in case that said pressure of gas thus measured is

found at any time to be less than equivalent to two (2) inches, but during the same day never less than equivalent to one and one-half ($1\frac{1}{2}$) inches of water pressure, a fine of \$50 for each day when such pressure shall be found; provided, however, that if the deficiency of pressure noted is due to stoppage of the single service pipe to the point of testing then the company shall not be held liable for the penalty of this paragraph, unless such stoppage is not removed by the company within three days from the time when such pressure deficiency is reported to the company. In case that the pressure of gas as measured at the outlet of any gas company's service pipe to any consumer is on any day greater than equivalent to nine (9) inches of water pressure without the consent of said consumer to the maintenance of a greater pressure, or in case that the variation in the pressure of the gas during any one day is greater than the variation provided for herein, a fine of \$100 for each such day.

(8) In case that any gas or electricity meter is installed or allowed to remain in service without test, contrary to the provisions of this ordinance without the written permission of the Inspector for such installation or for the omission of such test, a fine of \$50 for each meter so installed or so left without test.

(9) In case that any person, firm or corporation, or any employe of any person, firm or corporation engaged in furnishing gas and electricity to consumers shall misread any meter in favor of any corporation, firm or individual furnishing said article, or shall falsely report the reading of any meter, a fine of not less than \$50 nor more than \$100 for each offense.

(10) In case that any person, firm or corporation engaged in the manufacture or distribution of gas or electricity in the city of Louisville shall fail or refuse to prepare, maintain or disclose such records as they are required to do by the provisions of this ordinance, such person, firm or corporation, its managing officers and agents, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$15 nor more than \$100, and each day that any person, firm or corporation shall fail to comply with the provisions in reference to the records of said company shall be deemed a separate offense.

(11) In case that the company shall fail to make a reasonable investigation of all complaints made to it by the Inspector herein, or by any consumer, or to promptly make all changes, alterations or additions to its methods or apparatus and equipment as may be necessary hereunder, or shall fail to carry out the provisions of section 13 hereof, a fine of not less than \$50 nor more than \$100, and each day's failure or refusal to conform to the provisions of said section after notice in writing by the Inspector shall be deemed a separate offense.

(12) In case that any company furnishing electricity in the required herein, a fine of not less than \$50 nor more than \$100 for each day, and each day of said failure or refusal to maintain said voltage after notice from the Inspector herein shall constitute a separate offense.

§ 15. If any person, firm or corporation violates any provision of this ordinance for which a penalty is not specifically provided for herein, said person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$100, and each day's continuance of said violation after notice in writing by the Inspector herein shall constitute a separate offense.

§ 16. The word "company" as used in this ordinance shall be construed to include any person, firm or corporation engaged in the manufacture and distribution of gas or electricity, or both, as the case may be, in the city of Louisville or to its citizens for compensation.

§ 17. Nothing in this ordinance shall be deemed or construed to be a waiver by the city of Louisville of any provision in any franchise in its favor or in favor of any consumer of gas or electricity.

§ 18. The ordinance entitled "An ordinance providing for the appointment of a City Gas Inspector and prescribing his duties and compensation," approved April 7, 1908, is hereby repealed.

§ 19. This ordinance shall take effect from and after its passage. (*Approved June 3, 1914.*) (*See Electric Contract; Electricity Charges; (2) Franchise; Public Service Corporations.*)

GAS ARBITRATORS.**Compensation.**

AN ORDINANCE providing for compensation for the arbitrators selected to fix the price of gas of the Louisville Gas Company.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the compensation for the services of the arbitrators elected in the years 1903, 1908 and 1913, to fix the price of gas, as provided for in the charter of the Louisville Gas Company, and the amendments thereto, shall, in so far as the liability of the city of Louisville is concerned, be five hundred (\$500) dollars for the arbitrator selected by the city of Louisville; two hundred and fifty (\$250) dollars for the third arbitrator, he being the one selected by the other two, or by the chancellor of the Louisville Chancery Court; and a sum not exceeding two hundred and fifty (\$250) dollars for expenses, if any, incurred necessarily in the performance of the labors of said arbitration.

§ 2. All ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect from and after its publication. (*Approved May 2, 1899.*)

HEALTH DEPARTMENT.**Number and Salaries of Employes.**

AN ORDINANCE concerning the Health Department of the city of Louisville, Kentucky, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Health Department within and for the city of Louisville be and the same is hereby created and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance, and no more, and their salaries and compensation, to be approved by the Board of Public Safety,

shall be no more than the sums fixed by the ordinance and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

HEALTH DEPARTMENT.

Chief Health Officer, to be appointed by the Board of Public Safety, who shall be a regular physician, and who shall have general supervision, under the direction of the Board of Public Safety, of the Health Department, and its officers and employes herein authorized, and whose salary per annum shall be. . \$3,000.00

There may also be appointed by the Board of Public Safety and subject to removal at the pleasure of said Board, at any time, the following additional officers and employes, who shall perform such duties as may be assigned to them by the Chief Health Officer, with the approval of the Board of Public Safety, in addition to those duties which may be indicated by their respective titles herein, and whose salaries and compensation shall not exceed the salaries and compensation hereinafter set forth, to-wit:

1 Assistant Health Officer, who shall be a regular physician, and in the absence or disability of the Chief Health Officer he shall discharge, temporarily, the duties of the Chief Health Officer. He is also designated as Chief of Communicable Diseases, and, under the general supervision of the Chief Health Officer, shall have supervision of the epidemiological work of the Health Department, at a salary per annum of.....	2,000.00
1 Bacteriologist and Chemist (qualified as both bacteriologist and chemist) at a salary per annum of	2,400.00
1 Stenographer to the Health Officer at a salary per annum of	1,020.00
1 Chief of Division of Foods at a salary per annum of	1,800.00

1 Secretary of the Health Department, who shall also be Chief of the Division of Sanitation at a salary per annum of.....	1,600.00
1 Medical Inspector at a salary per annum of.....	1,800.00
6 School Inspectors at a salary per annum of \$1,200 each, aggregating the sum of.....	7,200.00
6 Sanitary Inspectors at a salary per annum each of \$1,200, aggregating the sum of.....	7,200.00
1 Registrar at a salary per annum of.....	1,020.00
6 School Nurses at a salary per annum each of \$1,020, aggregating the sum of.....	6,120.00
4 Field Nurses at a salary per annum each of \$1,020, aggregating the sum of.....	4,080.00
2 Clerks at a salary per annum of \$600 each.....	1,200.00
1 Technician at a salary per annum of.....	1,020.00
1 Stenographer at a salary per annum of.....	900.00
1 Laboratory Diener at a salary per annum of....	600.00
1 Veterinarian and Inspector who shall be a graduate of a well recognized veterinary college, a part of whose duties shall be the inspection and treatment of livestock belonging to the city, at a salary per annum of.....	1,800.00
1 Physician for Eastern District at a salary per annum	1,200.00
1 Physician for Western District at a salary per annum	1,200.00
1 Physician for the indigent colored people of the city who may also be assigned by the Chief Health Officer to the examination of colored school children at a salary per annum.....	1,200.00
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39 employes	\$48,560.00

§ 3. The Board of Public Safety in cases of emergency and with the approval of the Mayor shall have the power to employ additional help in the Health Department, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved September 30, 1918, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensations of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved December 12, 1918.*)

HOME OF AGED AND INFIRM.

Employes—Salaries.

AN ORDINANCE concerning the Home for Aged and Infirm of the city of Louisville, Kentucky, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Home for Aged and Infirm within and for the city of Louisville be and the same is hereby created and placed under the Board of Public Safety, as authorized by law.

§ 2. There may be employes within and for said Home for Aged and Infirm, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance, and no more, and their salaries and compensation to be approved by the Board of Public Safety, shall be no more than the sums fixed by the ordinance, and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable, in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

HOME FOR AGED AND INFIRM.

	Per Month.	Per Annum.
1 Superintendent	\$125.00	\$1,500.00
1 Engineer	85.00	1,020.00
1 Druggist (who shall also act as clerk)	85.00	1,020.00
2 Male Nurses, each.....	50.00	1,200.00
2 Female Nurses, each.....	40.00	960.00

1 Farm Boss	\$55.00	\$660.00
1 Watchman	30.00	360.00
1 Seamstress	35.00	420.00
1 Matron	40.00	480.00
1 Dairyman	40.00	480.00
1 Cook (officers' kitchen)	40.00	480.00
1 Cook	30.00	360.00
2 Farmhands, each	40.00	960.00
1 Laundress	25.00	300.00
1 Dairy Maid	25.00	300.00
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18 employes	\$735.00	\$10,380.00

§ 3. The Board of Public Safety in cases of emergency, and with the approval of the Mayor, shall have the power to employ additional help for the Home for the Aged and Infirm, the salaries and compensation for same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay rolls as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved September 30, 1918, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensations of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved November 7, 1919.*)

HOSPITALS.

City Hospital—Employes and Salaries.

AN ORDINANCE concerning the Hospital Department of the city of Louisville, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Hospital Department within and for the city of Louisville be and the same is hereby created and placed under the Board of Public Safety, as authorized by law.

§ 2. There may be in said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance and no more, and their salaries and compensation, to be approved by the Board of Public Safety, shall be no more than the sums fixed by this ordinance, and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable, in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

HOSPITAL DEPARTMENT.

Per Annum.

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| <p>1 Superintendent, to be appointed by the Board of Public Safety, who shall have charge and supervision, under the direction of the Board of Public Safety, of the Hospital Department and those officers and employes herein authorized and whose salary, per annum, in addition to quarters and subsistence in the hospital for himself and family, shall be</p> | <p>\$2,400.00</p> |
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There may also be appointed by the Board of Public Safety, and subject to removal at the pleasure of said Board, at any time, the following additional officers and employes who shall perform such duties as may be assigned to them by the Superintendent, with the approval of the Board of Public Safety, in addition to those duties which may be indicated by their respective titles herein, and whose salaries and compensation shall not

exceed the salaries and compensation hereinafter set forth, and they, or any of them, may, in addition, within the discretion of the Board of Public Safety, receive quarters and subsistence in the hospital, to-wit:

	Per Month.	Per Annum.
1 Secretary at a salary of.....	\$100.00	\$1,200.00
1 Clerk who shall be a qualified stenographer at a salary of.....	50.00	600.00
3 Telephone Operators, each.....	40.00	1,440.00
2 Receiving Ward Clerks, each.....	40.00	960.00
1 Storeroom Clerk	40.00	480.00
1 Dietitian	75.00	900.00
1 Chef	70.00	840.00
1 First Cook	50.00	600.00
1 Second Cook	40.00	480.00
1 Third Cook	30.00	360.00
1 Supt's Cook and Maid.....	25.00	300.00
1 Serving Room Cook.....	25.00	300.00
6 Kitchen Helpers, each.....	25.00	1,800.00
1 Baker	75.00	900.00
1 Baker's Helper	50.00	600.00
1 Chief Engineer	175.00	2,100.00
1 Assistant Chief Engineer.....	110.00	1,320.00
2 Assistant Engineers, each.....	82.50	1,980.00
1 Steam Fitter	82.50	990.00
3 Firemen, each	66.00	2,376.00
1 Carpenter	75.00	900.00
2 Chauffeurs, each	60.00	1,440.00
3 Elevator Men, each.....	30.00	1,080.00
1 Yardman	30.00	360.00
2 Painters, each	60.00	1,440.00
1 Plasterer	40.00	480.00
1 Druggist	75.00	900.00
1 Druggist	65.00	780.00
1 Technician	70.00	840.00
1 Diener	35.00	420.00
1 Stenographer	55.00	660.00
1 Laundry Foreman	80.00	960.00
1 Laundry Washer	50.00	600.00
1 Laundry Wringer	35.00	420.00

1 Laundry Marker	\$ 35.00	\$ 420.00
2 Laundry Backers, each.....	25.00	600.00
4 Hand Ironers, each.....	23.00	1,104.00
5 Laundresses, each	22.00	1,320.00
1 Matron	60.00	720.00
1 Seamstress	35.00	420.00
1 Matron Employe's Home.....	30.00	360.00
15 Maids, each	25.00	4,500.00
25 House Porters, each.....	25.00	7,500.00
1 Supt. of Nurses.....	100.00	1,200.00
1 Asst. Supt. of Nurses.....	75.00	900.00
1 Night Supervisor	75.00	900.00
1 Supervisor operating room.....	75.00	900.00
2 Supervisors, each	65.00	1,560.00
1 Supt. School Service.....	75.00	900.00
2 Supervisors, each	65.00	1,560.00
1 Supt. Social Service.....	75.00	900.00
6 Attendants, each	45.00	3,240.00
10 Orderlies, each	35.00	4,200.00
1 Messenger	20.00	240.00
1 Resident Physician	35.00	420.00
4 Senior Internes, each.....	15.00	720.00
15 Junior Internes, each.....	10.00	1,800.00
19 Internes who may receive \$100.00 each upon completing their period of serv- ice, aggregating the sum of.....		1,900.00
90 Pupil Nurses, of which number there shall be:		
30 (1st year) Nurses at a salary of, each	8.00	2,880.00
30 (2nd year) Nurses at a salary of, each	10.00	3,600.00
30 (3rd year) Nurses at a salary of, each	12.00	4,320.00

258 employes

\$80,830.00

§ 3. The Board of Public Safety in cases of emergency and with the approval of the Mayor, shall have the power to employ additional help in the Hospital Department, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved March 16, 1918, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved September 30, 1918.*)

ERUPTIVE HOSPITAL.

Employes and Salaries.

AN ORDINANCE concerning the Eruptive Hospital Department of the city of Louisville, Kentucky, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Eruptive Hospital Department within and for the city of Louisville, Kentucky, be and the same is hereby created and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in said department to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance and no more, and their salaries and compensation to be approved by the Board of Public Safety shall be no more than the sums fixed by this ordinance and the pay rolls for said department shall be made up, certified and registered, and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of pay rolls, claims and salaries, and not otherwise, to-wit:

ERUPTIVE HOSPITAL DEPARTMENT.

1 Superintendent who shall be a regular practicing physician and have the management of the said institution, and shall be the attending physician upon all

cases confined therein, whose salary shall be \$100 per month	\$1,200.00
1 Wagon Driver, at \$30 per month.....	360.00
2 Regular Nurses at \$40 per month each.....	960.00
1 Cook at \$25 per month.....	300.00
1 Laundress at \$20 per month.....	240.00
<hr/>	
6 employes	\$3,060.00

§ 3. The Board of Public Safety in case of emergency and with the approval of the Mayor, shall have the power to employ additional help in the Eruptive Hospital Department, the salaries and compensation of same to be fixed by the Board of Public Safety, and the names of such employes shall appear on the regular pay roll as "Special Employes" and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved November 11, 1913, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved March 16, 1918.*)

ITINERANT VENDORS.*

Regulating Sales, Deposit, Advertising, etc.

AN ORDINANCE to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by itinerant vendors, and to regulate all such sales.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the words "itinerant vendor" for the purposes of this ordinance shall mean and include all persons, both principals and agents, who engage or conduct in this city, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise with the intention of continuing in said business in any one place for

*See act of 1916 regulating such vendors and repealing Secs. 4217 and 4217a Ky. St.

a period of not more than one hundred and twenty (120) days, and who for the purpose of carrying on such business use, lease or occupy either in whole or part, a room, building or other structure for the exhibition and sale of such goods, wares and merchandise. The provisions of this ordinance shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sale of goods, wares or merchandise for future delivery, nor to hawkers on the streets, or peddlers from vehicles, nor to any sales of goods, wares or merchandise on the grounds of any agricultural society during the continuance of any annual fair held by such society, nor to any sales by societies acting for charity, religious or public purposes.

§ 2. An itinerant vendor shall not advertise, represent or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, wholesale, manufacturers' wholesale, or closing out sale, or a sale for any goods damaged by smoke, fire, water or otherwise, unless before so doing he shall state, under oath, to the secretary of the Board of Sinking Fund Commissioners of the city of Louisville at the time he makes application for a license, as now provided by ordinance, all the facts relating to the reason and character of such special sales, so advertised, held forth or represented, including a statement of the names of the persons from whom said goods, wares or merchandise were purchased, and the date of the delivery of the same to the person applying for license, the place where said goods, wares or merchandise were taken last, and such details necessary to exactly locate and fully identify all goods, wares and merchandise to be sold. And such itinerant vendor shall also include in the said statement names and residences of the owners in whose interest the business is conducted, to be kept on file in the office of the secretary of the Board of Sinking Fund Commissioners of the city of Louisville, and a record shall be kept by him of all such statements in convenient form and open to public inspection.

§ 3. Every itinerant vendor desiring to do business in the city of Louisville shall deposit with the secretary of the Board of Sinking Fund Commissioners of the city of Louisville the sum of five hundred (\$500) dollars, as a special deposit, before a

license shall be issued to him, as now provided by ordinance authorizing him to do business in said city, in conformity with the provisions of this ordinance. Said deposit shall be held by the secretary of the Board of Sinking Fund Commissioners for a period of thirty days after such itinerant vendor ceases to do business in the city of Louisville, and after satisfying all claims made against him under the next following section shall return such deposit of such portion thereof as remains in his hands to the said itinerant vendor depositing same.

§ 4. The deposit so made with the secretary of the Board of Sinking Fund Commissioners shall be subject to attachment and execution on behalf of creditors whose claims arise in connection with the business done in the city of Louisville, and to the payment of fines and penalties incurred by such itinerant vendor in violation of this ordinance as may be fixed by the judgment of appropriate courts having jurisdiction, and the said deposit or any remaining portion thereof shall not be paid to such itinerant vendor until all outstanding claims, or notices of claims, presented within thirty days after he ceases to do business, unless there be some unreasonable delay in enforcing same.

§ 5. Every itinerant vendor who sells or exhibits for sale at public or private sale any goods, wares or merchandise without first complying with the provisions of this ordinance, or who makes any false statements in reference to the matter set out in the second section of this ordinance, or who fails to comply with the requirements or any of the sections of this ordinance, and every person, whether principal or agent, who by circular, handbill, newspaper, or in any manner advertises such sale, as herein contemplated, before proper licenses are issued to the vendor, and before he has complied with the provisions of this ordinance, shall be guilty of a violation of this ordinance and shall be punished accordingly by a fine of not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars. (Approved April 5, 1912.)

(See also *Peddlers*; (5) *Advertisements*.)

JUNK DEALERS.

Who Go From House to House.

AN ORDINANCE regulating junk dealers in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm or corporation who goes from house to house in the city of Louisville offering to buy, or buying, old iron or other metals, rags, old rope, or other junk, shall be deemed junk dealers within the meaning of this ordinance.

§ 2. It shall be unlawful for any person, firm or corporation to carry on the business of junk dealer in the city of Louisville until he or they have executed bond to the city of Louisville, approved by the General Council, in the sum of fifty dollars, conditioned that he or they will faithfully perform and observe all the regulations of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval, and when approved the Comptroller shall be the custodian of said bond, and shall notify the treasurer and secretary of the Sinking Fund of such approval, and no license shall be issued to any junk dealer until the bond of said junk dealer has been approved by the General Council. After the approval of the bond, and on application of said junk dealer, and of payment of the license therefor, the Commissioners of the Sinking Fund shall furnish to said junk dealer, free of charge, a metal badge, with the following words: "City of Louisville. Sinking Fund. Licensed junk dealer. No..... Expires.....189..."

Each junk dealer who shall go from house to house buying or offering to buy old iron or other metals, rags, old rope, or other junk, shall wear said badge upon his person in a conspicuous place in such manner that it may always be seen.

It shall be unlawful for any person to wear, or have in his possession, the badge herein required, unless he be the licensed junk dealer in whose name the license is issued.

No junk dealer's license shall give authority for more than one person to buy or offer to buy under it; nor shall any person to whom it is granted buy or offer to buy by agents or clerk, or in

any other way than his own proper person, but each agent or clerk shall procure a separate license.

Each junk dealer while engaged in buying or offering to buy old iron or other metals, rags, old rope, or other junk, shall carry his license and exhibit the same whenever requested to do so by license or police officer.

On the expiration of the license of any junk dealer, he shall surrender his badge to the Commissioner of the Sinking Fund.

It shall be unlawful for any person to destroy, deface, or injure said badge in any manner, or change the numbers or dates thereon.

§ 3. No junk dealer or any person engaged in the junk business shall at any time or under any circumstances be allowed to purchase goods, wares, merchandise, materials or things whatsoever from a minor.

§ 4. Every person, firm or corporation within the meaning of this ordinance shall keep a register, which shall contain the name of the person or persons from whom the article or articles are purchased, date when received, his or her residence or place of business, and a full description of said article or articles, same to be in plain, legible English handwriting and shall daily furnish to the chief of police by 11 o'clock A. M., in plain legible English handwriting, a true and correct report of all goods so purchased or otherwise in their possession, describing the goods as accurately as practicable. It shall be the duty of any person, firm or corporation to allow any captain of police or officer or officers designated by the chief of police or chief of detectives, upon written order, to examine and inspect said register, and if sufficient information can not be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any person, firm or corporation to permit and allow said officer or officers to examine and inspect any and all articles belonging to or temporarily left in charge of such person, firm or corporation. For failing to keep said register, or

failing to furnish to the chief of police such daily reports, or making an incorrect registry of all goods bought, each person, firm or corporation shall be fined not less than five (\$5) dollars, nor more than twenty-five (\$25) dollars for each and every offense, each day the failure to report is continued to constitute a separate offense.

§ 5. It shall be the duty of the chief of police to furnish blanks for the reports herein provided.

§ 6. Any person, firm or corporation who shall neglect, violate or refuse to comply with either or all of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each and every offense; each day of failure to comply is to constitute a separate offense.

§ 7. That an ordinance entitled "An ordinance regulating junk business in the city of Louisville," approved February 20, 1897, and published February 23, 1897, and all other ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its publication. (*Approved March 20, 1897.*)

(For regulation of hours, see *Pawnbrokers*. See also *Junk Merchants; Second Hand Dealers*.)

JUNK MERCHANTS.

Having an Established Place of Business.

AN ORDINANCE regulating junk merchants having an established place of business in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm or corporation who shall carry on the business of buying or selling old iron and other metals, rags, or old rope, or other junk, at an established place of business in the city of Louisville, shall be deemed junk merchants.

§ 2. It shall be unlawful for any person, firm or corporation to carry on the business of junk merchant at an established place of business in the city of Louisville without having first executed a bond to the city of Louisville, approved by the General Council, in the sum of one hundred dollars, conditioned that he or they will faithfully perform and observe all the regula-

tions of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval, and when approved, the Comptroller shall be the custodian of said bond and shall notify the treasurer and secretary of the Sinking Fund of such approval, and no license shall be issued to any such person, firm or corporation until such bond has been approved by the General Council.

§ 3. No person, firm or corporation carrying on the business of junk merchant at an established place of business in the city of Louisville shall at any time, or under any circumstances, be allowed to buy old iron, or other metals, rags, old rope, or other junk from a minor.

§ 4. Every person, firm or corporation carrying on the business of junk merchant at an established place of business in the city of Louisville shall keep a register, which shall contain the name of the person or persons from whom any junk is purchased, the date when purchased and received, the residence or place of business of such person or persons, and a full description of such junk so purchased, same to be in plain, legible English handwriting, and shall daily, by 11 o'clock A. M., furnish to the Chief of Police, in plain, legible English handwriting, a true and correct report of all junk so purchased, or otherwise in their possession, describing the junk as accurately as possible. It shall be the duty of every junk merchant to allow any captain of police or officer or officers designated by the chief of police or chief of detectives, upon written order to examine and inspect said register, and, if sufficient information can not be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any such junk merchant to permit and allow said officers to examine and inspect all such junk belonging to, or temporarily left in charge of, said junk merchant.

§ 5. It shall be the duty of the chief of police to furnish blanks for the reports herein provided for.

§ 6. Any person, firm or corporation who shall neglect or refuse to comply with or violate any or all of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each offense. Each day

such person, firm or corporation shall neglect or refuse to comply with or violate any of the provisions of this ordinance, shall constitute a separate offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its publication. (*Approved March 20, 1897.*)

(For regulation of hours, see *Pawnbrokers*. See also *Junk Dealers*; *Second Hand Dealers*.)

LICENSES.

General Provisions For.

AN ORDINANCE providing for certain licenses, the fees therefor to be paid into the Sinking Fund of the city of Louisville. *Be it ordained by the General Council of the city of Louisville:*

§ 1. That hereafter the following licenses shall be paid into the Sinking Fund of the city of Louisville for the purposes of the Sinking Fund, for doing the business, following the callings, occupants and professions, or using or holding, or exhibiting the articles hereinafter named in the city of Louisville, in addition to the ad valorem taxes heretofore levied or hereafter to be levied on any species of property in the city of Louisville.

§ 2. Every practicing expert accountant, public accountant, or public auditor, shall pay a license of \$15.00 per year. Should any expert accountant, public accountant, or public auditor be associated in a firm, or employed by a corporation holding itself out as doing public accounting or auditing, each member of the firm and each accountant or auditor employed by such corporation, shall pay a separate license.

§ 3. Every person, firm or corporation engaged in the business of advertising the business of others by furnishing or leasing advertising space to others upon bill boards, fences, or the exterior of buildings shall pay an annual license of 50 cents for each 100 square feet of advertising space used for advertising purposes on such bill boards, fences or exterior of buildings.

§ 4. Every person, firm, or corporation engaged in advertising a business of others in street cars or other public conveyance shall pay an annual license of \$300.00.

§ 5. Every person, firm, or corporation, including advertising agencies engaged in the business of advertising the business of others in any other manner than upon bill boards, fences, exterior of buildings, street cars or any other public conveyance, shall pay an annual license of \$25.00.

§ 6. The license for each public ball or dance for which there shall be any fee for admission charged, either by the sale of tickets or by any other device by which money or other thing of value shall be received or paid for such ball or dance, shall be \$12.50.

§ 7. The license upon circuses, menageries, wild west, hippodrome, or similar shows exhibited in or under a tent or tents or at a place other than in a regular licensed theatre, shall be as follows:

For each day that any circus, menagerie, wild west, hippodrome or similar show is exhibited in or under a tent or tents or at a place other than in a regular licensed theatre, the license shall be \$400.00 for the principal show and \$25.00 for each side show therewith.

§ 8. The license for each concert for which there shall be any fee for admission charged either by the sale of tickets or by any other device by which money or thing of value shall be received or paid for such concert, shall be \$5.00.

§ 9. The license for each lecture for which there shall be a fee for admission charged either by the sale of tickets or by any other device by which money or other thing of value shall be received or paid for such lecture, shall be \$5.00.

§ 10. The license for each museum, exhibition or performance not in connection with any circus or menagerie shall be \$50.00 per month, or \$5.00 per day when less than one month's license is taken out.

§ 11. The license for the exhibition for pay of any painting or statuary, or other work of art, shall be \$50.00 per month. Any person, firm or corporation having paid one or more full month's license and desiring to continue such exhibition for an additional fraction of a month, may do so by paying at the rate of \$5.00 per day.

§ 12. Every person, firm or corporation who shall conduct scientific, electrical and submarine exhibits, at which an admission is charged, shall pay a license of \$50.00 per month.

Any person, firm or corporation having paid one or more month's license and desiring to continue said exhibition for an additional fraction of a month, may do so by paying at the rate of \$5.00 per day.

§ 13. The license for each theatrical exhibition or performance for which an admission fee is charged and which is not held in a regularly licensed theatre shall be \$10.00 per day.

§ 14. The license on each show or exhibition of trained animals only, for which an entrance fee of not more than 50 cents is charged, shall be \$75.00 per day for the principal show and \$10.00 for each side show therewith.

Where an entrance fee of not more than 25 cents is charged, the license shall be \$50.00 per day for the principal show and \$10.00 for each side show therewith.

§ 15. The license for every exhibition or performance of any kind for which a different license is not provided for herein, shall be \$12.50 per day.

§ 16. The license for each skating rink or public ball room or dance hall shall be \$350.00 per year.

Where a yearly license is paid for such skating rink, public ball room or dance hall, no special license shall be required for entertainments, lectures, concerts or dances held therein.

§ 17. The license for each theatre of any kind shall be as follows:

Class 1. Theatres whose seating capacity are less than 500 shall pay an annual license of \$250.00.

Class 2. Theatres whose seating capacity equal or exceed 500 and are less than 1,000 shall pay an annual license of \$300.00.

Class 3. Theatres whose seating capacity equal or exceed 1,000 shall pay an annual license of \$350.00.

Where a yearly license is paid for any theatre no special license shall be required for entertainments, theatrical performances, lectures, concerts or any other kind of performance held therein.

§ 18. The fact that no admission fee is charged to any place of amusement or exhibition or that no money is charged for any of the exhibitions or performances herein mentioned, shall not excuse the person exhibiting, using or operating same from the payment of the license herein required, if any commodity is sold for money in connection with said exhibition, amusement, or

performance, or said exhibition, amusement, or performance is used for the purpose of attracting customers for the purchase of any commodity whatsoever, or if they are used in connection with, or as an adjunct to, any business, occupation or calling followed for profit.

§ 19. Each person engaged in the practice of any of the professions or carrying on any of the business mentioned in this section shall pay an annual license fee of the amount following the name of such business profession:

Architects	\$15.00
Lawyers	15.00
Dentists	15.00
Oxodontists	15.00
Physicians	15.00
Surgeons	15.00
Oculists	15.00
Aurists	15.00
Osteopaths	15.00
Magnetic Healers	15.00
Chiropractors	15.00
Christian Science Healer.....	15.00
Chiropodist	15.00
Civil Engineer	15.00
Electrical Engineer	15.00
Practicing Chemist	15.00
Claim Agent	15.00
Massagist or Masseur	15.00
Midwife	10.00
Pension Agents or Pension Attorneys.....	10.00
Surveyors	15.00
Veterinary Dentist, Doctor or Surgeon.....	15.00

Should two or more persons be associated in a firm or employed by a corporation which carries on or practices such business or profession, each person in such firm or employed by such corporation who practices such profession for it, or carries on the business of such firm or corporation in the line of business or profession in which it is engaged shall pay a separate license fee.

§ 20. Every person who offers at public sale property, real or personal, bonds, stocks or other commodity, to the highest

or best bidder, shall be deemed an auctioneer, and shall pay a license as follows:

Class 1. Each person whose annual sales are over \$250,000 shall be deemed an auctioneer of the first class, and shall pay an annual license of \$100.00.

Class 2. Each person whose annual sales are not less than \$150,000 and do not exceed \$250,000 shall be deemed an auctioneer of the second class and shall pay an annual license of \$75.00.

Class 3. Each person whose annual sales are not less than \$50,000 and do not exceed \$150,000 shall be deemed an auctioneer of the third class and shall pay an annual license of \$50.00.

Class 4. Each person whose annual sales do not exceed \$50,000 shall be deemed an auctioneer of the fourth class and shall pay a license of \$25.00.

Each and every member of a firm who shall conduct an auction as an auctioneer shall pay a separate license.

§ 21. Each barber shop shall pay a license of \$5.00 per year for the first chair and \$2.00 for every additional chair per annum for conducting the business of barbering. This shall include places of business which operate barbering establishments in connection with other lines of business.

§ 22. Every person, firm or corporation conducting a public bath house or maintaining baths in conjunction with other lines of business, shall pay a license of \$10.00 per annum for the first tub or other bathing apparatus used and \$3.00 per annum for every additional tub or bathing apparatus used.

§ 23. Every person, firm or corporation maintaining or operating a billiard or pool or pigeon-hole table, not kept exclusively for family use in the family residence, shall pay an annual license of \$25.00.

§ 24. Every person, firm or corporation operating or conducting a public boarding house, wherein transient guests are entertained, shall pay a license of \$10.00 per year.

§ 25. Every person, firm or corporation maintaining or operating a bowling alley, not kept exclusively for family use in a family residence, shall pay a license of \$25.00 per year for each bowling alley.

§ 26. Every person, firm or corporation maintaining or operating a box ball alley, not kept exclusively for family use in a family residence, shall pay a license of \$25.00 per year for each box ball alley.

§ 27. Every place wherein clothing, wearing apparel, bed clothing, household furnishings, linens, wash goods of all kinds and descriptions, or other articles are received to be laundered, or to be sent elsewhere to be laundered, if such place wherein said articles are received is not a regular licensed laundry, shall be deemed a branch laundry office, and each person, firm or corporation conducting such a branch laundry office shall pay a license of ten dollars (\$10.00) per year.

§ 28. Each person who shall solicit or collect clothing, wearing apparel, bed clothing, household furnishings, linens, wash goods of any kind or description, or other articles to be laundered, unless such person be a regularly licensed laundryman, shall be deemed a laundry solicitor, and shall pay a license of \$50.00 per year.

§ 29. Every person, firm or corporation doing business as a lumber broker shall pay a license of \$25.00 per year.

§ 30. Every person, firm or corporation who sells or offers for sale at retail Bowie knives, dirks, brass knucks or slung shots shall pay a license of \$1,000 per year.

§ 31. Every person, firm or corporation who negotiates the purchase or sale of bonds, stocks, promissory notes or other securities or engaged in the business of selling bonds, stocks, promissory notes or other securities shall be deemed a stock broker or financial agent and shall pay a license of \$60.00.

§ 32. Every person, firm or corporation engaged in the business of buying, selling or negotiating the purchase or sale of goods, wares and merchandise to merchants or dealers and who shall not keep on hand the goods, wares and merchandise represented by such sales, shall be deemed a merchandise broker and shall pay an annual license as follows:

Class 1. Merchandise brokers whose gross business is less than \$100,000 per year shall pay a license of \$25.00 per year.

Class 2. Merchandise brokers whose gross business equals or exceeds \$100,000 and is less than \$200,000 per year, shall pay a license of \$50.00 per year.

Class 3. Merchandise brokers whose gross business equals or exceeds \$200,000 and is less than \$300,000 per year, shall pay a license of \$75.00 per year.

Class 4. Merchandise brokers whose gross business exceeds \$300,000 per year, shall pay a license of \$100.00 per year.

§ 33. Every ticket broker, scalper, person, firm or corporation who buys or sells theatrical, railroad or steamboat tickets shall pay a license of \$50.00 per year. It shall be unlawful for any person so licensed to buy, sell or exchange any tickets on the street, alley or thoroughfare or at any other place than within the place designated on said license.

§ 34. Every person, firm or corporation who buys or sells leaf tobacco for the public, for foreign governments or for any customer on commission or for compensation shall be deemed a tobacco broker and shall pay an annual license of \$50.00.

§ 35. Every live stock broker or live stock commission dealer who buys or sells for others live stock on commission or for compensation, shall be deemed a live stock broker and shall pay an annual license of \$50.00.

§ 36. Every person who slaughters cattle or live stock of any kind shall be deemed a butcher and every person so engaged shall pay a license of \$35.00 per year.

§ 37. Every person, firm or corporation who sells at wholesale or retail cigars, cigarettes, chewing or smoking tobacco shall pay a license of \$10.00 per year.

§ 38. Every person, firm or corporation who operates or conducts or carries on the business of a collecting agency for the collection of claims and having an established place of business in the city of Louisville shall pay a license of \$50.00 per year.

§ 39. Every person, firm or corporation operating or conducting a cold storage or refrigerator plant shall pay a license of \$150.00 per year for each plant operated or conducted.

§ 40. Every person, firm or corporation engaged in the business of contracting for public railroad or bridge work shall pay a license of \$100.00 per year.

§ 41. Every person, firm or corporation contracting for the erection or improvement of any private buildings or for the construction of any private work or improvements or sub-contracting for any particular portion of buildings, work or improvements shall be deemed a contractor and shall pay an annual license of \$25.00.

§ 42. Every person, firm or corporation conducting a dancing school or academy shall pay an annual license of \$25.00.

§ 43. Every person owning, keeping or harboring a dog or bitch shall pay a license on each dog or bitch so owned, kept or harbored of two (\$2.00) dollars per year. Upon payment of the said license the Sinking Fund Commissioners shall cause to be delivered to the owner or keeper of each dog or bitch upon which the license is paid a metal tag to be worn by each dog or bitch, with the word "licensed," and number of same stamped or impressed thereon. of which there shall be kept in the office of the Sinking Fund a record book giving the name and residence of the owner or keeper of the dog or bitch, and the date of payment and expiration of the license.

§ 44. Every place where food or refreshments of any kind, not including spirituous, vinous or malt liquors are prepared for casual visitors and sold for consumption therein, shall be deemed a restaurant or eating house, and every person, firm or corporation conducting or operating any such place shall pay an annual license as follows:

Class 1. All restaurants or eating houses wherein the yearly sales are less than \$5,000 shall pay a license of \$12.50 per year.

Class 2. All restaurants or eating houses wherein the yearly sales equal or exceed \$5,000 and are less than \$10,000 shall pay a license of \$25.00 per year.

Class 3. All restaurants or eating houses wherein the yearly sales equal or exceed \$10,000 and are less than \$15,000 shall pay a license of \$50.00 per year.

Class 4. All restaurants or eating houses wherein the yearly sales equal or exceed \$15,000 and are less than \$20,000 shall pay a license of \$75.00 per year.

Class 5. All restaurants or eating houses wherein the yearly sales equal or exceed \$20,000 and are less than \$25,000 shall pay a license of \$100.00 per year.

Class 6. All restaurants or eating houses wherein the yearly sales equal or exceed \$25,000 and are less than \$30,000 shall pay a license of \$125.00 per year.

Class 7. All restaurants or eating houses wherein the yearly sales equal or exceed \$30,000 and are less than \$35,000 shall pay a license of \$150.00 per year.

Class 8. All restaurants or eating houses wherein the yearly sales equal or exceed \$35,000 and are less than \$40,000 shall pay a license of \$175.00 per year.

Class 9. All restaurants or eating houses wherein the yearly sales equal or exceed \$40,000 shall pay a license of \$200.00 per year.

§ 45. Every person, firm or corporation operating a grain elevator shall pay a license of \$100.00 per year on each elevator.

§ 46. The license for ball or knife throwing devices or games and all similar games in character, not being specially licensed, shall pay \$50.00 per month. Any person, firm or corporation having paid one or more full month's license and desiring to continue such exhibition for an additional fraction of a month may do so by paying at the rate of \$5.00 per day.

§ 47. Every person, firm or corporation operating or conducting a feather renovator shall pay a license of \$25.00 per year.

§ 48. Every person, firm or corporation maintaining, operating or conducting a "Flying Dutchman," flying horse arrangement or establishment shall pay a license of \$5.00 per day. Said license may be granted for a week at a time, and the location of the "Flying Dutchman," flying horse arrangements or establishment shall be expressed in the license.

§ 49. Every person, firm or corporation who operates or conducts a fertilizer works shall pay a license for each fertilizer works so conducted or operated of \$125.00 per year.

§ 50. Hereafter it shall be unlawful for any person, firm or corporation to own, maintain or operate a floating sawmill within the limits of the city of Louisville without having a license so to do. The license for opening, maintaining or operating a floating sawmill, as herein set forth, shall be \$25.00 per year.

§ 51. Every person, firm or corporation who sells at retail meats of any kind whatever, not slaughtered by himself, or who shall sell fish, game or oysters or either all or several of said articles, shall be deemed a retail meat dealer and shall pay a license of \$15.00 for six months or \$25.00 per year.

It shall be unlawful for any person, firm or corporation to sell at retail meat of any kind except at a market space, market house or an established place of business. This section shall not apply to the sale of canned meats, fish, game or oysters.

§ 52. Every person, firm or corporation operating or conducting a tavern, hotel, lodging house or place where furnished apartments are rented shall pay a yearly license as follows:

Class 1. Every hotel, tavern, lodging house or place where furnished apartments are rented and which contain less than 25 rooms shall pay an annual license of \$12.50.

Class 2. Every hotel, tavern, lodging house or place where furnished apartments are rented and which contain more than 25 rooms and does not exceed 50 rooms shall pay an annual license of \$25.00.

Class 3. Every hotel, tavern, lodging house or place where furnished apartments are rented, and which contain more than 50 rooms and does not exceed 100 rooms shall pay an annual license of \$50.00.

Class 4. Every hotel, tavern, lodging house or place where furnished apartments are rented, and which contain more than 100 rooms and does not exceed 200 rooms shall pay an annual license of \$100.00.

Class 5. Every hotel, tavern, lodging house or place where furnished apartments are rented, and which contain more than 200 rooms and does not exceed 300 rooms shall pay an annual license of \$200.00.

Class 6. Every hotel, tavern, lodging house or place where furnished apartments are rented, and which contain more than 300 rooms shall pay an annual license of \$300.00.

§ 53. Each and every huckster who shall sell or offer for sale goods, wares or merchandise of any kind shall pay a license of \$12.50 for six months, or \$25.00 for one year. It shall be unlawful for hucksters to sell at other than the market spaces or places and during market hours only.

§ 54. Every insurance adjuster, whether employed by an insurance company or companies, or by the insured, shall pay a license of \$125.00 per year.

§ 55. Each person, firm or corporation engaged in the business for pay of advertising, assisting or aiding the insured in adjusting as to their rights under their policy or policies, or as to how the insured should settle with the insurance company or companies, shall be considered insurance advisers and shall pay a license of \$125.00 per year.

§ 56. The license upon any amusement park wherein band concerts, theatrical performances, dancing or other methods of entertainments and amusements to the public are contained shall be \$150.00 per month or fraction thereof. This shall be in addition to the soft drink license paid by any park.

§ 57. Every life, fire, tornado, accident, casualty, indemnity and bonding insurance company doing business in this city shall, on or before the first day of February of each year, pay to the Sinking Fund the sum of \$2.50 on every \$100.00 of premiums received on business written in the city during the previous year. The computation for the license shall be made upon the premiums of the said company, firm or corporation for the year immediately preceding the time the license is payable, sworn statement of which, made at the home office or principal office in this country of the company, by one of the general officers, shall be furnished the Treasurer and Secretary of the Sinking Fund on the application for the license. The license during the first year's business of any such company shall be at the rate of \$50.00 per year, and any person proposing to begin the insurance business in the city after the first day of January of any year may be granted a license until the next succeeding 31st day of December after said license is dated, upon the payment of such proportion of the sum of \$50.00 as the time said license has to run bears to one year, after which license shall be as hereinbefore set forth. The company, as well as the agent of the foreign company or chief officer of the home company, shall be responsible for acting without license and subject to penalty therefor.

§ 58. Every person, firm or corporation carrying on the business of securing situations or employment of any kind for persons for fee, compensation or reward of any kind, shall be deemed an intelligence office, employment agent or information bureau keeper and shall pay an annual license of \$25.00.

§ 59. On or before the first day of April in each year every person, firm or corporation engaged in the business of selling debentures, coupons or certificates or in making collections on those already sold, as an investment, savings or redemption business, concern or company shall pay a license of \$100.00 per year; provided the gross receipts of such person, firm or corporation do not exceed the sum of \$10,000 per annum, and such person,

firm or corporation shall pay for said purpose a license of one-half of one per cent on all gross receipts of such person, firm or corporation in excess of \$10,000 per annum in addition to the said license of \$100.00 per year.

§ 60. Every person who goes from place to place within the city of Louisville for the purpose of buying old iron or other metals, rags, old rope, bottles or other junk shall be deemed a junk dealer, and shall pay a license of \$10.00 per year; and shall be required to wear conspicuously displayed a badge to be furnished by the Sinking Fund.

§ 61. Every person, firm or corporation who shall carry on the business of buying or selling rags, old iron or other metals, old ropes, old bottles or other junk from an established place of business in the city of Louisville shall be deemed a junk merchant and shall pay a license of \$25.00 per year.

§ 62. Every person, firm or corporation conducting or operating a laundry in the city of Louisville shall pay a license of \$75.00 per year for each laundry.

§ 63. Every place where live stock of any kind is kept to hire or let, or kept, or fed, or boarded for others shall be deemed a livery stable and shall pay an annual license as follows:

Class 1. First class, having fifty stalls or more, \$40.00 per year.

Class 2. Second class, having less than fifty stalls, \$25.00 per year.

§ 64. Every person, firm or corporation who gathers, compiles and furnishes to retail or wholesale merchants or to any other persons, firms or corporations, information as to the credit standing of purchasers, customers and patrons of such merchants, persons, firms or corporations, or information concerning the credit standing of any other person, firm or corporation shall pay a license of \$100.00 per year.

§ 65. Every person, firm or corporation operating or conducting the business of furnishing messengers or messenger service or in delivering parcels for others shall pay a license of \$25.00 per year.

§ 66. Every person, firm or corporation engaged in the business of lending or advancing money (or negotiating for the loan or advance of money) on assignment of salaries or wages, due or to become due, or discounting salaries or wages, due or to become due, shall pay a license of \$200.00 per year.

Sub-section A. Every person, firm or corporation engaged in the business of lending or advancing money (or negotiating for the loan or advance of money) on chattel mortgages shall pay a license of \$200.00 per year.

Sub-section B. Every person, firm or corporation engaged in the business of lending money on plain notes or note secured by real estate or engaged in the business of loaning money in any manner shall pay a license of \$100.00 per year.

§ 67. Every person, firm or corporation whose business is to take or receive by way of pledge, pawn or exchange any goods, wares or merchandise or any personal property whatever as security for the payment of money lent thereon, other than banks or trust companies, shall be deemed a pawnbroker, and shall pay a license of \$350.00 per year.

§ 68. Each and every peddler who shall sell or offer for sale any goods, wares or merchandise of any kind in the city of Louisville shall pay a license of \$5.00 for one month, \$12.50 for six months and \$20.00 for one year. No peddler's license shall give authority for more than one person to peddle under it, nor shall any person to whom a license is granted sell by agents or clerk or in any other way than by himself in person; and each agent or clerk shall procure a separate license. Every peddler while engaged in peddling shall carry his or her license and exhibit the same whenever requested to do so by a license inspector or police officer. Every peddler while engaged in peddling shall wear a badge upon his person in a conspicuous place, and in such a manner that it may always be seen. Said badge shall be of metal, and shall be furnished by the Commissioners of the Sinking Fund free of charge. It shall be unlawful for any person to destroy, deface or injure said badge in any manner or change the number or date thereon, or for any person to wear said badge unless it be the licensed peddler in whose name the badge and license were issued.

§ 69. Every person, firm or corporation who makes for sale photographs, ambrotypes, daguerreotypes, blue prints or pictures or prints of any kind by the action of light shall be deemed a photographer and shall pay a license of \$10.00 per year.

§ 70. Every person, firm or corporation who sells playing cards at retail shall pay a license of \$10.00 per year.

§ 71. Every person, firm or corporation who sells pistols at retail shall pay a license of \$100.00 per year.

§ 72. Every person, firm or corporation who conducts or operates a pork house or other meat-packing establishment shall pay for each pork house or meat-packing establishment conducted or operated a license of \$200.00 per year.

§ 73. Every person engaged in the business of a private detective, or what is known as a plain clothes man, shall pay a license of \$25.00 per year, and be subject to the rules and regulations of the Board of Public Safety.

§ 74. Every person engaged in the business of private policeman shall pay a license of \$5.00 per year and be subject to the rules and regulations of the Board of Public Safety.

§ 75. Every person, firm or corporation who shall sell or offer for sale, barter or exchange, in carload lot or any less quantity of, fruit, vegetables or farm products, butter, eggs, game or poultry contained in any railroad car or in any railroad freight depot or warehouse, or any steamboat, flatboat, wharfboat or boat landing within the city of Louisville, shall pay a license of \$100.00 per year; provided, however, the provisions of this section shall not apply to any bona fide farmer, gardener, fruit or vine-grower engaged in selling the products of his farm, garden, orchard or vineyard from his wagon or stand in the market, nor to any commission merchant having a storehouse and established place of business in the city.

§ 76. Every person, firm or corporation engaged in the business of promoting financial undertakings, aiding or assisting in the organization and capitalizing of corporations shall be deemed a promoter and shall pay a license of \$150.00 per year.

§ 77. Every person, firm or corporation who conducts or operates a public stockyard shall pay for each stockyard conducted or operated a license of \$500.00 per year.

§ 78. Every person, firm or corporation conducting or operating a public warehouse or houses, storage house or storage houses in the city of Louisville shall pay a license as follows:

For each warehouse or storage house used in whole or in part as a warehouse as defined by the laws of Kentucky such person, firm or corporation shall pay a license of \$150.00 per year. For each additional warehouse or storage house so used, conducted or operated the license shall be \$50.00 per year.

§ 79. Every person, firm or corporation conducting or carrying on the business of a public weigher of cotton seed products in the city of Louisville shall pay a license of \$25.00 per year. It shall be unlawful for any person, firm or corporation to carry on the business of public weigher of cotton seed products in the city of Louisville until he or they have executed a bond to the city of Louisville, approved by the General Council, in the sum of \$2,000, conditioned that he or they will faithfully perform and observe all regulations of this ordinance, and for the benefit of such person, persons or corporations as are, or may be, aggrieved or injured by failure of said observances. Said bond shall be executed in the Sinking Fund office, in the presence of the Treasurer and Secretary of the Sinking Fund, and shall be transmitted to the General Council for approval, and when approved the Comptroller shall be the custodian of said bond, and shall notify the Treasurer and Secretary of the Sinking Fund of such approval. The licensee shall take an oath to faithfully perform the duties of public weigher of cotton seed products according to law and the custom of the business. It shall be the duty of said public weigher, when requested by the buyer of any cotton seed oil or other cotton seed products, residing or located within the city of Louisville, to weigh and accurately determine the weight of any cotton seed oil or other cotton seed products, whether contained in tanks, cars, barrels, bags or packages, and to give to such buyer a certificate duly sworn to, showing the gross, tare and net weights of such cotton seed oil or other cotton seed products, and he shall also, when requested, draw or take samples of or from such oil and other cotton seed products weighed by him, as and in the manner required by the rules and regulations of such exchanges or associations, and send or deliver such samples, when drawn or taken, to the buyer and seller of such oil or other products. Each public weigher shall keep in a suitable book a correct register or a statement of all cotton seed products weighed, showing the gross, tare and net weights and date when weighed. For his services in weighing or weighing and sampling such cotton seed oil or other cotton seed products the said public weigher shall be entitled to charge a fee of not exceeding six dollars for each tank car, five cents for each barrel and two cents for each bag or package, one-half of which fee to be paid by the buyer and the other half by the

seller; and said public weigher shall receive no other compensation for his services.

§ 80. Every person, firm or corporation who sells or offers for sale or negotiates the purchase or sale of real estate for compensation, or who negotiates loans upon real estate security for compensation, or who rents or offers for rent real estate or houses or collects rent on the same for compensation shall be deemed a real estate agent and shall pay an annual license fee of \$25.00.

No real estate license shall give authority for more than one person to sell, offer for sale, negotiate a sale of real estate or negotiate loans upon real estate security for compensation or rent real estate or houses for compensation other than the person to whom said license is issued, and when said license is issued to a corporation the person conducting the department referred to shall be named in said license, and no other person shall operate thereunder.

§ 81. Every person, firm or corporation who operates or conducts a rendering or tanking house shall pay for each rendering or tanking house conducted or operated a license of \$225.00 per year.

§ 82. Every person engaged as a scavenger or vault cleaner shall pay a license of \$25.00 per year.

§ 83. Every person, firm or corporation whose principal business is that of buying or selling second-hand household goods, second-hand clothing or wearing apparel, second-hand books, or any other kind of second-hand goods, wares or merchandise shall pay a license of \$25.00 per year.

§ 84. Every person who solicits the sale of or sells or contracts for the sale of sewing machines in the city of Louisville, at any place other than a regular sewing machine store or established business shall be deemed a sewing machine agent or solicitor, and shall pay a license of \$10.00 per year. Every person, firm or corporation operating or conducting a sewing machine business, establishment or agency in the city of Louisville shall furnish to the Treasurer and Secretary of the Sinking Fund a certified statement whenever called upon so to do by said Treasurer and Secretary, containing the names and addresses of each and every person soliciting or selling sewing

machines for them other than at said established place of business.

§ 85. Every person, firm or corporation maintaining or operating a shooting gallery, not kept exclusively for family use at the family residence, shall pay a license of \$100.00 per year; provided, however, that a license for a shooting gallery may be issued for three months at a time at the rate of \$35.00 for three months.

§ 86. Each individual, firm or corporation engaged in the business of sprinkling streets shall pay a license of 3 per cent of the gross earnings per year.

§ 87. Every person, firm or corporation conducting or operating a swimming pool shall pay a license of \$10.00 per year.

§ 88. Every person engaged in the business of inspecting leaf tobacco, by whomsoever employed, whether upon percentage or salary, shall be deemed a leaf tobacco inspector, and pay a license of \$35.00 per year.

§ 89. Every towel supply company and every person, firm or corporation who furnishes laundered towels to patrons shall pay a license of \$50.00 per year.

§ 90. Every person, firm or corporation who buys and sells any merchantable commodity for his or its own account without having a storehouse or warehouse, and keeping or storing same in the city of Louisville shall be deemed a trader, and shall pay a license of \$20.00 per year.

§ 91. Every person, firm or corporation carrying on or conducting a trading stamp business, and each branch thereof where trading stamp business is conducted at a separate location shall pay into the Sinking Fund of the city of Louisville, for Sinking Fund purposes, an annual license of \$200.00.

§ 92. Every vehicle propelled or drawn by muscular power and run or used in the city of Louisville shall be subject to the following licenses:

For each and every wagon, cart, dray, omnibus or other vehicle not especially designated herein, drawn by a single animal, the license shall be \$3.00 per year; drawn by two animals, \$6.00 per year; drawn by three animals, \$10.00 per year; drawn by four animals, \$15.00 per year; drawn by five animals, \$20.00 per year; drawn by six animals, \$25.00 per year.

For each and every hearse the license shall be \$6.00 per year.

For each and every hack, coupe, coach or like vehicle the license shall be \$6.00 per year.

For each and every buggy, gig, phaeton, pony cart, sulky or like vehicle the license shall be \$3.00 per year.

For each and every family carriage drawn by one animals the license shall be \$3.00 per year; drawn by two animals, the license shall be \$5.00 per year.

There shall be provided by the Sinking Fund, without cost to the licensee, for every vehicle propelled or drawn by muscular power, metal plates, containing in raised figures the number of the license of each class and the year issued, together with the date of expiration. Said metal plates shall be placed and kept conspicuously in view on every vehicle mentioned in this section of this Ordinance, so that the same can be easily read from the sidewalk. Such numbers and letters upon said plates shall be in plain, distinct and legible figures and letters, each plate to be not less than one, two or three inches in width, and placed on each vehicle drawn by muscular power in the following manner:

On drays and carts the numbers shall be cast or painted on metallic plates and placed on the outer side of the right shaft, three inches in front of the bed or body of the dray or cart.

On wagons the numbers shall be cast or painted on metallic plates on the hind axle, or where a body is used on said wagon, said number shall be placed on the right side thereof.

On private carriages, barouches, buggies and all other private vehicles of like kind, the number shall be cast or painted on neat metallic plates and placed upon said vehicles upon the spring bar or rear end of said vehicles.

Painting or covering over the plate or placing the plates upon any other vehicles than the one for which the same was issued shall be punishable by a fine of not less than \$5.00 nor more than \$15.00.

It shall be the duty of the owner of each licensed vehicle drawn by muscular power on or before the date on which said license shall expire to return to the Sinking Fund Commissioners the number plates used upon such vehicle or vehicles the preceding year, and the Sinking Fund Commissioners shall, when the license is paid, furnish another plate for the current year

free of charge. But if the old number plate shall be lost or defaced the Sinking Fund Commissioners shall charge for each new number plate furnished by it the sum of 25 cents, in addition to the sum above mentioned for license; and the owner or owners of any vehicles mentioned herein, used or run in the city of Louisville shall not be permitted to use any other number plate than that furnished by the Sinking Fund. Every keeper, owner, proprietor or agent of any livery or boarding stable, and the owner or owners of all the vehicles mentioned in this section of this Ordinance, shall, whenever called upon so to do, state on oath to the Treasurer and Secretary of the Sinking Fund how many vehicles of every description are owned or used or kept by him or them, and the Treasurer and Secretary of the Sinking Fund may examine every such person on oath touching the number of vehicles owned, used or kept by him or them during the year next preceding the date of making such statement, and also the number owned, used or kept by him or them at the time of making such statement.

All vehicle licenses provided for in this section of this Ordinance shall be made to expire on the first day of May of each year, and any person or persons who commence to use or run a vehicle in the city of Louisville after the passage and publication of this Ordinance shall be charged proportionately for the year ending the first of May.

If any vehicle shall be run or used within said city without being licensed so to run, the owner, agent or driver shall for each day such vehicle is run without license be fined not less than \$5.00 nor more than \$10.00.

§ 93. Every motor vehicle owned and used in the city of Louisville shall be subject to a license. Whenever the term motor vehicle shall be used in this section of the Ordinance it shall include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power except motorcycles, common bicycles, traction engines, road rollers, electric and steam railways.

Every owner of a motor vehicle owned and used in the city of Louisville shall pay the following annual license:

For each passenger motor vehicle of less than twenty-five horsepower, the annual license shall be \$5.00. For each passenger motor vehicle of twenty-five horsepower and over up to fifty

horsepower, the annual license shall be \$10.00. For each passenger motor vehicle of fifty horsepower and over, the annual license shall be \$15.00.

The owners of commercial trucks used in the city of Louisville shall pay an annual license on such trucks as follows:

Trucks having a capacity of 1,000 pounds or less, \$5.00 per annum; trucks having a capacity of more than 1,000 pounds and up to 2,000 pounds, \$7.50 per annum; trucks having a capacity of more than 2,000 pounds and up to 3,000 pounds, \$10.00 per annum; trucks having a capacity of more than 3,000 pounds and up to 4,000 pounds, \$12.50 per annum; trucks having a capacity of more than 4,000 pounds and up to 5,000 pounds, \$15.00 per annum; trucks having a capacity of more than 5,000 pounds and up to 6,000 pounds, \$17.50 per annum; trucks having a capacity of more than 6,000 pounds and up to 7,000 pounds, \$20.00 per annum; trucks having a capacity of more than 7,000 pounds and up to 8,000 pounds, \$22.50 per annum; trucks having a capacity of more than 8,000 pounds and up to 9,000 pounds, \$25.00 per annum; trucks having a capacity of more than 9,000 pounds and up to 10,000 pounds, \$27.50; trucks having a capacity of more than 10,000 pounds shall pay \$5.00 per annum on each additional ton.

All motor vehicle licenses, whether on passenger vehicles or commercial trucks, shall be made to expire on the first day of May of each year. Any owner, person or persons who commence to use or run a motor vehicle of any class or commercial truck in the city of Louisville after the passage and publication of this Ordinance shall be charged proportionately for the year ending the first day of May.

If any motor vehicle or commercial truck shall be run or used within said city without being licensed so to run, the owner, agent or driver shall for each day such vehicle or truck is run without license be fined not less than \$5.00 nor more than \$10.00.

§ 94. Every individual, firm or corporation who intends to commence after the first day of September of any year the business of selling any goods, wares or merchandise, except by samples, shall first obtain a license therefor and pay in advance for the same as follows, viz.:

If said business is commenced after the first day of September and before the second of January said license fee shall be \$250.00.

If said business is commenced at any time after the first day of January and before the first day of May the license fee shall be \$100.00.

If said business is commenced at any time between the 30th day of April and the first day of August said license fee shall be \$50.00.

Each license issued under this section shall entitle the licensee to conduct or carry on said business until the first day of the next succeeding September.

Each agent or employe who conducts or manages said business or assists in the conducting or managing said business before a license has been obtained therefor shall be guilty of a violation of this Ordinance, and shall be liable to the penalty hereinafter provided.

§ 95. All persons, firms or corporations engaged in the business of undertaking or preparing bodies for burial shall pay a license of \$25.00 per year.

§ 96. Every person, firm or corporation who operates or conducts a slaughter house where live stock are slaughtered shall pay a license for each slaughter house so conducted or operated of \$100.00.

§ 97. All persons, firms or corporations who operate a baseball park where professional baseball is played, and where admission is charged shall pay an annual license of \$500.00.

§ 98. All persons, firms or corporations operating the business of insuring titles to real estate shall pay a license of \$250.00 per year.

§ 99. Every shoe shining parlor shall pay an annual license of \$6.00 for the first pair or individual foot rest, and \$3.00 for each additional pair of foot rests.

§ 100. Every person, firm or corporation engaged in the florist business shall pay an annual license of \$25.00.

§ 101. Every person, firm or corporation engaged in operating a moving picture film exchange shall pay an annual license of \$50.00.

§ 102. The license for each auto show where admission fee is charged shall be \$100.00 per week or fraction thereof.

§ 103. Every person, firm or corporation engaged in the business of conducting an agency for the sale of cash registers, adding or calculating machines shall pay an annual license fee of \$100.00.

§ 104. Every person, firm or corporation operating an establishment where clothes are received to be pressed shall pay an annual license of \$10.00.

§ 105. Every person, firm or corporation operating an establishment where hats are received to be cleaned or blocked or re-blocked shall pay an annual license of \$10.00.

§ 106. Every person, firm or corporation operating a private sanitarium shall pay an annual license of \$50.00.

§ 107. All persons, firms or corporations operating a shop or establishment where shoes are repaired by machinery shall pay an annual license of \$7.50 for each repairer.

§ 108. License for each exhibition of wrestling or wrestling matches shall be \$200.00.

§ 109. The license upon street carnivals shall be as follows: For the first day, \$100.00; for the second day, \$75.00; for the third day, \$50.00, and for each day thereafter, \$35.00 per day.

§ 110. Every person, firm or corporation who operates a gasoline filling station shall pay a license of \$10.00 per year for each tank of gasoline filling apparatus.

§ 111. Every person, firm or corporation who keeps or operates a public garage in which automobiles, motor commercial vehicles, trucks or similar machines driven by gasoline, steam or electricity, or any other motive power, are kept in storage or for sale or for hire, shall pay a license of \$100.00 per year.

§ 112. Every optician engaged in the filling of prescriptions for eye glasses or lenses for spectacles or engaged in the business of testing eyes for the purpose of fitting spectacles or glasses at an established place of business shall pay an annual license of \$15.00.

§ 113. All persons, firms or corporations conducting an establishment for the sale and consumption on the premises thereof of non-alcoholic, hot or cold drinks, or ice cream or sherbets, or other frozen foods, or either of such articles or mixtures, or combinations thereof, shall be deemed a dealer in soft drinks, and shall pay an annual license as follows:

Class 1. Soft drink dealers whose gross sales amount to \$30,000 or more per annum shall pay a license of \$150.00 per year.

Class 2. Soft drink dealers whose gross sales amount to more than \$20,000 and are less than \$30,000 per annum shall pay a license of \$110.00 per year.

Class 3. Soft drink dealers whose gross sales amount to more than \$15,000 and are less than \$20,000 per annum shall pay a license of \$80.00.

Class 4. Soft drink dealers whose gross sales amount to more than \$10,000 and are less than \$15,000 per annum shall pay a license of \$65.00 per year.

Class 5. Soft drink dealers whose gross sales amount to more than \$5,000 and are less than \$10,000 per annum shall pay a license of \$35.00 per year.

Class 6. Soft drink dealers whose gross sales amount to more than \$2,500 and are less than \$5,000 per annum shall pay a license of \$20.00 per year.

Class 7. Soft drink dealers whose gross sales amount to \$1,500 and do not exceed \$2,500 per annum shall pay a license of \$15.00 per year.

Class 8. Soft drink dealers whose gross sales amount to \$750 per year and do not exceed \$1,500 per annum shall pay a license of \$10.00 per year.

Class 9. Soft drink dealers whose gross sales do not exceed \$750 per annum shall pay a license of \$5.00 per year.

§ 114. Every person, firm or corporation conducting or operating a race track where admission is charged shall pay a license of \$500.00 for each day upon which same is operated for an admission fee.

§ 115. Every person, firm or corporation maintaining or operating a public scale shall pay an annual license of \$10.00.

§ 116. Every person, firm or corporation operating an establishment where clothes are received to be dry cleaned or dyed shall pay an annual license of \$10.00 for each establishment maintained.

§ 117. Every person, firm or corporation operating a plant where clothes, gloves, carpets, household furnishings or any kind of goods are received to be actually dry cleaned or dyed in such plant shall pay an annual license of \$50.00 for each such dry cleaning or dyeing plant maintained.

§ 118. Every person, firm or corporation engaged as a master or employing plumber shall pay an annual license of \$25.00. A master or employing plumber within the meaning of this act is any person, firm or corporation who hires or employs a person or persons to do for other persons, firms or corporations gas fitting, and all work of every character connected with the installation or repair of any plumbing fixtures or material connected with the drainage of buildings or property, and all work requiring connections with street sewers, water mains or with plumbing.

§ 119. In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the amount of sales or, business done, every such person, firm or corporation shall render a sworn statement or report to the Treasurer and Secretary of the Sinking Fund, showing the total amount of sales made or business done by them respectfully during the year preceding the date when such person, firm or corporation becomes subject to payment of licenses, and from such statement or report the Treasurer and Secretary of the Sinking Fund shall determine in which grade the applicant shall be placed. In such cases where the grade has been determined by the Treasurer and Secretary of the Sinking Fund the applicant for license shall have the right within five days after such grade has been determined by the Treasurer and Secretary of the Sinking Fund to appeal in writing to the Commissioners of the Sinking Fund, and said Commissioners shall have the power to determine in which grade the applicant shall be placed. Pending final decision by the Commissioners of the Sinking Fund, the applicant shall not be subject to any fine or penalty provided for in this ordinance.

If any applicant has not been conducting said business or following a trade, occupant or profession during the preceding year, then such applicant shall file with the Treasurer and Secretary of the Sinking Fund a sworn statement showing the estimated amount of business which said applicant intends to do, or sales he expects to make during the year succeeding the date when such applicant becomes subject to payment of license, and from such sworn statement and other evidence the Treasurer and Secretary of the Sinking Fund shall ascertain and determine the grade in which said applicant shall be placed, and said applicant

shall have the right within five days after such grade has been determined by the Treasurer and Secretary of the Sinking Fund to appeal in writing to the Commissioners of the Sinking Fund and said Commissioners shall have the power to determine in which grade of applicant shall be placed. Pending final decision by the Commissioners of the Sinking Fund the applicant shall not be subject to any fine or penalty provided in this Ordinance.

§ 120. In all cases where the amount of license to be paid by any person, firm or corporation for operating a motor vehicle or commercial truck is based upon or determined by the carrying capacity of such motor vehicle or commercial truck, the applicant for such license shall render a sworn statement to the Treasurer and Secretary of the Sinking Fund showing the horsepower or carrying capacity of such motor vehicle or commercial truck for which the license is desired.

§ 121. All licenses shall be paid for in advance in lawful money of the United States, and it shall be unlawful for any person, firm or corporation to carry on the business, follow the calling, occupation or profession or to use or hold or exhibit the articles herein named in the city of Louisville without first having paid the license herein required for same, except as herein provided.

§ 122. All licenses provided for herein, unless a different time for paying same is expressly provided for in this Ordinance, shall be due and payable upon the approval of this Ordinance in advance from the date any person, firm or corporation is engaged in carrying on the business or following the calling, occupation or profession, or using, holding or exhibiting the articles herein named in the city of Louisville, provided that nothing herein shall affect the validity of licenses heretofore issued, and where a different license is provided for herein from what has been formerly fixed by prior ordinances the person, firm or corporation shall not be required to pay the new license provided for herein until the old license has expired.

§ 123. Every person, firm or corporation required to pay a license based upon amount of sales made or business done shall have thirty days after such license becomes due to file reports or statements showing amount of sales made or business done,

but in all such cases said licenses when issued shall be dated back to the time such licenses became due.

§ 124. Any person, firm or corporation failing to secure and pay for any license provided for herein when said license becomes due shall pay in addition to the regular license a penalty of five per cent per month on the amount of the regular license as long as such delinquency continues, and shall be subject to a further criminal penalty herein provided for.

§ 125. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax and penalties thereon and criminally responsible for carrying on the business in a like manner as if they were proprietors.

§ 126. The fact that any person, firm or corporation representing himself or itself as engaged in any business, calling, profession or occupation for the transaction of which a license is required, or that such person exhibited a sign or advertisement indicating such business, calling, profession or occupation shall be conclusive evidence of the liability of such person, firm or corporation to pay for a license.

§ 127. Any unexpired license, except those for retail liquor license, may be transferred from one person, firm, or corporation to another by a surrender of the original license to the Treasurer and Secretary of the Sinking Fund, and an indorsement made thereon, transferring the license from the holder thereof to the person, firm or corporation purchasing the same, to whom the license shall be reissued upon the payment of five per cent of the original amount of the license; provided, however, that when the original license has been lost or destroyed, the person to whom the original license was issued shall make affidavit that said original license has been lost or destroyed and cannot be produced, and shall transfer the same by indorsement upon said affidavit, as above required, which shall be filed with the Treasurer and Secretary.

§ 128. Any person, firm or corporation violating any of the provisions of this Ordinance, where a definite fine has not been provided, shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

§ 129. In all cases where a license fee is provided for carrying on any business, trade or occupation, every person, firm or

corporation shall pay a separate license for each place of business maintained.

§ 130. Should any section or part of any section or any provision of this Ordinance be decided by the courts to be invalid the decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the particular section or provision of the Ordinance so held to be invalid.

§ 131. The following Ordinances are hereby repealed: An Ordinance entitled "An Ordinance providing for certain licenses, the fees therefor to be paid into the Sinking Fund of the city of Louisville," approved September 17, 1908; an Ordinance entitled "An Ordinance licensing the business of lending or advancing money on chattel mortgages in the city of Louisville," approved July 5, 1912; an Ordinance entitled "An Ordinance licensing the business of lending or advancing money on assignment of salaries or wages in the city of Louisville," approved July 5, 1912; an Ordinance entitled "An Ordinance licensing the trading stamp business in the city of Louisville," approved July 12, 1912; an Ordinance entitled "An Ordinance licensing trained animal exhibitions in the city of Louisville," approved Septemebr 4, 1914; an Ordinance entitled "An Ordinance licensing the business of slaughtering animals in the city of Louisville," approved December 4, 1914.

§ 132. This Ordinance shall take effect from and after its passage. (*Approved June 5, 1919.*)

(2) LICENSE.

Taxicabs.

AN ORDINANCE providing for the licensing or taxing and the operation of taxicabs in the City of Louisville, Kentucky.

Be it ordained by the General Council of the city of Louisville:

§ 1. The term "taxicab" as used herein shall embrace all automobiles and other vehicles of like construction and operation, employed in the carriage of passengers for hire within the city of Louisville; provided, however, that the provisions of this ordinance shall not in any way affect automobiles operated in the nature of "bus" lines between the city of Louisville and Camp

Zachary Taylor, but shall be limited in their application to motor vehicles employed in the straight taxicab service within the limits of the city of Louisville.

§ 2. Before any taxicab shall be allowed to operate in the city of Louisville, there shall be procured for its operation a license, for which there shall be paid the city of Louisville the sum of Fifty Dollars (\$50.00) per annum, and for each additional taxicab owned or operated by the same person there shall be paid an additional tax of Ten Dollars (\$10.00) to the city of Louisville.

§ 3. A record shall be kept of all licenses issued under this ordinance, which record shall give the name of the person to whom issued, and at the time such license is issued there shall be furnished to the person procuring such license an appropriate metal plate bearing the number of such license; and it is hereby made the duty of the person procuring such license, or operating the taxicab covered by such license, to keep prominently displayed such license in such taxicab.

§ 4. No refund shall be made to any person securing any taxicab license, any unearned portion of such license because of the discontinuance of the operation of such taxicab.

§ 5. All owners or other persons operating taxicabs in the city of Louisville shall be permitted to charge the following maximum rates, and any charge in excess of same shall constitute a violation of this ordinance, to-wit:

\$3.00 per hour for five-passenger car.

\$4.00 per hour for seven-passenger car.

.50 per person for passenger from depot to depot, or from depot to hotel, or from hotel to hotel, or from hotel to depot.

.20 per mile each way touring rates for any number of passengers up to capacity of the car.

§ 6. Each driver or operator in charge of any taxicab, and each agent for any taxicab or any taxicab company, while engaged in soliciting for any taxicab or taxicab company, shall wear a uniform cap with the inscription on the front thereof, as follows: "Licensed Taxicab."

§ 7. Drivers or operators of taxicabs must not congregate in crowds away from their cars, nor shall any driver or operator of any such vehicle solicit business in front of any hotel nor in a loud or offensive manner in front of any other place.

§ 8. Any person violating any provision of this ordinance shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense.

§ 9. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

§ 10. This ordinance shall take effect from and after its passage. (*Approved July 10, 1918.*)

(3) LICENSE.

Chauffeurs.

AN ORDINANCE imposing a license for following the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind, and regulating said calling.

Be it ordained by the General Council of the city of Louisville:

§ 1. Each and every person who follows the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind shall annually pay into the Sinking Fund of the city of Louisville, for the purposes of the Sinking Fund, the sum of \$3.00 license tax; and the Treasurer of said Sinking Fund shall, upon such payment, issue to the person so paying a license to follow said calling or occupation and shall furnish to such person, free of charge, a numbered badge, tag or button. Each and every chauffeur for hire, fee, compensation or reward of any kind while engaged in his or her calling or occupation shall carry his or her license and shall exhibit the same whenever requested to do so by a license inspector or an assistant license inspector or a police officer. Each and every chauffeur for hire, fee, compensation or reward of any kind, while engaged in his or her calling or occupation, shall wear the aforesaid badge, tag or button conspicuously on the breast of his or her outside garment, and in such a manner that it may always be easily seen from the sidewalk. It shall be unlawful for any person to destroy, deface or injure said badge, tag or button in any manner, or change the number or date thereon. It shall be unlawful for any person to wear said badge, tag or button, unless it be the licensed chauffeur in whose name the license and badge, tag or button were issued. It shall be unlawful for any such licensed chauffeur to wear any

other badge, tag or button similar to the one furnished by the Commissioners of the Sinking Fund of the city of Louisville. It shall be the duty of each licensed chauffeur on or before the date on which said license shall expire to return to the Commissioners of the Sinking Fund said license and badge, tag or button issued to him or her the preceding year. Should the button or tag here referred to be lost or defaced, the licensee must apply for and obtain a new license and pay the fee of \$3.00 required by this ordinance. All chauffeur licenses issued in accordance herewith shall expire on the first day of May of each year, and any person who follows the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind, after the passage and publication of this ordinance, shall be charged proportionately for the year ending the first day of May.

§ 2. No person shall be entitled to receive a license provided by this ordinance unless he be of temperate habits and good moral character, and unless he be an experienced, competent and careful chauffeur, and at the time of making application for such license the applicant shall file an affidavit or affidavits, signed and sworn to by not less than three citizens of the city of Louisville, who are housekeepers, showing that the applicant is of temperate habits and good moral character, and that he is an experienced, competent and careful chauffeur. Should the Secretary and Treasurer of the Sinking Fund of the city of Louisville refuse to grant a license to any applicant, said applicant shall have the right to appeal to the Police Court of the city of Louisville, but shall give at least five days' notice of such appeal to the Secretary and Treasurer of the Commissioners of the Sinking Fund of the city of Louisville.

§ 3. Any license granted in accordance with this ordinance may be revoked by the Police Court of said city of Louisville, after an open trial, with due notice to the licensee, whenever, in the judgment of said court, the licensee is not competent, or has been guilty of such acts in reference to said calling or occupation as amount to disorderly conduct, or has violated any existing law in regard to the operation or running of automobiles.

§ 4. After the passage of this ordinance it shall be unlawful for any person to follow the calling or occupation of chauffeur for hire, fee, compensation or reward of any kind, unless he be eighteen years of age and shall have therefore obtained, and has,

said license from the city of Louisville, and any person so offending or violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen (\$15) nor more than one hundred (\$100) dollars.

§ 5. This ordinance shall not affect the validity of any license heretofore issued under an existing ordinance.

§ 6. The ordinance imposing a license for following the calling or occupation of chauffeur for hire and regulating same, which was approved by the Mayor of the city of Louisville on the 21st day of September, 1909, is hereby repealed.

§ 7. This ordinance shall take effect from and after its passage. (*Approved November 8, 1909.*)

(4) LICENSE.

Manufacturers and Vendors of Electrical Power, Light and Heat.

AN ORDINANCE providing for license of persons or corporations engaged in the business of manufacturing and vending electrical power or lighting or heat in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each individual, firm or corporation carrying on the business of manufacturing and selling electricity without having a franchise therefor from the city of Louisville shall pay an annual license into the Sinking Fund of the city of Louisville, the amount of said payment to be one dollar per "Kilowatt" up to and including two hundred (200) "Kilowatts," and twenty-five (25) cents for each additional "Kilowatt" of the manufacturing capacity of the machine or machines so used, the same to be determined by the manufacturer's stamp thereon; and each individual, firm or corporation selling steam heat from such plant shall pay into the Sinking Fund of the city of Louisville an additional annual license of twenty-five per cent (25 per cent) of the amount of the tax above required. The license tax required by this section shall be in addition to the *ad valorem* assessment.

§ 2. The application for said license shall be made to and the same issued by the Commissioners of the Sinking Fund of the city of Louisville, and shall not run for a longer period

than one year. Each license issued thereunder shall be made to expire on the 30th day of April next after its date. Each individual, firm or corporation required by the provisions of this ordinance to procure a license, shall apply for the same on or before May 1, 1906, and said license shall run for one year from said date.

§ 3. Any individual, firm or corporation proposing to commence business after the 1st day of May of any year, may be granted a license until the next succeeding 1st day of May thereafter upon the payment of such proportion of said license fee required as aforesaid, as the time said license has to run bears to one year.

§ 4. Whenever any such individual, firm or corporation desires to transmit or convey electricity or heat, or both, through, across or along any designated street, alley or other public way in the city of Louisville, such individual, firm or corporation, before applying for license hereinbefore mentioned, shall first apply to the Board of Public Works of the city of Louisville for a permit to so transmit or convey electricity, or heat, or both, through, across or along such designated highway, and said Board of Public Works may, in its discretion, grant such permit upon the condition that the wires, pipes and other appliances to transmit or convey such electricity and heat shall be placed underground under the supervision and in accordance with the plans and specifications furnished by said Board, and without any expense whatever to the city, and that the surface of such street, alley or other public way shall be restored at the cost of the applicant to its original condition; and said permit shall be upon the condition that the applicant shall indemnify and save harmless the city of Louisville from any damage to any person or property arising out of the construction, maintenance or operation of the plant, wires, pipes or appliances of said applicant, and that he will defend all suits filed and pay all judgments against the city for such damages. Such permit shall be exhibited to the Commissioners of the Sinking Fund in the city of Louisville at the time the license is applied for and before the same can be issued.

§ 5. Each and every individual, firm or corporation, coming within the provisions of Section 1 of this ordinance shall, within ninety (90) days after the passage of this ordinance, provide and use the necessary and proper machinery and ap-

pliances to prevent the emission of soot or dense smoke from any chimney or smokestack of the plant or buildings used in the operation of, or in connection with the manufacture and distribution of heat or electricity; and each individual, firm or corporation applying for a permit from the Board of Public Works or a license from the Commissioners of the Sinking Fund of the city of Louisville, shall be deemed to have consented to the provisions of this section and the enforcement thereof as hereinafter provided.

§ 6. Whenever any individual, firm or corporation to whom a license has been issued under the foregoing provisions of this ordinance desires to transmit or convey electricity or heat, or both, through, across or along any street, alley or other public way, for which no permit has been issued, such individual, firm or corporation may apply to the Board of Public Works for such permit, which said board may grant upon the same terms and conditions as required for permits under Section 4 of this ordinance.

§ 7. In addition to the provisions herein contained all the provisions and conditions of any general law or ordinance now in force or which may hereafter be enacted directing, authorizing or regulating the placing and maintaining, either existing or future Electric Light or Power wires, or any other wires of high or low tension, underground, whether said law or ordinance applies to the entire city or to only a part or parts thereof, or to those operating under a franchise or otherwise, shall be and are hereby made a part of this ordinance.

§ 8. Any individual, firm or corporation who violates any of the provisions of this ordinance shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars for each offense, and each day such individual, firm or corporation carries on said business without having first obtained said license or without the necessary machinery and appliances required in Section 5 of this ordinance shall be deemed a separate offense.

§ 9. This ordinance shall take effect from and after its passage and publication. (*Approved June 26, 1906.*)

NOTE—The Court of Appeals passed upon the validity of this ordinance in the case of *Hilliard v. Fetter Lighting & Heating Company*, 127 Ky. 95, and held that municipal authorities can not grant a franchise or privilege for a use intended to be permanent, except in the manner pointed out in Sec. 164 of the Constitution, and this section can not be evaded or its purposes nullified by making the grant for an indefinite period or for less than a term of years or by any other scheme or device.

(5) LICENSE.**On Motor Cycles.**

AN ORDINANCE imposing a license upon motor cycles used in the city of Louisville, and regulating the same.

Be it ordained by the General Council of the city of Louisville:

§ 1. Every person, firm or corporation using, running or operating a motor cycle upon the streets, alleys or ways of the city of Louisville shall pay into the Sinking Fund of the city of Louisville for Sinking Fund purposes a license of two dollars (\$2) per year.

§ 2. There shall be provided by the Commissioners of the Sinking Fund, without cost to the licensee of every motor cycle run or used on any of the streets, alleys or ways of the city of Louisville, numbers which shall be displayed on the rear mud guard of said motor cycle five inches above the end of said mud guard, in such manner as to be plainly visible from sidewalk. The numbers to be in Arabic numerals each $1\frac{3}{4}$ inches in height, and each stroke to be of the width of $\frac{1}{4}$ of one inch. Also the letters Lou., Ky., and date of expiration to follow said numbers in vertical position. Said numbers and letters to be cast or painted on a white, blue or red enamel plate six inches in length and three inches in height. No motor cycle shall be driven or operated on the streets, alleys or ways of said city without having conspicuously placed thereon the numbers issued to the licensee as aforesaid, and attached as herein provided, and no owner or owners of any motor cycle should be permitted to use any other number plate than that furnished by the Commissioners of the Sinking Fund.

The Commissioners of the Sinking Fund shall keep a record of every number issued as aforesaid, together with the name and address of each licensee.

§ 3. Every motor cycle when in use upon any of the streets, alleys or ways of the city of Louisville from one hour after sunset to one hour before sunrise shall have and keep lighted one or more lamps or lanterns attached to said motor cycle showing a white light visible for a reasonable distance in the direction in which said motor cycle is proceeding. Said light or lights to be so placed as to be free from obstruction from other parts of said motor cycle.

§ 4. Every motor cycle driven or operated upon any of the streets, alleys or ways of the city of Louisville shall be equipped and supplied with an alarm bell, gong or horn.

§ 5. It shall be unlawful for anyone to tamper with any motor cycle while the same is standing upon any of the streets, alleys or ways of the city of Louisville unattended by the person driving, using or operating the same.

§ 6. It shall be unlawful for any person to destroy, deface, injure, paint or cover over said plate numbers or change the number or date thereon or to use said number plate on any other motor cycle than the one for which same was issued.

§ 7. It shall be the duty of the owner of each licensed motor cycle on or before the date on which said license shall expire, to return to the Sinking Fund Commissioners the number plate used upon such motor cycle the preceding year, and the Sinking Fund Commission shall, when the license is paid, furnish a number plate for the current year free of charge. But if the old number plate shall be lost, or defaced, the Sinking Fund Commissioners shall charge for each new number plate furnished by it the sum of twenty-five cents in addition to the sum above mentioned for license.

§ 8. All motor cycle licenses issued in accordance herewith shall expire on the first day of May each year. Any person using or running a motor cycle after the passage and publication of this ordinance shall be charged proportionately for the year ending the first day of May.

§ 9. If any motor cycles shall be run or used within said city without being licensed so to be run, the owner, agent or driver shall for each day such motor cycle is run without license, be fined not less than (\$10) or more than fifty (\$50) dollars.

§ 10. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

§ 11. This ordinance shall not affect the validity of any ordinance heretofore passed on the subject of licenses, nor be construed as an amendment to any such ordinance.

§ 12. This ordinance shall take effect from and after its passage and publication. (*Approved January 11, 1911.*)

(6) LICENSE.***Retailing Liquor (1918).**

AN ORDINANCE imposing a license for retailing liquor and regulating the same and designating the purposes for which the tax is to be applied.

Be it ordained by the General Council of the city of Louisville:

§ 1. Every individual, firm or corporation who sells liquor by retail in the city of Louisville shall pay in advance into the sinking fund of the city of Louisville for sinking fund purposes an annual license fee of one thousand dollars, to be applied by the Commissioners of the Sinking Fund of the city of Louisville as follows, namely:

The first three hundred and twenty-five thousand dollars of the sums annually collected from said license tax shall be for the use of and credited pro rata to the sinking fund required to provide for the payment of the principal and interest of the following bonds issued under ordinances of the city of Louisville, namely:

Those issued under an ordinance approved June 25, 1897, and known as the second issue of refunding bonds; those issued under an ordinance approved March 21, 1900, and known as the third issue of refunding bonds; those issued under an ordinance approved February 2, 1901, and known as the fourth, fifth and sixth issues of refunding bonds; those issued under an ordinance approved August 8, 1902, and known as the seventh issue of refunding bonds; those issued under an ordinance approved March 6, 1903, and known as the eighth and ninth issues of refunding bonds; those issued under an ordinance approved October 17, 1900, and known as the sewer and park bonds; those issued under an ordinance approved October 2, 1906, and known as sewer bonds; those issued under an ordinance approved May 10, 1910, and known as the tenth issue of refunding bonds; those issued under an ordinance approved June 5, 1911, and known as the eleventh issue of refunding bonds; those issued under an ordinance approved October 8, 1910, and known as hospital bonds; those issued under an ordinance approved August 8, 1913, and known as school improvement bonds, dated April 1, 1914.

*For prior years see previous compilations.

After applying said sum of three hundred and twenty-five thousand dollars aforesaid, the remainder of the sums so collected upon said licenses shall be for the use of and applied by the Commissioners of the Sinking Fund of the city of Louisville to general sinking fund purposes.

§ 2. All liquor licenses issued hereunder shall expire the first Monday of the next succeeding August. Persons proposing to begin retailing liquor after the first Monday in August of any year may be granted a license until the next succeeding first Monday in August upon the payment of such proportions of the sum of one thousand dollars as the time said license has to run bears to one year.

§ 3. A license to retail liquor may be issued to any individual, firm or corporation engaged in the business of a druggist or apothecary, but no druggist or apothecary shall sell or keep for sale any liquor without first having obtained the license required in this ordinance, except as hereinafter provided.

Any druggist or apothecary may without such license sell unmixed alcohol, or may sell admixtures of wine, alcohol, spirituous or brewed liquors in prepared medicines, or may sell liquors upon the written prescription of a regular practicing physician, but whenever any druggist or apothecary so sells upon the prescription of a practicing physician he must require a separate written prescription for each sale of liquor so made. The written prescription referred to herein shall be kept on a separate file, and subject to examination at any time during the business hours of any representative of the sinking fund or license board. But it shall be unlawful for any druggist or apothecary by giving away any liquor, or by any subterfuge or device, to evade the provisions of this ordinance.

§ 4. The certificate of "liquor license" shall be kept hung up in some conspicuous place in the room where liquors are sold, at all times plainly exposed to public view. Every license shall specify by name the person, firm or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 5. Any individual, firm or corporation who violates any provision of this ordinance shall be fined not less than fifty nor more than one hundred dollars. Each sale of liquor without the

license herein required and each act in violation of any other provision of this ordinance shall be considered a separate offense and punished accordingly.

§ 6. This ordinance shall not affect the validity of any license heretofore issued under existing ordinances.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage and publication. (*Approved July 12, 1918.*)

(7) LICENSE.

Retailing Liquor, Limiting Number of Licenses.

AN ORDINANCE regulating the granting of licenses for the retailing of spirituous, vinous and malt liquors in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. No license shall be granted to any person, firm or corporation for the retailing of spirituous, vinous or malt liquors in the city of Louisville until and unless it shall appear that at the time of the application therefor such licenses heretofore issued do not exceed in number one to every five hundred inhabitants of the city of Louisville, according to the last United States census; provided, that no person, firm or corporation now holding a license to retail such liquors in the city of Louisville or holding a license to retail such liquors in any portion of the county of Jefferson at the time such portion may be annexed to, or included in, the corporate limits of the city of Louisville, shall be refused a license by reason of the provisions of this ordinance if he would otherwise be entitled to a renewal or reissuance of such license upon the expiration thereof.

§ 2. Nothing herein, however, shall prevent the transfer of such license by any person, firm or corporation holding same as now provided by law.

§ 3. This ordinance shall take effect from and after the first day of July, 1913. (*Approved May 8, 1913.*) (See also *Chili Parlors.*)

(8) LICENSE.**Requirements for Physicians and Dentists.**

AN ORDINANCE defining the qualification of physicians, surgeons and dentists.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no license shall be issued by the Sinking Fund of the city of Louisville to any one claiming to be a physician or surgeon until he produces for the inspection of the Secretary and Treasurer of the Commissioners of the Sinking Fund a certificate from the State Board of Health showing his legal right to practice his profession as required by Section 2613 of the Kentucky Statutes.

§ 2. That no license shall be issued by the Sinking Fund of the city of Louisville to any one claiming to be a dentist until he produces to the Secretary and Treasurer of the Commissioners of the Sinking Fund a diploma received by him from the faculty of a dental college, duly authorized by the laws of this State, or some other of the United States, or foreign country, and a certificate of qualification issued by the Kentucky State Board of Dental Examiners, as required by Section 2636 of the Kentucky Statutes, approved March 17, 1904.

§ 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 4. That this ordinance shall take effect from its passage. (*Approved March 14, 1907.*) (See also, as to duties, *Births; Burial of the Dead; Diseases; (1) Right of Way.*)

LIVE STOCK.**Watering and Feeding.**

AN ORDINANCE fixing an adequate water supply for livestock.

Be it ordained by the General Council of the city of Louisville:

First—That every corporation, firm or individual in the city of Louisville whose business and function it is to receive, buy, sell, handle, deal or trade in livestock while contained in the pens of any public stockyards or pens, shall have before said stock an adequate supply of fresh water at all times between the

hours of 10 a. m. and 12 m. of each and every day, and all stock that may arrive or are in any of said yards or pens after 12 m. shall be watered before 6 p. m. This provision shall apply to any and all days between March 31 and November 15 of each and every year.

Second—That beginning with November 15 and ending with March 31 of each and every year all livestock arriving before 12 m. shall have before them an adequate supply of water.

Third—That cattle carried over from day to day by anyone shall be watered and fed each day while confined in any pens.

Fourth—And that any failure to so provide such water or feed shall constitute a misdemeanor, and on conviction thereof the offender shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars for each separate offense, and each day wherein there is a failure to so provide shall constitute a separate offense. (*Approved May 22, 1913.*) (See also *Stock Law; (1) Animals.*)

LOITERING.

AN ORDINANCE making it unlawful to loiter, defining the offense of "Loitering," and prescribing a penalty therefor.
Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person or persons, without visible means of support, or who cannot give a satisfactory account of himself, herself, or themselves, to loaf, congregate, or loiter upon, along, in or through the public streets, thoroughfares, or highways of the city of Louisville; or for such person or persons to sleep, lie, loaf or trespass in or about any premises, building, or other structure in the city of Louisville, without first having obtained the consent of the owner or controller of said premises, structure, or building; or for such person or persons to sleep or lie in or upon any public thoroughfare, highway, park, boulevard, or wharf of the city of Louisville; or for such person or persons to beg or solicit alms in the streets or the highways of the city of Louisville; or for such person or persons to habitually consort with bawds, thieves, malefactors, or other disreputable or dangerous characters in the city of Louisville.

§ 2. Any person violating this ordinance shall be guilty of the offense of loitering, and shall be liable to arrest therefor; and for each offense shall be punished by a fine of not exceeding fifty dollars (\$50), or he shall be compelled to give bond in the sum of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), conditioned upon his or her good behavior, and keeping the peace for not exceeding one year; and, in default of such bond, if the same be required, the defendant shall be imprisoned in the workhouse, and there confined during the period said bond was to cover, or until the same shall be executed as required; or the defendant may be both so fined and required to execute a bond to be of good behavior as aforesaid, in the discretion of the court.

§ 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage and publication. (*Approved September 23, 1907.*)

(See also *Begging Alms; Trespassing.*)

(1) MARKET.

The Second Street Market.

AN ORDINANCE establishing public market on west side of Second street, between Market and Jefferson, and on both sides of Jefferson from Second to Brook street, and on west side of Brook street from Jefferson to Green street, and on the south side of Jefferson street from Brook street to Floyd street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That with the consent of the occupants of the abutting property all of the space on the west side of Second street from Market to Jefferson street and on both sides of Jefferson street from Second to Brook street and on the west side of Brook street from Jefferson to Green street and on the south side of Jefferson street from Brook street to Floyd street be used as a public market place to be known as "The Second Street Market."

§ 2. That hucksters and other vendors of fruit, vegetables and other products may use three (3) feet on the sidewalk nearest the curb in said market space for the purpose of vending their fruit and vegetables and other products and shall be required to keep that space opposite them on the inner side of the sidewalk and the gutter on the outer side of the curb clean and free from decayed fruits and vegetables and all kinds of filth and shall not obstruct said sidewalk in any manner between the said space so allotted for said vending and the inner part of said sidewalk.

§ 3. That gardeners, fruit raisers and other persons bringing fruit, vegetables and other products to said market for sale may keep their vehicles on the side of said streets near the curb next to the said public market, and shall not occupy more than fifteen (15) feet of the street nearest the curb or keep any wagon or wagons standing on said space allotted to them at any time except from 9 o'clock p. m. to 10 o'clock a. m., providing that on Saturday they may remain all day, and no wagon or other vehicle coming into said space for the sale of fruits, vegetables or other products shall stand in said space with horse or other beasts attached to them, but the owner, driver or other person in charge of each vehicle shall immediately upon entering said space detach the horse or beast pulling the same therefrom, back the rear part of such vehicle against the curb and elevate the tongues or shafts and at night shall keep a red light on said tongues or shafts.

§ 4. Any person violating any provision of this ordinance shall be fined not less than five (\$5.00) dollars nor more than twenty (\$20.00) dollars for each offense, and the additional sum of ten (\$10.00) dollars for each six (6) hours he or she shall continue any obstruction in or upon said streets or sidewalks in violation of the foregoing provisions of this ordinance.

§ 5. This ordinance shall take effect from and after its passage. (*Approved April 6, 1911.*)

(See also *Meats; Food Adulteration; Public Ways.*)

(2) MARKET.

The Public Market Place.

AN ORDINANCE establishing and regulating a "Public Market Place" in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That with the consent of the occupants of the abutting property on the east side of Floyd street, bounded on the north by Main street and on the south by Green street, on the north side of Jefferson street, bounded on the west by Floyd street, and on the east by Hancock street, may be used as a public market place, to be known as "The Public Market Place."

§ 2. The farmers, gardeners, raisers of fruit, vegetables and other products, may use three feet of the sidewalk nearest the curb in said market space for the purpose of vending their fruits, vegetables and other products, and shall be required to keep the gutters clean and free from decayed fruits and vegetables and all kinds of filth, and shall not obstruct said sidewalks in any manner between the said space so allotted for said vending and the inner part of said sidewalk.

§ 3. The gardeners, fruit raisers and farmers bringing fruits, vegetables, and other products to said market for sale, with the consent of the occupant of the abutting property, may keep their vehicles on the side of the street nearest the curb next to said public market space, for the purpose of vending their products, and shall not occupy more than twelve feet of the street nearest to the curb, nor keep any wagon standing on said space allotted to them at any time except from 6 o'clock p. m. to 10 o'clock a. m. and no wagon or other vehicle coming into said space for the sale of fruits, vegetables or other products shall stand in said space with the horses or other beasts attached thereto; but the owner, driver, or other person in charge of such vehicle shall immediately, upon entering such space, detach the horse or beast pulling the same therefrom, back the rear part of such vehicle against the curb, and elevate the shaft or tongue with a lantern displayed on same at night.

§ 4. It shall be unlawful for any person to occupy any of said space in said "Public Market Place" except actual and known farmers, gardeners, and fruit raisers, who shall be the actual

producers, each from his or her farm or garden, of the products exposed for sale.

§ 5. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty dollars (\$20) for each offense and the additional sum of ten dollars (\$10) for each six hours he or she shall continue any obstruction in or upon said street or sidewalk in violation of the foregoing provisions of this ordinance.

§ 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

§ 7. This ordinance shall take effect from and after its passage. (*Approved July 10, 1905.*)

(See also *Meats; Food Adulteration; Public Ways; Use and Protection.*)

(3) MARKET.

Protection of Vegetables, etc., for Sale.

AN ORDINANCE providing for the protection of vegetables, fruits and berries.

Be it ordained by the General Council of the city of Louisville:

§ 1. No fruits, berries or vegetables ordinarily eaten without cooking, shall be kept, offered for sale or given away at any place or transported within the city of Louisville unless so covered, screened or otherwise protected from insects, contact with animals and handling by the public. The placing of mosquito netting or similar material in direct contact with such fruits, berries or vegetables shall not be considered covering, screening or protection within the meaning of this ordinance.

§ 2. Any person or persons violating or assisting in the violation of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars or more than fifty (\$50) dollars, and each day's continuance of the condition shall constitute a separate offense.

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

§ 4. This ordinance shall take effect upon its passage. (*Approved October 6, 1917.*)

MARRIAGES.

To Be Reported to the Health Officer.

AN ORDINANCE concerning the report of marriages in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be the duty of every clergyman, magistrate, or other person who shall be authorized to perform any marriage ceremony within the city of Louisville, to report each marriage solemnized by him to the Health Officer for the use of the Board of Public Safety, within three days thereafter, giving the full name, age, color, occupation, birthplace, county and State, and legal residence of each person married, as far as he knows, or is able to ascertain such facts.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty dollars (\$20) for each offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved April 19, 1898.*)

MAYOR.*

Providing for Assistant Secretary.

AN ORDINANCE creating the office of assistant secretary of the Mayor, fixing the compensation of such office, and abolishing the office of stenographer and typewriter for the Mayor's office.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the office of assistant secretary of the Mayor be and the same is hereby created, and the compensation of such officer shall be eighty-five (\$85) dollars per month, payable as the salaries of other city officers are now paid. He shall be appointed by the Mayor and hold his office at the pleasure of the Mayor.

§ 2. It shall be the duty of such assistant secretary to do all stenographic work and typewriting in the Mayor's office and to perform such other duties as the Mayor or the Mayor's secretary require.

*For Mayor and Mayor's Secretary see Secs. 2784, 2792 and 2800 Ky. St.

§ 3. That an ordinance entitled "An Ordinance creating the office of stenographer and typewriter for the Mayor's office and fixing the salary for the same," approved November 26, 1897, be and the same is hereby repealed, and the office of stenographer and typewriter for the Mayor's office is hereby abolished.

§ 4. That this ordinance shall take effect from its passage. (*Approved February 6, 1902.*)

(1) MAYOR.

Fixing Clerk's Salary.

AN ORDINANCE fixing and regulating the salary of the Mayor's clerk.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor's clerk shall receive from the city of Louisville annually the sum of twenty-five hundred (\$2,500) dollars, said salary to be paid in weekly or monthly installments.

§ 2. All ordinances in conflict herewith are hereby repealed.

§ 3. This ordinance shall take effect from and after its passage. (*Approved September 30, 1918.*)

(2) MAYOR.

Assistant Secretary's Salary, etc.

AN ORDINANCE fixing and regulating the salary of the assistant secretary to the Mayor.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the assistant secretary to the Mayor shall receive from the city of Louisville annually the sum of twelve hundred dollars (\$1,200), said salary to be paid in weekly or monthly installments.

§ 2. It shall be the duty of such assistant secretary to do all stenographic work and typewriting in the Mayor's office and to perform such other duties as the Mayor or the Mayor's secretary require.

§ 3. All ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage. (*Approved July 16, 1919.*)

(1) MEATS.

Inspection and Regulating Markets.

AN ORDINANCE relating to regulating the inspection of animals slaughtered for meat supply in the city of Louisville, and of meat intended for sale within the city, and to regulate slaughter houses, meat dealers and markets handling the same, and to the appointment and duties of inspectors and assistants.

Be it ordained by the General Council of the city of Louisville:

SALE OF MEAT IN CITY—WHEN UNLAWFUL.

§ 1. The sale, offering, exposing or having in possession for sale of any meat within the city of Louisville which has not been inspected by Federal, State or municipal authority at the time of slaughter is hereby prohibited, as well as the bringing of any such meat into the city of Louisville for the purpose of sale, except as otherwise provided in Section 7. It shall further be unlawful for any person, firm or corporation to sell, expose or offer, or have in possession for sale for human consumption, any meat which is in any wise not fit for such purpose.

ISSUANCE OF PERMITS.

§ 2. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale within the city of Louisville any meat intended for human consumption, whether slaughtered within the city or elsewhere, unless such person or persons shall have a permit so to do from the Health Officer of said city, the same to be issued for a period of one year. Where any such person, firm or corporation conducts or operates more than one place of business in the city of Louisville a separate permit shall be issued for each such place of business. Such permit shall be issued only upon the Health Officer's being satisfied that the meat, before being offered for sale, has been and will be inspected, slaughtered and stamped in accordance with the provisions

of this ordinance, and that the equipment and method connected with the slaughtering, transportation and sale of the product are sanitary and otherwise fit for the protection of the meat from contamination. The Health Officer shall issue permits to slaughter houses when the provisions of this ordinance and the State's laws relating to meat inspection have been complied with by said applicant.

APPOINTMENT AND SALARIES OF INSPECTORS.

§ 3. (a) The Board of Public Safety, with the approval of the Mayor, shall appoint for a term of one (1) year, a chief inspector of meats, who shall be a graduate of a recognized school of veterinary sciences, having a course of not less than three years leading to a degree, and shall have had at least three (3) years' experience in meat inspection, and no one shall be eligible to appointment as such inspector until he has passed a standard of examination equal to that prescribed by the Bureau of Animal Industry of the United States Department of Agriculture of chiefs of equal ranks in the meat inspection service of the Federal Government. Said chief inspector shall receive a salary of two thousand (\$2,000) dollars per annum, payable monthly, and shall execute bond to the city of Louisville in the penal sum of three thousand (\$3,000) dollars for the proper discharge of his duties, the sufficiency of which bond shall be determined by the Mayor.

(b) The Board of Public Safety, with the approval of the Mayor, shall also appoint one first assistant meat inspector, for a term of one (1) year, and may appoint such additional assistant meat inspectors not to exceed two, as shall be necessary to carry out the provisions of this ordinance. Said assistant inspector or inspectors shall be graduates of a recognized school of veterinary science, and no one shall be eligible to appointment as such assistant inspector until he has passed a standard of examination equal to that prescribed by the Bureau of Animal Industry of the United States Department of Agriculture for inspectors of similar rank in the meat inspection services of the Federal Government. Each assistant inspector shall receive a salary of fifteen hundred (\$1,500) dollars per annum, payable monthly, and shall execute a bond to the city of Louisville in the penal sum of one thousand (\$1,000) dollars for the proper dis-

charge of his duties, the sufficiency of which bond shall be determined by the Mayor.

(c) The Board of Public Safety, with the approval of the Mayor, shall appoint one lay inspector for a term of one year and may also appoint additional lay inspectors for a term of one year not to exceed one inspector for each slaughter house operating under a permit, if necessary to carry out the provisions of this ordinance. Each lay inspector before appointment shall satisfy the Board of Public Safety that he has had such experience in the inspection of meat and other places where meat is handled as will qualify him to carry out the provisions of this ordinance, other than the holding of post-mortem examinations; each lay inspector shall receive a salary of twelve hundred (\$1,200) dollars per annum, payable monthly, and shall execute a bond to the city of Louisville in the penal sum of one thousand (\$1,000) dollars for the proper discharge of his duties, the sufficiency of which bond shall be determined by the Mayor.

(d) Any inspector appointed under this ordinance may be re-appointed to the same office without standing another examination, upon satisfying the Board of Public Safety that he is qualified to perform the duties of such office. Said inspectors shall after appointment conduct their work under the direction of the Health Officer and may be removed by the Board of Public Safety at any time. All of said inspectors shall be expected and required to devote their whole time to the performance of the duties of their respective offices from 7 a. m. to 5 p. m.

DUTIES OF INSPECTORS.

§ 4. It shall be the duty of the chief meat inspector and his assistants to inspect and stamp all carcasses at the time of slaughter that are not inspected and stamped by Federal inspection; but all post-mortem examinations provided for herein shall be conducted by an inspector who is a veterinary and shall be present at the time of slaughter.

(a) In case any inspector shall be in doubt as to the existence of any diseased or injurious condition existing in any animal or in any meat, he shall have power to have such microscopic or other scientific investigation made as shall be necessary to determine the condition of such animal or meat, and he shall have

the further power to take the same to any place necessary for making such examination.

(b) That it shall be the duty of the chief meat inspector, or one of his assistants, to conduct a post-mortem examination of all animals condemned by the live stock inspector and ordered killed subject to post-mortem examination, and when found unfit for human food, to tank or deliver the carcasses of the same to the dead animal contractor for disposition as by law required.

(Sub-sections c, d, e, f, g, h and i stricken out.)

(j) It shall also be the duty of the chief meat inspector and his assistants to inspect slaughter houses and other premises and all markets, stalls, refrigerators and cars, wagons and places where animals are slaughtered or where meat products are transported, kept or offered for sale, to determine the wholesomeness and sanitary conditions of same.

(k) Said inspectors shall make reports of all places and of all meat inspected, and of all meat or animals or carcasses condemned, and said report shall be made weekly and filed and kept in the office of the Health Officer of the city as a public record. Said inspector shall immediately report all violations of this ordinance to the Health Officer. Said inspectors shall perform any other duty required in carrying out the provisions of this ordinance.

§ 5. (a) Meats intended for sale in the city of Louisville shall be slaughtered in a slaughter house which is clean and sanitary and equipped for the proper protection of the meat. The slaughter house shall be equipped with an ice box or cold storage compartment for the storage and preservation of meat or meat products in which a temperature of not over 44 degrees Fahrenheit shall be maintained during the time when in the regular course of business it is necessary to open same for taking out or placing in the products stored therein, and at a temperature of not above 38 degrees Fahrenheit at all other times, allowing reasonable time for the lower temperature to be attained after use. Such slaughter houses shall have adequate water, free from contamination, and so as to be applied hot or cold. The slaughter house shall have suitable floors, constructed in such a manner as to be watertight, and which shall carry off into tubs or reservoirs, or into the sewer, all blood and waste. The floors shall be thoroughly scrubbed and cleaned each day after the slaughtering

is completed. The building shall be screened, and walls and all exposed surfaces inside the slaughter house shall be kept clean and sanitary. The slaughter house shall have an efficient system of drainage and sewer connections so that no water or refuse of any kind shall soak into the ground. Provision shall be made for the prompt removal of the offal, for the cleaning of hooks, knives, implements, tubs, buckets and other equipment and the slaughter house shall be otherwise kept in a sanitary condition, and all meat and meat products inspected as required in detail by this ordinance; and by such laws of the State as may be in force and such valid regulations as have been adopted thereunder for guidance in meat inspection.

(d) All toilet rooms and dressing rooms shall be entirely separated from departments in which carcasses are dressed, or meat products are cured, stored, packed, handled or prepared. All such rooms shall be properly lighted, ventilated and kept in a sanitary condition.

(c) Butchers who dress or handle diseased carcasses or parts shall cleanse their hands and then immerse them in a proper disinfectant and rinse them in clear water before dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be sterilized either in boiling water or by immersion in a proper disinfectant followed by rinsing in clear water. Facilities for such cleansing and disinfection, approved by the inspector in charge, shall be provided for the establishment. Separate sanitary trucks, which shall be appropriately and distinctly marked, shall be furnished for handling diseased carcasses and parts. Following the slaughter of any animal affected with an infectious disease a stop shall be made until the implements have been cleansed and disinfected, unless other clean implements are provided.

(d) Carcasses shall not be inflated with air from the mouth, and no other inflation of carcasses, unless so labeled, shall be allowed. Carcasses shall not be dressed with skewers, knives, etc., that have been held in the mouth. Skewers shall be cleansed before being used again. Spitting on whetstones or steels when sharpening knives shall not be allowed.

(e) All offal shall be cleaned up and disposed of daily either by tanking or removing from the premises of the plant. The system for, and operation connected with, the treatment of offal

and condemned meats for fertilizer, grease or other purposes shall be in a separate building, or in a different part of the building for that in which the products intended for food are handled, separated by masonry or proper vestibule, and no fertilizer or other product of the tanked offal shall be stored or brought into any place or room where products intended for food are handled or stored. Such tankage operations shall be conducted in a sanitary manner, and with proper mechanical devices therefor, and the rendering and other rooms and equipment shall be cleaned daily and there shall also be used a sufficient deodorizer to destroy all foul and offensive odors resulting from said operations.

(f) No animal intended for slaughter shall be fed on any uncooked meat or offal, or any meat or offal of a diseased animal.

(g) The Health Officer shall issue a permit for the operation of a slaughter house when, upon examination, it appears that the provisions of this ordinance and of the State laws relating to slaughter houses have been complied with by applicant. But where the applicant conducts more than one slaughter house in the city of Louisville a separate permit shall be necessary for the operation of each slaughter house, and each day that a slaughter house is operated or maintained without such permit shall be deemed a separate violation of this ordinance.

MUNICIPAL SLAUGHTER HOUSES.

§ 6. The Health Officer shall designate a slaughter house, or slaughter houses, which shall be constructed and equipped as provided for in this ordinance and at which inspection can be maintained, as the municipal abattoir or abattoirs. This shall be conditioned, however, upon the owners or lessees of the slaughter houses agreeing in writing that all butchers and other persons may slaughter animals at such slaughter house at a uniform fee for slaughtering, which shall not exceed seventy-five (75) cents for every carcass of beef and forty (40) cents for every carcass of hog, sheep, veal or other animal. Each such slaughter house shall post in a conspicuous place therein the rates at which animals may be slaughtered at such house, and it shall be a violation of this ordinance to charge a different rate or rates from those so posted. The respective parties shall be free to make such agreements as they deem best for the sale or disposal of the offal or animals so slaughtered.

INSPECTION AT TIME OF SLAUGHTER—EXCEPTIONS.

§ 7. It shall be unlawful to sell, or offer, expose or have in possession for sale, any meat in the city of Louisville which has not been inspected and stamped at the time of slaughter by Federal, State or municipal authority, except carcasses of meat slaughtered by farmers or others not regularly engaged in the slaughtering of animals. Provided, however, that such carcasses shall be brought to the place of inspection to be designated by the meat inspector, with such organs or parts of organs naturally attached, as shall be required for the purposes of inspection, and such carcasses before being offered for sale shall be inspected and stamped as in other cases. And provided further, that nothing herein shall exempt Federal or other inspected meat for inspection as to fit condition for food when arriving for sale, or when exposed for sale in the city of Louisville.

CONDEMNATION—STAMPED—RENDERING.

§ 8. (a) Whenever the meat inspector shall, by inspection, determine that any carcass, or part of a carcass, is diseased or otherwise unfit for food, the same shall be stamped or tagged in a manner so as to designate it is unfit, and such meat shall not be brought into, or sold, or offered for sale, in the city of Louisville, but shall be tanked or otherwise rendered unfit for food, under the supervision and in the presence of the inspector, who shall make a written report to the Health Officer showing the amount and character of meat so condemned.

(b) The Health Officer shall devise and enforce an adequate method of checking up and accounting for the disposition of all meat and carcasses condemned under the provisions of this ordinance in order to prevent meat being thereafter sold for human consumption. The person in whose possession said condemned meat may be left, or to whom it may be turned over, shall, as soon thereafter as practicable, report in writing to the Health Officer how much meat was disposed of and the quantity of same, and any false statement so made by such person shall be deemed a violation of this ordinance, and shall in addition be sufficient ground for the revocation of the permit hereunder granted to the person, firm or corporation making such false report.

REVOCAION OF PERMIT.

§ 9. (a) Any permit granted under this ordinance may be revoked whenever it is found that the conditions upon which the permit was granted are not being complied with. But no permit shall be revoked until the party proceeded against shall be summoned by notice in writing issued by the clerk of the Police Court, or his deputy, at the instance of any party complaining, which notice shall specify briefly the ground upon which said revocation is sought and shall be served in the manner required by the Civil Code of Practice for the service of summons; provided, also, that said notice shall require the defendant to appear on the third day after the service of such notice, unless such third day be a Sunday or a holiday, in which event the defendant shall appear on the next regular week day that is not a legal holiday.

(b) The revocation of a permit shall *ipso facto* forfeit all license fees for the unexpired term for which such license fees were paid.

(c) No person whose permit shall have been revoked shall thereafter, directly or indirectly, through another person obtain a permit under this ordinance within six months from the time of such revocation.

MARKING—MISUSE OF STAMP.

§ 10. The Health Officer shall designate a uniform method of marking meat which has been inspected and passed, and meat which is unfit for food, and any person, firm or corporation counterfeiting, imitating, or not rightfully using the stamp of the Federal Government, the stamp of any State or other municipal inspection, or the stamp of the inspection of any State or other municipal inspection, or the stamp of the inspection of the city of Louisville, shall on conviction be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense.

FINES.

§ 11. Any person violating any section of this ordinance, or who shall operate without obtaining a permit as herein provided, shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense, except as otherwise herein provided and except where greater penalty is imposed by statute,

and each day that such violation continues shall be construed as a separate offense.

§ 12. All ordinances in conflict herewith and especially an ordinance entitled "An Ordinance for the inspection of animals slaughtered for meat supply in the city of Louisville and of meat intended for sale within the city of Louisville, and to regulate slaughter houses and meat sellers and markets," approved January 14, 1915, are hereby repealed.

§ 13. This ordinance shall take effect from and after its passage. (*Approved May 22, 1919.*)

(2) MEATS.

Where Fresh Meats May be Sold.

AN ORDINANCE to regulate the retailing of fresh meats in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to sell, at retail, beef, mutton, veal, or lamb, in the city of Louisville, except in a regular licensed market house or in a green grocery.

§ 2. Any one violating this ordinance shall be punished by a fine of not less than five dollars (\$5) nor more than twenty (\$20) for each offense. (*Approved October 8, 1895.*) (See also *Market.*)

(3) MEATS.

Protection of Slaughtered Meats.

AN ORDINANCE for protecting slaughtered meats in the city of Louisville from contamination from dust, dirt, flies, etc., and for the preservation of a healthy and safe condition of animals intended for slaughter.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall carry or transport through any street, alley or thoroughfare the carcass or meat of any cattle, sheep,

swine, fish, fowl, or poultry used for human food except it be covered so as to be thoroughly protected from dust, dirt, flies, etc.

§ 2. No person shall permit the carcass, body or meat of any cattle, sheep, swine, fish, fowl or poultry to lie or hang or be offered for sale outside of any market or similar place or in any open window or doorway or upon any sidewalk or street or thoroughfare.

§ 3. No person shall keep any cattle, sheep, swine, game, fowl, or poultry in any place in which water, food and ventilation are not sufficient for the preservation of a healthy and safe condition.

§ 4. Any person violating any provision of this ordinance shall be fined not less than \$5.00 nor more than \$20.00 for each offense.

§ 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage. (*Approved August 18, 1908.*) (See *Food Adulteration.*)

(4) MEATS.

Food Unfit for Use—Duties of Live Stock Inspector.

AN ORDINANCE concerning the inspection of livestock in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale, or to have in his or their possession for sale, any cattle, sheep, hogs, or any other animal for food which is diseased or in any wise unhealthy or unfit for food.

§ 2. That it shall be the duty of the livestock inspector to condemn and have killed any and all diseased livestock held or offered for sale in the city of Louisville, and to deliver the carcasses of the same to the owner, or his agent, or to the dead animal contractor for disposition, as by law required.

§ 3. Before condemnation of such animal, as provided in the second section of this ordinance, the livestock inspector shall give to the owner of the same, or to his agent having the same in charge, notice of the time and place of the proposed inspection,

and allow him a reasonable opportunity to be heard in the premises. The decision of the livestock inspector shall be final in all cases.

§ 4. There shall be set aside and maintained at the Bourbon stockyards, and all livestock yards in the city of Louisville, now or which may be hereafter established, at the expense of the owner of such yards, a quarantine pen of such size and construction as shall be prescribed or approved by the livestock inspector, which shall be provided with a suitable lock, in which pen shall be placed at once all animals failing to pass the inspection of the livestock inspector.

§ 5. The livestock inspector or his deputy shall at once place in the ear of each animal condemned a numbered metal tag bearing the word "condemned," which shall not be removed by the owner of such animal or his agent before the same is killed, as herein provided.

§ 6. The livestock inspector shall keep a record of all animals condemned, which record shall show: First, the date of inspection; second, the kind of animal; third, for whom the animal is inspected; fourth, a description of the animal; fifth, the cause of condemnation; sixth, the disposition of carcass; and shall file a monthly written report of his said inspections with the Health Officer of the city.

§ 7. All animals found to be affected as follows, shall be condemned and their carcasses disposed of as required by law and the provisions of this ordinance: (1) hog cholera, (2) swine plague, (3) anthrax, or charbon, (4) rabies, (5) malignant catarrh, (6) pyemia and septicemia, (7) mange, or scab in advanced stages, (8) advanced stages of actinomycosis, or lumpy jaw, (9) inflammation of the lungs, intestines or peritoneum, (10) Texas fever, (11) extensive, or generalized tuberculosis, (12) badly bruised or affected in any organ, or part of an organ, by tuberculosis, actinomycosis, trichina, cancer, abscess, suppurating sore or tapeworm cyst.

§ 8. All injured cattle condemned by the inspector shall be killed subject to postmortem inspection. No injured animal shall be removed to a slaughter house, or other place, without the written consent of the inspector.

§ 9. All calves offered for veal under four weeks of age shall be condemned by the livestock inspector for slaughtering purposes; and all animals in advanced stage of pregnancy, or which have recently given birth to young, shall likewise be condemned for slaughtering purpose.

§ 10. Any person, firm or corporation that shall violate the provisions of Section 1 of this ordinance shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each offense, and each sale or offering for sale, or holding in possession for sale, of any cattle, hogs, sheep or other animal, in violation of said section shall constitute a separate offense; and any person, firm or corporation that shall obstruct, interfere with, or prevent the livestock inspector, or his deputy in the discharge of any of his duties as defined in this ordinance, or being the owner or proprietor of a livestock yard or yards in the city of Louisville, shall fail or refuse to set apart, construct and maintain a quarantine pen, as provided in Section 4 of this ordinance, shall be fined in any sum not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each offense, and it shall be the duty of the police force to aid the livestock inspector or his deputy to enforce the requirements of this ordinance when notified or called on by such inspector or deputy for that purpose.

§ 11. That in order to carry out and enforce the provisions of this ordinance there shall be elected by the General Council, in joint session, on the first Tuesday in December, 1910, and every two years thereafter, one livestock inspector, who shall have power to appoint with the approval of the Board of Aldermen, a deputy livestock inspector, who shall hold his office during the will of said livestock inspector, and it shall be their duty to carry out and enforce the provisions of this ordinance. Provided, however, that the present incumbent of the office of livestock inspector shall be continued in his said office until the election and qualification of his successor in December, 1910, and provided he shall have the right to appoint, with the approval of the Board of Aldermen, a deputy livestock inspector who shall hold his office during the will of said livestock inspector. The said livestock inspector and deputy livestock inspector shall have and keep a fixed and known office in the city of Louisville, with a

telephone therein, and the office hours of said livestock inspector and deputy livestock inspector shall be between 7 o'clock a. m. and 4 o'clock p. m. of each day, and one of them shall be in said office at all times between the hours aforesaid, so that they can be communicated with by all persons having business connected with said office.

§ 12. That said livestock inspector shall receive a salary of twelve hundred dollars per annum, payable monthly, and said deputy livestock inspector shall receive a salary of nine hundred dollars per annum, payable monthly, as the salaries of other city officers, and in addition to the salary of said livestock inspector he shall be allowed the expense of keeping a telephone at his office and the rent of such office.

§ 13. An ordinance entitled "An Ordinance concerning the inspection of livestock and meat offered as food in the city of Louisville," which became obligatory on November 8, 1900, without the Mayor's signature, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

§ 14. That this ordinance shall take effect from and after its passage. (*Approved April 7, 1910.*) (See also *Food Adulteration.*)

MEATS AND FISH.

Carriers of Meat and Fish to Notify Health Office.

AN ORDINANCE requiring all carriers of fresh or cold storage meats or fish to give notice to the Health Department when such meat or fish is brought into the city of Louisville for delivery.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all railroad companies and other carriers be required to notify the Health Department of the city of Louisville upon bringing into the limits of the city of Louisville for delivery any fresh or cold storage meats or fish intended for human consumption, and it shall be unlawful for any such railroad company or carrier to permit any consignee, or other person, to take possession or control of any such meats or fish until such railroad company or carrier has first notified said Health

Department of the city of Louisville as herein required, and given the Health Department three hours' time between 9 o'clock a. m. and 4 o'clock p. m. within which to inspect said meats or fish.

§ 2. Should said meat or fish be unwholesome or unfit for human consumption, then the Health Officer shall take the proper steps to have same destroyed. Should said meat or fish be found to be wholesome and fit for human consumption then said Health Officer may, in his discretion, place a stamp thereon indicating such to be the case.

§ 3. Any railroad company or other carrier violating Section 1 of this ordinance shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than \$50 nor more than \$100 for each offense.

§ 4. This ordinance shall take effect from and after its passage. (*Approved August 8, 1911.*)

MILK.

Regulations of the Production and Sale.

AN ORDINANCE to regulate the production and sale of milk in and for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. No person shall,

(1) in the city of Louisville produce milk for sale or

(2) hold or offer milk for sale, or sell milk, or

(3) bring or send milk into the city of Louisville for sale, unless or until the Health Officer has issued to him a written permit so to do; nor shall any person produce for sale, sell, have in his possession for sale or expose for sale in the city of Louisville any milk after any such permit shall have been revoked.

§ 2. Every person owning or having charge of one or more cows, the milk from which is to be offered for sale or sold in the city of Louisville, shall make application to the Health Officer on a blank form to be furnished by the Health Officer for a permit to offer for sale or sell said milk, which application shall be substantially as follows:

(Form.)

"Application No.....Date

Name of applicant (or applicants if a firm or partnership).....

Residence and Postoffice Address of applicant (or applicants).....

Corporate Name, if applicant be a corporation.....
 Name of person upon whom process may be served, if applicant be a corporation, firm, partnership, or association.....
 Place or places of business in Louisville where milk is to be offered for sale or sold (excepting sales by retail from wagon to customers) No.....
street, betweenand.....streets.

In applying for this permit are you acting directly or indirectly for any person, firm, corporation, or partnership whose permit to sell milk in the city of Louisville has been revoked within six months of the date of this application?

Country Platform
 City Platform
 Shipments via.....(R. R. or Boat)
 Time of departure of trains carrying shipments of milk:

Sundays.....	}	Mornings.....
		Evenings.....
Week Days.....	}	Mornings.....
		Evenings.....

Average number of cans shipped daily.....
 Average number of gallons shipped daily.....

Or if milk is carried from dairy or farm to city by WAGON, give marks on wagons sufficient for identification.

Location of applicant's herd or herds:
 City or town.....
 County
 State
 Other direction for reaching.....

COWS.

Total number of cows.....Breed.....
 Are there, so far as you know, any cows diseased or unfit for dairy purposes in the herd?.....
 If so, give number of diseased or unfit cows and nature of said disease or unfitness?
 Are said diseased or unfit cows permitted to eat or drink from a common trough with the other cows?.....
 Is any of the milk or cream obtained from said diseased or unfit cows mixed with the milk or cream to be offered for sale in the city of Louisville?
 Have all the cows in the herd under question been tested with tuberculin?..
 Date
 By whom made?.....
 Number of cows reacting.....
 What was done with the reacting cows?
 Number of acres in farm?.....
 Size of pasture?.....
 How often are the cows curried or brushed?.....
 Are udders of cows cleaned?.....How?.....

STABLE.

Size of barn in which cows are stabled....ft. long.....ft. wide.....ft. high.
 Number and size of window in stable?.....
 How is stable ventilated?.....
 Kind of floor?.....
 Is cow barn whitewashed inside?.....

FEEDS.

State all kinds of feedstuffs used in feeding dairy cows.....
 Are any of the dairy cows owned or controlled by you, or by the firm or corporation which you represent, fed in whole or in part on wet malt, or on the slops, mash or refuse of any distillery, brewery or vinegar factory or any other kind of fermented slop?

MANURE.

How often is manure removed from stable?.....
 How far away from cow stable and milk room is it piled?.....
 How often is said pile removed to field?.....

MILKING.

Do the milkers wash and dry their hands just before milking?.....
 Is the milking done with dry hands?.....
 Is the milking done with wet hands?.....
 Is any of the milk stored in the barn or stable where the cows are kept?....
 How soon after being drawn from the cow is it removed from the barn or stable?

MILK ROOM.

Is there a separate milk room or milk house?.....
 How far is said milk room or milk house from stable?.....
 Are the utensils, including every pail, can, bottle or other piece of apparatus that comes in contact with the milk, thoroughly cleaned with boiling water every day?.....
 How is the milk cooled?.....

WATER.

Source of water used by cows.....
 Source of water used in cooling milk.....
 Source of water used in cleaning utensils.....
 Is water from any other source ever used in the dairy?.....
 Is there a boiler properly fixed and provided with ample supply of water, which is not used for household purposes?.....
 What months of the year is place supplied with ice?.....
 Do you buy or ship milk obtained from any other person?.....
 Are there any cases of sickness in or near the dairy or farm where the milk sold by you is produced?.....
 Is any person who assists in the care of the cows owned or controlled by you or by the firm or corporation you represent, or in the milking of said cows, or in the handling of milk or cream from said cows, suffering from, or has any such person within twenty days been exposed to typhoid fever, diphtheria, scarlet fever, erysipelas, measles, smallpox, or any other dangerous, contagious or infectious disease?

Nature and location of such case.....
 Have you read the laws and ordinances regulating the sale of milk in Ken-
 tucky and the city of Louisville?.....

Signature of applicant.....

Date.....

In case such applicant buys for the purpose of selling in Louisville or ships to Louisville, milk obtained from any other person, he shall file with his application and as a part of it one or more written statements on blanks furnished by the Health Officer, giving the name and location of all persons from whom he plans to obtain milk for shipment, which statements shall be substantially as follows:

(Form.)

With Application No..... (This to be filled in by Health Officer).
 Applicant's signature.....
 Applicant's address

Said applicant expects to obtain for shipment, subject to the laws and ordinances in force in the city of Louisville, a part of his supply of milk (approximately.....gallons daily) from..... (Name).....(Address).....who holds Health Department Permit No.....which expires.....

and no permit shall be issued by the Health Officer to said applicant unless every person from whom said applicant plans to obtain milk for aforesaid purpose has had issued to him a permit to sell milk in the city of Louisville, which is still in force on the date of said application, and every permit shall become invalid if the holder of said permit offers for sale or sells milk which is not obtained from a person holding a Health Department permit, which has been granted and is legally in force.

Every other person desiring to sell milk for consumption in the city of Louisville shall make application therefor to the Health Officer on a blank form, to be furnished by the Health Officer, which application shall be substantially as follows:

(Form.)

"Application No..... Date.....
 Name of applicant (or of applicants, if a firm or partnership).....
 Residence and postoffice address of applicant (or applicants).....
 Corporate name, if applicant be a corporation.....
 Name of person upon whom process may be served, if application be a corporation, firm, partnership or association.....

Place or places of business in the city of Louisville.....
No.....street, betweenand.....streets.

In applying for this permit are you acting directly or indirectly for any person, firm or corporation or partnership whose permit to sell milk in the city of Louisville has been revoked within six months of the date of this application?

Signature of applicant.....”

As a part of said application to sell milk, there shall accompany it, and be filed with it, one or more written statements of the applicant, containing the name and address of the person or persons from whom all the milk to be offered for sale or sold by aforesaid applicants is to be obtained, the number of the permit or permits under which the milk for sale is to be produced, and the date or dates of expiration of such permit or permits.

Such information shall be written out on blanks furnished by the Health Officer and shall be substantially as follows:

(Form.)

With application No.....(To be filled by Health Officer),
I,, applicant for a permit to sell milk in the city of Louisville, desire to obtain, subject to the laws and ordinances in force in the city of Louisville, the whole, a part, of my supply (approximatelygallons daily) from..... Address.....
who holds Health Department Permit No....., which expires...(date)....

and no permit shall be issued by the Health Officer to said applicant unless every person from whom said applicant plans to obtain milk for the aforesaid purpose has had issued to him a permit to sell milk in the city of Louisville which is still in force on the date of said application, and every permit shall become invalid if the holder of said permit offers for sale or sells milk which is not obtained from a person holding a Health Department permit which has been granted and is legally in force.

§ 3. As soon as practicable after the receipt of the application for any such permit, said Health Officer shall make or cause to be made, an examination of the premises and equipment, and of the cattle, which it is intended to use for or in connection with the producing, holding, offering for sale, or selling of such milk, and if they be found to conform with the provisions of this ordinance and all other lawful requirements, said Health Officer shall, without cost to the applicant, issue the permit applied for:

Provided, that permits to sell or distribute in or to bring or send milk into said city shall be issued on condition that in all matters pertaining to the production, handling, shipping and selling of milk, the holder of the permit will be governed by the laws and regulations in force in the city of Louisville.

And, provided further, that no person shall send or bring into the city of Louisville for sale for human consumption any milk that cannot lawfully be sold for human consumption according to the laws of the State of Kentucky.

And, provided further, that pending action by the Health Officer upon aforesaid application for permit, said Health Officer may, if he be satisfied from written affidavit of applicant and from previous inspections that said applicant's source of milk supply conforms in all respects to this ordinance, issue to said applicant a temporary permit pending the examination required by this ordinance, such temporary permit, however, not to be valid for more than four months, and in no event shall such permit be valid after the completion of the examination required to be made by this ordinance.

§ 4. Whenever any person, producing milk for sale in the city of Louisville, or selling or exposing for sale, or having in his possession for sale, any milk in the city of Louisville, plans to change in whole or in part the source of his milk supply from that specified in his application, such person shall file an amended application with the Health Officer conforming with all the requirements of Section 2 of this ordinance.

§ 5. The furnishing of the statements required by this ordinance shall not of itself entitle any person, firm or corporation to sell milk in the city of Louisville, but the Health Officer may demand other and further evidence, and be guided by other and further evidence, in granting any permit. The granting of the permits herein referred to shall not be held to dispense with any other lawful requirement, condition or license fee.

§ 6. The Health Officer shall refuse to grant a permit to sell milk in the city of Louisville in any of the following cases:

1. When any applicant does not meet the requirements imposed by Sections 2 and 3 of this ordinance.

2. When any applicant for a permit to sell milk or amended application to sell milk contains a false statement, wilfully made.

3. When any part of the milk sought to be sold by the applicant cannot lawfully be sold; or when any part of the milk sought to be sold is obtained, kept, stored, or handled in a manner contrary to that prescribed by this ordinance; or when the animals from which any part of said milk is obtained are fed, kept, milked or handled in a manner contrary to that prescribed by this ordinance; or when any part of said milk is obtained from a dairy or dairy farm conducted or maintained in a manner contrary to that prescribed by this ordinance, whether the keeping, storing or handling of such milk, or the feeding, keeping, milking, or handling of such cows takes place in the city of Louisville or elsewhere, or, whether such dairy or dairy farm is conducted or maintained in the city of Louisville or elsewhere.

4. Whenever the person seeking to sell milk in the city of Louisville has been duly convicted of two separate offenses relating to the sale of milk, whether such conviction takes place in the State of Kentucky or elsewhere, or under this ordinance or otherwise.

§ 7. No fee shall be charged by the Health Officer for issuing the permits herein referred to, or for furnishing the blank forms herein specified, or for performing any other act or duty required or permitted by this ordinance.

§ 8. Every person to whom such a permit shall be granted, whether he be a producer, distributor, retailer, or handler, shall keep the same continuously and conspicuously posted in his place of business.

§ 9. All permits shall expire one year from date of issual; excepting temporary permits mentioned in Section 3.

REVOCATION OF PERMITS.

§ 10. The Police Court of the city of Louisville shall revoke permits for the sale of milk in the city of Louisville in any of the following cases:

1. Whenever any application or amended application, which has been used in obtaining such permit, contains a false statement, wilfully made.

2. When the defendant has sold, or had in his possession for sale, any milk which cannot lawfully be sold; or when he has sold any milk, or had in his possession for sale any milk, which has been obtained, kept, stored or handled in a manner

contrary to that prescribed by this ordinance, or when any part of the milk sold, or in his possession for sale, is obtained from a dairy or dairy farm conducted or maintained in a manner contrary to that prescribed in this ordinance, whether the keeping, storing or handling of such milk, or the feeding, keeping, milking or handling of such cows takes place in the city of Louisville, or elsewhere, or whether such dairy or dairy farm is conducted or maintained in the city of Louisville or elsewhere.

3. When the defendant has been duly convicted of two separate offenses relating to the sale of milk, whether such conviction takes place in the State of Kentucky or elsewhere or under this ordinance or otherwise.

The revocation of a permit for the sale of milk shall *ipso facto* forfeit all license fees for the unexpired term for which such license fees were paid.

§ 11. No permit for the sale of milk shall be revoked until the party proceeded against shall be summoned by a notice in writing, issued by the clerk of the Police Court, or his deputy, at the instance of any party complaining, which notice shall specify briefly the ground upon which said revocation is sought, and shall be served in the manner required by the Civil Code of Practice for the service of a summons, provided that such notice may also be served upon the person designated in the application mentioned in Section 2 of this ordinance, as the person upon whom process may be served, and provided also that said notice shall require the defendant to appear on the third day after the day of service of such notice, unless such third day be a Sunday or legal holiday, in which event the defendant shall appear on the next regular week day that is not a legal holiday.

§ 12. No person whose permit shall have been revoked shall thereafter directly or indirectly through another person obtain a permit within six months from the time of such revocation.

MILK.

§ 13. The term "Milk" as used in this ordinance shall be held to include skimmed milk, cream, buttermilk, ice cream, curds and whey.

§ 14. No person shall in the city of Louisville exchange or deliver or have in his custody or possession with intent to sell, exchange or deliver, any milk, knowing that such milk was sold,

exchanged or delivered or brought or sent into said city, without proper permit so to do, or after the revocation thereof.

§ 15. All milk from sick or diseased cows, or from cows fed on refuse or slops from distilleries, breweries, vinegar factories or any other slop, mash or refuse which has been or is in a state of fermentation, and all milk containing any poisonous or deleterious ingredient, and all milk kept or handled in violation of this ordinance, shall, upon discovery thereof, be immediately seized by or under the direction of the Health Officer or his assistants, or by the City Chemist or Bacteriologist, or the sanitary inspectors of the Health Department, or by any other person or persons properly designated and authorized by the Health Officer, and it shall be the duty of any police officer at or near the place of such seizure to assist the Health Officer or his assistants to make such seizure when called upon to do so. At the time of such seizure, or as soon thereafter as it can be done, the officer or person making such seizure shall deliver to the person in charge of such milk (or if no person be found in charge of same, shall post in a conspicuous place near or at the place of seizure) a written notice warning all persons interested in the milk so seized to appear before the Acting Police Judge of the city of Louisville at a time and place to be stated in such notice (which time shall not be less than one hour or more than twenty-four hours from the time of seizure) to show cause, if they can, why such milk shall not be declared confiscated and forfeited and ordered to be destroyed. Upon such hearing said Police Judge shall declare forfeited and confiscated and order destroyed all milk which is the product of sick or diseased cows, or of cows fed on refuse or slops from distilleries, breweries, vinegar factories, or any other slop, mash or refuse which has been or is in a state of fermentation, and all milk containing any poisonous or deleterious ingredient, and all milk kept or handled in violation of this ordinance. If at the time of such forfeiture, no person appear to resist the forfeiture, the cause of forfeiture shall be deemed confessed and shall be so ordered, together with the destruction of such milk. Milk which cannot be confiscated, forfeited and destroyed under authority of this section shall, upon demand of the person from whose custody it was taken, be delivered up to such person.

§ 16. No "Pasteurized" milk shall be held, offered for sale or sold in the city of Louisville unless it bears on each bottle or other receptacle or the label of each bottle or other receptacle the word "Pasteurized," and in addition figures stating plainly and truthfully the temperature to which the contents have been heated, the length of time for which it has been subjected to such temperature, and the day on which said pasteurization took place.

§ 17. The presence of any milk which is forbidden by law or ordinance to be sold in the city of Louisville or to be brought or sent into the city of Louisville in or about the place of business of any person dealing in milk, or in or about any vehicle used by any such person for the delivery of any such article shall be *prima facie* evidence of an intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale.

EQUIPMENT AND CLEANLINESS.

§ 18. No barn or other building shall be used for stabling cows for dairy purposes which is not well constructed, lighted and ventilated, or which is not provided with a suitable floor and properly drained, or which contains less than 500 cubic feet of clear space for each cow.

The ties or stanchions shall be so constructed that each cow shall have a space at least $3\frac{1}{2}$ feet in width.

§ 19. Every person using premises for keeping cows for dairy purposes shall keep the entire premises clean and the buildings well varnished, painted or whitewashed, and no accumulation of manure or filth shall be allowed within the dairy stable, but shall be removed at least twice daily to a point not less than thirty feet distant from the stable and milk house.

§ 20. Milkers and those engaged in the handling of milk shall maintain strict cleanliness of their hands and persons while milking or handling the milk. Milkers shall not milk with wet hands.

§ 21. All cans, vessels and receptacles used in the handling of milk, as well as all vehicles, refrigerators, compartments and stores, or other places where milk is kept, stored or handled, shall be kept and maintained scrupulously clean, and shall be kept free from the presence or vicinity of any article of any kind likely to contaminate or injuriously affect the quality or

taste of said milk. All cans, vessels and receptacles in which milk is kept shall be sterilized with boiling water or live steam each time they are used, and all cans, measures and dippers, and all other utensils and appliances used in handling milk shall be scalded or sterilized daily, and all bottles in which milk is distributed shall be washed clean and sterilized each time they are used. All rooms or spaces in which milk is handled or subjected to any process shall be scrupulously cleaned at least once each day, shall be amply lighted by daylight, drained in a sanitary manner and properly ventilated.

§ 22. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles of non-absorbent material for the reception, storage and delivery of milk, and shall keep them clean and wholesome at all times, and at milking time shall remove each receptacle, as soon as filled, from the stable or room or place in which the cows are kept or milked. Milk shall not be stored or kept within any room used for stabling cows or other domestic animals, or in any room used as a bedroom or living room.

Shippers' cans shall not be used for the storage of milk by the dealer or consumer, but shall be returned to the shipper or owner sterilized and clean within twenty-four hours after they shall have been received. Cans which are rusty inside or badly dented or mashed cans or containers shall not be used for the transportation or storage of milk.

§ 23. Every person keeping cows for the production of milk for sale shall cause the same to be kept clean and wholesome at all times and shall cause the teats, and if necessary, the udders, to be carefully cleaned by brushing, washing or wiping before milking, and shall cause each of such cows to be properly fed and watered.

§ 24. No person shall keep, or have in his possession, in any stable, lot or pasture, or other place where dairy animals are fed or kept, nor within 100 feet thereof, any slops or refuse of any distillery, brewery, or vinegar factory; or any similar slops, mash or refuse.

The presence of hogs or beef cattle at or near such stables shall not be construed as a valid reason for the hauling to or the presence in or near said stables of distillery swill or other ma-

terials specified in this section, and hogs and other animals are to be permitted only in places where their presence interferes in no way with the provisions of this ordinance.

All wagons or other conveyances used for hauling or conveying distillery swill or other materials specified in this section, shall have painted plainly and legibly on both sides thereof in letters not less than four inches high in a position where it may be easily read by the passerby, the name of the owner of said wagon or conveyance.

It shall be the duty of any police officer of the city of Louisville having knowledge of a violation of this section to promptly report the same in writing to the Health Officer.

§ 25. That no person shall sell, exchange, deliver, rent, borrow or buy any cow, to be used for the production of milk to be sold in the city of Louisville, knowing that such cow is unfit for that purpose by reason of disease or injury.

TRANSPORTATION AND DELIVERY.

§ 26. Whenever any milk sold or offered for sale in the city of Louisville is conveyed to said city, in whole or in part, by a common carrier, the cans containing such milk shall, before delivery to such common carrier, be securely sealed by leaden seals and wires (such as are commonly used in sealing milk cans) in such manner as to prevent the removal of the contents of said can without breaking said seal.

Whenever it is necessary for an inspector to remove a sample of milk from such a sealed can in transit, the can shall be resealed by the inspector with a leaden seal and so stamped as to show the consignee that the can was last closed by some agent of the Health Office.

And no milk which has been transported in whole or in part by a common carrier shall be sold or offered for sale in the city of Louisville unless the seal on the receptacle in which the milk is contained is unbroken when received from such common carrier.

§ 27. All wagons or other vehicles used for transportation or peddling milk shall be provided with a suitable top or cover for protecting the milk from the heat of the sun, and shall have painted plainly and legibly on both sides thereof in letters at

least three (3) inches high, in a position where it may be easily read by the passerby, the name of the owner of the wagon, or of the milk which it contains, the location of his place of business and the number of the wagon. It shall be the duty of any police officer of the city of Louisville to watch for violations of this section and promptly report the same in writing to the Health Officer. Persons using more than one wagon for carrying milk shall number such wagons consecutively, said numbers being placed on the wagon as above provided.

§ 28. No person shall use any wagon or other vehicle for the transportation or the delivery of milk which wagon or vehicle is not clean and free from any material liable to contaminate such milk.

§ 29. No person shall hold for sale or sell milk in a bottle bearing the name of any other person, firm, company or corporation which sells milk, unless said person be the duly authorized agent of said person, firm, company or corporation.*

§ 30. In the city of Louisville no person shall furnish milk tickets to any purchaser of milk other than tickets in coupon or book form, nor use again tickets that have been previously used.

§ 31. No person shall, in the city of Louisville, fill or partly fill with milk any receptacle which is to be delivered to the purchaser of such milk unless such receptacle is in a clean and sanitary condition, and if previously used, has since last used been properly cleaned and sterilized in a duly licensed dairy or on a duly licensed dairy farm.

INFECTIOUS DISEASES.

§ 32. Every person holding a permit to produce, hold or offer for sale, or to sell milk in the city of Louisville, shall notify the Health Officer of said city in writing of the occurrence of typhoid fever, diphtheria, scarlet fever, tuberculosis or of any other contagious or infectious disease among persons working in connection with the business authorized by such permit, or in the family of such person, or among persons dwelling on the premises where such business is conducted, and of the occurrence of any contagious or infectious disease of the udder among the cattle on

*See Com. v. Goldberg, 167 Ky. 96; 180 S. W. 68; Secs. 1279, 1279a Ky. St.

the premises on which the milk sold by him is produced, such notice to be forwarded to said Health Officer immediately after the person holding such permit becomes aware of the existence of any such disease as aforesaid.

No person suffering from or liable to communicate to other persons typhoid fever, scarlet fever, diphtheria, tuberculosis, or any other contagious or infectious disease, shall work in or about the producing, holding or offering for sale, or the selling of milk, intended for consumption in the city of Louisville. No person having authority and power to prevent shall knowingly permit any person aforesaid so to do.

§ 33. Under no circumstances shall any milk dealer or the employe of any milk dealer take from any quarantined house any can or bottle, or enter such a house for any purpose whatever without written permission from the Health Officer.

DUTIES OF HEALTH OFFICER AND ASSISTANTS.

§ 34. It shall be the duty of the Health Officer of the city of Louisville, and of such agents or employes in the service of the Health Department as he may designate for that purpose, to enforce the provisions of this ordinance and of all the regulations made by the authority thereof.

At the end of each month the Health Officer shall compile a list of the names and addresses of all persons who have unsuccessfully applied to sell milk in the city of Louisville, or whose permit to sell milk in the city of Louisville has been revoked during that month.

At the end of each month the Chemist and Bacteriologist shall make a complete report to the Health Officer of all the examinations of milk which have been made during the month, giving names and locations of the venders from whom samples were obtained and a full report as to the examination of each sample.

The reports provided for in this section shall be matters of public record, and the Health Officer shall furnish a copy to any person who may request such copy.

INSPECTION.

§ 35. Any officer, agent or employe representing the Health Department or police officer of the city of Louisville, shall, at all times, have right of entry for inspection to any dairy farm or stable where milk is produced which is to be sold within the city of Louisville; and to any building, premises or place of any kind where milk is stored or kept for sale, and to any wagon, railroad car or other vehicle of any kind used for the conveyance of milk to be sold in the city of Louisville; and such officer, agent or employe shall at all times have the right to inspect all cattle, apparatus, appliances, utensils and other equipment used in connection with the production, handling, transportation or distribution of milk to be sold or offered for sale in the city of Louisville; and such officer, agent or employe shall have the right at any time to take samples of milk therefrom, without compensation, for the purpose of examination or analysis, such samples not to exceed one quart from each can or receptacle. In cases where milk is sold by bottle, the bottle, with its contents, may be taken as a sample for examination.

No person shall interfere with said Health Officer, or with any agent or employe, in the performance of his official duty, when such person has reasonable ground for recognizing said Health Officer, or agent, or employe in his official capacity, nor shall any person hinder, prevent or refuse to permit any inspection or examination aforesaid.

§ 36. Every person holding, or offering for sale in the city of Louisville, milk, shall at all times keep posted conspicuously in his place of business, on forms furnished by and the property of the Health Department, in plain letters, not less than one inch high, so that the same may be easily read by purchasers of such milk, the name or names of the person or persons from whom the milk offered for sale has been obtained; excepting that when such names would exceed six (6) in number, the names and corresponding addresses may be typewritten on sheets of paper or in a book and attached to said permit, and a copy of this typewritten list, corrected to the first day of each month, shall be sent to the Health Office by the fifteenth (15) day of the same month.

§ 37. The word "person," as used in this ordinance, shall be construed to include any firm, association or corporation, and the officers, agents or employes of either. The singular shall be construed to include the plural, and the plural the singular, number.

§ 38. The words "Health Officer," as used in this ordinance, shall be construed to mean the chief officer, having active charge of the duties of the Health Department, or Board of Health of the city of Louisville, by whatever name or title said functions may be performed.

§ 39. The word "sell," as used in this ordinance, shall be construed to include any process or device whereby the possession of milk is transferred, for money or other thing of value, from one person to another, whether by wholesale or retail, and whether in boarding houses, restaurants, hotels, eating houses, lunch rooms, lunch counters, cafes, saloons, stores, dairies, groceries, bakeries, or elsewhere.

§ 40. The expression "milk which cannot be lawfully sold," or its equivalent, as used in this ordinance, shall be construed to include milk that cannot be lawfully sold under the statutes or laws of this State or of the United States, or under this or any other ordinance of the city of Louisville, whether such statute, law, or ordinance be now existing, or be hereafter adopted, declared or enacted.

§ 41. Each day's failure or neglect to do any of the things prescribed by this ordinance shall constitute a separate offense. Each day's continuance of any action or condition of affairs prohibited by this ordinance shall constitute a separate offense.

§ 42. Any person, firm, company or corporation, who shall violate any of the provisions of this ordinance, shall be fined for such offense not less than (\$15) nor exceeding one hundred dollars.

This ordinance shall not be construed to prohibit or punish any offense now prohibited or punished, or hereafter prohibited or punished by any statute of the State of Kentucky, under which a punishment exceeding a fine of \$100.00 can be imposed.

§ 43. An ordinance entitled, "An Ordinance Regulating the Sale of Milk," approved May 14, 1898, and all ordinances in conflict herewith are hereby repealed.

§ 44. This ordinance shall take effect from and after its passage. (*Approved April 26, 1909.*) (*See Food Adulteration.*)

MISSISSIPPI VALLEY WATERWAYS ASSOCIATION.**Appropriation For.**

AN ORDINANCE for the benefit of the Mississippi Valley Waterways Association.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby appropriated out of the fund for general purposes for the fiscal year ending August 31, 1918, the sum of one hundred and fifty (\$150.00) dollars for the purposes of the Mississippi Valley Waterways Association and the Comptroller is hereby authorized and directed to draw a voucher in favor of the said Mississippi Valley Waterways Association in the sum of one hundred and fifty (\$150.00) dollars and charge said sum to the account of incidental expenses.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 4, 1918.*)

MONUMENTS.**Protection of Geodetic Tablets.**

AN ORDINANCE for the protection of monuments erected by the Commissioners of Sewerage of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to either remove, deface, mutilate, or in any other way disturb the stone monuments or tablets thereon, now erected, or which may hereafter be erected by the Commissioners of Sewerage of Louisville, which monuments are for the purpose of indicating the geodetic position and elevation with respect to sea level.

§ 2. Any one violating the provisions of this ordinance shall be fined not less than fifty (\$50) or exceeding one hundred dollars (\$100), or be imprisoned not less than ten (10) or exceeding thirty (30) days, or both.

§ 3. This ordinance shall take effect from and after its publication. (*Approved May 31, 1906.*) (See also *Advertisements.*)

MOTOR VEHICLES.

Destruction of Identification Marks.

AN ORDINANCE relating to the removal, defacement, covering or destruction of the manufacturer's serial, trade or distinguishing number or identification mark on motor vehicles.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation to remove, deface or destroy the manufacturer's serial, trade or distinguishing number or identification mark on any motor vehicle.

§ 2. It shall be unlawful for any person, firm or corporation to have in his or her possession any motor vehicle from which the manufacturer's serial trade or distinguishing number or identification mark has been removed, defaced, covered or destroyed for the purpose of concealing or destroying the identity of such motor vehicle.

§ 3. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$25.00 nor more than \$100.00 for each offense.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect from and after its passage. (*Approved September 28, 1918.*)

MORGUE.

Establishment and Purpose.

AN ORDINANCE to establish and conduct a morgue for the reception of dead human bodies in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby established in the city of Louisville a morgue for the reception of unclaimed dead human bodies.

§ 2. The said morgue shall be established at or near the corner of Eighth and Chestnut streets in said city.

§ 3. The said morgue shall be under the custody, control, and management of the Board of Public Safety, and shall be conducted in accordance with such rules and regulations as said board may prescribe.

§ 4. It shall be the duty of each and every person or persons to report to said morgue every dead human body which is unclaimed, and which comes to the knowledge, or is in the possession or custody of any person or persons, to said morgue, within twelve hours from the death of any person, or from the discovery of any unclaimed dead human body, or from the time any unclaimed dead human body comes into the custody or control of said person or persons.

§ 5. Any person violating any of the provisions of this ordinance shall be fined not less than twenty-five dollars (\$25) nor more than one hundred (\$100) for each offense.

§ 6. An ordinance entitled "An Ordinance to establish a morgue in the city of Louisville for the reception of unclaimed dead human bodies," approved October 2, 1894, and all other ordinances in conflict herewith, are hereby repealed.

§ 7. This ordinance to take effect from and after its publication. (*Approved August 6, 1895.*) (See also *Embalming; Burial of the Dead; Diseases.*)

MOVING.

Household and Other Goods—Report of.

AN ORDINANCE regulating the moving of household goods, furniture, pianos and personal effects of residents of the city of Louisville, whereby their places of residence are changed.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it is made the duty of all persons, firms or corporations, owning or operating any moving van, furniture car, transfer wagon, express wagon, delivery wagon or any other vehicle, who shall haul or move, or cause to be hauled or moved, any article of household goods, furniture, pianos or personal effects of any resident of the city of Louisville, changing the place of his or her residence, to make a report thereof to the Board of Public Safety of the city of Louisville, which report shall be made within ten days thereafter, on blanks furnished by said Board of Safety, and shall contain generally the character of

property so moved, the full name of the owner or person in possession or having the custody thereof, and the address from which and to which said hauling or moving was done; the date thereof and the name of the owner and person in charge of such vehicle.

§ 2. It shall be the duty of the Board of Public Safety to furnish the blanks necessary for making such reports and to properly keep said reports on file in the office of said board in a register or by other method, for preserving the same.

§ 3. It shall be unlawful for any person, firm or corporation procuring the removal of any of the property herein described to give to the owner or operator of any vehicle employed to haul such property a fictitious name or to refuse to give the correct name of the owner or party in possession of such property, or to wilfully deceive him as to the same.

§ 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5.00 nor more than \$50.00 for each offense.

§ 5. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage, approval and publication. (*Approved September 8, 1908.*)

(1) NOISES.

Suppression of Noises Near Hospitals.

AN ORDINANCE for the suppression of unnecessary noises near hospitals and infirmaries in the city of Louisville, with penalty for violation.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person, firm or corporation to make, or cause, or permit any unnecessary noise, or noises, within two hundred feet of any hospital or infirmary in the city of Louisville, by driving, or riding at a rapid gait, ringing of bells, blowing of horns, whistles, or other device, or instrument or the striking of gongs or discharging of fireworks or in any other way.

§ 2. That any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five (\$5) dollars, nor more than fifty (\$50) dollars, for each offense.

§ 3. That authority is hereby given to those in charge of such hospitals or infirmaries to put up in a conspicuous place, or places, so as to not to interfere with public travel, and subject to the approval of the Board of Public Works if placed on the streets or sidewalks, appropriate signs or warnings calling attention to the existence of this law.

§ 4. This ordinance shall become effective ten days after its publication. (*Approved December 7, 1910.*)

(See also (3) *Railroads.*)

(2) NOISES.

Unnecessary Blowing of Steamboat Whistles.

AN ORDINANCE prohibiting the unnecessary blowing of steamers' whistles while lying at the city wharf.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons operating, or causing to be operated, any excursion or other steamer, to blow, or cause the whistle of such steamer to be blown unnecessarily while lying at either of the city wharves. A violation of the foregoing ordinance shall be punishable by a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each violation of the same.

§ 2. This ordinance to take effect from and after its passage. (*Approved April 17, 1896.*)

(3) NOISES.**Ringling of Auction Bells.**

AN ORDINANCE to regulate the ringing of auction bells in the city.

Any person who shall ring a bell in the streets to give notice of an auction or other assembly for a longer time than ten minutes, or elsewhere than before the door of the place of the auction or assembly, shall be fined five dollars (\$5). (*Approved October 17, 1853.*)

(1) NUISANCES.**Removal and Prevention Generally.**

AN ORDINANCE empowering and authorizing the Health Officer to order the removal, abatement, or prevention of any and every sanitary nuisance in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Health Officer shall have authority to order the removal, abatement, or prevention of any and every sanitary nuisance that may not require proceedings in court, and specify a reasonable time within which it shall be done. In the event of the failure of the owner, agent, or occupant of the premises to comply with the order of the Health Officer to so remove, abate, or prevent any sanitary nuisance within the time given, he or she shall be liable to a fine in the city court of not less than (\$10) dollars nor more than twenty (\$20) dollars.

§ 2. This ordinance shall take effect from and after its publication. (*Approved December 24, 1895.*)

(2) NUISANCES.**Injurious to Health.**

AN ORDINANCE concerning nuisances injurious to health.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Health Officer shall have power and authority to examine into all nuisances, sources of filth and causes of sickness, that may in his opinion be injurious to the health of the

inhabitants of the city, and whenever any such nuisance, source of filth, or cause of sickness shall be found to exist on any private property, or in any vessel within any port or harbor, or upon any water course, within the city of Louisville, the Health Officer shall have power and authority to order in writing the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as such Health Officer may order; and if the owner or occupant shall neglect so to do, he shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and each day's continuance of such nuisance, or source of filth, or cause of sickness, after the owner or occupant thereof shall have been notified to remove the same, shall be a separate offense.

§ 2. That all ordinances in conflict with this ordinance are hereby repealed.

§ 3. That this ordinance shall take effect from and after its passage. (*Approved June 28, 1898.*)

(See also *Smoke; Sanitation; Garbage; Spitting; Weeds; Diseases.*)

(3) NUISANCES.

Soap and Other Like Factories.

AN ORDINANCE regulating factories of coal oil, glue, refining petroleum or soap grease.

Be it ordained by the General Council of the city of Louisville:

§ 1. No establishment for making coal oil grease, glue, refining of petroleum, or the manufacture of coal oil or soap grease shall be erected within the limits of the city, except under express permission of the General Council; and such permission shall not be granted unless it be applied for in writing, setting forth the nature and objects of the proposed establishment, and signed by a majority of the persons owning property, as well as of those residing on the square on which it is proposed to be erected.

§ 2. If any such establishment be erected and conducted without such permission, and within the district or boundary named in the first section of this ordinance, and so as to cause any un-

wholesome or offensive matter or odor, the owner or occupant of such establishment shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each day said establishment is continued as aforesaid. (*Approved June 18, 1870.*)

(4) NUISANCES.

Nuisances, Abatement.

AN ORDINANCE defining nuisances and prescribing the method of abatement.

Be it ordained by the General Council of the city of Louisville:

§ 1. Whatever is dangerous to human health, whatever renders the ground, air or food, a hazard or injury to human health, and the following specific acts, conditions and things, are, each and all of them, hereby declared to constitute a nuisance:

(a) Spitting upon any sidewalk or on the floor or wall of any public building, or any street car, boat or train.

(b) The accumululating of water in which mosquito larvae breed.

(c) The maintenance of any but sanitary privies, and these only when the premises do not abut a public sewer or when it is impossible to reach a public sewer within a distance of 100 feet without crossing the property of other owners or when, owing to the topography of the ground, it is found impossible to make such connections.

(d) The disposal or accumulation of any foul, decaying or putrescent substances or other offensive materials dangerous to public health in or upon any lot, street or highway, or the escape of any gases to such an extent that the same or any of them shall by reason of offensive odors become injurious to the health of any person in the city of Louisville.

(e) The deposit or accumulation of manure unless it be in fly-proof receptacle.

(f) The presence of polluted water in a well, cistern, spring or other source of water supply, when the water therefrom is used for human consumption.

(g) The deposit of garbage in any but fly-proof, water-tight receptacles.

(h) Growth of weeds where mosquitoes may harbor or rubbish be concealed.

§ 2. If any person within the limits of the city of Louisville shall permit or suffer on his premises or on premises of which he may be the agent, or occupant, and of the above described nuisances, the Health Department shall order the owner or occupant thereof to remove same at his expense within a time not to exceed 24 hours, or such reasonable time as may be specified in a written notice issued by the Health Department. Said notice shall be served by a police officer or sanitary inspector by delivering a copy thereof to the owner, occupant or agent of such property. If the owner or agent of the property is unknown or absent with no known representative or agent upon whom the notice can be served then the police officer or sanitary inspector shall post a written or printed notice upon the property or premises setting forth that unless the nuisance, source of filth, or source of sickness is removed or abated within 24 hours, or within such reasonable time as may be specified by the Health Department, at the expense of the owner or occupant, the nuisance, source of filth or source of sickness will be abated at the expense of the owner.

If the owner, occupant or agent shall fail to comply with requirements of said notice, then the Health Department shall proceed to have the nuisance, source of filth, or source of sickness described in the written notice, removed or abated from said lot or parcel or grounds and report the cost thereof to the proper authority, who shall assess the sum against the property.

§ 3. Any person or persons violating or assisting in the violation in any part or parts of this ordinance, shall, upon conviction, be fined not less than five (\$5) dollars, or more than fifty (\$50) dollars, and each day's continuance of the condition shall constitute a separate offense.

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

§ 5. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

NUMBERING OF HOUSES.

AN ORDINANCE in regard to the numbering of houses and lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all houses and lots in the city of Louisville shall be numbered as hereinafter provided.

§ 2. First street shall be the dividing line from which the numbering East and West shall commence, beginning with the number "100" on each side of said dividing line, placing the odd numbers on the north side and even numbers on the south side of the streets running eastwardly and westwardly therefrom.

For the streets running north and south the dividing line shall be Main street (commencing at the city limits on the west) and extending eastwardly to the first alley southwest of Stone street, extended, and then said alley to the right of way of the Louisville & Nashville Railroad, then the Louisville & Nashville right of way to Frankfort avenue, and then Frankfort avenue eastwardly to the city limits.

The numbering shall begin with "100" on each side of said dividing line, placing the odd numbers on the east side and the even numbers on the west side of the streets.

All the numbers on the houses north of said dividing line shall be known as North and all the numbers on the houses south of said dividing line shall be known as South.

§ 3. A frontage of twenty-five (25) feet shall be allowed for each number. The number given to any house or lot shall be the number nearest to the property line. Where the distance between two lots is not sufficient to admit of this, half numbers may be employed, though only where necessary; and as far as practicable all numbers opposite to each other on the same street shall correspond. Whenever a house shall be upon a lot having a greater number of front feet than is herein prescribed, the number of said house shall be the number of the lot upon which the house, or the greater part of the front thereof, stands.

§ 4. The numbering shall commence with "100" at the dividing lines, as above provided, and continue so as not to exceed the number "200" on the first square; the next square to begin with "200," and continue so as not to exceed the number

“300” on the same square. All other squares running eastwardly and westwardly and northwardly and southwardly shall be numbered in a corresponding manner until each and every house and lot in every square is numbered.

§ 5. The blocks or squares to each of which one hundred numbers are allotted going north and south of the dividing line are those lying between the main thoroughfares as herein established, all intermediate cross streets not being regarded in the numbering.

The main thoroughfares south of said dividing line are hereby established and numbered as follows:

Main thoroughfare No. One shall be Market street (commencing at the city limits on the west) and extending eastwardly to Mellwood avenue, then Payne street, and Payne street, extended, to Park avenue, then Graham street and Graham street, extended, to Stiltz Lane.

Main thoroughfare No. Two shall be Hanover street and Hanover street, extended, then Jefferson street and Jefferson street, extended, then Hamilton avenue, from Mellwood avenue to Payne street, then Quarry street and Quarry street, extended, to Berkenmeyer avenue, then Raymond avenue to Maryland avenue, then Fayette avenue and Fayette avenue, extended, to Park avenue, then Center avenue and Center avenue, extended, to Stiltz Lane.

Main thoroughfare No. Three shall be Herman street and Herman street, extended (commencing at the city limits on the west), then Hackney avenue, Green street and Green street, extended, to Baxter avenue, then Hamilton avenue, to Payne street, then Long avenue from Maryland avenue, extended, to Stiltz avenue.

Main thoroughfare No. Four shall be Walnut street (commencing at the city limits on the west), to Garden street, then Walnut street, extended, to the intersection of Baxter avenue and Hull street, then Hull street and Hull street, extended, to four hundred and sixty (460) feet east of Payne street.

Main thoroughfare No. Five shall be Chestnut street (commencing at the city limits on the west) to Garden street, then Chestnut street, extended, to the intersection of Overhill and Fetter street, then Fetter street and Payne street to Hamilton avenue.

Main thoroughfare No. Six shall be Broadway (commencing at the city limits on the west) to Baxter avenue, then Broadway, extended, from Baxter avenue to a point on Spring street seven hundred (1,700) feet, more or less, west of Long avenue, then Spring street eastwardly.

Main thoroughfare No. Seven shall be Lewis avenue, extended (commencing with the city limits on the west), then Lewis avenue, Maple street, York street, College street, Lampton street and Wickliffe avenue.

Main thoroughfare No. Eight shall be Garland avenue (commencing at the city limits on the west), then Lexington street and Breckinridge street.

Main thoroughfare No. Nine shall be Kentucky street, extended (commencing at the city limits on the west), then Kentucky street and Hepburn avenue.

Main thoroughfare No. Ten shall be Grand avenue, extended (commencing at the city limits on the west), then Grand avenue, Harney street, Churchill street, St. Catherine street and St. Catherine street, extended, Rufer avenue, extended, and Rufer avenue, Transit avenue and Long avenue to Spring street.

Main thoroughfare No. Eleven shall be Virginia avenue (commencing at the city limits on the west), then Oak street and Oak street, extended, to Reutlinger avenue, then Struck avenue to Schiller avenue, then Struck avenue, extended, to an intersection of Von Borries avenue with Rosewood avenue, then Rosewood avenue and Longest avenue to Finzer Parkway.

Main thoroughfare No. Twelve shall be Dumesnil street (commencing at the city limits on the west), then Euclid avenue, Ormsby avenue, Goss avenue with the proposed Eastern parkway, then the Eastern parkway to Castlewood, then Fernald avenue and Melrose avenue to Cherokee Park.

Main thoroughfare No. Thirteen shall be Woodland avenue (commencing at the city limits on the west), and Magnolia avenue, Victoria Place, Magnolia avenue, extended to Preston Court, then Preston Court, then a line extended from the intersection of Preston Court and Preston street to the intersection of Meriwether street with Burnett avenue, then with Meriwether street and Mulberry street.

Main thoroughfare No. Fourteen shall be Southern avenue (commencing at the city limits on the west), the Gibson Lane, Hill street, Hill street, extended, to Shelby street, Burnett avenue from Shelby street southeastwardly.

Main thoroughfare No. Fifteen shall be A street and A street, extended (commencing at the city limits on the west), then Bland street, Oldham street and Forrest street.

Main thoroughfare No. Sixteen shall be Lee street and Lee street extended.

Main thoroughfare No. Seventeen shall be Bloom avenue and Bloom avenue, extended, to Lawton avenue, then Rawling avenue to Oldham street.

Main thoroughfare No. Eighteen shall be Avery avenue and Avery avenue, extended.

Main thoroughfare No. Nineteen shall be Brandeis avenue and Brandeis avenue, extended, and Cox avenue.

Main thoroughfare No. Twenty shall be Barbee avenue and Barbee avenue, extended, and Lynn street.

Main thoroughfare No. Twenty-one shall be F street and F street extended.

Main thoroughfare No. Twenty-two shall be G street and G street extended.

Main thoroughfare No. Twenty-three shall be H street and H street extended.

Main thoroughfare No. Twenty-four shall be J street and J street extended.

Main thoroughfare No. Twenty-five shall be K street and K street extended.

Main thoroughfare No. Twenty-six shall be L street and L street extended.

Main thoroughfare No. Twenty-seven shall be M street and M street, extended.

Main thoroughfare No. Twenty-eight shall be N street and N street, extended.

Main thoroughfare No. Twenty-nine shall be O street and O street, extended.

Main thoroughfare No. Thirty shall be P street and P street, extended.

The main thoroughfares north of said dividing line are hereby established and numbered as follows:

Main thoroughfare No. One shall be Rowan street (commencing at the city limits on the west) then Water street, Geiger street, Franklin street, from Wenzel street to Cabel street; then Quincy street and Quincy street, extended, to Adams street, then Maiden Lane and Story avenue from Ohio street to Letterle avenue, then Letterle avenue from story avenue eastwardly.

Main thoroughfare No. Two shall be Duncan street (commencing at the city limits on the west), then Lytle street from Fifteenth street to Fourteenth street, then Fulton street from Second street to Jackson street, then Brady street and Brady street, extended, then Elm street and Elm street, extended, to Lloyd street, then Lloyd street and Lloyd street, extended, and Tompert avenue.

Main thoroughfare No. Three shall be Garfield avenue (commencing at the city limits on the west), and Garfield avenue, extended, Griffiths avenue, Fulton street from Jackson street to Adams street, then Van Buren street northwestwardly.

Main thoroughfare No. Four shall be Bank street (commencing at the city limits on the west), to Seventeenth street.

Main thoroughfare No. Five shall be Pflanz avenue (commencing at the city limits on the west), then Portland avenue from Thirty-third street to Sixteenth street.

Main thoroughfare No. Six shall be High avenue.

Main thoroughfare No. Seven shall be Rudd avenue.

Main thoroughfare No. Eight shall be Missouri avenue.

§ 6. On streets running eastwardly and westwardly which do not intersect First street the square thereof shall be numbered to correspond with what would be the proper numbers if said streets were so extended as to intersect said First street. Baxter avenue shall be treated as if it ran north and south.

§ 7. It shall be the duty of the Board of Public Works to cause to be prepared, from time to time, maps of the several streets of the city, showing the numbers of all houses, and upon the application of any owner or agent shall inform him what is the official number of every such building.

§ 8. It shall be unlawful for any owner, occupant or agent of any building to retain or use, or permit to remain on any such building any other number than that officially designated by the Board of Public Works under the provisions of this ordinance.

§ 9. All numbers shall be not less than 3 inches in height, and be distinctly legible and shall be posted in a conspicuous place upon the front of the building so that they can easily be seen from the public way.

§ 10. Every owner, or occupant, or agent of any building now erected, or that may hereafter be erected in the city of Louisville, who shall remove from said building the official numbers as required by the provisions of this ordinance, shall upon a conviction be fined in the sum of not less than two (\$2) dollars, nor more than five (\$5) dollars for each offense, and each day he shall so remain in default shall be deemed a separate offense and punished accordingly.

§ 11. Any person who shall, without the authority of the owner or occupant or agent, remove from any building now erected, or that may hereafter be erected in the city of Louisville, the official number as required by the provisions of this ordinance, or shall deface, injure or destroy any such number, shall upon conviction be fined in a sum of not less than two (\$2) dollars, nor more than five (\$5) dollars for each offense.

§ 12. It shall be the duty of all policemen of the city of Louisville to report violations of any provisions of this ordinance.

§ 13. The ordinance approved June 8, 1907, entitled "An ordinance in regard to the numbering of houses and lots, and providing that the names of streets be placed on all street corners in the city of Louisville," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 14. This ordinance shall take effect from and after its passage. (*Approved July 13, 1909.*)

(1) NURSES.

City Hospital School for Trained Nurses.

AN ORDINANCE empowering and authorizing the Board of Public Safety to establish and conduct a school for trained nurses in connection with the City Hospital.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Public Safety is hereby authorized and empowered to establish and conduct a School for Trained Nurses in connection with the City Hospital in the city of Louisville.

§ 2. That said Board of Public Safety shall have the power to make all regulations and rules necessary to conduct said school.

§ 3. This ordinance shall take effect from and after its publication. (*Approved July 11, 1894.*)

(2) NURSES.

Provision for Four School Nurses.

AN ORDINANCE authorizing the employment of four school nurses and fixing the compensation of same.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Board of Public Safety is authorized to employ four school nurses. They shall be graduates of a standard training school and shall receive the sum of sixty (\$60) dollars per month for their services and five (\$5) dollars per month in addition for car fare. The said nurses shall be under the direction of the Health Officer of the city of Louisville, who shall prescribe the duties they shall perform.

§ 2. Said school nurses shall be entered upon the payroll of the Health Department of the city of Louisville, and paid monthly, as other officers and agents.

§ 3. The ordinance entitled "An ordinance authorizing the employment of two school nurses, and fixing the compensation of same," approved February 13, 1913, is hereby repealed.

§ 4. This ordinance shall take effect from and after its passage. (*Approved June 8, 1915.*)

OFFICE HOURS.

Regulation.

AN ORDINANCE concerning the office hours to be observed by all city officers, including the Clerks of the General Council, and providing for the closing of the public offices of the municipal government of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. The office hours of all city officers, including the clerks of the General Council, shall be from 9 a. m. to 5 p. m., except that on Saturdays throughout the year, the offices of all the city officers, including the Clerks of the General Council, may be closed after 1 p. m., and except further, that the office of the Tax Receiver shall be open for the receipt of taxes during the months of January, February, March and April between the hours of 9 a. m. and 4 p. m. During the other months and on Saturdays throughout the year the hours shall be as hereinabove prescribed for other city officers.

§ 2. An ordinance entitled "An Ordinance concerning the office hours of all city officers, including the Clerks of the General Council," approved April 21, 1899, and an ordinance entitled "An Ordinance relating to the closing of the public offices of the municipal government of the city of Louisville," approved August 24, 1904, be and the same are hereby repealed.

§ 3. This ordinance shall take effect from and after its passage. (*Approved December 27, 1917.*)

OHIO RIVER.

Obstructions Therein.

AN ORDINANCE prohibiting obstructions in the Ohio river.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to place or cause obstructions in the Ohio river within the limits of said city, without permission first obtained from the Wharfmaster or General Council, and when such permission shall have been obtained, or there shall be any obstruction without permission, it shall be the duty of the person so placing or causing such obstruc-

tion to remove the same at any time he may be required to do so by the Wharfmaster or the General Council. Any person failing to comply with the provisions of this ordinance shall be fined not less than five (\$5) dollars nor more than fifty (\$50) dollars for each twenty-four hours said obstruction shall remain. (*Approved December 2, 1858.*)

(See also *Bathing.*)

ORDINANCES.

Printing.

AN ORDINANCE concerning the printing of General Ordinances in either board of the General Council.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when a general ordinance shall be offered for adoption in either board of the General Council such board at any time before such ordinance is placed upon its passage, or before some date to be fixed in the resolution of such board, on the motion of any member thereof, the board into which the same shall be introduced may, by resolution thereof, order and direct the City Buyer to have printed fifty (50) copies thereof, and the clerk of such board shall mail one copy of the same when delivered to him to the Mayor, City Attorney, and each member of the General Council; provided, however, that this ordinance shall not apply to nor include ordinances for the construction, reconstruction, or repair of public ways, or for the construction of fire hydrants, or other public improvements.

§ 2. That where either board of the General Council shall order and direct an ordinance to be printed as prescribed in Section 1 of this ordinance, such ordinance shall be printed in folio foolscap form, with pica type, each page to contain not less than thirty lines of solid matter of the usual length, numbered consecutively, with a pica reglet only in each space between the lines; and in counting the composition upon the bills, the same shall be measured as solid small pica matter. Every necessary fraction of the page shall be counted as full page; but no entire blank page shall be counted or charged for; provided, that the printing under this ordinance shall be let by the City Buyer to the lowest and best bidder.

§ 3. That all ordinances in conflict with this ordinance be and the same are hereby repealed.

§ 4. That this ordinance shall take effect from its passage. (*Approved August 8, 1902.*) (See *Advertising by the City; Expenditure of Money.*)

PARK POLICE.

AN ORDINANCE authorizing the Board of Park Commissioners to establish a special police force for the proper guarding of park property, and to regulate the same.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Park Commissioners are authorized and empowered to elect and appoint a special park police force, to consist of such number, rank, and grade as said board shall deem proper, and to be uniformed and to wear such badges as said board shall prescribe; *provided*, said uniform and badges shall differ from the uniforms and badges of the regular police force of the city of Louisville.

§ 2. Said Board of Park Commissioners are authorized and empowered to prescribe the term of office of said special police force, and to establish all necessary rules and regulations for the proper government and discipline of same; to fix and enforce the punishment of the said police for the violations of said rules and regulations; or, if they see proper, to dismiss any or all of said police force for such cause as they may deem sufficient, and to elect others to fill the vacancies caused by dismissal, or from any other cause.

§ 3. This ordinance shall take effect from and after publication. (*Approved September 16, 1895.*) (See *Police Department.*)

(1) PAUPERS.**Prohibiting Importation.**

AN ORDINANCE concerning the disposition of sick paupers.
Be it ordained by the General Council of the city of Louisville:

When any pauper or sick person in destitute circumstances shall be landed in the city from any steamboat or other vessel, the master or person in charge thereof shall immediately cause such person to be conveyed to and placed in some suitable and comfortable house and shall also report the name and description of such person to the Mayor and to pay to the Treasurer to the credit of the fund for the support of the poor at least ten dollars for each such person so landed. If these things be not done at the landing of such person the master and owners of such steamboat or other vessel shall be fined not less than twenty (\$20) dollars nor more than one hundred (\$100) dollars for each person so landed. The same penalties apply to all persons who may in any mode bring into the city any such pauper or sick person in destitute circumstances, and fail to report and provide for him as above required. (*Approved November 14, 1853.*) (See also *Begging for Alms.*)

(2) PAUPERS.**Providing Transportation.**

AN ORDINANCE authorizing the Mayor to furnish transportation to indigent persons.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Mayor of the city of Louisville is hereby authorized and empowered to purchase tickets for indigent persons who desire to go home, or to their friends, for a distance that does not exceed three hundred (300) miles from the city of Louisville; provided, however, that such ticket shall only be purchased by the Mayor when in his judgment it will be a saving to the city.

§ 2. This ordinance shall take effect from and after its passage. (*Approved January 30, 1918.*)

PAWN BROKERS, SECOND-HAND DEALERS, ETC.*

Regulating Hours.

AN ORDINANCE regulating the hours for the transaction of business of pawn brokers, second-hand dealers, junk merchants and junk dealers in the city of Louisville, and repealing an ordinance entitled "An Ordinance regulating the hours for the transaction of business of pawn brokers, second-hand dealers, junk merchants and junk dealers in the city of Louisville," approved June 20, 1912.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any pawn broker, second-hand dealer, junk merchant or junk dealer to keep open his store or place of business for the transaction of any business pertaining to such occupation, or to engage in, conduct or carry on any of such occupations in whole or part, directly, between the hours of 9 o'clock p. m. and 7 o'clock a. m., except from December 15 to December 25, of each year and on Saturdays, when their said stores and places of business may remain open until but not later than 11 o'clock p. m. for the sale of their goods and wares, but for no other purpose.

§ 2. Any person, firm or corporation violating in any particular any of the provisions of Section 1 of this ordinance shall be fined for each offense not less than five (\$5) dollars nor more than twenty (\$20) dollars or imprisoned not less than two nor more than ten days, and each day that said violation continues shall constitute a separate offense.

§ 3. An ordinance entitled "An Ordinance regulating the hours for the transaction of business of pawn brokers, second-hand dealers, junk merchants and junk dealers in the city of Louisville," approved June 20, 1912, is hereby repealed.

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

§ 5. This ordinance shall take effect from and after its passage and approval by the Mayor. (*Approved June 1, 1918.*)

(See also *Junk Merchants, Junk Dealers, Peddlers, Second-hand Dealers.*)

*See *Hyman v. Boldrick*, 153 Ky. 77.

(1) PEDDLERS.

Badges.

AN ORDINANCE requiring each peddler in the city of Louisville to wear a badge furnished by the Commissioners of the Sinking Fund.

Be it ordained by the General Council of the city of Louisville:

§ 1. That each and every peddler in the city of Louisville shall wear a badge upon his person, in a conspicuous place, in such a manner that it may always be seen. Said badge shall be of metal, and shall be furnished by the Commissioners of the Sinking Fund, free of charge. Said badge shall have the following words: "City of Louisville Sinking Fund, Licensed Peddler No....., Expires....."

§ 2. Said badge shall be furnished each peddler when he procures his license; but each peddler who now has a license shall call at the office of the Commissioners of the Sinking Fund and procure a badge within thirty (30) days from the publication of this ordinance.

§ 3. No person shall destroy, deface, or injure said badge in any manner, nor change the number or date thereon, nor shall any person wear such badge unless he be the licensed peddler in whose name the license is issued.

§ 4. Any person violating any of the provisions of this ordinance shall be fined not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense.

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

§ 6. This ordinance shall take effect from its publication. (Approved July 13, 1896.) (See also *Itinerant Vendors; Market; (2) Meats.*)

(2) PEDDLERS.

Not Allowed in Army or Navy Uniform.

AN ORDINANCE concerning the right to vend, hawk or peddle goods, wares or merchandise by persons in uniform of the United States Army, Navy or Marine Corps.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person clothed in the uniform or in any part of the uniform of a soldier of the United States Army, Navy or Marine Corps, to vend, hawk or peddle goods, wares and merchandise within the boundaries of the city of Louisville, whether said person has been honorably discharged or not from the said United States Army, Navy or Marine Corps, and whether employed by himself or any person, firm or corporation, although he may have paid the license therefor as provided.

§ 2. Any person violating the provisions of this ordinance shall be fined not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars for each offense, and each day said offense is committed shall constitute a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved June 5, 1919.*)

PETROLEUM AND ITS PRODUCTS.

Storage Thereof.

AN ORDINANCE regulating the storage of petroleum and its products.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to store or keep for sale in any one place or building, within the following boundary of the city of Louisville, refined petroleum or its products in lots exceeding twenty barrels or refined petroleum of approved State test, and in lots exceeding two barrels of naphtha or gasoline, viz:

Beginning at the point where Shelby street intersects the Ohio river, thence down the river to Twelfth, and then down

center of High avenue to where Twenty-eighth street would intersect it; thence south along Twenty-eighth street to Maple street; thence east along the south line of Maple street to Fourteenth street, south along Fourteenth street to Ormsby avenue, east along Ormsby avenue to a point where, if extended, it would strike Shelby street, north along Shelby street to the point of beginning: Provided, that lubricating oil and products used by manufacturers shall not be construed as embraced within this ordinance.

§ 2. The prohibitions of this ordinance shall only extend for the time between 6 p. m. and 6 a. m.

§ 3. For any violation of the provisions of this ordinance the offender shall be fined not less than twenty (\$20) dollars nor more than one hundred (\$100) dollars for each and every violation; each day such violation shall continue shall be considered a separate offense. This ordinance is not to be construed to repeal any rights given by this Council under ordinance of May 6, 1893, referred to.

§ 4. The ordinance approved May 6, 1893, entitled "An Ordinance to regulate the storage of camphene, petroleum, rock and earth oils, benzine, benzole, naphtha, uninspected oils in the city of Louisville," is hereby repealed.

§ 5. This ordinance to take effect from and after its passage. (*Approved April 25, 1894.*) (See also (3) *Explosives.*)

PLUMBING BOARD.

Providing for Compensation and Expenses.

AN ORDINANCE fixing the amount to be paid members of the Board of Examiners of Plumbers for services rendered in the performance of their duties, and further providing for the payment of expenses incurred therein, in accordance with an act of the Legislature, approved March 17, 1914.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Board of Examiners of Plumbers consisting of four members shall be paid out of the city treasury, out of a fund created by fees paid by applicants for plumbers' certificates. Each member of said board shall receive for his services twelve

(12) per cent. of the fee collected from each person examined and to whom a certificate is issued, or to whom a renewal certificate is issued. The members of the board shall be paid semi-annually.

§ 2. The Board of Examiners of Plumbers shall be empowered to expend in the purchase of the necessary equipment and material for the performance of the duties of their office 50 per cent. of the moneys collected for plumbers' certificates, to be paid out of the fund created thereby.

§ 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 4. That this ordinance shall take effect immediately upon its passage. (*Approved September 23, 1914.*) (See *Ky. Stat.*, 3037-f.)

(1) PLUMBING CODE.*

AN ORDINANCE providing rules and regulations for the installation and alteration of plumbing and sewerage in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following rules and regulations be and the same are adopted for the installation and alteration of plumbing and sewerage in the city of Louisville, and it shall be the duty of the Inspector of Plumbing to thoroughly inspect all plumbing and sewerage done within the city limits and rigidly enforce these rules and regulations.

§ 2. Any architect, builder, agent, corporation, owner, plumber or any person having in charge any building or premises in which there is to be any construction or installation of, or any alteration of any plumbing, sewerage or drainage, shall secure a permit for such work before beginning same.

No permit shall be required for repairing leaks, repairing valves or cocks, or unstopping and cleaning out waste pipes or sewers.

Permit must be kept upon the building or premises for which it was issued until completion and final inspection of work.

*See Sec. 3037f Ky. St.

§ 3. The inspector shall inspect all work for which a permit has been issued, and shall issue a certificate of approval for all work that has been constructed in accordance with the provisions of this ordinance.

§ 4. The inspector shall refuse to issue a certificate of approval for any work constructed not in accordance with the provisions of this ordinance, and shall declare such work unsafe and forbid the use of same until it has been properly corrected.

§ 5. It shall be the duty of the inspector to keep a record of all permits issued, and shall submit a complete report at the end of each fiscal year of all business done during the year to the Board of Public Safety.

§ 6. A plan, abstract or written explanation of the nature of work and method of performing same shall be furnished this department, and receive the approval of the inspector before a permit is issued for same. Said plan, abstract or written explanation shall be kept on file in the inspector's office.

§ 7. Notice for inspection shall be delivered and filed at the office of the inspector upon blanks furnished by this department for that purpose.

§ 8. It shall be the duty of the constructing plumber or pipe layer to have his work ready for inspection at the time agreed upon between him and the inspector.

§ 9. All plumbing or sewerage inside of any building shall be tested with the water and smoke test in the presence of the inspector. All pipes, traps or fittings must remain uncovered until they have successfully passed the test, and all contractors or their workmen, and all persons are hereby prohibited from covering up or in any way obstructing from view any plumbing or sewerage until the same has been inspected, and shall have the signed seal of approval of this department attached to same.

§ 10. The water test shall be applied by closing the lower end of the main house drain and filling the entire system of piping with water. If any part of the work is to be tested separately there shall be a vertical height of water of at least six feet above all parts of work so tested. Upon the completion of the work, and after all fixtures have been permanently set and the water turned on, the smoke or peppermint test shall be ap-

plied in the presence of the inspector and as directed by him. The use of wooden plugs for the purpose of closing pipes for testing is hereby prohibited.

All parts of a system of plumbing or sewerage under test shall be absolutely water and gas tight before receiving the approval of this department and any cracked or defective pipe, fittings, or material shall be removed and replaced with sound material upon notice of the inspector.

§ 11. All cast iron pipe used in connection with a plumbing or drainage system, either as a soil, waste or vent pipe, shall be of the class known to the trade as extra heavy, and shall have the following weight per lineal foot:

2-inch	.....	5½ lbs.
3-inch	.....	9½ lbs.
4-inch	.....	13 lbs.
5-inch	.....	17 lbs.
6-inch	.....	20 lbs.
7-inch	.....	27 lbs.
8-inch	.....	33½ lbs.
10-inch	.....	45 lbs.
12-inch	.....	54 lbs.

All cast iron fittings shall be of the same grade and of a corresponding weight and thickness.

§ 12. All wrought iron pipe used in connection with a plumbing or drainage system, either as a soil, waste or vent pipe, shall be the genuine wrought iron galvanized pipe of standard weight and thickness.

All fittings used in connection with wrought iron systems of plumbing or sewerage shall be galvanized, cast iron, recessed, threaded fittings of sanitary pattern.

§ 13. All soil, waste or drain pipes inside of any building from two feet outside foundation wall to their highest extremity above roof to be either extra heavy cast iron or galvanized wrought iron.

The use of terra cotta pipe on the inside of any building is positively prohibited.

Where wrought iron system of plumbing or drainage are used any part of said system which is under ground shall be constructed of extra heavy cast iron pipe and fittings.

§ 14. All systems of wrought iron plumbing or sewerage shall be screwed up with pipe joint cement and pure linseed oil; the ends of pipe to be butted against shoulder of fitting and to have not more than three threads exposed beyond end of fitting; the burrs caused by cutting of pipe to be carefully reamed out.

§ 15. All joints on cast iron systems of plumbing or sewerage shall be made with oakum and pure lead. The oakum to be thoroughly packed and hammered evenly all around into hub of pipe or fitting to within one inch of top of hub, this to be followed by molten lead until hub is completely filled at a single pouring. The lead shall then be caulked with hammer and chisel until water and gas tight. Joint must be finished leaving lead as near flush with hub as possible, and no joint will be accepted where lead is driven more than $\frac{1}{8}$ of an inch from end of hub. The use of any substance except lead and oakum is prohibited in making cast iron soil pipe joints.

§ 16. All connections between plumbing fixtures and soil, waste, or vent pipes shall be made with ample provision for expansion and contraction or settlement of pipes or building to avoid breaking joint between pipes and fixtures or the fixture itself by the use of not less than six inches nor more than thirty-six inches of lead pipe of a size required for waste or vent of said fixture.

The lead pipe, bend or trap used to join fixtures to soil, waste, or vent pipes shall be wiped on a brass ferrule or solder nipple and caulked or screwed into soil, waste, or vent pipe to which it connects.

The use of combination lead and iron, or combination lead and brass ferrules, bends, traps or combination soldering nipples is positively prohibited.

All lead pipes used in connection with a plumbing or drainage system shall be of the following weights, or heavier:

1 $\frac{1}{4}$ -inch	3 lbs. per lineal foot.
1 $\frac{1}{2}$ -inch	4 lbs. per lineal foot.
2 -inch	5 lbs. per lineal foot.
2 $\frac{1}{2}$ -inch	6 lbs. per lineal foot.
3 -inch	6 lbs. per lineal foot.
4 -inch	8 lbs. per lineal foot.
5 -inch	14 lbs. per lineal foot.

All lead traps or bends to be of a corresponding weight and thickness and shall have the weight per lineal foot stamped upon same by the manufacturer.

§ 17. All brass ferrules or solder nipples used in connection with soil, waste, or vent pipes shall be cast brass, free from sand holes or other defects, with a thickness of wall of not less than 3-16 of an inch. Solder nipples to be not less than three inches in length; ferrules to be not less than five inches in length.

§ 18. All joints between lead pipes, traps or bends and solder nipples or ferrules, or joining one lead pipe to another, shall be wiped joints made with plumbers' wiping solder composed of one part pure block tin and two parts pure lead. All wiped joints shall have the junction of pipes in the center or heaviest part of joint, and there shall be a thickness of solder of at least $\frac{3}{8}$ of an inch at this point, and the joint shall be of uniform thickness all around with edges wiped clean and smooth. The length of wiped joints be not less than one inch from center of joint to edge of same on all sides.

§ 19. All work including soil, waste, vent and supply pipes and the placing of traps or bends and the setting of fixtures shall be done in a neat and workmanlike manner.

The inspector shall refuse to accept any work or material which is defective.

All soil, waste, or vent pipes shall be securely fastened by means of iron hangers, hooks or floor rests. No wood or wire hangers will be allowed.

Horizontal runs of piping shall have an even fall to outlet of not less than $\frac{1}{8}$ of an inch to the foot, and shall be run true to line without sags or crooks.

Vertical runs of piping shall be perfectly plumb.

All lead pipes, traps or bends shall be securely supported to prevent settlement or sagging and shall be securely boxed or covered to prevent damage by other workmen during the erection of building.

§ 20. All supply or service pipes outside the walls of building shall be run at least 3 feet 6 inches below the surface of ground. All supply pipes inside the walls of building shall be run with a fall towards the main stop and waste cock, and wherever trapped shall be provided with extra waste or pet cocks to drain this part of piping.

All supply pipes to be put up in a neat and workmanlike manner, securely fastened with iron or brass pipe supports, screwed to wood strip fastened to wall. The entire system of supply piping to be installed in such a manner that it can be quickly drained to some protected portion of building to prevent freezing.

§ 21. Every water closet, urinal, sink, washstand, bathtub, foot tub, shower bath, cesspool, laundry tray, or set of laundry trays, or any fixture or receptacle connecting with a plumbing or sewerage system, shall be separately and independently trapped.

Two or more laundry trays may be connected to a continuous waste, and may be connected to one trap.

Each section or bowl of a battery of washstand shall require a separate trap.

§ 22. Bathtubs, foot tubs or any fixture or receptacle requiring a trap to be placed under the floor shall be provided with a drum trap, with a cleanout screw or cap not less than 3 inches inside diameter, placed flush with top of floor in an accessible position for cleaning.

§ 23. Trap to fixtures shall be placed as close as possible to the outlet of fixture which it serves. No trap shall be set more than 12 inches from the outlet of fixture to the center of water seal in trap, except for shower bath receptacles or recessed bathtub. Trap for the above mentioned fixtures shall not be placed more than 36 inches from outlet of fixture to center of water seal in trap, and shall be placed closer if possible.

§ 24. Where continuous waste pipes are used for wash trays, all branches and parts of waste pipe and trap shall be screwed together if brass or wrought iron pipe. No slip joints will be accepted.

§ 25. All soil or waste pipes entering a building shall be run full size from its base to the roof and pass through same. They shall be increased one size before passing through roof and shall extend at least 12 inches above roof. The pipe passing through roof shall be securely and neatly flashed with 4-lb. sheet lead or 12-oz. copper. The use of galvanized iron tin flashings is prohibited.

§ 26. Where the continuous system of venting is used, every branch or fixture connecting to the main soil or waste pipe shall

have an independent or separate fitting in the main soil or waste pipe for same. Every branch waste connecting into the main soil or waste pipe which is more than 36 inches in length, including all piping from and between center line of water seal in trap and center line of diameter and length of fitting to which it connects shall be carried out through roof in all respects like the main soil or waste pipe, or it may be connected to main vent pipe 12 inches or more above the overflow level of highest fixture connected to same.

§ 27. Where one or more branches or lateral vent pipes are connected into the main vent stack, the main vent stack shall be increased to equal the combined area of itself and the pipes added to it. In no case, however, shall the main vent pipe be increased to exceed in size the main soil or waste pipe or pipes entering building at base, except that part passing through roof.

§ 28. The maximum number of fixtures allowed on the different sizes of pipes on what is known as the continuous system of venting shall be as follows:

From 1 to 10 water closets	4	-inch pipe.
From 10 to 20 water closets	5	-inch pipe.
From 20 to 50 water closets	6	-inch pipe.
From 50 to 100 water closets	8	-inch pipe.
From 1 to 3 sinks	2	-inch pipe.
From 3 to 6 sinks	2½	-inch pipe.
From 6 to 12 sinks	3	-inch pipe.
From 12 to 30 sinks	4	-inch pipe.
From 30 to 60 sinks	5	-inch pipe.
From 60 to 150 sinks	6	-inch pipe.
From 1 to 4 slop sinks	3	-inch pipe.
From 4 to 12 slop sinks	4	-inch pipe.
From 12 to 25 slop sinks	5	-inch pipe.

The number of bathtubs, foot tubs, laundry trays, washstands, urinals, or in fact any plumbing fixture or receptacle having waste pipes not exceeding 2 inches in diameter allowed on any soil or waste pipe, shall be the same as specified for sinks.

Three fixtures with waste pipes not exceeding 2 inches inside diameter, or smaller, shall be considered the same as one water closet; six fixtures with waste pipes not exceeding 2 inches inside diameter or smaller shall be considered the same as two

water closets and so forth in this proportion. This shall apply in all cases where it is desirable to connect the different fixtures such as water closets and bathroom or other fixtures to the same soil or waste pipe.

Slop sinks when connected to soil or waste pipes to which other plumbing fixtures are connected shall be considered the same as water closets and shall require the same size waste pipes.

Size of trap to be used in connection with plumbing fixtures shall be as follows:

- Water closets 4-inch trap.
- Urinals2-inch and 3-inch trap.
- Slop sinks2-inch and 3-inch trap.
- Kitchen sinks 2-inch trap.
- Pantry sinks1½-inch and 2-inch trap.
- Bar sinks1½-inch and 2-inch trap.
- Laundry tray, 1 compartment1½-inch trap.
- Laundry tray, 2 or more compartments 2-inch trap.

Bathtubs to have drum trap with 1½-inch or 2-inch waste connections.

Shower baths or receptacles to have drum trap with 2-inch waste connections.

Cesspools shall be provided with deep seal trap placed directly under outlet of same. This shall include bell trap, and back water trap cesspools as well as all others, and when placed inside of a building shall be provided with running water.

§ 29. Where the revent system is used, the number of fixtures allowed on the different sizes of pipes given in Section 28 may be doubled, providing, however, that all branches or sub-branches connecting into main soil or waste pipe shall be provided with a special air or revent pipe to prevent back pressure of sewer air and trap siphonage.

The sizes of revent pipes shall be as follows:

Size of Branch.	No. of Branch.	Size of Vent.
6 -inch.....	1 to 4.....	2½-inch
6 -inch.....	4 to 12.....	3 -inch
5 -inch.....	1 to 4.....	2 -inch
5 -inch.....	4 to 12.....	2½-inch

5	-inch.....	12 to 24.....	3	-inch
4	-inch.....	1 to 6.....	2	-inch
4	-inch.....	6 to 15.....	2½	-inch
4	-inch.....	15 to 30.....	3	-inch
3	-inch.....	1 to 8.....	2	-inch
3	-inch.....	8 to 20.....	2½	-inch
3	-inch.....	20 to 40.....	3	-inch
2	-inch.....	1 to 6.....	1½	-inch
2	-inch.....	6 to 12.....	2	-inch
2	-inch.....	12 to 24.....	2½	-inch
2	-inch.....	24 to 50.....	3	-inch
1½	-inch.....	1 to 8.....	1½	-inch
1½	-inch.....	8 to 16.....	2	-inch
1½	-inch.....	16 to 30.....	2½	-inch
1½	-inch.....	30 to 70.....	3	-inch

§ 30. All pipes used for venting shall be either extra heavy cast iron, standard galvanized wrought iron, or lead pipe of the weight and thickness provided for in Section 16.

§ 31. Revent or back air pipes shall not be taken from or branched into the crown of a trap, but shall be a continuation of the waste pipe and have the trap Y branched into same in such a manner that the flushing of fixture shall wash away any accumulated rust or other obstruction that may gather in same.

All revent or back air, or vent pipes of any description shall be run as near vertical as possible, and where necessary to offset same the offset shall be made at the angle of 45 degrees or less if practicable.

§ 32. Revent or back air pipes may be connected together 12 inches above the overflow line of fixtures by increasing the size of the vent at this point to equal the combined areas of the pipes added to it, but in no case shall the main vent exceed the area of the soil or waste pipe or pipes entering building at base, except that part passing through roof, which shall be increased one size.

§ 33. When any vent pipe of any description after passing through roof comes within 10 feet of any door or window, it shall be extended at least 3 feet above top of same.

§ 34. No rain water conductor shall be used as a soil, waste or vent pipe, nor connected therewith, nor shall any soil, waste or vent pipe be used as a rain water conductor.

§ 35. The plumbing and sewerage of every building shall be separately and independently connected with the public sewer where such sewer is provided, or with proper cesspool, vault, or dry well outside of building where sewer is not accessible. It is positively prohibited to connect the waste of any plumbing fixture to any street or alley, or any vault, or dry well inside of building.

§ 36. All waste or overflow pipes from safes under water closets or other fixtures, or from tanks, shall be run separately to basement or cellar, or to any open receptacle properly trapped, and in no case shall they be connected directly with any soil, waste, vent or drain pipe.

§ 37. Refrigerator waste pipes shall not be connected directly with any soil, waste, vent or drain pipe, or the waste pipe of any plumbing fixture, but shall be run separately to some open sink or receptacle properly trapped.

Refrigerator waste pipe shall be provided with suitable trap and funnel set close to the refrigerator, but not connected directly to same.

§ 38. No steam, exhaust, blow-off or drip pipe shall be directly connected with any soil, waste, vent or drain pipe, but shall be run to an open receptacle or cesspool properly trapped and connected to sewer, or they may be run to a closed blow-off tank, provided the same is equipped with a vent pipe equal in area to the inlet to tank and properly trapped and connected to sewer.

This section does not apply to low pressure steam or hot water heating plants.

§ 39. Blow-off or sediment wastes, or overflow pipes from expansion tanks on hot water, or low pressure steam heating plants may be directly connected with sewer, but shall be provided with deep seal trap placed on line before connecting with sewer.

§ 40. In no case shall a vent pipe be connected with any chimney or flue, nor shall any chimney or flue be used as a vent pipe from any plumbing system.

Local vents may be connected to hot air stacks in which there is a continual circulation when such hot air stacks are accessible. This does not apply to smoke stacks.

§ 41. The placing of water closets in unventilated compartments is positively prohibited. In every case the room or compartment shall be open to the outer air, or be ventilated by an air duct or shaft.

§ 42. Water closets or urinals placed in outhouses shall have their trap and supply or flushing valves properly placed in a pit underneath, or in the ground to prevent freezing. In all cases, they shall be properly connected with the water supply.

§ 43. The use of pan closets or any other closet or latrine in which the soil comes in contact with the metallic parts of same, is strictly forbidden on the inside of any building, and all such closets in use at the present time are hereby condemned, and no plumber or person shall repair any such closets, but shall report such closets when out of order to the inspector.

§ 44. Every water closet, latrine and urinal shall be equipped with a tank or flushing device properly connected with the water supply, and of ample capacity to thoroughly flush and cleanse same.

Every water closet shall be connected to the soil pipe by means of a brass floor flange or sanitary screw connection properly soldered to lead waste connection and securely bolted or screwed to bowl.

§ 45. The term "soil pipe" is applied to any vertical or horizontal line of piping receiving the discharge of one or more water closets with or without other fixtures.

The term "waste pipe" is applied to any line of piping receiving the discharge of any fixtures excepting water closets.

The term "vent or revent pipe" is applied to any line of piping used to ventilate the system of plumbing and to revent back pressure and trap siphonage.

The term "main sewer" is applied to that portion of the sewer connecting with the city sewer or to the vault in yard up to the point where the first branch is taken off.

§ 46. All terra cotta pipe used in connection with a plumbing system shall be of a size approved by the inspector, but in no case shall a main sewer be less than 5 inches.

§ 47. All terra cotta pipe shall be of the best quality salt glazed vitreous pipe, to be sound, true, straight, and of even diameter and thickness. It shall be laid in as straight a line as possible with an even grade to outlet of $\frac{1}{4}$ of an inch to the foot or more where possible.

All branches shall be made with Ys; all turns with $\frac{1}{8}$ bends or long pattern $\frac{1}{4}$ bends.

§ 48. All joints on terra cotta pipe shall be made with first-class hydraulic cement, one part, and clean sharp sand, two parts, and joints shall be well filled and troweled off smooth. Each joint shall be swabbed out on the inside after making same and special care must be taken that no part of cement remains on inside of pipe or fittings.

§ 49. No trap shall be placed on the main line of any sewer except by orders of the inspector. Where traps are required and ordered by the inspector, they shall be provided with a fresh air inlet equal in size to the vent pipe passing through roof of building brought up to surface of ground and provided with strainer securely fastened to pipe.

Fresh air inlets shall be placed as far away from any door or window as possible, and their location shall be subject to the approval of the inspector.

§ 50. All down spouts or rain water pipes connecting with a sewer shall be trapped. One trap may be used to trap one or more down spouts, and where there is no other soil or waste pipe connecting with this branch.

All traps shall be placed at least two feet below surface of ground when on the outside of building to prevent freezing.

Where there is a separate main sewer provided for storm water, and a sanitary main sewer for plumbing systems, it is positively forbidden to connect any cesspool or plumbing fixture of any description to the storm water sewer, or any rain water pipes to the sanitary sewer.

All systems of drainage from plumbing fixtures or cesspools shall be connected with the sanitary sewer.

All down spouts or rain water leaders shall be connected with the storm water sewer.

§ 51. No cup or blow joint will be allowed on any soil, waste, vent or supply pipe connection.

No saddle hub connections will be allowed on any soil, waste or vent pipes.

No tapping into soil, waste, or vent pipes will be allowed. Branches into soil, waste, or vent pipes shall be made with the proper fittings, caulked or screwed on to same. Branches into lead wastes may be tapped in and properly wiped with solder. No tapping into terra cotta sewers will be allowed. In all cases, the branch shall be made with a Y fitting properly cemented into sewer. No slip joints will be allowed on the sewer or outlet side of any trap, or on any soil, waste or vent pipe.

§ 52. No square or straight inlet fittings will be allowed on any soil, waste, or vent pipes. In all cases fitting of a sanitary pattern, or with branches entering fitting at an angle of 45 degrees shall be used.

No crosses will be allowed on any soil, waste, or vent pipe. Double Y branches may be used.

No sleeves or double hubs will be allowed on any soil, waste, or vent pipes.

No side inlet fittings will be allowed, except those of a sanitary pattern with branches having an easy curve or angle towards outlet end of fitting.

No inverted soil pipe joints will be allowed on any soil, waste or vent pipes.

No black or painted wrought iron or steel pipe shall be used as a soil, waste, or vent pipe.

No painted iron water closet, latrine or urinal shall be allowed in any building. In all cases, these fixtures must be either vitreous china or porcelain enameled iron.

§ 53. That any person, firm or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than \$5.00 (five dollars) or more than \$50.00 (fifty dollars) for each offense, and each day's continuance of such violation shall constitute a separate offense.

§ 54. That all ordinances, or parts of ordinances, in conflict with the foregoing ordinances, and especially an ordinance entitled "An Ordinance approving a code of rules and regulations for the government of the department of plumbing and house drainage in the city of Louisville," approved December 15, 1902, are hereby repealed.

§ 55. That this ordinance shall take effect ninety (90) days after its passage. (*Approved June 22, 1911.*)

(See also *Sanitation; Tenement House Law (Charter); Sewers; Drains.*)

(2) PLUMBING CODE.*

Passed Pursuant to Act of March, 1914

(Sec. 3037f Ky. St.)

AN ORDINANCE to provide a Code or Rules regulating the work of plumbing and drainage in the city of Louisville, Ky., including the materials and workmanship and manner of executing the work connected with plumbing and drainage therein in accordance with an act of the Legislature, approved March 18, 1914, and to fix the time and place for examinations required therein and the mode in which revocation of and reissue of certificate or certificates required therein shall be made.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following rules and regulations be and the same are adopted for the installation and alteration of plumbing and sewerage in the city of Louisville, and it shall be the duty of the Inspector of Plumbing to thoroughly inspect all plumbing and sewerage done within the city limits and rigidly enforce these rules and regulations.

§ 2. Any architect, builder, agent, corporation, owner, plumber or any person having in charge any building or premises in which there is to be any construction or installation or any alteration of any plumbing, sewerage or drainage, shall secure a permit for such work before beginning same.

No permit shall be required for repairing leaks, repairing valves or cocks, or unstopping or cleaning out waste pipes or sewers.

Permit must be kept upon the building or premises for which it was issued until completion and final inspection of work.

§ 3. The inspector shall inspect all work for which a permit has been issued, and shall issue a certificate of approval for all work that has been constructed in accordance with the provisions of this ordinance.

*See *City of Louisville v. Coulter*, 177 Ky. 242, 197 S. W. 819.

§ 4. The inspector shall refuse to issue a certificate of approval for any work constructed not in accordance with the provisions of this ordinance, and shall declare such work unsafe and forbid the use of same until it has been properly corrected.

§ 5. It shall be the duty of the inspector to keep a record of all permits issued, and shall submit a complete report at the end of each fiscal year of all business done during the year to the Board of Public Safety.

§ 6. A plan, abstract or written explanation of the nature of work and method of performing same shall be furnished this department, and receive the approval of the inspector before a permit is issued for same. Said plan, abstract or written explanation shall be kept on file in the inspector's office.

§ 7. Notice for inspection shall be delivered and filed at the office of the inspector upon blanks furnished by this department for that purpose.

§ 8. It shall be the duty of the constructing plumber or pipe layer to have his work ready for inspection at the time agreed upon between him and the inspector.

§ 9. All plumbing or sewerage inside of any building shall be tested with the water and smoke test in the presence of the inspector. All pipes, traps or fittings must remain uncovered until they have successfully passed the test, and all contractors or their workmen, and all persons are hereby prohibited from covering up or in any way obstructing from view any plumbing or sewerage until the same has been inspected, and shall have the signed seal of approval of this department attached to same.

§ 10. The water test shall be applied by closing the lower end of the main house drain and filling the entire system of piping with water. If any part of the work is to be tested separately, there shall be a vertical height of water of at least six (6) feet above all parts of the work so tested. Upon the completion of the work, and after all fixtures have been permanently set and the water turned on, the smoke or peppermint test shall be applied in the presence of the inspector and as directed by him. The use of wooden plugs for the purpose of closing pipes for testing is hereby prohibited.

All parts of a system of plumbing or sewerage under test shall be absolutely water and gas tight before receiving the ap-

proval of this department, and any cracked or defective pipe, fittings or material shall be removed and replaced with sound material upon the notice of the inspector.

§ 11. All cast iron pipe used in connection with a plumbing or drainage system, either as a soil, waste or vent pipe, shall be of a class known to the trade as extra heavy, and shall have the following weights per lineal foot:

2-inch	5½ lbs.
3-inch	9½ lbs.
4-inch	13 lbs.
5-inch	17 lbs.
6-inch	20 lbs.
7-inch	27 lbs.
8-inch	33½ lbs.
10-inch	45 lbs.
12-inch	54 lbs.

All cast iron fitting shall be of the same grade and of a corresponding weight and thickness.

§ 12. All wrought iron pipe used in connection with a plumbing or drainage system, either as a soil, waste or vent pipe, shall be the genuine wrought iron galvanized pipe or standard weight and thickness.

All fittings used in connection with wrought iron systems of plumbing or sewerage shall be galvanized, cast iron, recessed threaded fittings of sanitary pattern.

§ 13. All soil, waste or drain pipes inside of any building from two feet outside foundation wall to their highest extremity above roof to be either extra heavy cast iron or galvanized wrought iron.

The use of terra cotta pipe on the inside of any building is positively prohibited.

Where wrought iron systems of plumbing or drainage are used, any part of said system which is underground shall be constructed of extra heavy cast iron pipe and fittings.

§ 14. All systems of wrought iron plumbing or sewerage shall be screwed up with pipe joint cement and pure linseed oil; the ends of the pipe to be butted against shoulder of fitting and to have not more than four threads exposed beyond end of fitting; the burrs caused by cutting of pipe to be carefully reamed cut.

§ 15. All joints on cast iron systems of plumbing or sewerage shall be made with oakum and pure lead. The oakum to be thoroughly packed and hammered evenly all around into hub of pipe or fitting to within one inch of top of hub, this to be followed by molten lead until hub is completely filled at a single pouring. The lead shall then be caulked with hammer and chisel until water and gas-tight. Joint must be finished leaving lead as near flush with hub as possible and no joint will be accepted where lead is driven more than one-eighth of an inch from end of hub. The use of any substance except lead and oakum is prohibited in making cast iron soil pipe joints.

§ 16. All connections between plumbing fixtures and soil, waste or vent pipes shall be made with ample provision for expansion and contraction or settlement of pipes or building to avoid breaking joint between pipes and fixtures or the fixture itself by the use of not less than six inches nor more than thirty-six inches of lead pipe of a size required for waste or vent of said fixtures.

The lead pipe, bend or trap used to join fixtures to soil, waste or vent pipes shall be wiped on to brass ferrule or solder nipple and caulked or screwed into soil, waste or vent pipe to which it connects.

The use of combination lead and iron, or combination lead and brass ferrules, bends, traps or combination soldering nipples is positively prohibited.

All lead pipes used in connection with a plumbing or drainage system shall be of the following weights, or heavier:

1 $\frac{1}{4}$ -inch.....	3 lbs. per lineal foot.
1 $\frac{1}{2}$ -inch.....	4 lbs. per lineal foot.
2 -inch.....	5 lbs. per lineal foot.
2 $\frac{1}{2}$ -inch.....	6 lbs. per lineal foot.
3 -inch.....	6 lbs. per lineal foot.
4 -inch.....	8 lbs. per lineal foot.
5 -inch.....	14 lbs. per lineal foot.

All lead traps or bends to be of a corresponding weight and thickness, and shall have the weight per lineal foot stamped upon same by the manufacturer.

§ 17. All brass ferrules or solder nipples used in connection with soil, waste or vent pipes shall be cast brass, free from sand holes or other defects, with a thickness of wall of not less than

three-sixteenths of an inch. Solder nipples to be not less than three inches in length; ferrules to be not less than five inches in length.

§ 18. All joints between lead pipes, traps or bends and solder nipples or ferrules, or joining one lead pipe to another, shall be wiped joints made with plumber's wiping solder composed of one part pure block tin and two parts pure lead. All wiped joints shall have the junction of pipes in the center or heaviest part of joint, and there shall be thickness of solder of at least three-eighths of an inch at this point, and the joint shall be of uniform thickness all around, with edges wiped clean and smooth. The length of wiped joints shall be not less than one inch from center of joint to edge of same on all sides.

§ 19. All work including soil, waste, vent and supply pipes and the placing of traps or bends and the setting of fixtures, shall be done in a neat and workmanlike manner.

The inspector shall refuse to accept any work or material which is defective.

All soil, waste or vent pipes shall be securely fastened by means of iron hangers, hooks or floor rests. No wood or wire hangers will be allowed.

Horizontal runs of piping shall have an even fall to outlet of not less than one-eighth of an inch to the foot, and shall be run true to line without sags or crooks.

Vertical runs of piping shall be perfectly plumb.

All lead pipes, traps or bends shall be securely supported to prevent settlement or sagging, and shall be securely boxed or covered to prevent damage by other workmen during the erection of building.

§ 20. All supply or service pipes outside the walls of building shall be run at least three feet below surface of ground. All supply pipes inside the walls of building shall run with a fall toward the main stop and waste cock and wherever trapped shall be provided with extra waste or pet cocks to drain this part of piping.

All supply pipes to be put in in a neat and workmanlike manner, securely fastened with iron or brass pipe supports, screwed to wood strip fastened to wall. The entire system of supply piping to be installed in such a manner that it can be quickly drained to some protected portion of building to prevent freezing.

§ 21. Every water closet, urinal, sink, washstand, bath tub, foot tub, shower bath, cesspool, laundry tray or set of laundry trays, or any fixture or receptacle connecting with a plumbing or sewerage system, shall be separately and independently trapped.

Two or more laundry trays may be connected to a continuous waste, and may be connected to one trap.

Each section or bowl of a battery of washstands shall require a separate trap.

§ 22. Bath tubs, foot tubs or any fixture or receptacle requiring a trap to be placed under the floor shall be provided with a drum trap with a cleanout screw or cap not less than three inches diameter placed flush with top of floor in an accessible position for cleaning.

§ 23. Trap to fixtures shall be placed as close as possible to the outlet of fixtures which it serves. No trap shall be set more than twelve inches from the outlet of fixture to the center of water seal in trap, except for shower bath receptacle or recessed bath tubs. Traps for the above-mentioned fixtures shall not be placed more than thirty-six inches from outlet of fixture to center of water seal in trap, and shall be placed closer if possible.

§ 24. Where continuous waste pipes are used for wash trays, all branches and parts of waste pipe and trap shall be screwed together if brass or wrought iron pipe. No slip joints will be accepted.

§ 25. All soil or waste pipes entering a building shall be run full size from its base to the roof and pass through same. They shall be increased one size before passing through roof, and shall extend at least twelve inches above roof. The pipe passing through roof shall be securely and neatly flashed with 4-lb. sheet lead or 12-oz. copper. The use of galvanized iron or tin flashings is prohibited.

§ 26. Where the continuous system of venting is used, every branch or fixture connecting to the main soil or waste pipe shall have an independent or separate fitting in the main soil or waste pipe for same. Every branch waste connecting into the main soil or waste pipe which is more than thirty-six inches in length including all piping from and between center line of water seal in trap and center line of diameter and length of

fitting to which it connects shall be **carried** out through roof in all respects, like the main soil or waste pipe, or it may be connected to main vent pipe twelve inches or more above the overflow level of highest fixture connected to same.

§ 27. Where one or more branches or lateral vent pipes are connected into the main vent stack, the main vent stack shall be increased to equal the combined area of itself and the pipes added to it. In no case, however, shall the main vent pipe be increased to exceed in size the main soil or waste pipe or pipes entering building at base, except that part passing through roof.

§ 28. The maximum number of fixtures followed on the different sizes of pipes on what is known as the continuous system of venting shall be as follows:

From 1 to 10 water closets	4	-inch pipe.
From 10 to 20 water closets	5	-inch pipe.
From 20 to 50 water closets	6	-inch pipe.
From 50 to 100 water closets	8	-inch pipe.
From 1 to 3 sinks	2	-inch pipe.
From 3 to 6 sinks	2 $\frac{1}{2}$	-inch pipe.
From 6 to 12 sinks	3	-inch pipe.
From 12 to 30 sinks	4	-inch pipe.
From 30 to 60 sinks	5	-inch pipe.
From 60 to 150 sinks	6	-inch pipe.
From 1 to 4 slop sinks	3	-inch pipe.
From 4 to 12 slop sinks	4	-inch pipe.
From 12 to 25 slop sinks	5	-inch pipe.

The number of bath tubs, foot tubs, laundry trays, wash-stands, urinals, or in fact any plumbing fixture or receptacle having waste pipes not exceeding two inches in diameter allowed on any soil or waste pipe, shall be the same as specified for sinks.

Three fixtures with waste pipes not exceeding two inches inside diameter or smaller shall be considered the same as one water closet; six fixtures with waste pipes not exceeding two inches inside diameter or smaller shall be considered the same as two water closets, and so forth in this proportion. This shall apply in all cases where it is desirable to connect the different fixtures, such as water closets and bathroom or other fixtures to the same soil or waste pipe.

Slop sinks when connected to soil or waste pipe to which other plumbing fixtures are connected shall be considered the same as water closets, and shall require the same size water pipes.

Sizes of trap to be used in connection with plumbing fixtures shall be as follows:

- Water closets4-inch trap.
- Urinals2-inch and 3-inch trap.
- Slop sinks2-inch and 3-inch trap.
- Kitchen sinks2-inch trap.
- Pantry sinks1½-inch and 2-inch trap.
- Washstand1¼-inch and 1½-inch trap.
- Bar sinks1½-inch and 2-inch trap.
- Laundry tray, 1 compartment.....1½-inch trap.
- Laundry tray, 2 or more compartments2-inch trap.

Bath tubs to have drum trap with 1½-inch or 2-inch waste connections.

Shower baths or receptacles to have drum trap with 2-inch waste connections.

Cesspools shall be provided with deep seal trap placed directly under outlet of same. This shall include bell trap and back water trap cesspools, as well as all others, and when placed inside of a building shall be provided with running water.

§ 29. Where the revent system is used, the number of fixtures allowed on the different sizes of pipes given in Section 28 may be doubled, provided, however, that all branches or sub-branches connecting into main soil or waste pipe shall be provided with a special air or revent pipe to prevent back pressure of sewer air and trap siphonage.

The sizes of revent pipes shall be as follows:

Size of Branch.	No. of Branch.	Size of Vent.
6 -inch.....	1 to 4.....	2½-inch
6 -inch.....	4 to 12.....	3 -inch
5 -inch.....	1 to 4.....	2 -inch
5 -inch.....	4 to 12.....	2½-inch
5 -inch.....	12 to 24.....	3 -inch
4 -inch.....	1 to 6.....	2 -inch
4 -inch.....	6 to 15.....	2½-inch

4	-inch	15 to 30	3	-inch
3	-inch	1 to 8	2	-inch
3	-inch	8 to 20	2½	-inch
3	-inch	20 to 40	3	-inch
2	-inch	1 to 6	1½	-inch
2	-inch	6 to 12	2	-inch
2	-inch	12 to 24	2½	-inch
2	-inch	24 to 50	3	-inch
1½	-inch	1 to 8	1½	-inch
1½	-inch	8 to 16	2	-inch
1½	-inch	16 to 30	2½	-inch
1½	-inch	30 to 70	3	-inch

§ 30. All pipes for venting shall be either extra heavy cast iron, standard galvanized wrought iron, or lead pipe of the weight and thickness provided for in Section 16.

§ 31. Revent or back air pipes shall not be taken from or branched into the crown of a trap, but shall be a continuation of the waste pipe and have the trap Y branched into same in such a manner that the flushing of fixture shall wash away any accumulated rust or other obstruction that may gather in same.

All revent or back air, or vent pipes of any description, shall be run as near vertical as practicable, and where necessary to offset same, the offset shall be made at the angle of forty-five degrees or less if practical.

§ 32. Revent or back air pipes may be connected together twelve inches above the overflow line of fixtures by increasing the size of the vent at this point to equal the combined areas of the pipes added to it, but in no case shall the main vent exceed the area of the soil or waste pipe or pipes entering building at base, except that part passing through roof which shall be increased one size.

§ 33. When any vent pipe of any description, after passing through roof, comes within ten feet of any door or window, it shall be extended at least three feet above top of same.

§ 34. No rain water conductor shall be used as a soil waste or vent pipe, nor connected therewith nor shall any soil, waste or vent pipe be used as a rain water conductor.

§ 35. The plumbing and sewerage of every building shall be separately and independently connected with the public sewer where such sewer is provided, or with proper cesspool, vault or

dry well outside of building, where sewer is not accessible. It is positively prohibited to connect the waste of any plumbing fixture to any street or alley or any vault or dry well inside of building.

§ 36. All waste or overflow pipes from safes under water closets or other fixtures, or from tanks, shall be run separately to basement or cellar, or to any open receptacle properly trapped, and in no case shall they be connected directly with any soil, waste, vent or drain pipe.

§ 37. Refrigerator waste pipes shall not be connected directly with any soil, waste, vent or drain pipe, or the waste pipe of any plumbing fixture, but shall be run separately to some open sink or receptacle properly trapped.

Refrigerator waste pipes shall be provided with suitable trap and funnel set close to the refrigerator, but not connected directly to same.

§ 38. No steam, exhaust, blowoff or drip pipe shall be directly connected with any soil, waste, vent or drain pipe, but shall be run to an open, receptacle, cesspool properly trapped and connected to sewer or they may be run to a closed blowoff tank; provided, the same is equipped with a vent pipe equal in area to the inlet to tank and properly trapped and connected to sewer.

This section does not apply to low pressure steam or hot water heating plants.

§ 39. Blowoff or sediment wastes or overflow pipes from expansion tanks on hot water, or low pressure steam heating plants may be directly connected with sewer, but shall be provided with deep seal trap placed on line before connecting with sewer.

§ 40. In no case shall a vent pipe be connected with any chimney or flue, nor shall any chimney or flue be used as a vent pipe from any plumbing system.

Local vents may be connected to hot air stacks in which there is a continual circulation when such hot air stacks are accessible. This does not apply to smoke stacks.

§ 41. The placing of water closets in unventilated compartments is positively prohibited. In every case the room or compartment shall be open to the outer air, or be ventilated by an air duct or shaft.

§ 42. Water closets or urinals placed in outhouses shall have their trap and supply of flushing valves properly placed in a pit underneath or in the ground to prevent freezing. In all cases they shall be properly connected with the water supply.

§ 43. The use of pan closets or any other closet or latrine in which the soil comes in contact with the metallic parts of same is strictly forbidden on the inside of any building, and all such closets in use at the present time are hereby condemned, and no plumber or person shall repair any such closet, but shall report such closets when out of order to the inspector.

§ 44. Every water closet, latrine and urnial shall be equipped with a tank or flushing device properly connected with the water supply, and of ample capacity to thoroughly flush and cleanse same.

Every water closet shall be connected to the soil pipe by means of a brass floor flange or sanitary screw connection properly soldered to lead waste connection and securely bolted or screwed to bowl.

§ 45. The term "soil pipe" is applied to any vertical or horizontal line of piping receiving the discharge of one or more water closets with or without other fixtures.

The term "waste pipe" is applied to any line of piping receiving the discharge of any fixtures excepting water closets.

The term "vent or revent pipe" is applied to any line of piping used to ventilate the system of plumbing and to prevent back pressure and trap siphonage.

The term "main sewer" is applied to that portion of the sewer connecting with the city sewer or to the vault in yard up to the point where the first branch is taken off.

§ 46. All terra cotta pipe used in connection with a plumbing system shall be of a size approved by inspector, but in no case shall a main sewer be less than five inches.

§ 47. All terra cotta pipe shall be of the best quality salt glazed vitreous pipe, to be sound, true, straight and of even diameter and thickness. It shall be laid in as straight a line as possible, with an even grade to outlet of one-quarter of an inch to the foot, or more where possible. All branches shall be made with Y's; all turns with one-eighth bends or long pattern one-quarter bends.

§ 48. All joints on terra cotta pipe shall be made with first-class hydraulic cement, one part, and clean, sharp sand, two parts, and joints shall be well filled and troweled off smooth. Each joint shall be swabbed out on the inside after making same, and special care must be taken that no part of cement remains on inside of pipe or fittings.

§ 49. No trap shall be placed on the main line of any sewer except by orders of the inspector. Where traps are required and ordered by the inspector, they shall be provided with a fresh air inlet equal in size to the vent pipe passing through roof of building brought up to surface of ground and provided with strainer securely fastened to pipe.

Fresh air inlets shall be placed as far away from any door or window as possible, and their location shall be subject to the approval of the inspector.

§ 50. All down spouts or rain water pipes connecting with a sewer shall be trapped. One trap may be used to trap one or more down spouts, and where there is no other soil or waste pipe connecting with this branch.

All traps shall be placed at least two feet below surface of ground when on the outside of building to prevent freezing.

Where there is a separate main sewer provided for storm water, and a sanitary main sewer for plumbing system, it is positively forbidden to connect any cesspool or plumbing fixtures of any description to the storm water sewer, or any rain water pipes to the sanitary sewer.

All systems of drainage from plumbing fixtures or cesspools shall be connected with a sanitary sewer.

All down spouts or rain water leaders shall be connected with the storm water sewer.

§ 51. No cup or blow joint will be allowed on any soil, waste, vent or supply pipe connection.

No saddle hub connections will be allowed on any soil, waste or vent pipes.

No tapping into soil, waste or vent pipes will be allowed. Branches into soil, waste or vent pipes shall be made with the proper fittings caulked or screwed on to same. Branches into lead waste may be tapped in and properly wiped with solder. No tapping in terra cotta sewers will be allowed. In all cases the

branch shall be made with a Y fitting properly cemented into sewer. No slip joints will be allowed on the sewer or outlet side of any trap, or on any soil, waste or vent pipe.

§ 52. No square or straight inlet fittings will be allowed on any soil, waste or vent pipes. In all cases fittings of a sanitary pattern or with branches entering fittings at an angle of 45 degrees shall be used.

No crosses will be allowed on any soil, waste or vent pipe. Double Y branches may be used.

No sleeves or double hubs will be allowed on any soil, waste or vent pipes.

No side inlet fittings will be allowed, except those of a sanitary pattern, with branches having an easy curve or angle toward outlet of fitting.

No inverted soil pipe joints will be allowed on any soil, waste or vent pipes.

No black or painted wrought iron or steel pipe shall be used as a soil, waste or vent pipe.

No painted iron water closet, latrine or urinal shall be allowed in any building. In all cases these fixtures must be either vitreous china or porcelain enameled iron.

§ 53. Any person engaged in or working at the business of plumbing in cities of the first class in this State, either as a journey plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, who has taken an examination as provided by an act entitled "An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class," approved March 18, 1914, and who has failed to pass said examination may at the expiration of sixty days after said examination was held make application to the Board of Examiners for another examination, and it shall be the duty of said Board of Examiners within ten days before the time designated by the said board for holding such examination to notify the applicant of the time that said examination will be held.

§ 54. It shall be the duty of the Board of Examiners of plumbers to hold examinations for the purpose of ascertaining a person's knowledge of plumbing, house draining and plumbing ventilation, within forty-eight hours after notice in writing that

an applicant desires to be examined, and said applicant shall be informed in writing of result within forty-eight hours after said examination, then the said examination is to be held on the first Tuesday in that month in which the first Monday is a legal holiday. Said examination to be held at the office or meeting place of the Board of Plumbing Examiners in the City Hall, Louisville, Ky., at 8 o'clock p. m., and shall continue as directed by the board each successive working day until all applicants are examined.

§ 55. It shall be the duty of the Board of Examiners to keep and preserve at its office as a public record all the written answers of every person who is required under an act entitled "An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class," approved March 18, 1914, to stand an examination as to his qualifications and competency as a plumber.

§ 56. That any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and shall upon conviction be subject to a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense, and each day's continuance of such violation shall constitute a separate offense.

§ 57. Any person now or hereinafter engaged in or working at the business of plumbing in cities of the first class of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing fixtures or material, and who shall in any court having jurisdiction be found guilty of violating any of the provisions of an act entitled "An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class," approved March 18, 1914, and punished therein for any such violation by an assessment of a fine of not less than five (\$5.00) dollars or not more than fifty (\$50.00) dollars, or who shall in such court be found guilty of violating or disobeying any provision of the Code of Rules authorized by said act to be formulated by the Board of Examiners created and provided by said act and approved as provided therein by the General Council of such cities of the first class of this Commonwealth, and so fined therefor, it shall be the duty of said Board of Examiners

of Plumbers within ten days after the rendition of any such judgment to issue and cause to be served on such offender a written notice addressed to such offender, summoning said offender to appear before it within ten days after said service and show cause, if any he can, why his certificate as a person engaged in or working at the business of plumbing in such cities, either as the case may be, as a journeyman plumber or as a person installing or placing any plumbing fixtures or material, shall not be revoked by said board, as provided in said act in such cases made and provided.

§ 58. If such person, after due service of such notice as hereinabove provided, shall fail, refuse or neglect to appear on the date fixed in said summons for his appearance before said board, or shall then appear and fail to show adequate and legal cause why his said certificate shall not be revoked by said board, as in said act provided, then it shall be the duty of the said board to enter upon the minute book, kept by it for such purpose, an order revoking said certificate of such person so offending and punish as above stated, and cause immediately a copy of such order, duly signed by all the members of said board, to be served on such person.

§ 59. Should any person suffer the penalties provided in Section 12 of an act entitled "An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first class," approved March 18, 1914, or the penalties imposed by Sections 56 and 57 of this ordinance, at the end of ten days after the revocation of his certificate as such journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing fixtures or material, shall upon application in writing addressed to the said board set out his willingness and intention in the future to comply with the terms of said statute and ordinance, and upon the payment of costs incurred in all proceedings against him theretofore incurred in his prosecution for any such violation, shall by said board be reinstated.

§ 60. Any person authorized to serve notices in legal proceedings by the laws of this State shall be authorized to execute all papers hereinabove provided, and his sworn return and indorsement on the back of such paper shall be accepted as evidence of due service thereof.

§ 61. That all ordinances, or parts of ordinances, in conflict with the foregoing ordinance, and especially an ordinance entitled "An ordinance approving a code of rules and regulations for the government of the department of plumbing and house drainage in the city of Louisville," approved June 22, 1911, are hereby repealed.

§ 62. That this ordinance shall take effect from and after its passage. (*Approved March 31, 1915.*)

(See also *Sanitation; Tenement House Law (Charter); Sewers; Drains.*)

PLUMBING INSPECTORS.

Appointment and Salaries.

AN ORDINANCE providing for the salary of the Chief Plumbing Inspector and providing for the appointment of a Deputy Plumbing Inspector, and fixing the salary of the Deputy Plumbing Inspector in accordance with an act of the Legislature, approved March 17, 1914.*

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall be appointed in addition to the Chief Plumbing Inspector one Deputy Plumbing Inspector, who shall perform such duties as shall be required of him by the Chief Plumbing Inspector.

§ 2. The Chief Plumbing Inspector shall receive the sum of fifteen hundred dollars annually and the Deputy Plumbing Inspector twelve hundred dollars annually, payable in monthly installments.

§ 3. That this ordinance shall take effect immediately upon its passage. (*Approved September 23, 1914.*)

*See Sec. 3037g Ky. St.

POLICE COURT.***General Regulations.**

AN ORDINANCE to regulate the issue, service and return of original, mesne, and final processes in and from the Police Court of the city of Louisville, and prescribe the duties of the various officers in relation thereto, and in regard to the financial operations of said court.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, in the administration of the offices of clerk and bailiff of the Police Court, and the financial operations of said court, that the following system shall prevail:

All warrants for issue by the Police Court shall be printed, with a stub, and bound (in the same manner as the city tax bills), stub and warrant to be machine numbered, stub and warrant alike, to continue numerically indefinitely, so that no two warrants may be of the same number. The stub shall be prepared to show the name of the person against whom the warrant issued, the residence or place of business of such person, the name of the person at whose instance issued, and the residence or place of business of such person, and the offense charged, and receipt for the bailiff, his deputy, or assistant to sign when delivered for service, and the date the warrant is returnable. Said stubs shall be carefully filed and preserved in such manner as to afford easy reference thereto.

§ 2. The officer, upon receiving a warrant, shall receipt to the clerk of the Police Court therefor upon the stub of the warrant so delivered to him, giving the date of such receipt.

§ 3. The number of the warrant shall be the number of the case, and shall also be the number of any *capias*, execution, *feri facias*, bond, or order made or issued in the case, and said number shall be referred to, as well as the page of the docket or minute book in the indices thereof, and shall not be changed in the progress of the case.

§ 4. The execution docket to be kept by the clerk of the Police Court shall in all cases show the name of the person against whom a warrant has been issued, number of warrant, the offense, the judgment of the court, and the various steps in

*See Secs. 2911-2946 Ky. St.

the case to final disposition. Said docket shall be arranged in columns for dollars and cents, to-wit: A column for the original fine assessed; a column for the amount of fine for which a person committed is committed to the workhouse; a column for the amount of fine for which a person committed to jail is ordered; a column for the amount of any modification or reduction; a column for the amount replevied; a column for amount suspended; a column for amount set aside, and a column for the amount returned by the bailiff as satisfied or paid in cash, and a column for the amount credited for labor at the workhouse, and with sufficient space for memoranda, in which must be entered the date of such modification, reduction, suspension, replevin, or setting aside. Said docket shall at all times be kept written up to date and properly indexed.

§ 5. There shall be kept by the clerk of the Police Court a bond docket, in which shall be entered by date of maturity all replevin, appearance, and other bonds, the amount of which accrues to the city by the failure of the principal and sureties to comply with the conditions of said bonds, and said docket shall show when said bonds are cancelled, collected, or forfeited, the date thereof, and the step taken to recover the same.

§ 6. It shall be the duty of the jailer of Jefferson county in rendering bills against the city for subsistence, maintenance, and punishment of prisoners committed to the Jefferson county jail by the police, or Police Court of Louisville, to have the correctness of said bills certified to thereon by the clerk of the Police Court before filing said bills with the Comptroller for registration and allowance by the General Council, and no bills shall be registered by the Comptroller unless certified by said clerk.

§ 7. It shall be the duty of the clerk of the Police Court to make a report at the end of each month to the Comptroller, in such form as may be prescribed by said Comptroller, showing in detail the amounts chargeable to the bailiff for collection by *capias*, execution, *fieri facias*, bond, or otherwise.

§ 8. It shall be the duty of said clerk of the Police Court to issue all writs of *capias pro fine*, or *fieri facias*, as provided in Section 151 of an act for the government of cities of the first class, approved July 1, 1893, which shall be delivered to the bailiff or his deputy or assistant, unless in cases against him or

either of them, in which case they shall be delivered to the other officers named in Section 151 aforesaid. In both forms of execution a day shall be named within which it must be returned, not beyond thirty (30) days from the date of its issue, and if such execution be not returned for ten (10) days after the return day thereof, then such officer receiving the same shall be liable for the full amount thereof, which may be recovered in said court on rule for contempt of court in failing to return said writ issued by said Police Court, or by civil action against the officer on his official bond before any civil court in said city having jurisdiction of the amount thereof, and the prosecuting attorney of the City Court shall institute and prosecute all such rules, and the City Attorney shall prosecute all such actions when requested so to do by the Comptroller, and said Comptroller shall make such request whenever the report to be made by the clerk of said Police Court, as required by the seventh section of this ordinance, shows such bailiff or other officer to be in default with respect to any such execution.

§ 9. In order to carry out the provisions of Section 158 of an act of the General Assembly entitled "An act for the government of cities of the first class," approved July 1, 1893, it is ordained that the clerk of said court shall not suffer or permit any entry to be made on any record book of his office containing the judgments, orders, or proceedings of said court in his office, or during the recess or adjournment of said court; and if such entry be made over his protest, he shall not regard the same valid for any purpose, nor shall he regard any order of court setting aside, suspending, or modifying any judgment or order made not in open court, unless such or all suspending, setting aside, or modifying be made and entered in open court, and on motion and grounds in writing filed, within three days after the entry of the original order or judgment.

§ 10. That the expense of the Police Court may be readily ascertained, it shall be the duty of the clerk of the Police Court, at the end of each month, to make out a payroll (in the form now in use for city officers) for all officers of the Police Court, entering their names and titles in the following order, viz: The judge, and substitute he may have had during the month; the prosecuting attorney, clerk, and deputies; the bailiff and

deputies; interpreter and stenographer, and shall certify the same to the Comptroller for registration and allowance by the General Council.

§ 11. For the purpose of increasing the efficiency of the office of the clerk of the Police Court, and the better preservation of the records of said court, the room now occupied by the bond recorder, and the room now occupied by said clerk of the Police Court, and being rooms 13 and 14 in the City Hall, are hereby set apart for the exclusive use of said clerk of the Police Court, and it shall be unlawful for any other office, officer, or person to occupy said rooms jointly with him, or to remain therein, except on business; and it shall be the duty of said clerk to enforce this ordinance, excluding such person from his office; and he is hereby authorized to call upon any policeman to eject them, and, if necessary, to arrest and present them to the Police Court.

§ 12. It shall be the duty of the bailiff, or his deputies and assistants, to receipt to the clerk of the Police Court, in such form as may be prescribed by this ordinance, as the clerk of said court may require, for all warrants, capiases, executions, fieri facias, or other writs, or processes which may be delivered to him or them.

§ 13. The clerk of the Police Court of Louisville is hereby authorized to issue alias execution in all cases that have been returned no property found, and to place said executions in the hands of the bailiff, taking his receipt for same.

§ 14. The bailiff shall keep a "cash book," in which he shall enter daily all fines and forfeitures collected by him. Said entries shall be in detail by number of execution, capias, fieri facias, or other process or bond (which number shall in all cases be the number of the warrant first issued in the case), with the name of the defendant in full, as near as may be, and the amount of fine originally assessed, and the amount actually collected.

§ 15. The bailiff shall pay over to the City Treasurer each day, as provided by Section 117 of an act for the government of cities of the first class, approved July 1, 1893, all fines and forfeitures collected by him during the previous day, charging the treasurer therewith upon his "cash book," in the detail of said charge setting out the number of the case, and the name of the defendant or other person paying said fine or forfeiture.

§ 16. The bailiff shall, at the end of the month, report to the Comptroller, in such form as may be prescribed by said Comptroller, all executions, capias, fieri facias, or bonds upon which money due to the city of Louisville, collectible by the bailiff during the month which may not have been paid, and the reason therefor, and his disposition of the papers; said report to be subscribed and sworn to.

§ 17. All books, records, reports, and forms herein provided for shall be the property of the city, and shall be supplied by the City Buyer upon requisition, approved by the Comptroller and Mayor; said books, records, and reports are hereby declared permanent records, and shall be turned over by any retiring officer to his successor.

§ 18. All original, mesne, and final process issued by the clerk of said court shall run in the name of the Commonwealth of Kentucky, and be addressed to the bailiff of said court, or any sheriff, constable, or policeman; shall be signed and dated by the clerk of said court, and, as near as may be, of the form in use in the Circuit Court of this State. But no interest or cost shall be included in any writ for the collection of money, by imprisonment or otherwise, and it shall be the duty of the prosecuting attorney of said Police Court to enforce the proper issual, execution, and return of all said writs by rule and attachment from said court, as if for contempt of court, and said court is hereby authorized to punish for such contempt as provided by law.

§ 19. It shall be the duty of the prosecuting attorney of said court, within the first five days of each month, to thoroughly inspect the records of the clerk and bailiff of said court, to see whether they have complied with the law regulating their respective duties, including this ordinance, and to report to the Mayor of said city, in writing, whether they and each of them have failed to perform or disregard their duty in any respect; and, if so, in what respect, stating fully and in detail the derelictions of duty; said reports to be filled by said Mayor, and preserved as part of the records of his office.

§ 20. If any officer, upon whom any duty is enjoined by this ordinance, violate any provision of this ordinance, or shall wilfully neglect to perform his duties under the same, he shall forfeit the sum of fifty (\$50) dollars for each offense, which may be recovered in said court upon ordinance warrant, or the same

may be recovered at the suit of any taxpayer of the city as relator to the city of Louisville as plaintiff, one-half the sum so sued for to go to such relator and the other half to be paid to the city treasury; and for the third offense such officer shall be removed from office, as provided in Section 19 of the act for the government of cities of the first class, approved July 1, 1893, and, pending such proceedings, all claim for salary shall be suspended; and, if expelled from office, no salary shall be allowed after the date of the beginning of such proceedings.

§ 21. If more than one writ shall issue in the same case, all subsequent writs shall bear the original number with the figures 2d, 3d or 4th added immediately after the original number. The prosecuting attorney for said court shall order the clerk of said court to issue the new writs whenever he deems it proper to do so, and the officer who had the first writ for execution may, after its return day, return thereon the reason for its non-execution, and sue out another. If any judgment is replevied in the clerk's office before execution issues, the clerk shall take such bond and be responsible for the solvency of the surety thereon, as of that time; and if the said debt is replevied while process for its collection is in the hands of the bailiff or his assistants or deputies, such officer shall, in like manner, be responsible for the solvency of the surety in replevin bonds taken by him; but either officer may protect himself against such responsibility by requiring proper affidavit of the surety, showing what property he has subject to execution.

§ 22. This ordinance shall take effect from and after its passage and publication. (*Approved March 2, 1897.*)

(See *Disorderly Conduct; Drunkenness; Workhouse.*) (See *Ky. Stat. § 2911 et seq.*)

(1) POLICE DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the Police Department of the city of Louisville, placing the same under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Police Department within and for the city of Louisville be and the same is hereby created and placed under the Board of Public Safety as authorized by law.

§ 2. There may be in the said department, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance, and no more, and their salaries and compensation, to be approved by the Board of Public Safety, shall be no more than the sums fixed by this ordinance, and the payroll for the said department shall be made up, certified and registered and said salaries and compensation shall be payable in accordance with the provisions of this ordinance and other ordinances covering the subject of payrolls, claims and salaries and not otherwise, to-wit:

POLICE DEPARTMENT.

1 Chief at a salary, per annum	\$4,000.00
1 Assistant Chief at a salary, per annum	2,000.00
1 Secretary at a salary of \$5.00 per day, aggregating per annum	1,825.00
1 Chief of Detectives at a salary of \$5.00 per day, aggregating per annum	1,825.00
1 Secretary of Detectives, who shall be a qualified stenographer, at a salary per annum	1,200.00
7 Captains of Police at a salary of \$5.00 per day each, aggregating per annum	12,775.00
14 Lieutenants of Police at a salary of \$4.50 per day each, aggregating per annum	22,995.00
22 Sergeants of Police at \$4.25 per day each, aggregating per annum	34,127.50
380 Patrolmen at \$4.00 per day each, aggregating per annum	554,800.00

6 Janitresses, one to each of the following station houses: Numbers 1, 4, 5, 6, 7 and the Highland substation, at \$1.00 per day each, aggregating per annum	2,190.00
Regular detectives may be appointed by the Board of Public Safety from the number of regular patrolmen herein provided for and shall receive \$4.25 per day each, making an excess per annum over regular patrolmen's salary for a force of 14 detectives	1,277.50
Total regular payroll	\$639,015.00

The Board of Public Safety shall with the approval of the Mayor and City Attorney assign to the Law Department an experienced member of the police force in addition to those above mentioned, who shall perform such duties as may be directed by the City Attorney, and whose salary shall not exceed \$1,300.00 per annum, payable on the payroll of the City Attorney's office.

§ 3. The Board of Public Safety in cases of emergency, and with the approval of the Mayor, shall have the power to employ additional help in the Police Department, the salaries and compensation of same to be fixed by the Board of Public Safety and the names of such employes shall appear on the regular payroll as "Special Employes" and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved March 26, 1919, and entitled "An ordinance concerning the Police Department of the city of Louisville, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved October 10, 1919.*)

(2) POLICE DEPARTMENT.***Organization and Government Thereof.**

AN ORDINANCE providing for the maintenance, organization, and government of the Police Department of the city of Louisville, including private policemen.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in accordance with the provisions of the charter of said city, a police force shall be elected and organized by the Board of Public Safety, to consist of one chief, with the rank of colonel; one assistant chief, with the rank of major; also captains, lieutenants, and sergeants necessary to manage the Police Department, not exceeding the number of each as provided by law, and not exceeding three hundred patrolmen, of whom ten shall be supernumerary policemen. Supernumerary policemen shall be placed on duty only during the absence or sickness of any of the regular policemen, and shall receive pay only for the time in which actual service is rendered.

In addition to this force the Board of Public Safety shall, from time to time, elect such private policemen as may be found necessary, in accordance with Section 109 of "An act for the government of cities of the first class."

When elections are held at which officers and members of the police force have the lawful right to vote, the commanding officer, or chief, shall arrange so that all such men, officers, and policemen shall have a reasonable time to go their respective precincts, or place of voting, and cast their votes according to their own wishes and judgment, without intimidation or interference of any kind.

The Board of Public Safety shall make all necessary rules and regulations not in conflict with this ordinance, or "Act for the government of cities of the first class," for the good government and discipline of the regular and private police force, and all private police elected by the Board of Public Safety of the city of Louisville shall be governed by this ordinance and the rules prescribed by the Board of Public Safety.

§ 2. When any rule or order of the Board of Public Safety is violated, for which the punishment is less than dismissal,

*See Secs. 2865-2896 Ky. St.

the person guilty of a violation of such rule or order shall not be suspended from duty, but in lieu thereof shall be suspended from pay," for such time, not exceeding thirty days, as the Board of Public Safety may deem just and equitable, and the secretary of the Bureau of Police shall keep a record of the time such person may be "suspended from pay," and instead of paying or allowing to such person the time or money earned during such suspension, the same shall be deducted from the monthly pay of such person so suspended and placed to the credit of the "Police Relief Fund," and used and expended in giving relief to such members of the regular police force who may become sick, injured, or disabled while in the discharge of their regular duties as police officers.

The secretary of the Bureau of Police shall be secretary of the "Police Relief Fund," and the officers and members of the police force shall annually elect from among their number a treasurer of said "Police Relief Fund," and such officers as may be found necessary to properly conduct the affairs of said "Police Relief Fund," and all officers thereof shall serve without compensation from the city. The treasurer shall be required by rule to execute such bond for faithful discharge of his duty, with approved surety, as may from time to time be found necessary. No person but members of the police force of the city of Louisville shall be members of the "Police Relief Fund," and should any member of the police force fail to be re-elected as such member of the police force, or dismissed from said force, he shall lose all rights to or interest in any part of the "Police Relief Fund."

The officers and members of the police force of the city of Louisville shall adopt such rules and regulations as found necessary for the proper government of the "Police Relief Fund," and distributing the funds thereof among those entitled thereto; and any member thereof found guilty of making false or fraudulent claims against the "Police Relief Fund," or failing to account properly for any property or money belonging thereto, shall, in addition to the penalties now prescribed by law, be dismissed from the police force. All money or other property belonging to the "Police Relief Fund" shall be held and deposited and invested in the name of the "Police Relief Fund" of Louisville.

§ 3. The Board of Public Safety shall have the power to detail from the police force not exceeding ten (10) persons to act as detectives, one of whom, in the discretion of the Board of Public Safety, may be detailed to act as chief of detectives, and these officers shall not be required to wear any uniforms; such detectives shall at any time, when, in the opinion of the Board of Public Safety, it becomes necessary, be required to do regular police duty. The chief of detectives shall at all times see that a correct journal and account of the acts and doings of this department is properly kept in books to be kept for that purpose, which shall be furnished by the city of Louisville and remain the property of the city of Louisville, and at all times open to inspection of the Mayor, Board of Public Safety, or chief of police.

§ 4. The police force, while on duty, shall be uniformed as follows:

The chief of police shall wear a uniform like that of a colonel in the regular army of the United States, a metal shield of gold or gilt, with the words "Chief of Police, Louisville" engraved thereon, which he shall wear on the left lapel of his coat.

The assistant to the chief, whose title shall be major, shall wear the same uniform as the chief of police, with the exception of shoulder straps, which shall be those prescribed in the regulations of the United States army for major; on the left lapel of the coat he shall wear a gold or gilt shield, with the words "Major of Police, Louisville" engraved thereon.

The captains shall wear the same uniforms as the chief and major, with shoulder straps same as those prescribed for captains in the United States army, with gold or gilt shield, with the words "Captain of Police, Louisville" engraved thereon, to be worn on the left lapel of coat.

Lieutenants shall wear the same uniforms as the chief, major and captains, with shoulder straps same as those prescribed for first lieutenants in the United States army, to be worn on the left lapel of their coat, with the words "Lieutenant of Police, Louisville" engraved thereon.

Sergeants shall wear the same uniforms as a lieutenant, with the exception that he will wear chevrons prescribed by the United States army regulations; he shall wear a silver or gilt

shield on the left lapel of his coat, with the words "Sergeant of Police, Louisville" engraved thereon.

Corporals shall wear the same uniforms as policemen, with the exception that he shall wear chevrons prescribed by the United States army regulations; he shall wear a silver or gilt shield on the left lapel of his coat, with the words "Corporal of Police, Louisville" engraved thereon.

Policemen shall wear the same uniforms as corporals, with the exception of chevrons; he shall wear a silver or gilt shield on the left lapel of his coat, with the words "Louisville Police" and number engraved thereon.

Officers and policemen shall wear from about the first day of June until the first day of October in each year, the precise time to be fixed by the chief of police, the following dress, to-wit:

A blue flannel yacht cloth sack coat, and vest of the same material; the coat of the patrolman to be single-breasted sack, with short turn-over collar, to button close up to the chin, with five buttons on the front, no pockets to show on the outside, vest single-breasted with six buttons at equal distance, and the pantaloons to be made as winter pantaloons, and hat or cap to be selected by the Board of Public Safety, and upon which shall be worn a metal wreath, encircling rank or number assigned to the officer or policeman by the chief, and shall wear a white standing collar and black necktie.

And from about the first day of October in each year, the exact time to be fixed by the chief of police, they shall wear a navy blue frock coat, single-breasted, nine buttons on the front, two buttons on the hip, two buttons on the bottom of each pocket, and three small buttons on the under seam of the cuff; pantaloons to be made of the same material as the coat; white standing collar and black necktie.

They shall also wear a uniform overcoat of dark blue cloth when required; the button on coat and overcoat shall be the police (P) button.

The private police shall wear a gray regulation cap, with the words "Private Police" printed, stamped, or worked thereon, together with the number of said private policeman. Each private policeman shall also wear a metal badge on the left breast, exposed to view, with the words "Private Police," to-

gether with the number of said officer engraved thereon. The pattern of said cap and shield shall be selected by the Board of Public Safety, and each private policeman shall procure the same through the chief of police before entering upon his duty. A failure to wear said cap or badge by any private police officer, or any private police agency, or to comply with the rules prescribed by the Board of Public Safety, shall be cause for dismissal and arrest, or either, or both, and be fined not less than five (\$5) nor more than twenty (\$20) dollars for each offense.

The chief of police shall, before entering upon the discharge of his duty, enter bond, with good security, to be approved by the Board of Public Safety, conditioned for the faithful discharge of the duties imposed upon him by law.

When any reduction shall be made from the pay of an officer or member of the police force, because of such officer or member having been suspended from pay, such reduction shall be charged to the officer or member of said police force who may have been suspended from pay, and the amount so deducted shall be credited to the "Police Relief Fund," upon the regular monthly payroll, and the Auditor shall, when approved in the manner required by law, draw his warrant on the treasurer for said amount in favor of the "Police Relief Fund," in the same manner as he would to an individual, and a receipt for said warrant, or an endorsement signed by the secretary and president of the "Police Relief Fund," shall be sufficient to attest to and protect the Auditor in issuing said warrant, and the treasurer in paying same, and the proceeds of such warrant shall be at once paid into the "Police Relief Fund," there to be held and distributed as herein directed.

In case any member of the police force should be wounded in the actual discharge of his duty as a policeman, his salary, not exceeding thirteen weeks, shall be continued for a period of such disability, if satisfactory proof of such wounding shall be furnished the Board of Public Safety. Such persons so wounded shall, at all times, when required, subject himself to examination by the Health Officer of the city of Louisville.

§ 5. No policeman shall be placed on duty until he shall have entered bond with the city of Louisville, to be approved by the Board of Public Safety, for the faithful performance of his duty.

§ 6. The chief of police and commanding officers shall wear the shoulder straps designating their rank on summer uniform same as winter uniform.

The uniform here prescribed shall be paid for and furnished, excluding the shield, belt, and baton, by the officers and policemen themselves.

Each officer shall procure and furnish himself with the prescribed uniform within twenty days of the time of his election.

§ 7. It is hereby made unlawful for any person, other than a member of the regular police force of said city, bailiff of Police Court and his deputies, at any time to wear a shield, badge, or any imitation thereof, as prescribed by this ordinance.

Any person violating this section shall be deemed guilty of a misdemeanor, and shall be fined ten (\$10) dollars for each offense.

§ 8. All ordinances in conflict with this ordinance are hereby repealed.

§ 9. This ordinance shall take effect from and after its passage and publication. (*Approved April 19, 1898.*)

(See also *Private Detectives; Fire and Police Departments; Park Police.*)

(3) POLICE DEPARTMENT.

Leave of Absence.

AN ORDINANCE regulating the granting of leaves of absence to the officers and members in the Police Department of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all officers and members of the Police Department of the city of Louisville, regularly on the payroll of said department, shall be granted a leave of absence of ten days, with full pay, in each year, commencing with September 1, 1902.

§ 2. That the Board of Public Safety shall allot to each member of the Police Department the date of such ten days' leave of absence, beginning with the oldest member in point of services in said department, at such time and in such manner as said board may deem proper, but at no time shall there be more than

ten members of said department absent in the enjoyment of such leave of absence during the same period.

§ 3. That each member of said department shall have the privilege of exchanging the date of his said ten days' leave of absence with another member of the same rank by notifying the chief of police, and obtaining the approval of said board.

§ 4. That all of the officers and members of said department shall be further granted a leave of absence for three days of twenty-four hours each, without loss of pay or salary, in the event of death of a parent, child, wife, sister, or brother of any such officer or policeman, the said days to be computed from the time of the death of such relative. This leave of absence shall not be granted in the event such relative die and be interred away from the city of Louisville, unless such officer or policeman actually attends the funeral of such deceased relative.

§ 5. That all ordinances, or parts of ordinances, in conflict with this ordinance be, and the same are hereby repealed.

§ 6. That this ordinance shall take effect from its passage. (*Approved August 23, 1902.*)

(4) POLICE DEPARTMENT.

Private Watching Prohibited.

AN ORDINANCE prohibiting any member of the police force of the city of Louisville from being employed or detailed or doing any private watching for any person or purpose whatever.

Be it ordained by the General Council of the city of Louisville:

§ 1. No member of the police force of the city of Louisville shall be employed or detailed to do any private watching for any person or purpose whatever, nor shall any member of the police force do any private watching for any person or purpose whatever.

§ 2. Any person violating any provision of this ordinance shall be fined not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense.

§ 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its publication. (*Approved June 19, 1896.*) (*See Park Police.*)

(5) POLICE DEPARTMENT.

Patrol Wagons to be Enclosed.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter all patrol wagons in the service of the Police Department of the city of Louisville be inclosed in such a way that prisoners will not be subjected to the public gaze while being conveyed through the streets of the city.

§ 2. That this ordinance shall take effect from and after its publication. (*Approved March 1, 1897.*)

POOLROOMS FOR BETS ON RACES.

Operation Prohibited.

AN ORDINANCE to prevent the operation of pool rooms in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to establish, set up, maintain, keep, operate, or conduct in the city of Louisville, a pool room, or what is commonly called a "pool room," wherein or whereat any money or other thing of value shall be or can be bet, won or lost on the result of any horse race or races, ran or to be run in or out of the city of Louisville, or wherein or whereat any money or other thing of value shall be received or paid for any ticket, lot, pool, or chance on the result of any such horse race or races ran or to be run in or out of the city of Louisville; and any person, firm, or corporation that shall violate any provision of this section shall, on conviction, be fined one hundred (\$100) dollars for each offense; and each day such pool room is thus maintained, kept, operated or conducted shall constitute a separate offense.

§ 2. That it shall be unlawful for any person to aid, abet, or assist any other person, or corporation, or to act, as the agent, or employe of any other person, or corporation, in establishing, setting up, maintaining, keeping, operating, or conducting any such pool room as is defined in Section 1 of this ordinance; and any person who shall violate any provision of this section shall, on conviction, be fined in any sum not less than twenty-five (\$25) nor more than one hundred (\$100) dollars for each offense; and each day any person shall thus aid, abet, or assist in maintaining, keeping, operating, or conducting such a pool room, or shall act as agent or employe of any person or corporation in maintaining, keeping, operating, or conducting such a pool room, shall constitute a separate offense.

§ 3. That it shall be unlawful for any person, firm or corporation, either as owner or agent, to let, lease, or rent to any other person, firm or corporation any room, house, or building, to be used or occupied as a pool room, or for any of the purposes defined in Section 1 of this ordinance; or as owner, or agent, to permit any room, house, or building to be so used or occupied after receiving notice thereof; and any person, firm or corporation that shall violate any provision of this section shall, on conviction, be fined in any sum not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each offense, and each day such room, house or building shall be so used, or occupied shall constitute a separate offense.

§ 4. That it shall be unlawful for any telegraph, telephone or messenger company, or any officer, agent, messenger, or employe thereof, to furnish, deliver, or communicate to any owner, proprietor, agent, or employe of any pool room maintained, kept, operated, or conducted in the city of Louisville for any of the purposes defined in Section 1 of this ordinance, any message, communication, or information to be used at such a pool room as defined in Section 1 of this ordinance concerning any horse race or races in or out of the city of Louisville; and any company, person, firm or corporation that shall violate any provision of this section shall, on conviction, be fined in any sum not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each offense, and each message or communication so furnished, or delivered, or communicated shall constitute a separate offense.

§ 5. That it shall be unlawful for any person to buy or to have in his possession any ticket, lot, pool or chance in or of any such pool room as is defined in Section 1 of this ordinance, on any horse race or races ran or to be run in or out of the city of Louisville, and any person who shall violate any provision of this section shall, on conviction, be fined in any sum not less than five (\$5) dollars nor more than fifty (\$50) dollars for each offense.

§ 6. That it shall be the duty of the Board of Public Safety, and each member of said board, to suppress all such pool rooms as are defined in Section 1 of this ordinance, and by and through the police force to faithfully execute all the provisions of this ordinance; and it shall be the duty of the chief of police and each member of the police force of the city of Louisville to detect and arrest all violators of any provisions of this ordinance, and any willful failure or refusal to do so by an officer, patrolman, or detective on the police force shall subject him to a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each offense, and on conviction for such offense in the Police Court of the city of Louisville it shall be the duty of said board, after notice to and trial of such convicted member of the Police Department, to dismiss him from further service therein, and to not thereafter appoint him to any position in said department, or place him on the payrolls thereof.

§ 7. That any member of the Board of Public Safety who shall willfully fail or refuse to execute any provision of this ordinance, or to join with any other member of said board in executing the same, or who shall willfully fail or refuse to dismiss or to join with any other member of said board in dismissing from further service in the Police Department any member thereof who shall have been convicted in the Police Court of the city of Louisville of violating any provision of this ordinance, or any member of said board who shall appoint or join any other member of said board in appointing any such convicted member of the Police Department to any position therein, or who shall place, or join any other member of said board in placing any such convicted member of the Police Department on the payrolls thereof, shall, on conviction, be fined one hundred dollars (\$100) for each offense.

§ 8. That all other ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed.

§ 9. That this ordinance shall take effect and be in force from and after its passage. (*Approved February 14, 1901.*)

NOTE.—The above City Ordinance forbidding the transmission to a pool-room operator of messages intended to be used in the business of pool selling in the city is a valid exercise of the police power of the State.

Conceding that an ordinance prohibiting and punishing the operation of pool-rooms was broad enough to include French pools, which has been construed as a contrivance used in betting, within Ky. St. 1903, Secs. 1960-1961, which fix a greater penalty than that fixed by the ordinance for setting up and running such contrivances, and hence is, as to French pools, void because violative of Const., Sec. 168, forbidding the enactment of ordinances prescribing less penalties than fixed by statute for the same offense, yet it is void only as to that class of pool selling, and is valid in other particulars prescribed therein, such as the penalties affixed to the acts of having pool tickets in possession, and furnishing telegraphic messages to operators, knowing that they are to be used to further the businesses of pool selling, which are not within the statutory prohibition.—*City of Louisville v. Wehmhoff*, 78 S. W. 201, 116 Ky. 812.

PRIVATE DETECTIVES.

License and Regulations.

AN ORDINANCE regulating private detectives and the business of private detectives.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person shall carry on or be engaged in the business of a private detective unless such person shall obtain a license or permit therefor from the Board of Sinking Fund Commissioners of the city of Louisville.

No license shall be granted to any such person unless at the time of the application said person shall produce and file with the Board of Sinking Fund Commissioners a recommendation from the Board of Public Safety of the city of Louisville showing that said person has been duly approved and recommended for said business and has deposited with the Board of Public Safety a bond with approved surety in the sum of one thousand (\$1,000) dollars, payable to the city of Louisville, for the use and benefit of any person, firm or corporation injured or damaged on account of any illegal act of such detective in or about his business.

§ 2. No person shall be approved or recommended by the Board of Public Safety for said business unless he is well known to be a man of sobriety and integrity and has been and is an orderly and law-abiding citizen. No person shall be so approved or recommended who has been convicted of any felony or who has been engaged in any unlawful calling or has pursued any calling in a manner forbidden by law.

§ 3. Upon the filing of said recommendation as aforesaid and the payment of a license fee of twenty-five (\$25) dollars the Board of Sinking Fund Commissioners shall issue a license to said person for one year, and said license shall be subject to the rules and regulations of the Board of Public Safety of the city of Louisville.

§ 4. Said license so granted may at any time be revoked for cause by the Board of Public Safety, but no such license shall be revoked until written charges have been made or preferred against the holder thereof, nor until such charges have been examined, heard and investigated before said board upon such reasonable notice to the person so charged and in such manner of procedure and practice, examination and investigation as the said Board of Public Safety may by rules and regulations from time to time prescribe. No license shall be so revoked unless a majority of the Board of Public Safety shall concur.

§ 5. Any person carrying on the business of a detective, or following the calling of a private detective, without obtaining a license therefor as provided herein shall upon conviction be guilty of a misdemeanor and punished by a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars for each offense.

§ 6. Any detective agency or private detective that sends out any person or agent to do detective work who has not secured a license as herein provided shall be subject to a fine of not less than ten (\$10) dollars nor more than fifty (\$50) dollars for each offense. No license granted under this ordinance shall be transferable, and any attempt to transfer a license shall be deemed sufficient cause for the immediate revocation thereof.

§ 7. This ordinance shall take effect from and after its passage. (*Approved April 15, 1915.*)

(1) PRIVY VAULTS.**Elimination in Sewered Districts.**

AN ORDINANCE providing for the elimination of existing privy vaults and cesspools in sewered districts and preventing the establishment in the future of such privy vaults and cesspools in such districts.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to maintain a privy vault, cesspool or similar contrivance for the reception of human excreta when the premises abut a public sewer.

§ 2. Any person or persons violating or assisting in the violation of this ordinance shall, upon conviction, be fined not less than ten (\$10) dollars or more than fifty (\$50) dollars.

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

§ 4. This ordinance shall take effect six months after its passage. (*Approved October 6, 1917.*)

(2) PRIVY VAULTS.**Establishment in Unsewered District.**

AN ORDINANCE providing for the establishment of sanitary privies in unsewered districts and the sanitary disposal of human excrement.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person to dig or use, or cause to be dug or used any privy vault or cesspool, or connect any plumbing with a cesspool, or build or cause to be built any privy house within the limits of the city of Louisville, except upon the written permission of the health department. All applications for such permits must be accompanied by a certificate from the City Engineer to the effect that said premises do not abut upon a public sewer.

§ 2. When the premises do not abut upon a public sewer, and pending the establishment of such a sewer, the owner, agent or occupant of the premises may, after securing the necessary per-

mit, construct a sanitary privy, which, prior to installation, must receive the approval of the health department as to suitability, construction and sanitary efficiency.

§ 3. A sanitary privy shall be one in which the human excrement is deposited in a mosquito and fly-proof receptacle kept in proper condition at all times, and from the first of April until the first of October shall be well sprinkled with lime at least twice each month.

§ 4. Excrement removed from sanitary privies shall be emptied only into the public sewers and in accordance with the requirements of the health department.

§ 5. It shall be unlawful for anyone other than a person or persons who have received a permit from the health department to empty or remove any portion of the contents of any privy vault, cesspool or other contrivance for the collection of human excrement or transport the contents of any privy, cesspool or other contrivance through the streets, highways, alleys or other places in the city of Louisville.

§ 6. Any person or persons violating or assisting in the violation of any part or parts of this ordinance shall, upon conviction, be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars and each day's continuance of the violation shall constitute a separate offense.

§ 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

(3) PRIVY VAULTS.

Removing Contents.

AN ORDINANCE concerning the removal of contents of privy vaults.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any one to convey or have conveyed any part of the contents of any privy vault, or other vault containing offensive matter, through or along any of the streets or alleys of the city, and deposit or with a view of de-

positing the same at any place outside of the city limits near enough thereto to be offensive to any one within the city limits.

§ 2. It shall be unlawful for any one to deposit or have deposited any part of the contents of any such vaults as described in the first section at any place within the city limits, except in the current of the Ohio river. It shall be unlawful for any one to convey or have conveyed any part of the contents of any such vault as described in the first section along any of the streets or alleys of the city, except in water-tight carts or vehicles, and between the hours of 10 and 4 o'clock at night: Provided, however, that the contents of any such vault as described in the first section hereof may be removed at any time in inclosed water-tight carts, if the contents of such vault, before being removed, are first disinfected and deoderized; and after thus being rendered free from offensive smell, to the full satisfaction of the Board of Health, may be removed from such vault, and deposited in such place or places as may be petitioned for by all the property owners and residents within fifteen hundred feet of the proposed place of deposit, and not otherwise.

§ 3. Whoever shall violate any of the provisions of this ordinance shall be fined for each offense not less than ten dollars (\$10) nor more than one hundred dollars (\$100). (*Approved May 18, 1872.*)

(4) PRIVY VAULTS.

Construction and Maintenance.

AN ORDINANCE concerning privy vaults.

Be it ordained by the General Council of the city of Louisville:

No privy shall be built without a vault at least twelve nor more than thirty feet deep, and walled with hard brick; nor shall any part of the contents of any privy vault be removed except by its being taken out of the city or into the current of the river in the night time. Each privy shall be kept in proper condition at all times and from the first of April till the last of October shall be well sprinkled with lime at least twice in each month. Any owner or occupant of premises on which any of the above regulations shall not be complied with shall be

fined ten dollars (\$10) for each offense. (*Approved November 5, 1853.*) (See also *Sewers; Plumbing Code; Drains, Private; Tenement House Law; Charter, Sec. 3037g.*)

PUBLIC SERVICE CORPORATIONS.

Examination of Books, etc.

AN ORDINANCE providing for an examination and inspection of the books, records and physical properties of all public service corporations and of all persons and corporations conducting or owning public utilities in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all public service corporations and all persons, firms and corporations conducting, owning or exercising any franchise granted by the city of Louisville, shall hereafter exhibit and disclose to the proper authorities or representatives of the city of Louisville for inspection and examination all of the books, records and papers and all of the physical property of such person, firm or corporation, in so far as same pertain to or are in any manner connected with the exercise of such franchise or such public utility.

§ 2. Any person, firm or corporation owning or exercising any public franchise, such as mentioned in Section 1, who fails or refuses to so exhibit and disclose any of its books, records or papers, or its physical property, or fails to permit any properly constituted officer, agent or representatives of the city of Louisville to make such examination and inspection, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty (\$50) dollars nor more than one hundred dollars (\$100) for each offense, and each day such failure or refusal is continued shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved July 12, 1909.*)

(See also *Franchise.*)

(1) PUBLIC WAYS—CONSTRUCTION OR REPAIR.***Installation of Water, Gas and Sewer Pipes before Pavement.**

AN ORDINANCE regulating and requiring the installation of water, gas and sewer service pipe connections before the paving or repaving of public ways in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Each owner of property abutting on any public way shall cause to be installed, before the carriageway of said public way is paved or repaved, a sewer, a water and a gas service pipe from the sewer, water and gas mains in said public way to the property line. When the carriageway of a public way is to be paved or repaved the Board of Public Works shall send notice to the owner or agent of each lot abutting thereon to install a sewer, a water and a gas service pipe to each lot. Notice may be sent by mail or in such other manner as said board may designate, but failure of the owner or agent to receive such notice shall in no way invalidate any ordinance passed by the General Council or any contract entered into by the Board of Public Works, nor in any way affect the liability of any such owner to pay his proportionate part of the cost of the installation of service pipes as herein provided.

§ 2. Such owner or agent shall be allowed twenty (20) days from the date of issuance of notice in which to have a sewer, a water and a gas service pipe installed as prescribed in Section 1 hereof. Upon the failure of the owner so to do the Board of Public Works shall at the expiration of the twenty (20) day period cause to be installed a sewer, a water and a gas service pipe, or any or all of them, to the property line of each lot to which such pipe or pipes have not theretofore been installed. Where the land abutting on said public way is not divided into lots the Board of Public Works shall fix a reasonable distance, fronting on said public way, which shall constitute a lot. Such reasonable distance shall not be less than twenty-five (25) feet. Said board shall have power to order and require that such water and gas pipes shall be installed by the respective owners of the main pipes in the adjoining public way. Said water, gas and sewer pipes shall be installed at the cost of the respective owners

*See Sec. 2833 Ky. St.

of the abutting lots; provided, however, that any gas company whose franchise requires said company to bear the expense of a service pipe from the main pipe to the property line of each improved lot shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved, but who shall thereafter use the gas pipe installed under the provisions of this ordinance, to the extent of his expense theretofore incurred for the installation of said pipe.

§ 3. The cost of installation of each pipe shall be charged against the lot which is served or to be served by such pipe and a lien shall exist against said lot for the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent. per annum until paid. The Board of Public Works shall have authority to cause such pipes to be installed only where there is a water or gas main or a sewer in the public way to which said service pipes are to be connected, and only when such authority has been given said board by a special ordinance of the General Council.

§ 4. As soon as may be practical after the passage of this ordinance the Board of Public Works shall enter into a contract or contracts, in the manner provided by law, for the installation of such sewer, water and gas service pipes. When it becomes necessary for said board to cause any such service pipes to be installed, said board shall notify such contractor to proceed to do so, such notice to be in writing, and shall state the number and character of service pipes to be installed to each lot. The owner of each lot shall be allowed ten (10) days after the installation of a service pipe or pipes in which to file a written objection to the manner in which such pipe or pipes were installed, or the character of said work. If no such objection be filed or if the Board of Public Works, after investigation of any such objection, be of opinion that such installation is in accordance with the contract for same, then said board shall issue to such contractor a warrant against such lot for the amount apportioned against such lot for such installation.

§ 5. To protect the city of Louisville against any loss or damage on account of any work done under the provisions of this ordinance, any person, firm or corporation, before beginning such work, may be required to file with the Board of Pub-

lic Works an acceptable bond in such amount as directed by said board, not to exceed the sum of ten thousand (\$10,000) dollars, and said bond must be renewed from time to time as said board may require.

§ 6. This ordinance shall take effect from and after its passage and all ordinances or parts of ordinances in conflict herewith are hereby repealed. (*Approved August 6, 1914.*)

(2) PUBLIC WAYS—CONSTRUCTION OR REPAIR.*

Excavations to Lay Sewer Mains, Make Repairs, etc.

AN ORDINANCE regulating the opening of streets, sidewalks, alleys or highways in the city of Louisville for the purpose of constructing sewers, mains, conduits or other structures in or under the surface of same.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation, other than an authorized officer or employee of the Board of Public Works, to make any opening, cut or excavation in or under the surface of any street, alley, sidewalk or highway of the city of Louisville without a written permit from the Board of Public Works.

§ 2. In the event that any sewer, main, conduit or other structure in or under any street, alley, sidewalk or highway shall burst, break or otherwise be in such a condition as to seriously endanger person or property, the owner of such sewer, main, conduit or other structure shall immediately take charge of and repair such trouble and shall immediately take all necessary precautions to make said location safe and secure. Such owner shall not, however, begin making any permanent repairs in the street, alley, sidewalk or highway surface or proceed with any further opening or removal of any further portion of such surface until the owner shall have secured a written permit from the Board of Public Works so to do. Such permit shall be secured from the Board of Public Works within eighteen (18) hours after such break or serious trouble shall have developed and the necessary repairs to the street, alley, sidewalk or highway shall be made as directed by the Board of Public Works as soon as possible after the receipt of the per-

*See Sec. 2833 Ky. St.

mit. Within five (5) days after the repairs to the street, alley, sidewalk or highway surface shall have been completed, such person, firm or corporation shall file a written report of the same with the Board of Public Works on a form to be prescribed by said board.

§ 3. Upon notice being given by publication in the newspapers doing the official advertising, of the intention of the city to construct or reconstruct any portion of any street, alley, sidewalk or highway in the city of Louisville, it shall be the duty of all persons, firms or corporations to lay and construct their or its sewer mains, conduits or other structures, including house connections, in or under said street, alley, sidewalk or highway within the time hereinafter allowed. If the street, alley, sidewalk or highway is to be originally constructed the installation of such structures shall be completed within thirty (30) days after the completion of the grading by the city or those working under its authority. If the street, alley, sidewalk or highway is to be reconstructed such installation shall be completed within thirty (30) days from the date of the first publication of such notice. Within five (5) years after the date of completion of any street, alley, sidewalk or highway constructed or reconstructed after the passage of this ordinance, no permit shall be issued to open or excavate in or under the surface of such street, alley, sidewalk or highway except where, in the opinion of the Board of Public Works, an emergency may exist of such nature as to make the issuance of such permit absolutely necessary.

§ 4. When any person, firm or corporation desires to make an opening or excavation in or under the surface of any street, alley, sidewalk or highway, such person, firm or corporation shall make written application, on form to be prescribed by the Board of Public Works, for a permit to do such work. After the issuance of such permit the work allowed thereby shall be done within the time fixed by said permit and the surface of the street, alley, sidewalk or highway shall be restored to as good condition as it was before such opening or excavation was made. Any deficiency in materials shall be made good with new materials by the party making the cut or excavation. After the

completion of the work allowed by such permit the person, firm or corporation to whom the permit was issued shall within five days report in writing to the Board of Public Works, on form prescribed by said board, the fact that such work has been completed. The person, firm or corporation to whom the permit was issued shall maintain the condition of the surface over such opening or excavation for five years in as good condition as the remainder of such street, alley, sidewalk or highway and shall repair or reconstruct the same as often as may be necessary. Should such person, firm or corporation fail to maintain, repair or reconstruct any such surface within ten days after notice from the Board of Public Works, said board may have such surface repaired or reconstructed and charge the cost of same to the person, firm or corporation responsible therefor. Such person, firm or corporation shall indemnify and save harmless the city of Louisville against any claim for damages by reason of any defective condition of any such street, alley, sidewalk or highway surface, due to such construction or by reason of any work so done of whatever nature.

§ 5. To protect the city of Louisville against any loss or damage on account of any opening or excavation in or under the surface of any street, alley, sidewalk or highway, each person, firm or corporation before doing any work in the streets, alleys, sidewalks or highways shall file with the Board of Public Works an acceptable bond of such amount as directed by the Board of Public Works, not to exceed \$10,000. Such bond shall be renewed annually within the first ten days of January of each year.

§ 6. Any permit issued as herein prescribed shall in no wise be construed as affecting or recognizing the validity of any existing grants, franchises or permits or of any such rights alleged to exist, unless specially stated therein.

§ 7. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine of \$25.00 for each offense. Each square yard or fraction thereof of surface so removed and each twenty-four (24) hours that any violation shall continue shall be deemed a separate offense.

§ 8. This ordinance shall take effect from and after its publication and all ordinances in conflict herewith are hereby repealed. (*Approved March 22, 1911.*)

(See also *Underground Wires.*)

(3) PUBLIC WAYS—CONSTRUCTION OR REPAIR.**“Rattler” Test for Bricks Used for.**

AN ORDINANCE providing the method of conducting the Rattler Test for vitrified brick used in paving streets and alleys in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Board of Public Works is hereby authorized and directed to subject all vitrified brick to be hereafter used for paving streets and alleys in the city of Louisville to the following test, known as the “Rattler Test.”

§ 2. DIMENSIONS OF MACHINE. The standard machine shall be 28 inches in diameter and 20 inches in length, measured inside the rattling chamber.

§ 3. CONSTRUCTION OF MACHINE. The machine shall be of good mechanical construction, self-contained, without a central shaft, and shall consist of barrel, or rattling chamber, supporting frame, and driving mechanism.

The barrel of the machine shall be made up of heads, headliners and staves. The heads shall be cast with trunions in one piece. The trunion bearings shall be not less than $2\frac{1}{2}$ inches in diameter or less than 6 inches in length.

The heads shall be not less than three-fourths ($\frac{3}{4}$) of an inch thick nor more than seven-eighths ($\frac{7}{8}$) of an inch thick, and in outline shall be a regular fourteen-sided polygon inscribed in a circle twenty-eight and three-eighths inches in diameter.

There shall be for each head a cast iron headliner or wearing plate one (1) inch thick and conforming to the outline of the head, but inscribed in a circle twenty-eight and one-eighth inches in diameter. These headliners or wearing plates shall be attached to the heads from the outside by cap screws, and shall be replaced with new ones whenever worn down one-half ($\frac{1}{2}$) inch below their initial surface level at any point of the surface. The metal of which these wearing plates are to be composed shall be of what is known as hard machinery iron, and must contain not less than one (1) per cent of combined carbon.

The staves shall be made of six (6) inch medium steel structural channels, twenty-seven and one-fourth inches long and weighing fifteen and one-half pounds per lineal foot. The spaces

between the staves will be determined by the accuracy of the heads, but must not exceed five-sixteenths of an inch.

The interior side of the channels must be protected by lining or wear plates three-eighths of an inch thick by five and one-half inches wide by nineteen and three-fourths inches long. These wear plates shall consist of medium steel plate and shall be securely riveted to the channels of countersunk rivets.

The barrel or rattling chamber shall be mounted on a cast iron frame of sufficient strength and rigidity to support same without undue vibration.

The rattling machine to be driven by a driving mechanism so regulated as to give the required number of revolutions per minute and capable of maintaining a uniform speed with the rattling chamber empty or charged.

§ 4. THE ABRASIVE CHARGE. The abrasive charge shall consist of two sizes of cast iron spheres. The larger size shall be three and three-quarters inches in diameter and shall weigh, when new, approximately seven and one-half pounds. Ten of this size shall be used to the charge. When the weight of any one of this size of spheres falls below seven pounds, it shall be discarded and a new one substituted: provided, that all the larger shot, or spheres, shall not be discarded and substituted by new ones at a single time, and that so far as possible the large shots shall compose a graduated series in various stages of wear.

The smaller size spheres shall be one and seven-eighths inches in diameter and shall weigh, when new, not to exceed ninety-five one-hundredths of a pound each. Of the smaller size spheres so many shall be used as will bring the collective weight of the large and small spheres most nearly to three hundred pounds. The smaller size spheres shall be discarded and replaced with new ones when the weight of the sphere has been reduced to less than three-fourths of a pound each: provided, that all the smaller shot shall not be discarded and substituted by new ones at any single time, and that so far as possible the smaller shot shall compose a graduated series in various stages of wear.

The iron composing these spheres shall have a chemical composition within the following limits:

Combined Carbon, not less than 2.50 per cent. Graphite Carbon, not more than 0.10 per cent. Silicon, not more than 1.00 per cent. Manganese, not more than 0.50 per cent. Phos-

phorus, not more than 0.25 per cent. Sulphur, not more than 0.08 per cent. All spheres whose chemical analysis does not meet with these requirements will be rejected.

§ 5. **THE TEST.** The rattler shall be rotated at the rate of not less than $29\frac{1}{2}$ nor more than $30\frac{1}{2}$ revolutions per minute, and 1,800 revolutions shall constitute the standard test. The revolutions shall be counted with the aid of an automatic counting device attached to the machine. A margin or not to exceed 10 revolutions will be allowed for stopping the machine after the test has been completed. The vitrified bricks composing the charge shall be thoroughly dried before making the test, and shall be taken from such stock on hand along the line of work intended for construction or repairs, and never from a sample lot.

Ten paving brick shall constitute the number to be used in a single test. In selecting the brick to be used for the test, brick of uniform size, shape and appearance shall be selected.

Brick liable to rejection for other defects shall not be used for the "Rattler test."

§ 6. **THE RESULTS.** The loss from abrasion shall be calculated in percentage of the original weight of the dried vitrified brick composing the charge. In weighing the rattled brick, any piece weighing less than one (1) pound shall be rejected.

The limit of loss in the above rattle test is hereby established at twenty-one (21) per cent of the original weight of the vitrified brick comprising the charge.

§ 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage and publication. (*Approved December 6, 1912.*)

(4) PUBLIC WAYS—CONSTRUCTION OR REPAIR.

Sidewalks—Notification to Owners before Reconstruction.

AN ORDINANCE to require the Board of Public Works to notify owners before reconstructing sidewalks.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of the Board of Public Works, ten days before recommending to the General Council any ordinance

for the reconstruction of any sidewalk within the city of Louisville, to send through the mails notice of said ordinance to the owner or agent of every lot abutting on such sidewalk, whose name may appear on the books of the City Assessor as the owner of said property.

§ 2. The failure of the owner or agent to receive said notice shall in no way invalidate any ordinance passed by the General Council or any contract entered into by the Board of Public Works, for the reconstruction of sidewalks, nor in any way affect the liability of any such owner to pay his proportionate part of the cost of such reconstruction.

§ 3. This ordinance shall take effect from its passage.

(Approved March 14, 1907.)

(5) PUBLIC WAYS—CONSTRUCTION OR REPAIR.

Repairing of Sidewalks by Owners of Abutting Property.

AN ORDINANCE providing for the repairing of sidewalks in the city of Louisville by the owners of abutting property and providing a penalty for failure to do so.

Whereas, There are in many sidewalks, and parts of sidewalks, in the city of Louisville, holes, defective material and other minor defects, while the major part of the sidewalk is in good condition, and

Whereas, it is desirable to save the property owners the greater costs of reconstruction, therefore

Be it ordained by the General Council of the city of Louisville:

§ 1. That the owners of property abutting on sidewalks in the city of Louisville, be and they are hereby required to repair that part of the sidewalk adjoining property respectively belonging to them at their own expense by filling and repairing any holes, uneven surface and other defective places therein, by using therefor material as nearly similar as possible to that of which said sidewalks is constructed, within ten days after receiving notice in writing from the Board of Public Works so to do.

§ 2. That it shall be the duty of the Board of Public Works, as soon as it ascertains the existence of holes and other defects in the sidewalks of the city of Louisville, to forthwith notify, in

writing, the owner or owners of the property abutting upon that part of the sidewalk which is found to be so defective, to repair same at their own expense, within a period of ten days after the delivery of said notice.

§ 3. That any owner or owners of property who shall fail to repair such defective sidewalks within ten days after receiving said notice shall be guilty of violation of this ordinance, unless the said period be extended by an order of the Board of Public Works, and shall be fined not less than one dollar (\$1) nor more than five dollars (\$5) for each day that said work remains undone, after the said period fixed by the said notice.

§ 4. That this ordinance shall in no wise waive or affect the right of the city of Louisville or the Board of Public Works to order the reconstruction of any such sidewalk if it be found proper to do so.

§ 5. This ordinance shall take effect ten days from and after its passage and publication. (*Approved May 5, 1910.*)

(6) PUBLIC WAYS—USE AND PROTECTION.

Parking Regulated.

AN ORDINANCE to regulate the standing or parking of vehicles in the city of Louisville, Kentucky, and providing punishment for violations thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. PARKING DEFINED. The term "parking" as herein used means the standing of vehicles, whether horse-drawn or motor-driven, or propelled in any other manner, longer than may be necessary to receive and discharge passengers, merchandise or other articles.

§ 2. DEFINITION TAXICAB. The term "taxicab" as used herein shall embrace all automobiles and other vehicles of like constructions and operation, employed in the carriage of passengers for hire within the city of Louisville.

§ 3. PARKING ON FOURTH, LIBERTY, WALNUT AND GUTHRIE STREETS. Except as hereinafter provided, it shall be unlawful for any person to leave hitched or standing, or to cause or permit to be left hitched and standing, any animal used

for riding or driving, or to park, or cause to be parked, any character of vehicle described in Section 1 hereof, and not operated for hire, upon any of the following named streets, or portions of street, of the city of Louisville, between the hours of 9 o'clock a. m. and 6:30 p. m. of any day, for a longer period than sixty (60) minutes, to-wit:

Fourth avenue, between Main street and Broadway.

Walnut and Liberty streets, between Third street and Fifth streets.

North side of Guthrie street, from Third street to Fourth street.

§ 4. PUBLIC BUILDINGS AND PLACES OF PUBLIC ASSEMBLY. No vehicle of any character described herein, except when in the act of receiving or discharging passengers, shall be left standing in any street within twenty-five (25) feet of a point on the curb immediately in front of the center of the entrance to any hospital, theatre, church, school, or hotel, office building, or any building used for public assembly (while such building is being so used) or in front of any exits facing alleys from any such buildings, or in such alleys so as to obstruct passage to or from the exit upon such alley. In the vicinity of all such buildings vehicles shall stand or move as directed by members of the Police Department.

§ 5. VEHICLES FOR HIRE. Except as hereinafter provided for, no public hack, taxicab, or other automobile or vehicle, carrying passengers for hire, shall be permitted to park or stand at any hour of the day or night for a longer time than is actually necessary to receive or discharge passengers on those portions of the streets of Louisville described as follows, to-wit:

Fourth street, from Main street to Broadway.

Walnut and Liberty streets, from Third street to Fifth street.

The north side of Guthrie street from Third street to Fourth street.

§ 6. PARKING IN FRONT OF RAILROAD AND OTHER STATIONS. No vehicle or animal of any character as described herein shall be left standing or parked in any street in front of the entrance side of any railroad station, interurban station, or street car station, in the city of Louisville, for a period longer

than may be necessary to receive or discharge passengers and articles of transportation.

§ 7. PARKING NEAR FIRE HYDRANT. It shall be unlawful to cause or permit any animal or vehicle of any character described herein to stand or to be parked on any street or alley of the city of Louisville within twenty (20) feet of any fire hydrant longer than may be necessary to receive or discharge passengers or freight.

§ 8. NON-PARKING PLACES. The Chief of Police with the approval of the Board of Public Safety and to the extent that such action may appear necessary or desirable and may not conflict with the provisions of this or any other ordinance or law is hereby given the right to establish on the streets of the city of Louisville places or zones within which the parking of vehicles shall not be permitted, and such non-parking places shall be, by said Police Department, properly indicated or designated so that proper notice thereof shall be given to the public.

§ 9. PARKING PLACES FOR TAXICABS AND VEHICLES FOR HIRE. The Chief of Police with the approval of the Board of Public Safety is hereby authorized to designate in any street or streets of the city of Louisville parking places where there may be regularly parked taxicabs and other vehicles employed in carrying passengers for hire, which parking places shall be plainly indicated by printed notices posted thereat. Among the parking places so designated, one shall be located on Walnut street, between Third and Fifth streets, and one on Fourth street, between Walnut and Chestnut streets, each of which two places shall be capable of accommodating at least two vehicles.

§ 10. METHOD OF PARKING. Persons parking any vehicle on the streets of the city of Louisville shall be required to keep the same with the right-hand side toward the curb line and within one foot thereof and, except as otherwise provided herein, shall keep the same parallel to curb.

Motor vehicles may be parked at any angle to the curb and with the front end toward the curb and in the direction of traffic; provided, in doing so on streets where there are no street car tracks, there shall be left between the rear end of any such vehicle and the center line of the street sufficient space for the

safe passage of other vehicles of like character; and, provided, that where there are street car tracks there shall be left between the rear end of any such vehicle and such tracks sufficient space for the passage of other like vehicles. Provided, that on both sides of Main street, from Second street to Sixth street, on both sides of Market street, from Second street to Sixth street, on both sides of Jefferson street from Second street to Sixth street, motor vehicles which are parked must stand at an angle to the curb line of not less than forty-five degrees and not more than sixty degrees, and with the fronts thereof within one foot of the curb line, if such vehicle can be parked at said angle so as to leave a sufficient space between the rear of such vehicle and the street car tracks to permit the safe passage of like vehicles.

§ 11. UNIFORM CAPS OF TAXI DRIVERS. Drivers or chauffeurs of any taxicabs, automobiles, and other motor vehicles carrying passengers for hire, shall wear a uniform cap with the words "Licensed Taxi" appearing on the front thereof.

§ 12. DRIVERS AND SOLICITORS MUST NOT CONGREGATE. Drivers of vehicles and solicitors for vehicles operated for hire must not congregate in crowds away from their vehicles, nor shall any driver or any solicitor for any such vehicle solicit business in a loud or offensive tone nor at a greater distance than fifteen (15) feet from his vehicle.

§ 13. PENALTIES. Any person, firm or corporation violating any provision of this ordinance shall be fined a sum not less than five (\$5) dollars nor more than fifty (\$50) dollars.

§ 14. REPEAL. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

§ 15. ORDINANCE EFFECTIVE. This ordinance shall take effect from and after its passage. (*Approved August 16, 1918.*)

(7) PUBLIC WAYS—USE AND PROTECTION.

Regulation of Hacks and Other Public Vehicles.

AN ORDINANCE concerning coaches, cabs, carriages, coupes, or hacks, prescribing the duties, conduct, etc., of owners and drivers thereof, enforcing observance of said duties, and fixing the charges for transporting passengers and their baggage.

Be it ordained by the General Council of the city of Louisville:

§ 1. That coaches, cabs, carriages, coupes, or hacks, used for the conveyance of persons within the city of Louisville for hire

or compensation, shall be deemed hackney carriages or hacks, and so called.

§ 2. It shall be the duty of the secretary and treasurer of the Sinking Fund to furnish any applicant whom he may deem entitled to same with a printed copy in substance of Sections 3, 4, 5, 9, 10, 11, and 12 of this ordinance; also, if the owner of a licensed hack, with a copy of the license, and attached thereto a printed statement of the rate of charges for transporting passengers and their baggage allowed by this ordinance.

§ 3. Every hack, when driven or used, shall have fixed upon some conspicuous part of the outside thereof two lamps, with plain glass fronts and sides, with the number of the hack painted on each of said glass fronts and sides with black paint, in legible figures at least two inches in length, and with no other figure or device, so that the same may be distinctly seen and known when the hack may be standing or driven; the said lamps to be lighted and kept lighted at night, and the owner or driver of every hack which shall be driven or used without complying with the foregoing provisions shall each or either be fined severally and respectively \$10 for each and every offense.

§ 4. He shall place and keep in a conspicuous position, in the interior of such hack, a legibly printed card containing in substance the provisions of Sections 3, 4, 5, 9, 10, 11 and 12 of this ordinance, the name and residence of the owner, a printed and legible copy of the rates and charges authorized by this ordinance, and attached thereto a copy of his hack license, in a legible condition, so that the name and residence of the owner, the copy of his license and copy of the rates of charges, and the printed substance of the aforesaid sections of this ordinance, may be conveniently seen and read in the day time by any person capable of reading who may be a passenger in such hack. And no person so obtaining hack license shall permit any other person to drive said hack than a hack driver, at the time regularly licensed as such, as provided by Section 8 of this ordinance, under penalty of a fine of from one (\$1) dollar to five (\$5) dollars for each day or night, or part of a day or night he shall so permit. But the person to whom a hack license is granted may himself drive that hack without obtaining a hack driver's license himself.

§ 5. Every owner or driver of a licensed hack, whenever he shall drive such vehicle, or be with it waiting for employment at any place in the city, shall wear exposed on the left lapel of his coat a white metal badge, as near as may be of the dimensions of a silver half dollar, with the words "Licensed hack," and the number of the hack placed thereon in plain black letters and numerals sufficiently large to be easily distinguished; said badges shall be prepared and furnished by the Commissioners of the Sinking Fund.

No owner of a hack shall permit his driver to drive or be with any vehicle, waiting for employment, without wearing the badge as prescribed herein.

No person except the licensed owner, or driver employed by him, shall wear the badge of such owner, or any badge purporting to be or in imitation of same; provided, that such badge need not be worn in the cases of livery corporations and other carriage associations when their driver is clothed in a full uniform or livery; the same in the case of each carriage company to be approved by and registered with the Board of Public Safety.

For any violation of any provision of this section the offender shall be fined not less than (\$5) offenders nor more than ten (\$10) dollars for each offense.

§ 6. Every owner or driver of a licensed hack, who shall refuse or neglect to convey any person, with or without baggage, to any place in the city limits, when applied to for that purpose, or shall ask, demand, take, or extort any higher or greater price, rate or charge than is herein established, or who shall neglect to place and keep the legibly printed card containing the name and residence of the owner, the copy of his license and rates of charge inside of the hack, as prescribed in Section 3, or who shall refuse or omit, when requested, truly to inform any person as to whether the hack is or is not engaged, or of the true number of the hack, the name and place of abode of the owner, or the correct amount of the rate of fare authorized to be charged for the use of it by this ordinance, or who shall wilfully mislead or misconvey any person, or wilfully neglect or refuse to convey any person by the most direct route to his or her place of destination in the city, or insult by abusive, indecent, or

opprobrious language, any person or passenger whom he shall have or shall have had in his care, or who may apply to him for conveyance in the hack of which he is owner or driver, shall, for every such offense, be fined from two (\$2) to twenty (\$20) dollars, to be recovered from the owner or driver severally and respectively.

§ 7. Any hack driver, while waiting for employment on any stand or elsewhere, who shall snap or flourish his whip, or who shall unnecessarily leave such vehicle, or who shall use indecent or profane language, or be guilty of boisterous talking or hallooing or other disorderly conduct, or vex or annoy any travelers, citizens, or passersby, or in any manner obstruct any crossing or sidewalks, shall be fined from two (\$2) to ten (\$10) dollars for each offense.

§ 8. No person except as provided in Section 3 shall drive any licensed hack without being thereto at the time duly licensed to drive, as hereinafter provided, under penalty of a fine of from one (\$1) to five (\$5) dollars for each offense. Any applicant considered suitable by the secretary and treasurer of the Sinking Fund to be licensed as a hack driver may obtain such license without cost; and it shall be the duty of the secretary and treasurer of the Sinking Fund to issue such applicant a license to drive, stating the name, age, and residence of the person to whom the license is granted, the date of the license, and the time for which it is granted, which shall be for one year from the date thereof, and no longer, and upon the issuing of the license it shall be the duty of the secretary and treasurer of the Sinking Fund to cause the same to be registered.

§ 9. No owner or driver shall demand or receive any pay for the conveyance of any passenger, or baggage, unless the legibly printed copy, in substance, of Sections 3, 4, 5, 9, 10, 11 and 12 of this ordinance, the name and residence of the owner, the copy of the hack license, and attached thereto, the rates and prices of fare, as allowed by this ordinance, shall be fixed in the hack in the manner and as directed by the third section of this ordinance, at the time such passenger may be conveyed in such hack, nor if the owner or driver shall have demanded any greater price or rate of pay than he may be legally authorized to demand and receive.

§ 10. No owner or driver of any licensed hack while on any of the stands now established or which may be hereafter established, or at any steamboat or other landing, or while waiting for employment at any other place in the city than the stable or residence of the owner or driver thereof, shall refuse or neglect to convey any person or persons to any place or places in the city, on being applied to for that purpose; and, on the person or persons being placed in such hack, the driver shall at once proceed to convey such passenger or passengers to such place or places within the city limits as he, she or they may desire or request; nor shall the owner or driver place or permit any other person or persons in such hack without first requesting and obtaining the express consent of the person or persons therein, or of the person or persons who first engaged to call upon him, under a penalty of a fine or ten (\$10) dollars for each and every refusal, neglect or offense, besides of a forfeiture of all right to demand or receive any pay from any of the passengers.

§ 11. The following rates and prices of fare for the use of hacks are hereby established: For transportation of passengers any distance in the city, not exceeding fourteen squares, not more than fifty cents; any distance in the city exceeding fourteen squares, but not exceeding twenty squares, for one passenger, not more than seventy-five cents, and not more than fifty cents for each additional passenger; any distance in the city exceeding twenty squares, for one passenger, not more than one dollar, and not more than seventy-five cents for each additional passenger. In any of the foregoing cases, if the hack should not have been employed by the hour, yet should be used or detained for an hour or more, the charge therefor may, at the option of the driver, be made as though the hack had been employed or engaged by the hour. When engaged by the hour, for one or more passengers, the charge for the load shall be, for the first hour, one dollar and fifty cents, and at the rate of one dollar for each succeeding hour; and when engaged by the hour the charge for an hour shall be collectible, though the hack may not have been used the full hour. When engaged by the day the charge shall be eight dollars per day. Ten hours shall be considered a day, but the driver shall not, unless first agreeing thereto, be compelled to drive after dark to make up the ten hours. And

if the hack should be used or detained longer than ten hours, the additional hours, unless otherwise agreed to, shall be charged for as though the hack had been employed by the hour. For services during the night the charge shall be the same as in the day. For attending funerals not more than three dollars, but no owner or driver shall be compelled, unless he shall contract to do so, to attend with his hack at a funeral. In the foregoing charges is included the charge for transportation of baggage for each passenger, not exceeding fifty pounds in weight, and any excess is to be paid for at the rate of twenty-five cents per one hundred pounds.

§ 12. No driver shall be compelled to take more grown passengers than four. No charge shall be made for children five years of age and under, who are in care of passengers who are chargeable. Children beyond five years and not exceeding twelve years shall be chargeable only half fare.

§ 13. Any owner or driver, having engaged to perform services with his hack, who shall, without just cause, fail or refuse to comply with the engagement, shall be liable to a fine of from two dollars (\$2) to twenty dollars (\$20) for each offense, besides being liable to the party complaining in a civil action.

§ 14. For a violation or non-observance of any of the provisions of this ordinance, the owner and driver of the hack shall each or either be jointly and severally liable to a fine of not less than two (\$2) nor more than twenty dollars (\$20) for each offense, unless when the penalty or fine is herein otherwise specially designated, and then he or they shall be so liable to such penalty or fine.

§ 15. The fines and penalties imposed by this ordinance shall be recoverable for the use and benefit of the city of Louisville, before the judge of the City Court by a warrant in the name of the city. It shall be the duty of the officer making arrest for any of the causes permitted in this section to take such steps as may be necessary to have a proper care taken of the hack and horses, at the expense of the owner, while the hackman may be in custody.

§ 16. Any driver or owner of a licensed hack, who shall be thrice convicted of a breach of the provisions of this ordinance,

shall be deprived of his license, and forever debarred from a license under this ordinance unless by consent of the General Council.

§ 17. It shall be the duty of all owners of hacks now licensed to comply with the provisions and requirements of this ordinance within ten days after its publication, and on failing to do so the license of such one so failing shall be and is hereby declared forfeited and revoked from and after that date.

§ 18. All ordinances and parts of ordinances, in so far as they are in conflict or inconsistent herewith, are hereby repealed.

§ 19. This ordinance shall take effect from and after its passage. (*Approved June 26, 1894.*)

(8) PUBLIC WAYS—USE AND PROTECTION.*

Jitneys—License, Bond and General Regulations.

AN ORDINANCE making it unlawful for any person, firm or corporation, either as principal, officer, agent, or employe, to use or occupy any public way of the city of Louisville with any automobile, commonly known as a jitney, for the carriage of persons for hire, operating for the purpose of affording a means of local street transportation by indiscriminately accepting and discharging such persons as may offer themselves for transportation along the way or course on which it is used or operated, without first obtaining a license; providing for the giving of indemnity as security to the public; providing regulations for the conduct of such persons, and prescribing a penalty for the violation thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation, either as principal, agent or employe to use or occupy any public way in the city of Louisville with an automobile, commonly known as a jitney, for the carriage of persons for hire, operating for the purpose of affording a means of local street transportation by indiscriminately accepting and discharging such persons as may offer themselves for transportation along the whole

*Construed in *Kinkead v. Buschemeyer*, Jefferson Circuit Court No. 90949.

or any part of the way or course on which it is used or operated without complying with the terms of this ordinance.

§ 2. Every person, firm or corporation shall before engaging in the business described in Section 1 of this ordinance procure a license for each automobile employed therein, said license to run for one year unless revoked or forfeited for cause, or surrendered by the applicant.

§ 3. No license shall be issued until the person, firm or corporation applying therefor shall have filed with the Commissioners of the Sinking Fund an application therefor stating:

(1) The name, residence and business address of the person, firm or corporation owning and operating the automobile.

(2) The type of automobile to be used.

(3) The number of such automobiles to be operated by applicant and the State license number of each.

(4) The seating capacity of each automobile.

(5) The name of each chauffeur, conductor and collector to be in charge of or serving on each of said automobiles and his place of residence.

(6) The termini and the route over which the said automobile is to be operated.

Such application shall be in writing and shall be to the effect that the statements contained in it are true, and it shall be subscribed and sworn to by the person, or by a member of the firm, or by the president or secretary of the corporation applying for such license.

§ 4. With said application there shall be filed with the Commissioners of the Sinking Fund a bond in the penal sum of five thousand (\$5,000) dollars, such bond to have such security as shall be acceptable to and approved by the Commissioners of the Sinking Fund and to be conditioned as follows:

(1) That in the event of any injury or damage to any person or property growing out of any defect in or negligence in the operation of any automobile employed by the applicant in the business herein provided for, the person so injured in his person or property shall have a right of action thereon.

(2) That said applicant will pay to the city of Louisville all sums due said city for any license tax, or other liability, including all fines and forfeitures assessed against said applicant by

the final judgment of any court, and also to indemnify the city against loss or damage for accidents arising out of the operation of such automobile or automobiles.

Such bond shall be so drawn that it shall not be void upon first recovery, but may be sued upon and recovery had until the full penalty thereof is exhausted.

And said bond may be written to contemplate the addition of other cars during the period for which it is drawn, in which event no new bond shall be required for additional cars or automobiles placed in service during the period of said bond, provided, however, that in the event that pending litigation shall disclose a probable liability upon said bond sufficient to materially diminish its power to give full protection thereunder, then in such event upon the order of the Commissioners of the Sinking Fund additional bond or security of like amount shall be required as though no previous bond has been given, and failure to give said bond when so required shall operate to forfeit the license granted the applicant hereunder.

§ 5. Upon the filing of the application and the bond set forth above the secretary of the Commissioners of the Sinking Fund shall issue a license to operate an automobile for the purposes stated in Section 1 hereof, provided the applicant shall pay to the Commissioners at the time of said issuance an annual license tax of ten (\$10) dollars for each automobile with a seating capacity not exceeding eight (8) passengers, twenty (\$20) dollars for each automobile with a seating capacity of more than eight (8) passengers and not exceeding fifteen (15) passengers, and twenty-five (\$25) dollars for each automobile with a seating capacity of more than fifteen (15) passengers. Said license charge shall not be construed to be in lieu of other licenses or taxes now or hereafter required.

§ 6. Upon the payment of said license as aforesaid the secretary of the Commissioners of the Sinking Fund shall issue a license card giving the name of the applicant and operator of said automobile and the date of the issuance of the license therefor, which shall be attached to the inside of the windshield of said automobile and which shall be subject to inspection at all times. Whenever the holder of any license shall add or substitute other automobiles or other routes a supplemental applica-

tion must be filed and other license card shall be obtained in the same manner as the application is made for the original license and said license card issued. Upon the surrender of any license card as aforesaid another license card for such substituted automobile shall be issued by said Commissioners of the Sinking Fund.

§ 7. All automobiles used in such service shall have displayed thereon in a conspicuous manner the following:

(1) The name of the party operating or owning such automobile.

(2) The route and destination of said automobile.

§ 8. It shall not be unlawful for any automobile licensed hereunder to be driven by any person not having a license as chauffeur, as provided by law, and this shall apply even though the automobile is driven by the owner thereof.

§ 9. It shall not be lawful to operate any such automobile while any person is standing or sitting on the running board, fender or door thereof, or while any person is riding on the outside of the body thereof, and it shall not be lawful for any person to stand or sit upon any fender, running board or door of any such automobile, or to occupy such position outside the body of the same while said automobile is in motion.

§ 10. The operation of all such automobiles shall be subject to the traffic regulations governing the use of automobiles upon the public ways of the city of Louisville, and the specific enumeration of regulations herein shall in no manner relieve such automobile from said general regulations as the same are now, or may hereafter be, provided for by ordinances of the city of Louisville, and no license granted hereunder shall preclude the city of Louisville from changing or modifying or adding to any of the provisions of this ordinance, or of making additional regulations affecting said business during the period for which said license is granted.

§ 11. PENALTIES. Any person, firm or corporation violating the provisions of this ordinance shall be fined in any sum not less than ten (\$10) dollars nor more than fifty (\$50) dollars in the discretion of the court or jury, and each day that any such vehicle shall be operated upon the streets without conforming to the provisions of this ordinance shall constitute a separate offense, and nothing in this ordinance shall be construed to de-

crease or diminish or change in any manner the penalties prescribed for the violation thereof by the act of the General Assembly of the Commonwealth of Kentucky entitled "An act to regulate, license and govern the use of motor vehicles," approved March 20, 1914, and an ordinance entitled "An ordinance regulating the moving, travel and traffic upon the public streets and highways of the city of Louisville and providing a punishment for any violation thereof," approved September 23, 1914.

§ 12. If it shall be held that it is beyond the authority of the city of Louisville to ordain any provision in this ordinance, or any section or any part of a section, such provision alone shall be considered void, it being the intention of the General Council of the city of Louisville to ordain each section and each part of every section separately.

§.13. This ordinance shall take effect from and after its passage. (*Approved April 23, 1915.*)

(See also (1) *License* (36) ; (13) *License*.)

(9) PUBLIC WAYS—USE AND PROTECTION.

Regulating Position in Parades.

AN ORDINANCE regulating the position of vehicles during a public parade.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to drive or cause to be driven, or cause to stand, any wagon, dray, buggy, carriage, or other vehicle, excepting such vehicles as are now given the right of way by law, on any street along which a parade may be passing, or about to pass or to be on the streets of the line of march after the passage of such parade nearer than one square from such parade.

§ 2. It shall be the duty of the police to cause all vehicles, except such vehicles as are now given the right of way by law, to be removed from the streets upon the approach of any parade, and not permit such vehicles to return to the streets of the line of march of a parade until the parade has passed one block.

§ 3. It shall be unlawful for any person, or persons, to cause any vehicle to be driven in advance of any parade, or to follow any parade nearer than one block with any advertising sign or

device, without first procuring the written permission from the promoter or promoters of such parade, which permit must be shown to any police officer when so requested.

§ 4. Any person violating the provisions of this ordinance, or refusing to move when so ordered by any member of the police force, shall be fined not less than ten (\$10) nor more than twenty-five dollars (\$25) for each offense.

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

§ 6. This ordinance to take effect from and after its passage and publication. (*Approved June 28, 1898.*)

(10) PUBLIC WAYS—USE AND PROTECTION.

Stands for Furniture Cars and Other Vehicles.

AN ORDINANCE regulating stands for furniture cars and other vehicles.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for furniture cars, wagons, drays, carts, or other wheeled vehicles to stand waiting for employment upon any of the streets of the city of Louisville, except as hereinafter provided.

§ 2. Furniture cars, or other wheeled vehicles waiting for employment, with the consent of the occupant of any business or dwelling house or property fronting or binding thereon (except Fourth avenue and streets bounding the courthouse square) are permitted to stand on the north sides of all streets during the months beginning October 1st and ending April 30th; on the south sides of all streets during the months beginning May 1st and ending September 30th; on the east sides of all streets during the morning hours up to 12:30 o'clock noon, and on the west sides of all streets during the evening after 12:30 o'clock noon.

§ 3. They shall stand close to the curbstone, and remove from place to place at the stand, or change place, as may best promote the convenient transaction of business by other persons or vehicles; and to facilitate such business any policeman shall, when expedient, give orders as to the vehicles, directing their positions and management.

§ 4. For a failure to comply with the requirements of this ordinance, or any order of a policeman in enforcing the same, the owner or driver shall be fined for each offense not less than five dollars (\$5) nor more than twenty dollars (\$20).

§ 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. (*Approved June 28, 1898.*)

(11) PUBLIC WAYS—USE AND PROTECTION.

General Regulations.

AN ORDINANCE concerning the management of vehicles in the public streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. If any driver of a vehicle shall be more than ten feet from the horses, or other animals harnessed in the vehicle then under his charge, or shall crack a whip or make other noise calculated to frighten such animals in harness, or shall stand with other drivers in numbers, so as to obstruct free passage on sidewalk or street, or shall stand his vehicle near a tavern or railroad depot, so as to prevent free access thereto by other person or vehicle, or shall so drive as to endanger life or limb of any person, he shall be fined \$10.

§ 2. All drivers of teams and vehicles in the city of Louisville, who shall be found out of reach of the reins attached to said teams or vehicles, when in motion, shall be fined not less than \$10 nor more than \$20, and the fines collected be placed to the credit of the public school fund. (*Approved October 26, 1853.*)

(12) PUBLIC WAYS—USE AND PROTECTION.

Regulating the Loads.

AN ORDINANCE regulating the loads on vehicles which may be used in hauling merchandise or other articles in the limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter the weight of a load of merchandise, or other articles hauled over any of the streets or alleys of

the city by any four-wheeled vehicle, shall not exceed in amount as follows, viz: Eleven thousand pounds for a tire of four inches; for a tire of three and a half inches, ten thousand pounds; for a tire of three inches, nine thousand pounds; for a tire of two and three-quarter inches, eight thousand pounds; for a tire of two and a half inches, seven thousand pounds; for a tire of two and a quarter inches, five thousand pounds; for a tire of two inches, four thousand five hundred pounds; for a tire of one and three-quarter inches, three thousand five hundred pounds; for a tire of one and one-half inches, two thousand five hundred pounds.

§ 2. The weight of a load of merchandise, or other articles hauled over the streets or alleys of the city of any cart, dray, or other two-wheeled vehicle, shall not exceed in amount as follows, viz: For a tire of four inches, five thousand pounds; for a tire of three and a half inches, four thousand five hundred pounds; for a tire of three inches, four thousand pounds; for a tire of two and three-quarter inches, thirty-five hundred pounds; for a tire two and a half inches, three thousand pounds; for a tire of two and a quarter inches, two thousand five hundred pounds; for a tire of two inches, two thousand pounds; for a tire of one and three-quarter inches, fifteen hundred pounds; for a tire of one and a half inches, one thousand pounds.

§ 3. Vehicles, whether four-wheeled or two-wheeled, engaged in hauling boilers, engines, cylinders, shafting, or stone, when in a single piece, may haul such articles in excess of the weight allowed above, provided the tires of such vehicles are not less than four inches in width.

§ 4. Every vehicle licensed to haul merchandise, or other articles, within the city limits, shall have its number, name of owner, and maximum weight of load, as authorized by this ordinance, painted on a piece of tin not less than nine by three inches in size, and fastened in a conspicuous place on said vehicle.

§ 5. Policemen are granted the authority to weigh any load they may deem necessary.

§ 6. It shall be the duty of the license inspector to ascertain correctly actual width of the tire of each dray, cart, wagon, or other vehicle which shall hereafter be licensed to haul merchan-

dise or other articles within the city limits, and to furnish the chief of police with the number, name of owner, width of tire, and kind of each such vehicle.

§ 7. For a violation of any of the provisions of this ordinance the owner or driver of the vehicle shall, for each offense, be fined not less than two dollars (\$2) nor more than fifteen (\$15) dollars.

§ 8. Four-wheeled vehicles, constructed with a straight coupling, and without a fifth or pivot wheel, or a cut under, may haul one thousand pounds in excess of the above provisions.

§ 9. Ordinance No. 498 and all ordinances in conflict herewith are hereby repealed.

§ 10. This ordinance shall take effect from its passage. (*Approved September 16, 1895.*)

(13) PUBLIC WAYS—USE AND PROTECTION.

Traffic Regulations.*

AN ORDINANCE regulating the moving, travel and traffic upon the public ways of the city of Louisville, Kentucky, and providing punishment for violations thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. The owner, operator, driver or person in charge of any cart, dray, wagon, coach, omnibus, automobile, motorcycle, bicycle, tricycle, carriage, buggy, or other vehicle, propelled or driven upon the public ways of the city of Louisville, or riding, driving, or in charge of any horse on said public ways, shall conform to and observe the rules and regulations of travel upon the said public ways of the city of Louisville herein set forth, and for any failure to comply with said rules and regulations, any person so failing shall be deemed guilty of a misdemeanor and shall be punished as herein provided.

§ 2. DEFINITIONS. The word "vehicle" herein includes equestrians, automobiles, bicycles, motorcycles, tricycles, velocipedes, sleigh, sleds, and everything on wheels or runners except railroad trains and street cars.

*See also Motor Vehicles, Ky. St., Sec. 2739.

The term "motor vehicle" herein shall include automobiles, locomobiles, motorcycles and all other vehicles propelled otherwise than by muscular power, except traction engines, road rollers, electric and steam railway cars and engines.

The word "horse" herein shall include all animals used in riding, or for the purpose of drawing vehicles.

The word "driver" herein shall include the rider of wheels and animals and the chauffeur or operator of motor vehicles and street cars, and the driver of animal drawn vehicles.

The term "public way" herein shall include all streets, alleys, highways, passageways, and grounds used for, or open to, public travel and traffic within the limits of the city of Louisville, and wherever there are used herein the words street, alley, highway, passageway, or other similar term designating a way or place whereon public traffic and travel are permitted, each of said designations shall have the same meaning as the term "public way."

§ 3. SPEED. No vehicle except those mentioned in Section 42 hereof shall proceed on any public way at any time, at a speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb or injure the property of any person.

If the rate of speed of any vehicle shall exceed ten (10) miles per hour in the closely built up portions of the city of Louisville, or if the rate of speed of any vehicle shall exceed fifteen (15) miles per hour in the residence portions of the city of Louisville, or if the rate of speed exceeds twenty (20) miles per hour outside of the closely built up portions and the residence portions of the city of Louisville, such rate of speed shall be prima facie evidence that the person operating such vehicle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way, or so as to endanger the life or limb or injure the property of any person.

If the rate of speed of a vehicle in going around a corner, curve, or crossing, on any public way, in the city of Louisville, where the operator's view of the road traffic is obstructed, shall exceed eight (8) miles an hour, such rate of speed shall be prima facie evidence that the person operating such vehicle is running at a rate of speed greater than is reasonable, having due regard

to the traffic and use of the way, or so as to endanger life or injure the property of any person.

Any person violating the provisions of this section shall be fined in any sum not less than ten (\$10) dollars, nor more than fifty (\$50) dollars, or imprisoned in the county jail not less than five (5) days nor more than thirty (30) days, or both so fined and imprisoned in the discretion of the court or jury.

§ 4. MEETING VEHICLES. A vehicle meeting another vehicle shall pass to the right.

§ 5. OVERTAKING VEHICLES. A vehicle overtaking any other vehicle, except a street car, shall pass on the left side of the overtaken vehicle, and shall pull over to the right when safely clear of the overtaken vehicle.

A vehicle overtaking a street car shall pass on the right of such street car if safely practicable; otherwise, it shall pass on the left of such street car if safely practicable, and shall pull over to the right as soon as safely clear of such street car.

§ 6. SLOWLY MOVING VEHICLES. All vehicles except when overtaking and passing another vehicle shall wherever the width of the streets permits, keep a sufficient distance to the right of the center of the street to permit faster moving vehicles to pass to the right of such center of the street.

§ 7. ON DIVIDED STREETS. On all avenues or streets divided by parkway, walk, sunkenway, or viaduct, vehicles shall keep to the right of such division.

§ 8. VEHICLES NOT TO STAND AT INTERSECTIONS. No vehicle shall stop or stand within the intersection of any two streets.

§ 9. RIGHT HAND CURB. No vehicle shall take on or discharge passengers except at the right hand curb.

§ 10. BACKING TO CURB. No vehicle shall back to a curb except when actually loading or unloading, and then not longer than necessary to receive or discharge the load. In case of the loading or unloading of any horse drawn vehicle, the animals drawing the vehicle shall be turned parallel with the curb and in the direction of moving traffic.

§ 11. VEHICLES AT REST. All vehicles at rest shall stand in the direction of moving traffic, and two or more vehicles shall not stand abreast.

§ 12. PROCESSIONS NOT TO BE CUT. Processions lawfully authorized shall not be cut by vehicles except by permission of police or traffic officer.

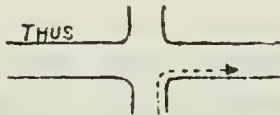
§ 13. APPROACH OF FIRE APPARATUS. A vehicle, on the approach of fire apparatus shall immediately draw up parallel, and as near to the curb as possible and stop until such fire apparatus has safely passed.

§ 14. VEHICLES NOT TO OBSTRUCT TRAFFIC. No vehicle shall so occupy any public way as to obstruct traffic.

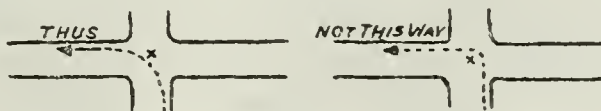
§ 15. VEHICLES TO SLOW DOWN. Vehicles and street cars must slow down to half the legal speed in crossing "heavy traffic" streets and in "school zones" designated as such by the Board of Public Safety.

§ 16. SPEED TO BE CONTROLLED. Speed of vehicles and street cars shall at all times be controlled by traffic conditions, and may be deemed reckless although within the prescribed speed limits.

§ 17. TURNING CORNERS—RIGHT. A vehicle turning into another street to the right, shall turn the corner as near the right hand curb as practicable.



§ 18. TURNING CORNERS—LEFT. A vehicle turning into another street to the left shall pass to the left of the intersection.

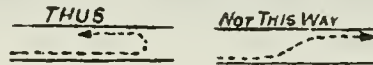


§ 19. SIGNALS BY DRIVERS. It shall be the duty of the driver of any vehicle before crossing an intersection of any public way in the city of Louisville at which a police officer may be stationed for the direction of traffic to signal to such police officer the direction in which he wishes to go, if said vehicle is not to pro-

ceed straight ahead. If said driver expects to turn to the right, the signal should be made by pointing in that direction with the right hand; if to the left with the left hand. Thereupon such driver shall await a signal from the traffic officer before proceeding.

§ 20. POSITION OF STANDING VEHICLES. No vehicle shall be left standing at any stopping place for street cars longer than necessary for passengers to leave or board said vehicle, or to promptly load or unload the same, upon any street of the city of Louisville, nearer than sixty feet from the intersection of the curb line of said street with the curb line of another street on that side thereof on which street cars stop for passengers, and at no intersection nearer than twenty feet of such intersection, and not upon or across any place maintained as a foot crossing.

§ 21. CROSSING FROM RIGHT TO LEFT SIDE. Vehicles that are proceeding correctly along the right side of the street shall be permitted to pass to the other side of the street by making a complete turn.



except that on Fourth street from Main to Broadway, and on Chestnut street, Walnut street and Liberty street from Third street to Fifth street vehicles shall not be permitted to cross to the opposite side of the street, or to turn in a reverse direction.

§ 22. POSITION IN STOPPING. No vehicle shall stop with the left side to the curb.

§ 23. SAFETY ZONES. Safety zones for pedestrians may be established by the Police Department with the approval of the Board of Public Safety, and same shall be designated in a clearly visible and suitable manner. When so designated it shall be unlawful for any person to drive or stop a vehicle of any kind within the same.

§ 24. PLACE OF STOPPING. No vehicle, unless in an emergency, or to allow another vehicle or pedestrian to cross its path, shall stop in any public way, except near the right hand curb thereof, and then only so as not to obstruct any public crossing.

§ 25. VEHICLES BACKING. No vehicle shall back to make a turn in any street, if by so doing it interferes with the movements of other vehicles, but it shall go round the block, or (except on Fourth street from Main street to Broadway, and on Chestnut, Walnut and Liberty streets from Third street to Fifth street) to a street sufficiently wide to turn without backing.

§ 26. VEHICLES IN PROCESSION. Vehicles owned or controlled by the same firm, person or corporation shall not proceed in procession, but shall maintain a distance of at least fifty (50) feet between such vehicles. This section shall not apply to funeral processions, or other processions authorized by the Chief of Police or the Board of Public Safety.

A procession is defined as three or more vehicles owned or at the time controlled by the same firm, person or corporation, proceeding along the public ways in the same direction for a common purpose.

§ 27. SIGNALS TO VEHICLES IN REAR. The driver or person in control of vehicle, in slowing up, or stopping, shall signal those in the rear by raising a hand vertically so that the same may be seen from the vehicles in the rear.

(b) SIGNAL WHEN TURNING. No vehicle shall be turned unless a signal shall previously be given by the hand extended horizontally indicating the direction in which the turn is to be made, so same may be seen from any vehicle in the rear.

(c) SIGNALS WHEN BACKING. No person in control of a vehicle shall back same without ample warning having been given by him by signal made by extending the hand downward so same may be seen from any vehicle in the rear, and while backing, unceasing vigilance must be exercised not to injure those in the rear.

§ 28. DUTY TO SIGNAL VEHICLES. Every person in charge of a vehicle shall pull to the right of the street when signalled from a faster moving vehicle from behind desiring to pass, and traveling within the speed limits fixed by law.

§ 29. HORNS, BELLS, ETC. All bicycles, velocipedes, tricycles, motorcycles, automobiles, and all other riding machines and horseless vehicles upon the public ways, shall have attached thereto a gong, bell, horn or other adequate signal in good working order and of proper size and character to give sufficient warning of the approach of such vehicles to pedestrians and to

riders and drivers of other vehicles and to persons entering or leaving street cars, and capable of making an abrupt sound sufficiently loud to be heard under all ordinary conditions of traffic. Such gong, bell, horn or other signal shall not be sounded except when necessary to give warning, provided that no such gong, bell, horn or other signal shall produce a sound unusually loud, or annoying, or of distressing character, or such as will frighten pedestrians or animals, nor shall "sirens" or similar instruments that produce unusually loud, annoying, or distressing sounds be used.

But the last above provision of this section shall not apply to public ambulances, vehicles belonging to the fire or police departments of the city of Louisville, or vehicles belonging to public service corporations required to respond to alarms of fire or other calls of emergency.

§ 30. EMISSION OF SMOKE, ETC. No person operating a self-propelled vehicle shall permit the motor of same to operate in such a manner as to visibly emit an unnecessary, undue, or offensive amount of steam, smoke, or products of combustion from exhaust pipes or other openings.

§ 31. MACHINERY NOT TO BE LEFT RUNNING. The motor or engine of any motor vehicle shall not be left running while such vehicle is left standing, without an attendant, on any public way.

§ 32. UNNECESSARY NOISE—MUFFLERS. Every vehicle propelled by an internal combustion engine shall be equipped with an adequate muffler or silencer, or other device, to reduce to a minimum the noise of the exhaust from such engine. Such muffler, silencer, or other device shall not, at any time, be cut out, and no person operating a motor vehicle on the public ways shall permit such muffler, silencer, or other device, or the pipes of the engine, to emit sounds of exhaust in a loud and annoying manner, and all motor vehicles shall be operated in as noiseless manner as possible.

It shall further be unlawful for any person operating any vehicle to cause a blast or any signal to be given unnecessarily while such vehicle is standing or being operated.

§ 33. LAMPS—STANDING VEHICLES. Every motor vehicle, whether being operated, or standing, while upon any public way, shall carry, during the period of one hour after sunset to one hour before sunrise, and at such other times as atmospheric con-

ditions render the operation of such vehicles on such public ways without reasonable illumination, dangerous to traffic, lights as follows:

Motorcycles, at least one (1), and all other motor vehicles at least two (2) lighted lamps, showing white or tinted, other than red, lights visible at least two hundred (200) feet in the direction such vehicle is headed, and at least ten (10) feet on either side thereof.

§ 34. LAMPS—TRAILED VEHICLES. Every motor vehicle, and every vehicle that is trailed or towed by another vehicle, shall, while operated, or when stationary standing or at rest, on any public way, during the period mentioned in Section 33, carry at least one (1) lighted lamp showing a red light visible from the rear, and throwing a white light of sufficient force on the rear license or registration marker as to render the numerals thereon visible and decipherable for at least fifty (50) feet from the rear of said vehicle.

§ 35. LAMPS—ON MOVING VEHICLES. Every motor vehicle while being operated on any public way shall carry, during the period mentioned in Section 33, lights as follows:

Motorcycles, at least one (1) and other motor vehicles at least two (2) lighted lamps showing white or tinted, other than red, lights of sufficient force to clearly reveal, under ordinary atmospheric conditions, substantial objects for a distance of at least two hundred feet ahead of said vehicle; provided, that all lights of a greater strength than four (4) candle power which are equipped with a reflector shall be so designated, arranged, or deflected as to prevent any portion of the main shaft or beam of clear condensed light at any point within a distance of seventy-five (75) feet ahead of such vehicle to rise more than forty-two (42) inches above the surface on which said vehicle rests.

§ 36. SPOT LIGHTS PROHIBITED. Spot lights are prohibited from being used on any public ways unless for emergency in locating or reading signs, street numbers, or for similar temporary use, unless when projecting rays of light directly upon the ground at a distance not exceeding thirty (30) feet in front of the vehicle to which same are attached.

§ 37. LAMPS—POLICE AND FIRE DEPARTMENT. The provisions of the foregoing sections as to the use of dazzling and glaring headlights and spot lights, and regulating the use of red

lights shall not apply to vehicles of the police and fire departments, city ambulance, or other vehicles of public service, and of other corporations or concerns which respond to fires.

§ 38. LIGHTS ON HORSE-DRAWN VEHICLES. It shall be unlawful for any person to use or leave standing any horse-drawn vehicle upon any public way during the period from one hour after sunset to one hour before sunrise, unless a lamp or light be attached thereto sufficient to warn persons of its presence or approach.

§ 39. LAMPS ON BICYCLES. It shall be unlawful for any person to use a bicycle upon any of the public ways of the city of Louisville, during the period from one hour after sunset to one hour before sunrise, unless a lamp be so conspicuously placed and lighted on said bicycle as to warn persons of its presence or approach.

§ 40. PENALTY—LIGHTS. Any person who shall violate any provision of this ordinance with respect to lights shall be fined not less than five (\$5) dollars nor more than twenty-five (\$25) dollars for each offense, provided, any person who, for the purpose of avoiding identification or arrest, shall extinguish all or any lights required by this ordinance, shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars.

§ 41. PASSING STANDING STREET CARS. When any street car is actually taking on or discharging passengers at any crossing or intersection of any street, or at any stopping station, it shall be the duty of any person operating a motor vehicle, or other vehicle, going in the same direction, to stop such motor vehicle, or other vehicle, at least ten feet from the rear of such street car until such passengers have been taken on such street car, or have been discharged therefrom.

If any person is found guilty of violating the provisions of this section, he shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

§ 42. RIGHTS OF WAY—CERTAIN VEHICLES. Vehicles of the police department, fire department, salvage corps, emergency repair vehicles of public service corporations, vehicles carrying United States mail, and ambulances, shall have the right of way at all times, in any public way, or through any procession.

§ 43. RIGHTS OF WAY—VEHICLES GENERALLY. All vehicles and street cars going in an easterly or westerly direction shall have the right of way over all vehicles or street cars going in a northerly or southerly direction.

§ 44. RIGHTS OF WAY—STREET CARS. Subject to Section No. 42 of this ordinance, street cars shall have the right of way between cross streets over all other vehicles, and the driver or person in control of any other vehicle proceeding upon a track in front of a street car shall immediately turn out upon a signal from the motorman or driver thereof.

§ 45. RIGHTS OF WAY—PASSENGER VEHICLES. Any vehicle waiting at the curb shall promptly give place to a vehicle about to take on or let passengers off.

§ 46. OBSTRUCTING TRAFFIC. No vehicle or street car shall occupy any street so as to unreasonably interfere with or interrupt the passage of other cars or vehicles.

§ 47. OBSTRUCTING STREET CARS. No street car shall be delayed longer than one (1) minute by persons loading and unloading a vehicle.

§ 48. HORSES LEFT UNATTENDED. No horse shall be left unattended in any public way unless securely fastened, or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained, and the vehicle is of sufficient weight to prevent it from being dragged at a dangerous speed with the wheels so secured.

§ 49. HORSES UNBITTED. No horse shall be unbitted in any public way unless secured by a halter.

§ 50. HORSES—WHEN TO BE UNHITCHED. No person in any public way shall remove a wheel, pole, shaft, whiffletree, splinterbar, or any other part of a vehicle, or any part of the harness of any horse hitched thereto likely to cause an accident if the horse should start, without first unhitching the horse attached to said vehicle.

§ 51. PARTIALLY BROKEN HORSES. No person shall drive upon the public ways any unduly dangerous or partially "broken" animal, or use the public ways for the purpose of "breaking" animals. The word "breaking" as herein used refers to the act of accustoming animals to the saddle and harness for the purpose of subjecting them to use on the streets or for sale purposes.

§ 52. **OBSCURING DRIVER'S VIEW.** No person shall drive a vehicle that is so covered in as to prevent the driver thereof from having a sufficient view of the traffic following and at the sides of such vehicle.

§ 53. **COVERING OBNOXIOUS SUBSTANCES.** No vehicle containing substances or objects objectionable to the eye shall be driven through the public ways without said substances or objects being covered with a tarpaulin or other covering.

§ 54. **COVERING GARBAGE, ETC.** No vehicle containing garbage, street sweepings, sawdust, ashes, or any substance which is likely to be scattered to the wind shall be driven through the public ways without such wagon, or the receptacles containing such substances being securely covered, and all such vehicles shall be so constructed and loaded as to prevent the scattering or dropping of such substances upon the streets while being driven thereon.

§ 55. **INJURIOUS SUBSTANCES ON HIGHWAYS.** No person shall knowingly throw or place, or cause to be thrown or placed, upon any public way of the city of Louisville, any tacks, nails, wires, scrap metal, glass, crockery, or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles of any kind.

§ 56. **CARELESS LOADING OR DRIVING.** No person shall drive, conduct, or load any vehicle in such a manner as to likely cause a blockade on any public way, or to endanger or injure persons or property.

§ 57. **NOISE-MAKING MATERIAL.** No person shall so load a vehicle with iron or other material that may strike together and produce a loud noise without properly muffling it so that it shall cause no unnecessary noise.

§ 58. **AGE AND CONDITION OF DRIVER.** No person shall operate a motor vehicle upon any public way, whether as owner or operator, of said vehicle, if under sixteen (16) years of age, unless accompanied by his father, mother or guardian, nor while under the influence of intoxicating liquors or drugs, and no person shall take, use, or operate any motor vehicle upon the public ways without the permission of the owner thereof.

Any person violating this section shall be arrested, and if found guilty, shall be fined in a sum not less than fifteen (15) dollars, nor more than twenty-five (\$25) dollars.

§ 60. JUMPING AND RIDING ON REAR OF VEHICLES. No person shall ride on or jump upon the rear of any vehicle without the permission of the driver thereof, and no person shall ride on any vehicle with the body protruding beyond the limits of the vehicle.

§ 61. CYCLISTS AND PERSONS USING ROLLER SKATES CLINGING TO OTHER VEHICLES. No person while riding a bicycle, or using roller skates, shall hold or cling to any vehicle or street car.

§ 62. BICYCLES AND OTHER VEHICLES ON SIDEWALKS. No person shall ride any bicycle, velocipede, tricycle, or other vehicle upon the sidewalks of the city of Louisville.

§ 63. MISUSING WHIPS. No one shall crack, or so use a whip as to annoy, interfere with, or endanger any person, or excite any horse other than the one he is using.

§ 64. VEHICLES LEFT STANDING ALL NIGHT IN STREETS. No vehicle shall be left unhitched or standing in the public ways all night, unless in case of emergency, and if so left, a light must be displayed thereon.

§ 65. DUTIES TO PEDESTRIANS—"JAY-WALKERS." The roadbeds of the public ways are primarily intended for vehicles, but pedestrians have the right to cross them in safety, and all drivers of vehicles shall exercise all proper care not to injure pedestrians; and pedestrians before stepping from the sidewalk to the roadbed, should look to see what is approaching, and shall not needlessly interfere with the passage of vehicles.

What is known as "jay walking" is prohibited. "Jay walking" is defined as irregularly crossing, or carelessly walking up, down, in or across, any street at any place, and without proper notice of approaching traffic. Pedestrians are required to use care to avoid collisions or accidents, and the following rules are hereby established with reference to the use of the streets by pedestrians:

(a) Pedestrians must avoid interference with vehicles and traffic, and must not step from any sidewalk without taking careful notice of what is approaching.

(b) They must cross all streets at right angles to the direction of the roadway either at, or between, intersections, at such places as persons are not forbidden to cross between intersections.

At all places where traffic officers are stationed, pedestrians shall watch and obey the signals of such officers, and shall follow the designated sidewalk lines and the streams of traffic.

(c) Upon the streets herein set forth persons shall not be permitted to cross the streets except at regularly established crossings for pedestrians.

Such crossings are declared to be at each intersecting street a continuation of the sidewalk lines of one street across its intersecting street, and such other places as may have clearing defined foot crossings marked upon the street, or designated and suitably and clearly marked as such by the police department under orders of the Board of Public Safety.

The streets referred to in this section are Second, Third, Fourth and Fifth streets, from Main to Broadway, and Main, Market, Jefferson, Liberty, Walnut, Guthrie, Chestnut and Broadway, from Second to Sixth streets.

(d) They shall keep to the right in moving along the sidewalk; and in congested sections pedestrians shall not stand on the sidewalk, but shall keep moving.

(e) They shall not, on alighting from any street car, cross to the opposite side of the street, going behind said street car, until such car has moved away and it thereupon appears that the way is clear for the safe passage of any such pedestrian across the street. In all other cases pedestrians alighting from street cars shall proceed directly to the right hand curb.

§ 66. TAMPERING WITH VEHICLES. It shall be unlawful for anyone, without the consent of the owner or person in control thereof, to tamper with any motor vehicle, or other vehicle, while the same is standing upon any public way of the city of Louisville.

§ 67. FRIGHTENED HORSES. Whenever it shall appear that any horse ridden or driven by any person upon any public way of the city of Louisville, is about to become frightened by the approach of any motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle, to cause same to come to a full stop until such horse or horses shall have passed.

§ 68. DUTY IN CASE OF COLLISION. Any person who while riding, or driving, any horse, or operating or propelling any vehicle, or who, while engaged in any other method of locomotion, shall, on a public way of the city of Louisville, run against,

over or into any other person, vehicle, or other personal property in possession of any other person, in such manner as may injure or damage such other person or property, and who shall not immediately stop to ascertain the extent of such injury or damage, and to render such assistance as may be needed, or who shall refuse to give his or her true name and residence when so requested by the person injured, or whose property is so injured, or by any other person in his or her behalf, or by any peace officer, shall be fined not less than five (\$5) dollars nor more than one hundred (\$100) dollars for each such offense.

§ 69. OBEDIENCE TO TRAFFIC OFFICER, ETC. Drivers must at all times comply with any direction given by voice, hand, semaphore, whistle, or other signal, or device, of an officer of the police force as to stopping, starting, approaching, or departing from any place and also as to the manner of taking on or letting off passengers, and the loading or unloading of vehicles.

§ 70. IN NARROW STREETS AND ALLEYS. In all streets and alleys that are less than fifteen (15) feet in width, vehicles must enter from the north and east ends of such streets and alleys, and said vehicles shall be thus headed at all times while in such streets and alleys, and in leaving must leave through the south and west ends of such streets and alleys.

§ 71. EMERGING FROM ALLEYS, GARAGES, AND STABLES. No vehicles shall emerge from any street or alley, mentioned in Section 70 or from any stable or garage, at a rate of speed faster than five miles an hour.

§ 72. PERMITS FOR PARADES. No person, society, organization or company shall conduct or organize a parade through the streets of the city of Louisville without obtaining a permit therefor from the office of the Chief of Police.

§ 73. PRINTED COPIES TO BE POSTED. It shall be the duty of the police department to post in all public stables and garages, printed copies of this ordinance, and to keep printed copies hereof at all police stations, and issue them upon application therefor.

It shall be the duty of the owners and operators of public stables and garages to keep printed copies of this ordinance posted in their stables and garages.

The police department, with the approval of the Board of Public Safety, may designate by painted lines on pavements, or

streets, or otherwise, lines of travel for pedestrians at such points as, under the provisions of this ordinance, may be required, or permitted for the safety of the traveling public, and under the approval of the Board of Public Safety, the police department may adopt or employ such signals, and signal devices, as may be deemed necessary or proper for the safe handling of traffic in the city of Louisville.

§ 74. FURTHER PENALTIES. Any person, firm, or corporation violating any provision of Sections 13, 46, 53, 55 and 69 of this ordinance shall be fined in any sum not less than ten (\$10) dollars, and not more than fifty (\$50) dollars, or imprisoned in the county jail not less than five (5) days nor more than thirty (30) days, or both so fined and imprisoned, in the discretion of the court or jury, provided, however, that where the vehicle involved in such violation is not a motor vehicle, the fine for any violation of said sections shall not be less than five (\$5) dollars nor more than fifty (\$50) dollars.

Any person, firm or corporation violating any provision of this ordinance, for which a penalty is not otherwise provided, shall be fined in a sum not less than five (\$5) dollars nor more than fifty (\$50) dollars.

But nothing in this ordinance shall be construed to decrease or diminish the penalties prescribed therein by the Act of General Assembly of the Commonwealth of Kentucky entitled "An Act to regulate, license and govern the use of motor vehicles," approved March 20, 1914, or by an act of the General Assembly of the Commonwealth of Kentucky entitled "An Act to repeal and re-enact Subsection 4 of Section 2739 Kentucky Statutes (Carroll's Edition of 1915) relating to motor vehicles," approved March 26, 1918.

§ 75. REPEALS. The following ordinance is hereby repealed: An ordinance entitled "An ordinance regulating the moving, travel and traffic upon the public streets and highways of the city of Louisville and providing a punishment for any violation thereof," approved September 23, 1914.

§ 76. This ordinance shall take effect from and after its passage. (*Approved June 28, 1918.*)

(14) PUBLIC WAYS—RIGHT OF WAY.**When Ambulances and Physicians May Have Such Right.**

AN ORDINANCE regulating rights of way and permit therefor.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the ambulances in all the departments under the Board of Public Safety, while engaged in going for or in carrying any sick or wounded person or persons, shall have the right of way in the public ways of the city as against any person, conveyance, or incumbrance put, driven or being in said public ways, and no person or persons shall obstruct any such ambulance while so engaged, if there shall be opportunity to get out of the way of same.

§ 2. All physicians who shall have the permit, and wear and exhibit the badge hereafter provided for, shall, while engaged in answering calls for their professional services, have the right of way in the public ways of the city for themselves and their vehicles as against any person, conveyance or incumbrance put, driven or being in said public ways, except the ambulance mentioned in the preceding section of this ordinance, and such physician shall be allowed, without delay, to cross all processions and to pass through crowds or other public gatherings in said public way.

§ 3. It shall be the duty of the health officer to issue annually, without charge, on written application therefor, a permit over his official signature, to continue in force for one year, to any practicing physician, who shall have been licensed by the State Board of Health and shall have paid his license tax, if any, due to the city; and the health officer shall also deliver with said permit to such physician a suitable badge of such design as he may adopt, which shall be exhibited by such physician when he shall demand of any person or persons the right of way, as provided for in Section two of this ordinance.

§ 4. It shall be the duty of the health officer to obtain from the State Board of Health a certified list of all physicians licensed by said board and practicing in the city of Louisville, and from the secretary and treasurer of the Board of Sinking Fund Commissioners of the city, annually, a certified list of all physicians who have paid their license tax as may be required by law or

ordinance, and no permit for right of way shall be issued by the health officer to any physician whose name is not in said certified list.

§ 5. It shall be unlawful for the gates at any railway crossing of a public way in the city to be kept down, or such crossing to be obstructed, so that ambulances or physicians shall be unable to cross such railway for a longer period than five minutes at any one time.

§ 6. Any person or corporation who shall fail or refuse on demand to yield the right of way to an ambulance or physician, as provided for in this ordinance, when it is possible to do so, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from its passage. (*Approved January 15, 1898.*)

(15) PUBLIC WAYS—RIGHT OF WAY.

Fire Department and Salvage Corps.

AN ORDINANCE to better insure the right of way of vehicles belonging to the fire department or salvage corps on the streets of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to better protect the life and property of citizens of the city of Louisville it shall be the duty of every driver of any wagon, cart, carriage, bus, coupe, hack or any other vehicle of any description to drive to the curbing of the street whenever the sound of the fire gong announces the approach of a vehicle or apparatus of the fire department or salvage corps going to a fire.

§ 2. Any violation of the provisions of this ordinance shall be punished by a fine of not less than five (\$5) nor more than fifty (\$50) dollars for each offense.

§ 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

§ 4. This ordinance is to go into effect from and after its passage and publication. (*Approved February 12, 1910.*)
(See next ordinance; also (3) *Fire Department.*)

(16) PUBLIC WAYS—RIGHT OF WAY.

Right of Salvage Corps on Streets and to Enter Buildings.

AN ORDINANCE, Whereas, the Louisville Salvage Corps, incorporated under the laws of the State of Kentucky, maintains a corps of men whose duty it is to discover and prevent fires, and to provide and maintain suitable apparatus for the saving of life and personal property before, at and after fires, and to that end acts in conjunction with the fire department of the city of Louisville, and to that extent exercises a public function and service to the people of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That subject to the right of way of the apparatus of the fire department and police department of the city of Louisville, the apparatus of the Louisville Salvage Corps shall have the right of way over and along the public ways of the city in proceeding to a fire.

§ 2. To enable the officers and men of said Louisville Salvage Corps to act with promptness and efficiency such officers and men may enter any building on fire or which, in their judgment, is exposed to or in danger of taking fire from other burning buildings for the purpose of protecting and saving lives and property before, at and after fires.

§ 3. The officers and men of said Louisville Salvage Corps, with their teams and apparatus, while proceeding to and at a fire, shall be subject to control and regulation of the Board of Public Safety of the city of Louisville.

§ 4. This ordinance shall take effect from and after its passage. (*Approved December 10, 1913.*) (See also (3) *Fire Department.*)

(17) PUBLIC WAYS—RIGHT OF WAY.**Ambulances.**

AN ORDINANCE establishing the right of way for ambulances.

Be it ordained by the General Council of the city of Louisville:

§ 1. The ambulances of the Department of Public Safety, while engaged in going for or in carrying sick or wounded persons, shall have the right of way in the streets of the city, as against any person, carriage, or incumbrance, put, driven, or being in said streets; and no person shall obstruct said ambulances while so engaged, if there shall be an opportunity to get out of the way of the same.

§ 2. For the violation of the provisions of this ordinance the person shall be fined \$10.

§ 3. This ordinance shall take effect from and after its passage. (*Approved February 20, 1895.*)

(18) PUBLIC WAYS—USE AND PROTECTION.**Automobile—Pound for.**

AN ORDINANCE to establish an automobile pound in the city of Louisville, Kentucky.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created in the city of Louisville a pound for the impounding of automobiles and other vehicles of any character, which is hereby designated as "Automobile Pound."

§ 2. The Board of Public Safety is hereby empowered and directed to locate said pound on such portion or portions of the streets or grounds of the city of Louisville as may seem appropriate for such purpose, and as may be necessary to accommodate the vehicles impounded; and may change the location of such pound whenever such change appears to the Board of Public Safety necessary or desirable. The chief of police shall designate an officer or officers of the police department to remain in attendance at said pound for the purpose of receiving, safeguarding and discharging vehicles, and collecting the fees hereinafter provided.

§ 3. Whenever any vehicle is found by a police officer parked or left standing in the streets or other public ways of the city of Louisville in violation of the provisions of any ordinance of the city of Louisville, such police officer may remove and convey or cause to be removed and conveyed such vehicle by means of towing the same, or otherwise, to the automobile pound; and thereupon, such vehicle shall not be discharged or removed from said pound except by payment by the owner, driver or operator of such vehicle, of a fee of three dollars (\$3.00) to the officer in charge of said pound. When the owner, driver or operator of a vehicle so impounded presents himself at the pound to claim his vehicle, it shall be the duty of the officer in charge of the pound to inform such owner, driver or operator of the nature and circumstances of the violation on account of which such vehicle has been impounded. In case the owner, driver or operator of any vehicle so impounded executes an affidavit denying the facts upon which the pounding of such vehicle has been based and protesting against the payment of such impounding fee, there shall be given him by the officer in charge of such pound upon payment by such person of the said impounding fee, a receipt for the same marked "paid under protest," but in such case it shall thereupon be the duty of the officer having knowledge of the facts to forthwith make complaint in the Police Court of the city of Louisville under such provision or provisions of the ordinance or ordinances which may have been violated on account of which alleged violations such vehicle was impounded, charging the owner, driver or operator of such vehicle with such violation or violations, and thereupon said court shall try and determine said charge as other violations of said ordinances are tried and determined by said court. If any such person is thereupon found not guilty by said court upon such charges, it shall thereupon be the duty of the chief of police to refund to such person said fee of three dollars (\$3.00) so paid under protest.

§ 4. It shall be the duty of the chief of police to account for the fees collected by him under the provisions of this ordinance into the city treasury. He shall also keep a record of the names of the owners of all vehicles impounded, the numbers of their license tags, the nature, circumstances of each violation involved, and the disposition of each case.

§ 5. Nothing in this ordinance shall be construed as superseding any provision of any other ordinance concerning the proper parking or operation of vehicles of any character in the city of Louisville; and the impounding of any vehicle and the collection of any fee therefor under the provisions of this ordinance shall not prevent or preclude prosecution for the violation of any provisions of any other ordinance of the city of Louisville concerning the parking or operation of vehicles in the city of Louisville.

§ 6. This ordinance shall take effect from and after its passage. (*Approved December 31, 1918.*)

(19) PUBLIC WAYS—USE AND PROTECTION.

Regulating Use of Roller Skates on Sidewalks.

AN ORDINANCE regulating the use of roller skates in the city of Louisville.

Whereas, The use of roller skates upon the sidewalks of the city of Louisville is materially injuring said sidewalks; and

Whereas, The safety of pedestrians using said sidewalks is endangered by the persons using roller skates thereon; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person to skate upon the sidewalks of the city of Louisville.

§ 2. That the word sidewalks herein shall be construed to include sidewalks, crossings or ways used and maintained for the use of pedestrians in the city of Louisville.

§ 3. Any person violating the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each offense.

§ 4. This ordinance shall take effect from and after its passage. (*Approved May 8, 1913.*)

(20) PUBLIC WAYS—USE AND PROTECTION.**Regulating the Use in General.**

AN ORDINANCE regulating the use of public ways in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to place or maintain any vehicle of any kind upon or over any sidewalk or any part of any sidewalk.

§ 2. It shall be unlawful for any person, firm or corporation to lead, ride, or drive, or place any beast of burden or vehicle on or over any sidewalk, otherwise than in going to or from the premises occupied or owned by such person, firm, or corporation, or another, and then only at such time, and in such way and manner, as will not interrupt or inconvenience the traveling public.

§ 3. It shall be unlawful for any person, firm or corporation to use or occupy any part of any sidewalk, street, alley, or public way in shoeing or trying to shoe a horse or other animal, or for the purpose of heating or putting on wheel tires, or burning or destroying any waste or refuse matter of any kind.

§ 4. It shall be unlawful for any person, firm or corporation to erect, keep, or maintain upon or cover any sidewalk, street, alley, or public way within the corporate limits of the city of Louisville, or upon or over any part of such sidewalk, street, or alley, or public way, any house, fence, wall, building, or structure of any kind, or any post, rail, or other things that may in any way obstruct, either total or partial, such street, alley, or sidewalk, or that may in any way prevent or impede the full and free use by the public of such entire sidewalk, street, alley, or public way.

§ 5. It shall be unlawful for any person, firm or corporation to inclose in any manner, either totally or partially, any sidewalk, street, alley, public way or any part of any sidewalk, street, alley, or public way, with any fence, wall, or other structure, or in any manner whatever, except as may be provided by ordinance.

§ 6. It shall be unlawful for any person, firm or corporation to place, keep, or maintain on any sidewalk, street, alley, or

public way any wood, coal, lime, sand, brick, stone, lumber, or anything whatever, except as herein provided.

§ 7. It shall be unlawful for any person, firm or corporation to dig, break, displace, injure, or interrupt in any manner any pavement, sidewalk, curbing, street, alley, or public way, except in making improvements to adjoining lots, or for public purposes.

§ 8. Whoever shall dig or displace, injure or interrupt any part of any sidewalk, pavement, street, or alley, or public way, or curbing, in making improvements in or upon adjoining lots, or for public purposes, shall replace the same in its original condition within twenty-four hours after the completion of the work.

§ 9. Any person, firm or corporation engaged in doing, or causing to be done, any work which makes it necessary for bricks, stone, dirt, sand, gravel, vessels, or other litter, or thing to be placed in or on any sidewalk, shall remove the same, together with all litter or refuse matter caused by the work, or which may not have been used, within twenty-four hours after completion of the work.

§ 10. Any person, firm or corporation engaged in doing or causing to be done, any work which makes it necessary for bricks, stone, dirt, sand, gravel, vessels, or other litter, or anything to be placed in or on any street, alley, or public way, shall remove the same, together with all litter or other substance or refuse matter remaining after said work is completed, within three days after the completion of the work.

§ 11. It shall be unlawful for any person, firm or corporation to use any sidewalk, or street, or alley, either in whole or in part, for the purpose of vending any article whatever, or conducting any business, occupation, or trade, or advertising any business, occupation, or trade.

§ 12. It shall be unlawful for any person, firm or corporation to throw, pour, or permit, or cause to be run over any sidewalk, street, or alley, or any part thereof, any slop, refuse matter of any kind, filthy or hot water, steam water of any kind, impure liquids, or liquids or offal of any kind, or to permit any person in his, her, their, or its employ to do so.

§ 13. It shall be unlawful for any person, firm or corporation to place or throw on any sidewalk any filth, waste, or re-

fuse matter, or offal of any kind, or any orange-peel, banana-peel, or the peel, skin or rind of any other fruit, vegetable, or things, or permit any one in his, their, or its employ to do so.

§ 14. It shall be unlawful for any person, firm or corporation to leave any vehicle, or any other thing that may be a nuisance or obstruction, or hindrance in or upon any street, or alley, or sidewalk within the city, either during the day or night.

§ 15. For the purpose of erecting houses or other improvements on lots adjacent to any street, sidewalk, or alley, no person, firm or corporation shall use more than one-third of the width of said street fronting said improvement for material for making and conducting said improvement, but no material or substance of any kind shall be placed or allowed to fall or remain in the gutter of such street, such use of the street to be temporary and until such improvement shall have been completed, and such improvement shall be completed, without unnecessary delay. When such houses, structures, or improvements described in this section shall extend above one story, it shall be the duty of the builders, architects, and owner to erect a temporary shed or structure over the entire sidewalk adjacent to which such improvement is being made, with a roof of sufficient strength to resist the force of all material which may fall from the walls of such improvement as the work progresses, which will protect those passing along such sidewalk. Such shed or structure so erected for the protection of those passing along and over the said sidewalk shall be so erected as not to interfere with or obstruct public travel, and not to injure the street, curbing, guttering, or sidewalk, and shall be removed within three days after the completion of said house or structure.

§ 16. Nothing in this ordinance shall be construed to prohibit the necessary, temporary use of the sidewalks, by night or day, while actually shipping or receiving goods, wares, or merchandise of every kind, and for putting up coal, or other fuel, provided sufficient passway is left for pedestrians.

§ 17. It shall be unlawful to allow or permit the flow of water of any kind, from any drain or other pipes, in or upon any street, alley, or sidewalk, or public way during the making, repairing, or reconstruction of such street, alley, or sidewalk in

such manner as to interfere with, retard, or interrupt such making, repairing, or reconstruction of such street, alley, or sidewalk.

§ 18. When any use of any street, sidewalk, alley or public way is made as allowed by law, all such obstructions shall be safely guarded in such manner, and with sufficient necessary red lights at night as to protect all those traveling or passing upon such streets, alleys, sidewalks, or public ways, against injury from such obstruction.

§ 19. Any person, firm or corporation violating any of the provisions of this ordinance shall be fined in any sum not less than five (\$5) dollars nor more than fifteen (\$15) dollars for each offense, and ten (\$10) dollars for every twenty-four hours over the time any person, firm or corporation who or which may cause or permit such unlawful obstruction of any kind to remain in or on any of the public ways, sidewalks, streets, or alleys of the city.

§ 20. All ordinances and resolutions in conflict herewith, or not in conformity herewith, are hereby repealed.

§ 21. An ordinance entitled "An ordinance to regulate the use of public ways," approved March 25, 1884, is hereby repealed.

§ 22. This ordinance shall take effect and be in force from and after its passage. (*Approved September 16, 1895.*)

(See also *Vehicles; Spitting; Stock Law; Trees on Public Ways; Garbage; Right of Way; (4) Railroads; Railroad Tracks—Permits.*)

(21) PUBLIC WAYS—USE AND PROTECTION.

Cellar Doors and Condition of Cellars.

AN ORDINANCE regulating the use of public ways for cellar doors.

Be it ordained by the General Council of the city of Louisville:

It shall be unlawful for any person to permit his cellar door or cellar-way, on any public way in said city, to be left open at any time. It shall be unlawful for any person to permit any cellar door, cellar-way, or grating to any vault, or in any pub-

lic way in said city, belonging to premises owned or occupied by him, to be in an insecure condition, or in such condition as to endanger passers-by. It shall be unlawful for any person to place, keep, or maintain on any sidewalk, street, or alley, any cellar door, cellar-way, or steps leading into any cellar door or cellar-way that is otherwise than level with the adjoining pavement, and that extends more than four feet from the line of the adjoining lot. All cellars shall be kept dry and well aired, and free from standing water, putrefying and noxious vapors and smells, and during the months of June, July, August and September, well sprinkled with lime or some other disinfectant, when necessary. Any person violating any provision of this ordinance shall be fined not less than five (\$5) nor more than twenty dollars (\$20) for each offense. (*Approved May 9, 1871.*)

(22) PUBLIC WAYS—USE AND PROTECTION.

Opening Cellar Doors or Gratings.

AN ORDINANCE to prevent certain obstructions to sidewalks.
Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to permit or keep open any grating or cellar door or way in any sidewalk on any street, or thereby to prevent the free and unobstructed use by pedestrians of the entire sidewalk from the line of the property abutting on such street to the curb of the carriageway thereof, except for the time such opening into the sidewalk is being actually used for taking things into or out of the cellar or basement with which such openings shall communicate or be connected, and when such actual use ceases, the grating or cellar door in sidewalk shall be closed on a level with the sidewalk, and securely fastened by the persons owning, occupying or using the same, so that pedestrians may safely and without obstruction use the full width of the sidewalk, including the space therein covered by such grating or cellar door or way.

§ 2. That any person who shall violate any provision of Section 1 of this ordinance shall be subject to a fine of not less than five (\$5) nor more than fifty dollars (\$50) for each offense, and each hour such obstruction shall exist, or such open-

ing or cellar door or way shall be allowed to remain open, when not in actual use as defined in Section 1 of this ordinance, shall constitute a separate offense.

§ 3. That this ordinance shall take effect from its passage. (*Approved August 23, 1901.*)

(23) PUBLIC WAYS—USE AND PROTECTION.

Weeds on Sidewalks and in Gutters.

AN ORDINANCE relating to the growth of weeds and other vegetable matter in the sidewalks and gutters in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall hereafter be unlawful for the owner or agent of ground fronting any of the public highways of the city of Louisville to permit any weeds or other vegetable matter to grow or remain in the sidewalk or gutter of the street in front of his property.

§ 2. It shall be the duty of the Board of Public Works to give notice of the violation of this ordinance to the owner of the property, or to the agent, if the property be in the hands of an agent, and if, after the expiration of five days, the nuisance be not abated, said owner or agent shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each additional day the same remains unabated.

§ 3. All ordinances in conflict with this ordinance are repealed. This ordinance shall take effect from and after its publication. (*Approved August 10, 1895.*)

(See also *Weeds.*)

(24) PUBLIC WAYS—USE AND PROTECTION.

Protection of Curbing Around Grass Plot.

AN ORDINANCE to protect curbing in the streets of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to drive or ride over, or on any curb or curbing erected or placed

around any grass plot, or place designated for grass plot, in any of the streets of the city of Louisville, or in any other manner to injure the same.

§ 2. Any violation of this ordinance to be punished by a fine of not less than five dollars (\$5) nor more than fifty dollars (\$50). (*Approved September 16, 1895.*)

(25) PUBLIC WAYS—USE AND PROTECTION.

Streets—Protection of Asphalt.

AN ORDINANCE for protection of asphalt streets in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall hereafter be unlawful for any individual, firm or corporation to place, or cause to be placed, any lime, mortar, or any disintegrating substance, upon any asphalt street within the city of Louisville, so that the same will come in contact with the asphalt surface thereof.

§ 2. It shall be unlawful for any individual, firm or corporation to place, or cause to be placed, upon an asphalt pavement in the city of Louisville, heavy rocks, or timbers, or metals, or other heavy substances, by which the surface of said pavement may be defaced or injured.

§ 3. Any individual, firm or corporation violating any of the provisions of this ordinance shall be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

§ 4. This ordinance shall take effect from and after its passage. (*Approved August 28, 1905.*)

(26) PUBLIC WAYS—USE AND PROTECTION.

To Prevent Dirt from Washing onto Sidewalk.

AN ORDINANCE for the protection of sidewalks in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person owning any land, or lot on any street within the city of Louisville, with sidewalks improved with brick or other material, where the ground is higher than the

sidewalk, in order to prevent the dirt or ground from caving or being washed upon the sidewalk, he and he is hereby required to erect a retaining wall of stone, wood, or other material; or in lieu thereof said ground can be graded to a slope the extent of one and one-half to one, and sodded, to be done under the direction and approval of the Board of Public Works.

§ 2. The said Board of Public Works shall examine the premises, and direct the owner or his agent, lessee, or occupant thereof, in writing, to erect the character and kind of wall required, or may permit the owner to grade and sod the same. Said work shall be completed within thirty days from the date of said notice.

§ 3. Any owner, lessee, agent or occupant of such premises violating any of the provisions of this ordinance shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each offense, and each day's failure after the expiration of said notice shall constitute a separate offense.

§ 4. This ordinance shall be in force and effect from and after its passage. (*Approved May 6, 1899.*)

(27) PUBLIC WAYS—USE AND PROTECTION.

To Prevent Dirt from Washing into Carriage Way.

AN ORDINANCE to prevent earth and dirt from washing or falling into the public ways of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of every owner of any land or lot in the city of Louisville to prevent dirt and earth from washing or falling from such land or lot upon the paved carriage-way of any street, alley or public way of the city of Louisville.

§ 2. In order to prevent any dirt or earth washing or falling from any land or lot upon any such paved carriageway as mentioned in Section 1, the owner is hereby required to erect a retaining wall of stone, wood or other material; or in lieu thereof said ground can be graded to a slope the extent of one and one-half to one, and sodded, to be done under the direction and approval of the Board of Public Works.

§ 3. The said Board of Public Works shall examine the premises and direct the owner or his agent, lessee or occupant thereof, in writing, to erect the character and kind of wall re-

quired, or may permit the owner to grade and sod the same. Said work shall be completed within thirty days from the date of said notice.

§ 4. Any owner, lessee, agent or occupant of such premises violating any of the provisions of this ordinance shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each offense, and each day's failure after the expiration of said notice shall constitute a separate offense.

§ 5. This ordinance shall be in force and effect from and after its passage. (*Approved November 8, 1909.*)

(1) RAILROADS.

Gongs and Signals at Crossings.

AN ORDINANCE prescribing electric gongs at railway crossings.

Be it ordained by the General Council of the city of Louisville:

§ 1. For the protection of life and property, all railroad or railway companies or corporations operating or propelling freight or passenger cars by steam power along or upon the public ways or streets of the city, shall, at their own cost, cause to be erected and maintained at all the public way or street crossings, on their respective lines of railroad or railway tracks within the corporate limits of the city, competent and efficient electric gongs and signals similar to those now in use at the crossings of the Louisville, Cincinnati & Lexington Railway tracks and the Shelbyville turnpike, in the county of Jefferson, State of Kentucky.

§ 2. Said railroad or railway companies shall, within three months from the passage of this ordinance, cause said electric gongs or signals to be placed at the street crossings, as provided in the foregoing section, which shall be done under the supervision of the city engineer.

§ 3. Said railroad or railway companies or corporations, or any of them, shall, for each day they fail to comply with the provision of this ordinance, be subjected to a fine of not less than five dollars (\$5) nor more than twenty dollars (\$20). (*Approved August 27, 1884.*)

(See also *Railroad Tracks—Permits*; For report of shipments, see *Meats and Fish.*)

(2) RAILROADS.**Ringling of Bells—Blowing of Whistles.**

AN ORDINANCE concerning the operation of steam railroads in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when any car, cars, or locomotive, propelled by steam power, shall be moving in the city of Louisville, the bell of the engine shall be constantly sounded within the city limits.

§ 2. It shall be unlawful for any person or corporation to blow, or cause to be blown, any steam or other railway or railroad whistle in the city of Louisville for any purpose, except to prevent collision or in case of imminent danger.

§ 3. Any person or corporation violating any provision of this ordinance shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

§ 4. This ordinance shall take effect and be in force from and after its passage and publication. (*Approved August 1, 1898.*)

(3) RAILROADS.**Blowing of Whistles near Hospitals.**

AN ORDINANCE relating to the blowing of railroad whistles in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or corporation to blow or permit to be blown any steam or other railway or railroad whistle within one-half mile of any hospital for the sick, or any other place used for the care or cure of the sick or infirm in the city of Louisville.

§ 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be fined not less than five (\$5) dollars and not more than twenty-five (\$25) dollars for each offense.

§ 3. This ordinance shall take effect from and after its passage and publication. (*Approved September 4, 1894.*)

(See also *Noises.*)

(4) RAILROADS.

Regulating the Use by Steam Railroads of Public Ways.

AN ORDINANCE regulating the use of public highways in the city of Louisville by steam railways.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person or company, operating a steam railroad in the city of Louisville over or along any of the public highways of said city, to block or obstruct or occupy any crossings or intersections of any of said highways with locomotives or cars for a longer period than five minutes at any one time.

§ 2. For any violation of this ordinance the person or corporation so offending shall be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20) for each offense.

§ 3. This ordinance shall take effect from and after its approval. (*Approved September 16, 1895.*)

(See also *Railroad Tracks—Permits.*)

(1) RAILROAD TRACKS—PERMIT.

AN ORDINANCE authorizing the Baltimore & Ohio Southwestern Railroad Company to construct, maintain and operate a railroad track or switch in the alley between Main and Rowan streets, from a point 105 feet east of Sixteenth street to a point 250 feet west of Sixteenth street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Baltimore & Ohio Southwestern Railroad Company is hereby permitted to construct, maintain and operate a railroad track or switch connecting with the present track of said company on the north side of the alley between Main and Rowan streets at a point 105 feet east of Sixteenth street, thence running west along said alley and across Sixteenth street to a point 250 feet west of Sixteenth street, all as shown in red on blueprint attached hereto and made a part hereof.

§ 2. The construction of said track or switch shall be done at the expense of the said Baltimore & Ohio Southwestern Railroad Company under the supervision of and according to the plans to be approved by the Board of Public Works. The space

between the rails of said track or switch and for two feet on the outside thereof, over any public way over which said track or switch passes, shall be kept in good repair, and reconstructed from time to time, when necessary or when demanded by said Board of Public Works, and by the use of such materials and methods as may be directed by said board and at established grade, and said repairs and reconstruction shall be done at the exclusive cost of the Baltimore & Ohio Southwestern Railroad Company and under the supervision of the said Board of Public Works. Before proceeding to construct the said track or switch so far as same shall lay in or across any public way or to repair the same after it has been constructed, the Baltimore & Ohio Southwestern Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where it expects to begin same. Such work of reconstruction or repair shall be done under the supervision of an employe of the Board of Public Works, to be designated by said board, and the Baltimore & Ohio Southwestern Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. The said Baltimore & Ohio Southwestern Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by reason of the construction or maintenance of said track, or of the failure to repair the said public ways aforesaid, and the acceptance of this ordinance and the construction of the said track shall bind the said Baltimore & Ohio Southwestern Railroad Company, its successors and assigns to the city of Louisville for the performance of each undertaking or provision of this ordinance.

§ 4. Locomotives or cars shall not pass over said track at a rate of speed exceeding eight miles per hour.

§ 5. For the violation of any provision of this ordinance by the Baltimore & Ohio Southwestern Railroad Company, or any of its officers, agents, or employes, the said company shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense.

§ 6. This ordinance shall take effect from and after its passage. (*Approved October 3, 1919.*)

(2) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting to the Kentucky & Indiana Terminal Railroad Company the right to construct, maintain and operate a railroad track or switch from a point approximately seventy-eight (78) feet south of Magazine street, northwardly along Twenty-ninth street across Magazine street, and across Twenty-ninth street, with two branches—one extending in a northwestwardly direction to the west property line of Twenty-ninth street, between Magazine and the first alley north of it, and another extending in a northeastwardly direction to the east line of Twenty-ninth street, between Magazine street and the first alley north of it, and also to construct, maintain and operate a track in a northwestwardly direction across the alley lying between Twenty-ninth and Thirtieth and Chestnut and Magazine streets at a point approximately forty-two (42) feet west of Twenty-ninth street.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Terminal Railroad Company is hereby granted permission to construct, maintain and operate a railroad track,

(a) Beginning at a point in the Twenty-ninth street track of said company about eleven (11) feet south of Magazine street, thence northwestwardly along Twenty-ninth street, across Magazine street, and across Twenty-ninth street, by the lead of a No. 7 frog and curve to the left one hundred and ten (110) feet more or less to the west line of Twenty-ninth street between Magazine street and the first alley north of it.

(b) In a northwestwardly direction across an alley lying between Chestnut and Magazine and Twenty-ninth and Thirtieth streets, at a point approximately forty-two (42) feet west of Twenty-ninth street.

(c) Beginning at a point in Twenty-ninth street seventy-eight (78) feet more or less south of Magazine street, thence northeastwardly along Twenty-ninth street, across Magazine street, and across Twenty-ninth street, by the lead of a No. 7 frog and curve to the right one hundred and sixty-four (164) feet more or less.

The above is shown on blueprint hereto attached.

§ 2. The construction of said tracks, where they extend along and across said streets and alley shall be done at the expense of said Kentucky & Indiana Terminal Railroad Company, under the supervision of, and according to the plans to be approved by, the Board of Public Works. The space between rails of said tracks, and for three (3) feet on the outside thereof, on any public way over which said tracks shall pass, shall be kept in good repair and reconstructed from time to time when necessary or when demanded by said Board of Public Works, and by the use of such material and methods as may be directed by said Board of Public Works; and said repairs and reconstruction shall be done at the exclusive cost of the Kentucky & Indiana Terminal Railroad Company, and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said tracks or any of them so far as same shall lie in or across the public way, the Kentucky & Indiana Terminal Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where it expects to begin same. Such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works and said Kentucky & Indiana Terminal Railroad Company shall pay to the city of Louisville at the rate of three (\$3.00) dollars per day for each day of nine hours spent by said employe in said supervision.

§ 3. The Kentucky & Indiana Terminal Railroad Company, by the acceptance of this ordinance, agrees for itself, its successors and assigns, that, in the event the proper authorities of the State of Kentucky or the city of Louisville should hereafter require or ordain a separation of the grade of said tracks or any of them, from the grade of the above mentioned public way, the said Kentucky & Indiana Terminal Railroad Company, its successors or assigns, shall cause such separation to be effected at its or their expense in accordance with the plans prescribed by such authorities, or shall take up and remove the tracks herein authorized, and restore the public way hereby occupied in good condition. Said tracks or any of them shall be removed at any time on order of the Board of Public Works at the expense of the said Kentucky & Indiana Terminal Railroad Company.

§ 4. Said Kentucky & Indiana Terminal Railroad Company shall indemnify and save harmless the city of Louisville against

any claim for damages by reason of construction, reconstruction, maintenance or operation of said tracks or any of them, or by failure to repair the said public way aforesaid, and the acceptance of this ordinance and the construction of said tracks shall bind the said Kentucky & Indiana Terminal Railroad Company, its successors and assigns, to the city of Louisville, for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across Magazine street longer than five (5) minutes, nor to pass over said tracks at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any of the provisions of this ordinance by the Kentucky & Indiana Terminal Railroad Company in Kentucky, its successors or assigns, or by any officer, agent, or employ of same, the said company, its successors or assigns, shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its approval. (*Approved September 4, 1918.*)

(3) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Louisville & Nashville Railroad Company the right to construct, maintain and operate a railroad track or switch in the alley extending northward from G street and being between Brook and Floyd streets, and across G street, between said Brook and Floyd streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Louisville & Nashville Railroad Company is hereby granted the right to construct, maintain and operate a railroad track or switch in the alley twenty feet in width, extending northward from G street and being between Brook and Floyd streets, which alley binds on the west line of the right of way of said Louisville & Nashville Railroad Company, and also

across G street south of said alley, the center line of which railroad track or switch is located and described as follows, viz:

Commencing in the center of the southbound track of said railroad at a point 281 feet north of the north line of G street, thence southwestwardly crossing the east line of said alley at a point 147 feet north of G street, and continuing in said alley to the north property line of G street, intersecting the said north line of said street at a point 5 feet east of the west line of said alley, thence southwardly across G street and parallel to the alley and to said railroad right of way to the property of W. G. Dunnington & Co., said property line being the south line of G street, as shown by plat marked F 11394, attached hereto and made a part hereof.

§ 2. The construction of said track shall be done at the expense of the said Louisville & Nashville Railroad Company, under the supervision of and according to the plans to be approved by the Board of Public Works. The space between the rails of said track and for three (3) feet on the outside thereof, on any public way over which said track passes, shall be kept in good repair, and reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and by the use of such materials and methods as may be directed by said board and said repairs and reconstruction shall be done at the exclusive cost of the said Louisville & Nashville Railroad Company, and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said tracks, so far as same shall lie in or across the public ways, the Louisville & Nashville Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question and specifying the place where it expects to begin same; such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board and the Louisville & Nashville Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. Said track shall be removed at any time upon order of the Board of Public Works at the expense of the said Louisville & Nashville Railroad Company, its successors or assigns.

§ 4. Said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville for any claim

for damages by reason of the construction, maintenance or operation of said track, or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance, and the construction of said track shall bind the said Louisville & Nashville Railroad Company, its successors or assigns to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across said public way or ways longer than five (5) minutes, or to pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, its successors or assigns, or by any officer, agent or employe of same, the said company, its successors or assigns shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its passage. (*Approved September 30, 1918.*)

(4) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Louisville & Nashville Railroad Company the right to construct, maintain and operate a railroad track or switch crossing the ten-foot alley which lies between Kentucky street and St. Catherine street and parallel to said streets at a point about 45 feet east of the eastern line of the right of way of the Louisville & Nashville Railroad Company east of Logan street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Louisville & Nashville Railroad Company is hereby granted the right to construct, maintain and operate a railroad track or switch crossing the alley ten feet in width and lying between and parallel to Kentucky and St. Catherine streets, the center line of said railroad track or switch crossing said alley about fifty (50) feet east of the east line of the right of way of the Louisville & Nashville Railroad Company on the north side of said alley, and about forty (40) feet east of said line of right of way on the south side of said alley. The

location of said railroad track and intersection being shown by plat marked "G-10971" attached hereto and made a part hereof.

§ 2. The construction of said track shall be done at the expense of the said Louisville & Nashville Railroad Company, under the supervision of and according to the plans to be approved by the Board of Public Works. The space between the rails of said track and for three (3) feet on the outside thereof, on any public way over which said track passes, shall be kept in good repair, and reconstructed from time to time, when necessary, or when demanded by said Board of Public Works, and by the use of such materials and methods as may be directed by said board, and said repairs and reconstruction shall be done at the exclusive cost of the said Louisville & Nashville Railroad Company and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said tracks, so far as same shall lie in or across the public way, the Louisville & Nashville Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question and specifying the place where it expects to begin same; such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the Louisville & Nashville Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. Said track shall be removed at any time upon order of the Board of Public Works at the expense of the said Louisville & Nashville Railroad Company, its successors or assigns.

§ 4. Said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville for any claim for damages by reason of the construction, maintenance or operation of said track, or by failure to repair the said public way aforesaid, and the acceptance of this ordinance, and the construction of said track shall bind the said Louisville & Nashville Railroad Company, its successors or assigns to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across said public way longer than five (5) minutes, or to

pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, its successors or assigns, or by any officer, agent or employe of same, the said company, its successors or assigns shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its passage. (*Approved October 24, 1918.*)

(5) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Kentucky & Indiana Terminal Railroad Company permission to construct, maintain and operate a track or switch across Portland avenue, between Fifteenth and Sixteenth streets, and also across Lytle street, between Fifteenth and Sixteenth streets.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Terminal Railroad Company is hereby granted permission to construct, maintain and operate a railroad track or switch across Portland avenue, between Fifteenth and Sixteenth streets, the center line of said track intersecting the north line of Portland avenue at a point 203 feet east of Sixteenth street on a 25-degree curve, and crossing the south line of Portland avenue at a point 85 feet west of Fifteenth street, and the center line of said track intersecting the north line of Lytle street at a point 240 feet west of Lytle street on a 28-degree curve, and crossing the south line of Lytle street at a point 212 feet west of Fifteenth street as shown on the blueprint attached hereto and made a part of this ordinance.

§ 2. The construction of said tracks, where they cross Portland avenue and Lytle street, shall be done at the expense of said Kentucky & Indiana Terminal Railroad Company, under the supervision of and according to the plans to be approved by the Board of Public Works. The space between the rails of said tracks, and for three feet (3) on the outside thereof on any public way over which said tracks pass, shall be kept in good repair and reconstructed from time to time, when necessary, or when

demanded by the said Board of Public Works, and by the use of such materials and methods as may be directed by said board, and said repairs and reconstruction shall be done at the exclusive cost of the Kentucky & Indiana Terminal Railroad Company and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said track so far as same shall lie in or across the public way, the Kentucky & Indiana Terminal Railroad Company shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question, specifying the place where it expects to begin same; such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by said board, and the Kentucky & Indiana Terminal Railroad Company shall pay to the city of Louisville at the rate of three dollars and fifty cents (\$3.50) per day for each day of nine hours spent by said employe in said supervision.

§ 3. The Kentucky & Indiana Terminal Railroad Company by the acceptance of this ordinance agrees for itself, its successors and assigns, that in the event the proper authorities of the State of Kentucky or the city of Louisville should hereafter require or ordain a separation of the grade of said tracks, from the grade of the above mentioned public way, the said Kentucky & Indiana Terminal Railroad Company, its successors or assigns, shall cause such separation to be effected at its or their expense, in accordance with the plans prescribed by such authorities, or to take up and remove the track herein authorized and restore the public ways hereby occupied in good condition. Said track shall be removed at any time upon order of the Board of Public Works at the expense of the said Kentucky & Indiana Terminal Railroad Company.

§ 4. Said Kentucky & Indiana Terminal Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by reason of construction, reconstruction, maintenance or operation of said track or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance and the construction of said track shall bind the Kentucky & Indiana Terminal Railroad Company, its successors and assigns to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in

or across Portland avenue or Lytle street longer than five minutes, nor to pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Kentucky & Indiana Terminal Railroad Company, its successors or assigns, or by any officer, agent or employe of the same, the said company, its successors or assigns shall be subject to a fine of not less than twenty-five (\$25) dollars nor more than one hundred dollars (\$100.00) dollars for each offense.

§ 7. All ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage. (*Approved January 8, 1919.*)

(6) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Kentucky & Indiana Terminal Railroad Company permission to construct, maintain and operate a railroad track in Twenty-ninth street at the intersection with Madison street.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Terminal Railroad Company is hereby granted permission to construct, maintain and operate a railroad track in Twenty-ninth street, beginning at a point in the center line of the present track of the Adler Manufacturing Company in Twenty-ninth street, said point being fourteen (14) feet east of the west property line of Twenty-ninth street and twelve and three-tenths (12.3) feet south of the south line of Madison street; thence northwardly along a curved line having a radius of two hundred twenty-two and twenty-seven one-hundredths (222.27) feet for a distance of seventy-eight and six-tenths (78.6) feet more or less to a point in the west property line of Twenty-ninth street; said point being five and three-tenths (5.3) feet north of the north property line of Madison street. At the last mentioned point the line passes from the street onto the property of the Adler Manufacturing Company.

§ 2. The construction of said track in Twenty-ninth street shall be done at the expense of the said Kentucky & Indiana Terminal Railroad Company under the supervision of and according to plans to be approved by the Board of Public Works. The

space between the rails of said track and for a distance of three (3) feet on the outside thereof, on any public way over which said tracks pass shall be kept in good repair and shall be reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and with such materials and by such methods as may be directed by said Board of Public Works. All said repairs and reconstruction shall be done entirely at the expense of the Kentucky & Indiana Terminal Railroad Company and under the supervision of the said Board of Public Works, but before proceeding with repairs to or reconstruction of said tracks or either of them, so far as the same shall lie in or across the public way, the Kentucky & Indiana Terminal Railroad Company shall obtain a permit from the Board of Public Works of the city of Louisville to do the work contemplated, specifying the point at which such work is to be begun. All such construction, reconstruction or repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the Kentucky & Indiana Terminal Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. The said tracks shall be removed at any time upon an order of the Board of Public Works at the expense of the said Kentucky & Indiana Terminal Railroad Company, its successors or assigns.

§ 4. The said Kentucky & Indiana Terminal Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damage by reason of the construction, reconstruction, maintenance or operation of said tracks, or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance and the construction of said tracks shall bind the Kentucky & Indiana Terminal Railroad Company, its successors or assigns to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across Twenty-ninth street for a longer time than five (5) minutes nor to pass over said tracks at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Kentucky & Indiana Terminal Railroad Company, its successors

or assigns, or by any officer, agent or employe of the same, the said Kentucky & Indiana Terminal Railroad Company, its successors or assigns, shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its approval. (*Approved August 7, 1919.*)

(7) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Kentucky & Indiana Terminal Railroad Company permission to construct, maintain and operate a railroad track in Magnolia avenue from a point sixty-seven (67) feet west of the west line of Fifteenth street, eastwardly three hundred and sixty (360) feet.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Kentucky & Indiana Terminal Railroad Company is hereby granted permission to construct, maintain and operate a railroad track in Magnolia avenue, beginning at a point in the most northwardly main track of the said Kentucky & Indiana Terminal Railroad Company at a point sixty-seven (67) feet west of the west line of Fifteenth street, and extending thence northeastwardly on a reversed curve two hundred three and nine-tenths (203.9) feet to the point where the said track becomes parallel to the main tracks of the Kentucky & Indiana Terminal Railroad Company and where the distance between the center line of the said north main track of the Kentucky & Indiana Terminal Railroad Company and the proposed new track is sixteen feet; thence eastwardly parallel to said northwardly main track and sixteen feet from the center line thereof one hundred fifty-six and one-tenth (156.1) feet, the proposed new track being three hundred sixty (360) feet in length from the point of beginning.

§ 2. The construction of said track in Magnolia avenue shall be done at the expense of the said Kentucky & Indiana Terminal Railroad Company under the supervision of and according to plans to be approved by the Board of Public Works. The space between the rails of said track and for a distance of three (3) feet on the outside thereof, on any public way over which said

tracks shall pass shall be kept in good repair and shall be reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and with such materials and by such methods as may be directed by said Board of Public Works. All said repairs and reconstruction shall be done entirely at the expense of the Kentucky & Indiana Terminal Railroad Company and under the supervision of the said Board of Public Works and before proceeding with repairs to or reconstruction of said tracks or either of them, so far as the same shall lie in or across the public way, the Kentucky & Indiana Terminal Railroad Company shall obtain a permit from the Board of Public Works of the city of Louisville to do the work contemplated, specifying the point at which such work is to be begun. All such construction, reconstruction or repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the Kentucky & Indiana Terminal Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. The said tracks shall be removed at any time upon an order of the Board of Public Works at the expense of the said Kentucky & Indiana Terminal Railroad Company, its successors or assigns.

§ 4. The said Kentucky & Indiana Terminal Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damages by reason of the construction, reconstruction, maintenance or operation of said tracks, or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance and the construction of said tracks shall bind the Kentucky & Indiana Railroad Company, its successors or assigns to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across Magnolia avenue for a longer time than five (5) minutes nor to pass over said tracks at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Kentucky & Indiana Terminal Railroad Company, its successors or assigns, or by any officer, agent or employe of the same, the said Kentucky & Indiana Terminal Railroad Company, its suc-

cessors or assigns shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its approval. (*Approved July 3, 1919.*)

(8) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Louisville & Nashville Railroad Company permission to construct, maintain and operate two railroad tracks, one across Eleventh street, north of Kentucky street, the other in Eleventh street and across Kentucky street.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Louisville & Nashville Railroad Company is hereby granted permission to construct, maintain and operate two railroad tracks, one across Eleventh street, north of Kentucky street, the other in Eleventh street and across Kentucky street, as described below:

(a) One track to be constructed across Eleventh street, the center line of said track to intersect the east property line of Eleventh street at a point two hundred forty-five and forty-five one-hundredths (245.45) feet measured along the said east property line of Eleventh street from the north property line of Kentucky street; thence across said Eleventh street in a westerly direction by a curve to the right and intersect the west property line of Eleventh street at a point two hundred nineteen and forty-five one-hundredths (219.45) feet measured north along the said west property line of Eleventh street from the north property line of Kentucky street.

(b) The other track to be constructed in Eleventh street and across Kentucky street, its center line to intersect the east property line of Eleventh street at a point two hundred six (206) feet measured north along the said east property line of Eleventh street from the north property line of Kentucky street, thence southwardly by a twenty-degree curve and tangent through Eleventh street and across Kentucky street at right angles to said Kentucky street and intersecting the south property line of said Kentucky street at a point thirty-two and two-

tenths (32.2) feet measured west along the said south property line of Kentucky street from the point of intersection of the east property line of Eleventh street produced with said south property line of Kentucky street.

§ 2. The construction of said tracks across Eleventh street and in Eleventh street and across Kentucky street, shall be done at the expense of the said Louisville & Nashville Railroad Company under the supervision of and according to plans to be approved by the Board of Public Works. The space between the rails of said tracks and for a distance of three (3) feet on the outside thereof, on any public way over which said tracks pass shall be kept in good order and shall be reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and with such materials and by such methods as may be directed by said Board of Public Works. All said repairs and reconstruction shall be done entirely at the expense of the Louisville & Nashville Railroad Company and under the supervision of the said Board of Public Works, but before proceeding with repairs to or reconstruction of said tracks or either of them, so far as the same shall lie in or across the public way, the Louisville & Nashville Railroad Company shall obtain a permit from the Board of Public Works of the city of Louisville to do the work contemplated specifying the point at which such work is to be begun. All such construction, reconstruction or repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board and the Louisville & Nashville Railroad Company shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. The said tracks shall be removed at any time upon an order of the Board of Public Works at the expense of the said Louisville & Nashville Railroad Company, its successors or assigns.

§ 4. The said Louisville & Nashville Railroad Company shall indemnify and save harmless the city of Louisville against any claim for damage by reason of the construction, reconstruction, maintenance or operation of said tracks, or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance and the construction of said tracks shall bind the Louisville & Nashville Railroad Company, its successors and assigns

to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across Eleventh street or Kentucky street for a longer time than five (5) minutes nor to pass over said tracks at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Louisville & Nashville Railroad Company, its successors or assigns, or by any officer, agent or employe of the same, the said Louisville & Nashville Railroad Company, its successors or assigns shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its passage. (*Approved November 28, 1919.*)

(9) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Southern Railway Company in Kentucky the right to construct, maintain and operate a railroad track or switch across Floyd street, south of K street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Southern Railway Company in Kentucky is hereby granted the right to construct, maintain and operate a railroad track or switch across Floyd street, south of K street, in the city of Louisville, and beginning at a point on the west side of Floyd street 694 feet north of the center line of the Southern Railway crossing on Floyd street, near K street, and extending eastwardly across Floyd street to the east side thereof at 90 degrees with Floyd street.

§ 2. The construction of said track shall be done at the expense of the said Southern Railway Company in Kentucky, under the supervision and according to plans to be approved by the Board of Public Works. The space between the rails of said track, and for three (3) feet on the outside thereof, on the public way over which said track passes shall be kept in good repair, and reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and by the use of such materials and methods as may be directed by said board,

and said repairs and reconstruction shall be done at the exclusive cost of the said Southern Railway Company in Kentucky and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said track, so far as same shall lie in or across the public way, the Southern Railway Company in Kentucky shall obtain from the Board of Public Works of the city of Louisville a permit to do the work in question and specifying the place where it expects to begin same; such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works, to be designated by the said board, and the Southern Railway Company in Kentucky shall pay to the city of Louisville, at the rate of three (\$3) dollars per day for each day of nine hours spent by said employe in said supervision.

§ 3. The Southern Railway Company in Kentucky by the acceptance of this ordinance agrees for itself, its successors and assigns, that in the event the proper authorities of the State of Kentucky, or the city of Louisville should hereafter require a separation of the grade of said track from the grade of the above mentioned public way the said Southern Railway Company in Kentucky, its successors or assigns, shall cause such separation to be effected at its or their expense, in accordance with the plans prescribed by such authorities, or to take up and remove the track herein authorized and restore the public way hereby occupied in good condition. Said track shall be removed at any time upon order of the Board of Public Works at the expense of the said Southern Railway Company in Kentucky.

§ 4. Said Southern Railway Company in Kentucky shall indemnify and save harmless the city of Louisville from any claim for damages by reason of the construction, maintenance or operation of said track, or by failure to repair the said public way aforesaid, and the acceptance of this ordinance, and the construction of said track shall bind the said Southern Railway Company in Kentucky, its successors or assigns, to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across said public way or ways longer than five (5) minutes, or to pass over said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Southern Railway Company in Kentucky, its successors or assigns, or by any officer, agent or employe of same, the said company, its successors or assigns, shall be subject to a fine of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each offense.

§ 7. This ordinance shall take effect from and after its passage. (*Approved August 7, 1918.*)

(10) RAILROAD TRACKS—PERMIT.

AN ORDINANCE granting the Southern Railway in Kentucky the right to construct, maintain and operate a railroad track or switch across Eleventh street, south of Magnolia street.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Southern Railway Company in Kentucky is hereby granted the right to construct, maintain and operate a railroad track or switch across Eleventh street, the center line of which railroad track or switch is located and described as follows, to-wit:

“Commencing at a point sixty-five (65) feet southeast of the point of switch No. 2 of track leading into the property of the Louisville Public Warehouse Company and crossing Eleventh street in a southeasterly direction. The center line of the track where it intersects the west property line of Eleventh street, being 160 3-10 feet south of the south property line of Magnolia street. The center line of the track where it intersects the east property line of Eleventh street being 186 7-10 feet south of the south property line of Magnolia street, at this point entering the property of the Louisville Public Warehouse Company as shown by plat, date December 26, 1918, made by the Southern Railroad lines for additional tracks to serve the Louisville Public Warehouse Company and attached hereto and made a part hereof.”

§ 2. The construction of said track shall be done at the expense of the said Southern Railway Company in Kentucky, under the supervision of and according to the plans to be approved by the Board of Public Works. The space between the rails of said track and for three (3) feet on the outside thereof, on any public

way over which said track passes, shall be kept in good repair, and reconstructed from time to time, when necessary, or when demanded by the said Board of Public Works, and by the use of such materials and methods as may be directed by said board and said repairs and reconstruction shall be done at the exclusive cost of the said Southern Railway Company in Kentucky and shall be done under the supervision of said Board of Public Works. Before proceeding to repair said tracks, so far as same shall lie in or across the public ways, the Southern Railway Company in Kentucky shall obtain from the Board of Public Works of the city of Louisville, a permit to do the work in question and specifying the place where it expects to begin same; such construction, reconstruction and repairs shall be done under the supervision of an employe of the Board of Public Works to be designated by the said board, and the Southern Railway Company in Kentucky shall pay to the city of Louisville the actual cost to it of the services of such employe in such supervision.

§ 3. The Southern Railway Company in Kentucky by the acceptance of this ordinance agrees for itself, its successors and assigns, that in the event the proper authorities of the State of Kentucky or the city of Louisville should hereafter require or ordain a separation of the grade of said tracks, or either of them, from the grade of the above mentioned public way, the said Southern Railway Company in Kentucky, its successors or assigns, shall cause such separation to be effected at its or their expense, in accordance with the plans prescribed by such authorities, or to take up and remove the tracks herein authorized and restore the public way hereby occupied in good condition. Said tracks, or either of them, shall be removed at any time upon order of the Board of Public Works at the expense of the said Southern Railway Company in Kentucky.

§ 4. Said Southern Railway Company in Kentucky shall indemnify and save harmless the city of Louisville for any claim for damages by reason of the construction, maintenance or operation of said track, or by failure to repair the said public ways aforesaid, and the acceptance of this ordinance, and the construction of said track shall bind the said Southern Railway Company in Kentucky, its successors or assigns, to the city of Louisville for the performance of each undertaking and provision of this ordinance.

§ 5. Locomotives or cars shall not be permitted to stand in or across said public way or ways longer than five (5) minutes or to pass said track at a rate of speed exceeding eight (8) miles per hour.

§ 6. For a violation of any provision of this ordinance by the Southern Railway Company in Kentucky, its successors or assigns, or by any officer, agent or employe of same, the said company, its successors or assigns shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

§ 7. This ordinance shall take effect from and after its passage. (*Approved March 7, 1919.*)

(1) REDEMPTION OF PROPERTY SOLD FOR TAXES.

When City Will Permit Redemption.

AN ORDINANCE to provide for the payment of delinquent city taxes on property bought in by the city at tax sales under Sections 2997-3005, inclusive, of the Kentucky Statutes, after the redemption period, provided by statute, has elapsed and to permit the redemption of said property before the city has taken a deed.

Whereas, under Section 2997 to 3005, inclusive, of the Kentucky Statutes, numerous pieces of real estate in the city of Louisville have been, and may hereafter be, purchased by the Tax Receiver for the city at sales for delinquent taxes held under said sections; and,

Whereas, The time allowed by statute for redeeming many of said pieces of property has elapsed, and may in the future elapse, before a redemption by the owner or owners; and,

Whereas, Many of said pieces of property have not as yet been conveyed to the city by deed from the Tax Receiver; and

Whereas, It is deemed to the best interest of the city to permit the redemption of such pieces of property whenever it can receive the amount for which the said property was sold, together with the interest, penalties and costs accruing thereon under the provisions of Section 3002, Kentucky Statutes, and interest on all of said sums from the date of the expiration of the redemption period at the rate of ten (10) per cent per

annum, and the further payment of all other taxes that may be due the city for other years, together with interest, penalties and costs, as provided by law:

Be it ordained by the General Council of the city of Louisville:

In all cases where the Tax Receiver has purchased for the city lots for the satisfaction of its taxes at the sales thereof held pursuant to Sections 2997 to 3005, inclusive, of Kentucky Statutes, and the previous owner or owners thereof have permitted the time for redemption of the same provided by law to expire without such redemption, and until such time as the city shall receive a deed from the Tax Receiver for such property, the previous owner, his heirs or assigns may be, and are hereby, permitted to redeem said property from such sale by the payment to the Tax Receiver of the amount for which the said property was sold, together with interest, penalties and costs thereon accruing during the redemption period, as provided by Section 3002, Kentucky Statutes, and with penalty upon all of said sums from the expiration of said redemption period at the rate of ten (10) per cent, per annum, and upon the further payment of all other taxes that may be due the city for other years, together with interest, penalties and costs thereon as provided by law. (*Approved February 13, 1913.*)

(See also *Sales of Real Estate by City.*)

(2) REDEMPTION OF PROPERTY SOLD FOR TAXES.

When City May Give Quitclaim Deed.

AN ORDINANCE authorizing the Mayor to make a quitclaim deed on behalf of the city to property to which the city has received a deed under Sections 2997 to 3005, inclusive, of the Kentucky Statutes, and to property bought in by the city at the courthouse door, whether the city has received a deed of such property or not.

Be it ordained by the General Council of the city of Louisville:

Whereas, The city of Louisville has received deeds to various pieces of property bought in by the city for delinquent taxes under Sections 2997 to 3005, inclusive, of the Kentucky Statutes, and has bid in various pieces of property for delinquent taxes

at sales made at the courthouse door of Jefferson county, to some of which it has received deeds and to some of which it has not received deeds, and will from time to time buy in property sold as aforesaid for delinquent taxes, and receive deeds thereto, and

Whereas, It is deemed to the best interest of the city to generally permit the redemption of such pieces of property, as have not been sold by the City Comptroller, whenever the city can receive the amount for which said property was sold, together with interest, penalties, and costs of sale or suit accruing thereon, a further penalty of twelve (12) per cent per annum on all of said sums from the date of the expiration of the redemption period until paid; and also the cost of recording the deed to the city, if any, and any other costs to which the city may have been put in securing, maintaining or holding possession thereof, or in attempting to dispose thereof, and a further payment of all other taxes that may be due the city for other years, together with any interest, penalties and costs thereon, as provided by law;

Be it ordained by the General Council of the city of Louisville:

In all cases where the city of Louisville has received a deed to property sold for city taxes under Sections 2997 to 3005, inclusive, of the Kentucky Statutes, and in all cases where the city of Louisville has bought in property sold at the courthouse door for delinquent city taxes, whether the city has received a deed to said property or not, and until such time as the City Comptroller shall have sold the said property, and unless otherwise specially directed by the General Council of the city of Louisville in any particular case, the Mayor of the city of Louisville is hereby authorized and instructed to execute for the city a quitclaim deed to any such property to the previous owner, his heirs or assigns, upon the payment to the Tax Receiver of the city of Louisville of the amount for which said property was sold, together with interest, penalties and costs of sale or suit accruing thereon, a further penalty of twelve (12) per cent per annum on all of said sums from the date of the expiration of the redemption period until paid; also the cost of recording the deed to the city, if any, and any cost to which the city may have been put in securing, maintaining or holding possession thereof, or in attempting to dispose thereof, and a further payment of all

other taxes that may be due the city for other years, together with any interest, penalties and cost thereon, as provided by law. (*Approved August 22, 1913.*)

(See also *Sales of Real Estate by City.*)

(1) REGISTRATION.

Additional Registration Day.

AN ORDINANCE providing for an additional registration day in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the first Wednesday after the first Tuesday in October in each year, from the hours of 6 o'clock in the morning, until 9 o'clock in the evening shall be and it is hereby appointed an additional registration day for voters in the city of Louisville, and that the officers of registration shall register on said day the voters of the city entitled to register in the same manner and subject to the same rules and regulations as provided by law for the holding of a registration for that purpose on the first Tuesday in October in each year.

§ 2. That an ordinance entitled "An ordinance providing additional registration days in the city of Louisville," approved September 30, 1893, be and the same is hereby repealed.

§ 3. That this ordinance shall take effect from its passage. (*Approved December 24, 1903.*) (See also (1) *Fire Department.*)

(2) REGISTRATION.

Prohibiting Purchase or Sale of Certificates.

AN ORDINANCE prohibiting the purchase or sale of, or the attempt to purchase or sell any registration certificate.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who, by paying or offering to pay any sum of money or by giving or offering to give anything of value, or by promising or offering to promise any benefit, shall purchase, or attempt to purchase, or obtain or attempt to obtain the possession of any registration certificate of any person reg-

istered as a voter in any precinct of the city of Louisville, and any person who has been registered as a voter in any precinct of the city of Louisville, and who, for money, or the promise of money, or for anything of value, or any benefit or promise of any benefit, shall sell or offer to sell, or shall give up the possession of the certificate of such registration, shall be deemed guilty of a misdemeanor and shall for each offense be fined not exceeding fifty dollars (\$50).

§ 2. Any person who shall procure another to do, or shall aid or abet in the doing of anything prohibited by Section 1 of this ordinance shall be subject to the same penalty.

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

§ 4. This ordinance shall take effect from and after its passage. (*Approved August 25, 1909.*)

(1) SALARIES.

AN ORDINANCE fixing and regulating the salaries of officers of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the following named officers shall receive from the city of Louisville annually the respective sums set opposite their names, such salaries to be paid monthly, as now provided by law:

The Mayor shall receive the sum of.....	\$5,000.00	
*The City Attorney shall receive the sum of	4,000.00	[\$5,000.00]
The Treasurer shall receive the sum of...	3,500.00	
The Comptroller shall receive the sum of..	3,500.00	
The Assessor shall receive the sum of....	3,500.00	
The Tax Receiver shall receive the sum of.	3,500.00	
The Judge of the Police Court shall re- ceive the sum of.....	3,500.00	
The Prosecuting Attorney of the Police Court shall receive the sum of.....	3,500.00	
The Gas Inspector shall receive the sum of.	3,000.00	
*The Assistant City Attorney shall receive the sum of.....	2,500.00	[\$3,000.00]

The Auditor shall receive the sum of.....	2,750.00	
The Chairman and Members of the Board of Public Works shall each receive the sum of.....	2,500.00	
The Chairman and Members of the Board of Public Safety shall each receive the sum of.....	2,500.00	
The Clerk of the Police Court shall receive the sum of.....	3,500.00	
*The City Buyer shall receive the sum of..	2,400.00	[\$2,500.00]
The Bailiff of the Police Court shall re- ceive the sum of.....	3,500.00	
The Clerk of the Board of Aldermen shall receive the sum of.....	2,000.00	
The Clerk of the Board of Councilmen shall receive the sum of.....	2,000.00	
The Tax Receiver's Cashier shall receive the sum of.....	1,800.00	
†The First Assistant Assessor shall re- ceive the sum of.....	1,650.00	[\$2,000.00]
**The Mayor's Clerk shall receive the sum of	2,000.00	[\$2,500.00]
*The Comptroller's Clerk shall receive the sum of	1,500.00	[\$2,000.00]
The Treasurer's Clerk shall receive the sum of	1,500.00	
†The Assessor's six Assistants shall each receive the sum of.....	1,350.00	
†The Assessor's Draughtsman shall re- ceive the sum of.....	1,350.00	
The Stenographer of the Police Court shall receive the sum of.....	1,200.00	
The Tax Receiver's Bookkeeper shall re- ceive the sum of.....	1,200.00	
**The City Attorney's Stenographer shall receive the sum of.....	1,020.00	
The Tax Receiver's General Clerk shall receive the sum of.....	1,000.00	
†The Assessor's Transfer Clerk shall re- ceive the sum of.....	1,000.00	

The two Deputies of the Clerk of the Police Court shall each receive the sum of . . .	1,200.00
The two Assistants of the Bailiff of the Police Court shall each receive the sum of	1,200.00
‡The City Buyer's Clerk shall receive the sum of	1,200.00
The Interpreter of the Police Court shall receive the sum of	900.00
The Mayor's Stenographer shall receive the sum of	900.00 [abolished]
The Assistant City Attorney's Stenographer shall receive the sum of	900.00

§ 2. That the salaries of the Sergeant-at-Arms of the Board of Aldermen, the Sergeant-at-Arms of the Board of Councilmen, two Pages of the Board of Aldermen and two Pages of the Board of Councilmen shall each be \$1.50 per session of the General Council.

§ 3. That the salaries fixed by the ordinances shall apply to and be effective from the date of the passage of this ordinance, and shall apply to the successors of the present incumbents of the offices, who were voted for at the November election, 1901, but who have not yet qualified and taken possession of their offices, and to any person who may be elected or appointed to fill any vacancies that may occur in any of said offices.

§ 4. That all ordinances and parts of ordinances in conflict with this ordinance be, and they are, hereby repealed and held for naught.

§ 5. That the Clerks of the General Council shall perform such duties as may be specified and directed by the Comptroller or by ordinance.

§ 6. This ordinance shall be in full force and effect from and after its passage. (*Approved November 15, 1901.*)

*Salary since changed as indicated in brackets.

*See (5) City Attorney's Office.

†See ordinance regulating Assessor's Department.

‡See ordinance regulating City Buyer.

(For additional offices see "*List of Positions.*")

(1) SALES OF REAL ESTATE BY CITY.**Property Purchased at Tax Sales.**

AN ORDINANCE directing the City Comptroller as to the time and manner of sale of lands purchased by the city at tax sales held pursuant to Sections 2997 to 3005, inclusive, of the Kentucky Statutes, to which the city has received a deed and of which it has possession.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Comptroller may, at any time in his discretion after the first day of April next succeeding the expiration of the redemption period, sell at public auction any lands purchased by the city of Louisville at its tax sales held pursuant to Sections 2997 to 3005, inclusive, of the Kentucky Statutes, to which the city has received a deed and of which it has possession.

§ 2. Such sale shall be advertised by the Comptroller by posting for fifteen (15) days prior to the day of sale a written or printed notice thereof at the City Hall Annex door and on each or near each piece of property to be sold and the Comptroller may in his discretion, publish such notice in brief form not oftener than once a week for two consecutive weeks next preceding the day of sale in one daily newspaper of general circulation in the city of Louisville printed in the English language, such newspaper to be selected by the Comptroller.

§ 3. No appraisalment of property sold hereunder shall be necessary, and the Comptroller shall have the right to reject any and all bids.

§ 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and particularly an ordinance approved February 21, 1916, entitled "An ordinance directing the City Comptroller as to the time and manner of sale of property purchased by the city at tax sales, and to which it has received a deed and of which it has possession."

§ 5. This ordinance shall take effect from and after its passage. (*Approved May 7, 1918.*)

(2) SALES OF REAL ESTATE BY CITY.**Property Purchased at Judicial Sales.**

AN ORDINANCE providing for the sale of real estate purchased by the city of Louisville at judicial sales for taxes to which it has acquired a deed, of which it has possession, and the disposal of which is not otherwise provided for.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any and all real estate, which the city of Louisville has purchased, or may hereafter purchase, at judicial sales resulting from proceedings to enforce the city's lien thereon for taxes, to which the city of Louisville has acquired, or may hereafter acquire a deed, of which it has or may hereafter have possession, and the disposal of which is not otherwise provided for, may be sold at public sale at the City Hall Annex door by the Comptroller at any time in his discretion. Such sale shall be advertised by the Comptroller by posting for fifteen (15) days prior to the day of sale, written or printed notice thereof at the City Hall Annex door, and on or near each piece of property to be sold, and the Comptroller may, in his discretion, publish such notice in brief form not oftener than once a week for two consecutive weeks next preceding the day of sale in one daily newspaper of general circulation in the city of Louisville printed in the English language, such newspaper to be selected by the Comptroller.

§ 2. No appraisalment of property sold hereunder shall be necessary, and the Comptroller shall have the right to reject any and all bids.

§ 3. The Mayor and Comptroller are hereby jointly directed and empowered, on behalf of the city of Louisville, to execute a deed, or deeds, with special warranty for property sold hereunder.

§ 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and particularly an ordinance approved March 18, 1915, entitled "An ordinance providing for the sale of real estate purchased by the city of Louisville at judicial sales for taxes to which it has acquired a deed, of which it has possession, and the disposal of which is not otherwise provided for.

§ 5. This ordinance shall take effect from and after its passage. (*Approved May 7, 1918.*)

(1) SALOON REGULATIONS.**Hours of Closing; Dancing.**

AN ORDINANCE regulating the sale of spirituous, vinous, malt and intoxicating liquors of every kind and prescribing the hours and conditions for the sale thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person or persons, owner, agent or employe of a saloon, barroom or place of any kind where spirituous, vinous or malt liquors, or other intoxicating liquors of any kind are sold at retail, or by the drink, to keep said place open from and after the hour of 1 o'clock a. m., or to open said place of business before the hours of 5 o'clock a. m.

§ 2. It shall be unlawful for any person, firm or corporation to have, maintain, or operate, or cause to be maintained or operated a dance hall, where persons may engage in dancing either for pay or for the purchase of liquors, or free, in any apartment connected with a saloon, barroom or any place where spirituous, vinous or malt liquors, or other intoxicating liquors are sold, but this section shall not apply to licensed public gardens or dance halls at such times as licensed picnics or balls are given therein.

§ 3. That any keeper, owner, agent, employe or manager of any saloon or dance hall who shall violate any of the provisions of this ordinance shall be fined twenty-five dollars (\$25) for each offense, and each sale or other act committed in violation of this ordinance shall constitute a separate offense.

§ 4. This ordinance shall take effect on and after its publication. (*Approved July 22, 1905.*)

(See also (8) and (9) *License; Chili Parlors*; (4) *Bonds.*)

(2) SALOON REGULATIONS.

AN ORDINANCE regulating the sale, delivery or gift of spirituous, vinous or malt liquors by any person, firm or corporation, to be consumed or used off the premises where sold or given, and prescribing the manner and condition for the sale, delivery or gift thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful for any person, firm or corporation, his or their agents, servants or employes, to sell, give or deliver within the corporate limits of the city any spirituous, vinous or malt liquors of any character whatsoever to any person or persons for use or consumption off the premises where sold, given or delivered except as hereinafter provided.

§ 2. Section 1 hereof shall not apply:

(1) To a bona fide sale or delivery of sale liquor by a wholesaler to a licensed retailer authorized by law to receive and deal in same, or

(2) To any licensed druggist for medical purposes on a prescription written and signed by a regularly licensed physician legally authorized to practice medicine, or

(3) To sale of liquor for religious or sacramental purposes, or

(4) To bona fide sales of any such liquor by a licensed dealer to bona fide residents of the city of Louisville, provided that in each and every instance where such bona fide sales are made by a licensed dealer to the resident of the city of Louisville, such liquor shall be delivered to the residence of such resident and the dealer shall cause to be kept in his principal office in the city of Louisville a record of each and every sale, delivery or gift so made to any resident of the city of Louisville; the record to contain the name, address and quantity of liquor sold, given or delivered to such resident, together with the date thereof, and such record shall be open at all times to inspection by officers of the United States, including military officers, officers of the State and of the city of Louisville.

(5) To the purchase of beer in open top, transparent glass pitchers capable of holding not less than two quarts, by bona fide residents of the city of Louisville or a member of his family (except if a soldier) for family use and such purchases may be

carried home by the citizen or said member of his family and record of sale of same need not be kept by the licensed dealer.

§ 3. That any person, firm or corporation, their agent, servant or employe, who shall violate any of the provisions of this ordinance shall be fined not less than twenty-five dollars and not more than one hundred dollars for each offense, and each sale or other act committed in violation of this ordinance shall constitute a separate offense.

§ 4. This ordinance shall take effect from and after its passage. (*Approved August 14, 1918.*)

(1) SANITATION.

General Regulations.

AN ORDINANCE regulating the sanitary condition of manufacturing establishments, tenement houses, lodging houses, boarding houses, stores and public buildings in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no owner, lessee, or keeper of any tenement house, lodging house, boarding house, manufactory, store, or public building shall cause or allow the same to be overcrowded, or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health.

§ 2. That every person who shall be the owner, lessee, manager, or keeper of any tenement house, boarding house, lodging house, manufactory, store or public building, shall provide or cause to be provided for the accommodation of those boarding, lodging, or engaged therein, and for the use of the tenants, lodgers, boarders, and workers therein, adequate privies and water closets, and the same shall be so adequately ventilated and shall at all times be kept in such cleanly and wholesome condition as not to be offensive or be dangerous or detrimental to life or health; and no offensive smell or gasses from or through any outlet or sewer or through any such privy or water-closet, shall be allowed by any person aforesaid to pass into such house or any part thereof, or into any house or building.

§ 3. That every owner, lessee, tenant, or manager of any tenement house, boarding house, lodging house, manufactory, store, or public building shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and wholesome condition, and shall speedily cause every department thereof in which any person may sleep, dwell or work, to be adequately lighted or ventilated; and if the same be a manufactory, shall cause every part thereof in which any person may work to be maintained at such a temperature, and be provided with such accommodations and safeguards as not, by reason of the want thereof, or anything about the condition of such manufactory or its appurtenances, to cause any unnecessary danger or detriment to the life or health of any person being properly therein or thereat.

§ 4. Any person who shall violate any of the provisions of this ordinance, after being given thirty days' notice in writing, by the health officer to comply therewith, specifying what he is required to do with respect to the premises owned, leased, or kept by him, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense.

§ 5. This ordinance shall take effect from and after its passage. (*Approved April 19, 1898.*)

(See also *Diseases; Nuisances; Tenement House Law* (Charter Sec. 3037g); *Milk; Plumbing Code; Privy Vaults; Sewers; Smoke; (2) Second-Hand Dealers; Spitting; Weeds.*)

(2) SANITATION.

Requiring Removal of Stagnant Water.

AN ORDINANCE concerning the removal of stagnant water from vacant lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. Any vacant lot or lots containing stagnant water or other matter or substance deleterious to health, upon inspection and condemnation by the health officer or on the petition of two-thirds of the property owners, renters, or residents upon the square or block in which said stagnant water, or other matter or substance deleterious to health, may exist or is located, shall be removed and abated under the direction and supervision

of the Board of Public Works. The Board of Public Works, on the request of the health officer, shall give the owner of said lot or lots containing the said nuisance, or his agent, if any, ten days' notice to remove or abate such nuisance, under the direction and supervision of the Board of Public Works; and if the said owner, after being given notice as aforesaid, shall fail to abate or remove such nuisance, he or she shall be fined not less than ten (\$10) nor more than twenty-five dollars (\$25) for each day's continuance of the nuisance, to be recovered as provided by law for the violation of other ordinances.

§ 2. All costs and expenses necessarily incurred by the city of Louisville in removing or abating any such nuisance, after notice, and upon the failure of the owner to remove or abate the same, as provided in the first section of this ordinance, shall be paid by such owner into the city treasury, and in default of his doing so, suit shall be instituted by the city attorney to recover the amount for the city in any court having jurisdiction thereof.

§ 3. The ordinance entitled "An ordinance concerning the removal of stagnant water from lots in the city of Louisville," approved August 7, 1871, is hereby repealed.

§ 4. This ordinance shall not repeal, or affect in any way, the ordinance entitled "An ordinance empowering and authorizing the health officer to order the removal, abatement, or prevention of any and every sanitary nuisance in the city of Louisville," approved December 24, 1895.

§ 5. This ordinance shall take effect from and after its passage and publication. (*Approved March 20, 1897.*)

(3) SANITATION.

Police Officers, Sanitary Inspectors.

AN ORDINANCE making members of the Police Department sanitary inspectors of the Health Department.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Police Department of the city of Louisville shall constitute an active adjunct to the Health Department. The individual members of the Police Department shall be and are hereby authorized to perform the duties of sanitary inspectors.

§ 2. Patrolmen shall abate those nuisances which have no direct bearing on the spread of communicable diseases, such as ash piles or other accumulation of rubbish, unsightly matters in general, weeds, chicken yards, slop water, bad odors and similar conditions.

§ 3. Patrolmen shall also investigate, report upon and abate such other nuisances as may be directed by the Board of Safety.

§ 4. Members of the Police Department shall be furnished with copies of ordinances relating to public health in the city of Louisville, for their information and guidance.

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

§ 6. This ordinance shall take effect upon its passage. (*Approved October 6, 1917.*)

(4) SANITATION.

Removal of Manure.

AN ORDINANCE providing for the prompt removal of manure from stables and its keeping in fly-proof receptacles prior to collection.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of every person owning, controlling, operating or having in charge any public or private stable, barn or place where horses, mules, asses, cattle, sheep, goats, swine or other livestock are kept, to have and maintain at all times upon the premises or adjacent to such stable, barn or place, a receptacle of sufficient dimensions which shall be fly-proof from March to November of each year, for the purpose of containing the droppings of manure from such stock, which said receptacle shall have a top or lid so arranged as to be watertight and fly-proof; and such owner, tenant or occupant shall each day cause to be deposited therein all droppings from such stock and shall keep the lid thereof closed (except when necessary and briefly open for the purpose of depositing therein or removing therefrom) in such manner as to prevent the ingress or egress of flies thereto or therefrom.

§ 2. Every owner, tenant or occupant within the city of Louisville shall cause the contents of such receptacle to be removed

from the premises at least once a week and oftener if required by the Health Department, such requirements applying to the period between March and November of each year.

§ 3. No receptacle shall be constructed or used for holding manure the bottom of which is below the surface of the surrounding earth unless it be constructed of substantial cement or masonry and connected with the public sewer. Receptacles holding manure shall be constructed so as to prevent the entrance of water.

§ 4. Manure shall be removed from the stables, barns and places within the city at the expense of the owner, occupant or agent and shall not be used as fertilizer within the city limits without the permission, in writing, from the Health Department.

§ 5. No manure shall be transported along any public street, alley or highway within the city of Louisville except in a tight vehicle which, if not closed, must be covered with canvas or other suitable material, so as to prevent the falling of the manure therefrom and the access of flies thereto.

§ 6. Any person or persons violating or assisting in the violation of any part or parts of this ordinance, shall, upon conviction, be fined not less than ten (\$10) dollars or more than fifty (\$50) dollars, and each day's continuance of the condition shall be a separate offense.

§ 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 8. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

(5) SANITATION.

Public Drinking Cup, Prohibited.

AN ORDINANCE prohibiting the use of common drinking cups, common towels or other eating or drinking utensils in public places.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful to expose, keep, provide or permit any drinking vessel to be used in common in any public, private or parochial school or Sunday-school, hotel, lodging house, board-

ing house, restaurant, depot station, waiting room, boat, store, factory, hall, theater, moving picture house, library, public institution, street, park or any other public place.

§ 2. No glass, dish, cup, spoon, measure or other eating or drinking vessel or utensil used in or at any hotel, saloon, restaurant, drug store, soda fountain or other place of public refreshment in the city of Louisville shall be offered or permitted to be used by any other patron unless it has been thoroughly cleansed since it was last used and is thoroughly clean at the time that it is offered for use.

§ 3. No person, firm or corporation having the management or control of any factory, department store or other business establishment, school, hotel, theater, concert hall, restaurant, cafe, ferry boat, ferry house or river boat, public lavatory or washroom shall maintain therein or thereat any towel or towels for use in common.

§ 4. The term "common" is hereby defined as more than one person.

§ 5. Any person or corporation violating the provisions of this ordinance shall be fined not less than one (\$1) dollar nor more than ten (\$10) dollars, and each day's violation shall constitute a separate offense.

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

§ 7. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

(6) SANITATION.

Closing Polluted Wells.

AN ORDINANCE closing polluted wells.

Be it ordained by the General Council of the city of Louisville:

§ 1. The City Chemist shall make examinations of samples of water obtained from public or private wells, cisterns, springs or other sources of supply, whenever such water is used for human consumption.

§ 2. Upon receipt of information from the City Chemist and Bacteriologist, after the application of standard chemical and bacteriological tests to the samples named in Section (1) that

such samples show evidence of organic pollution or contamination and that such pollution and contamination is detrimental to human health, the Board of Public Works, upon notice from the Health Department, shall at once close, fill or otherwise prevent the further use of the water from such water sources; provided that before any private well or any other private source of water supply is condemned a hearing shall be held in the Police Court.

§ 3. It shall be unlawful for anyone to use or attempt to use the water from a well, cistern, spring or other water source for human consumption after said water source has been condemned by the Health Department.

§ 4. Any person or persons violating or assisting in the violation of any part or parts of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars and not more than twenty (\$20) dollars.

§ 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

SEAL.

For the City of Louisville.

AN ORDINANCE providing a new public seal for the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the seal for the city of Louisville shall, from and after the passage of this act, be the device presented by J. R. Bauscher and recommended by a committee composed of Mayor W. O. Head, Comptroller Sam M. Wilhite and F. W. Keisker, president of the Publicity League. The main features of said device are a woman symbolizing said city, holding aloft a banner bearing the motto "Progress," and having an overflowing cornucopia in one hand, a train of cars to her right and a steamboat at her left, both under way, the whole surmounted with the inscription, "The Nation's Thoroughfare."

§ 2. That the ordinance approved May 8, 1861, entitled, "An ordinance establishing a public seal for the city," be and it is

hereby repealed and the seal therein provided for be and it is hereby declared to be no longer the seal of said city.

§ 3. That this ordinance shall become effective ten days after the date of its approval. (*Approved December 21, 1910.*)

(1) SECOND-HAND DEALERS.

General Regulations.

AN ORDINANCE regulating dealers in second-hand goods, wares, merchandise, or materials in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That every person, firm or corporation who shall carry on the business of buying or selling second-hand goods, wares, merchandise, or materials, shall be deemed a second-hand dealer within the meaning of this ordinance.

§ 2. It shall be unlawful for any person, firm or corporation to carry on the business of second-hand dealers in the city of Louisville without first having executed a bond to the city of Louisville, approved by the General Council, in the sum of one hundred dollars, conditioned that he or they will faithfully perform and observe all of the regulations of this ordinance. Said bond shall be executed in the Sinking Fund office, in the presence of the treasurer and secretary of the Sinking Fund, and shall be transmitted to the General Council for approval; and when approved the Comptroller shall be the custodian of said bond, and shall notify the treasurer and secretary of the Sinking Fund of such approval, and no license shall be issued to any such second-hand dealer until said bond has been approved by the General Council.

§ 3. No person, firm or corporation carrying on the business of second-hand dealer shall at any time or under any circumstances be allowed to buy second-hand goods, wares, merchandise, or materials from a minor.

§ 4. Every person, firm or corporation carrying on the aforesaid business shall keep a register, which shall contain the name of the person or persons from whom any second-hand goods, wares, merchandise, or materials are purchased, the date when received and bought, the residence or place of business of such person or persons, and a full description of said second-hand

goods, wares, merchandise, or materials, same to be in plain, legible English handwriting; and shall daily, by 11 o'clock a. m., furnish to the chief of police, in plain, legible English handwriting, a true and correct report of all such second-hand goods, wares, merchandise, or materials so purchased, or otherwise in their possession, describing said articles as accurately as possible. It shall be the duty of any such person, firm or corporation to allow any captain of police, or officer, or officers, designated by the chief of police or chief of detectives, upon a written order, to examine and inspect such register, and if sufficient information cannot be gained from an inspection of said register, it shall, upon the request of said officer or officers, be the duty of any person, firm or corporation to permit and allow said officers to examine and inspect any and all second-hand goods, wares, merchandise, or materials belonging to or temporarily left in charge of such person, firm or corporation.

§ 5. It shall be the duty of the chief of police to furnish blanks for the report herein provided for.

§ 6. Whenever any second-hand dealer shall go from house to house in the city of Louisville for the purpose of buying or selling second-hand goods, wares, merchandise, or materials, he shall carry his license and exhibit the same whenever requested to do so by a licensed or police officer, and shall wear upon his person, in a conspicuous place, in such manner that it may always be seen, a badge, which badge shall be furnished free of charge by the Commissioners of the Sinking Fund to any person who has procured a license as a second-hand dealer. Said badge shall be of metal, and shall have thereon the following words: "City of Louisville. Sinking Fund, Licensed Second-hand Dealer. No. ——— Expires ———, 189——."

It shall be unlawful for any person to wear or have in his possession the badge herein required unless he be the licensed second-hand dealer in whose name the license is issued.

On the expiration of the license of any second-hand dealer he shall surrender his badge to the Commissioners of the Sinking Fund.

It shall be unlawful for any person to destroy, deface or injure said badge in any manner, or change the number or dates thereon.

§ 7. Any person, firm or corporation who shall neglect, or refuse to comply with, or violate any of the provisions of this ordinance, shall be fined not less than five (\$5) nor more than twenty-five dollars (\$25) for each offense. Each day such person, firm or corporation shall neglect or refuse to comply with, or violate any of the foregoing provisions, shall constitute a separate offense.

§ 8. This ordinance to take effect from and after its publication. (*Approved March 20, 1897.*)

(For regulation of hours, see *Pawnbrokers*, etc. See also *Junk Dealers; Junk Merchants; Peddlers.*)

(2) SECOND-HAND DEALERS.

· Disinfection of Clothing, etc.

AN ORDINANCE requiring second-hand dealers to disinfect clothing and other material.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person, company, or corporation doing business in the city of Louisville, who purchases or sells goods of any kind or description having once been used, or transferred from the manufacturer to the dealer and then received into the possession of another party, whether the same consists of cloth, carpets, clothing, rags, or wearing apparel, shall be deemed to be a second-hand dealer, and all such dealers are hereby required, within sixty days after the passage of this ordinance, to establish and set apart a tightly and suitably constructed room in connection with their business establishment to be used for disinfecting all such material which is liable to contagious infection, purchased and handled by them, before the same is offered for sale.

§ 2. That every person, firm or corporation that violates any provision of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars for each offense, and each day's continuance of business without compliance with Section 1 of this ordinance, after sixty days from its passage, shall constitute a separate offense.

§ 3. That this ordinance shall take effect from its passage. (*Approved April 27, 1900.*)

(1) SEWERS.**When Sewer Connection Required.**

AN ORDINANCE concerning the sewerage of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all owners of occupied houses in the city of Louisville, situated upon lots abutting upon a street or alley in which there is a public sewer, shall connect all drain pipes of such house with said sewer.

§ 2. It shall be unlawful for the owner of such house to keep or maintain any dry well upon such lot or to drain any privy matter or other foul or deleterious matter into same.

§ 3. Any person violating the provisions of this ordinance shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each offense. Each day said party shall fail to connect the drain pipes of his house with the sewer, and each day any such dry well is kept or maintained upon lot, is to constitute a separate offense.

§ 4. This ordinance to take effect sixty days after publication. (*Approved December 20, 1893.*)

(See also (*Drains*); (1), (2) *Public Ways—Construction or Repair; Plumbing Code; Tenement House Law, Charter, Sec. 3037g.*)

(2) SEWERS.**Obstructions Prohibited.**

AN ORDINANCE concerning the sewerage of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to permit or cause to be closed, stopped up, or otherwise obstructed, any sewer, catch basin, inlet, manhole, lamp-hole or other portion of any sewer or drain in the city of Louisville, or do, or permit to be done, anything that will retard or prevent the free circulation of water, sewerage or air through said sewer, drain or appurtenance.

§ 2. Any person, firm or corporation violating any of the

provisions of this ordinance shall be fined in any sum not less than ten dollars (\$10) nor more than twenty-five (\$25) for each offense, and each day in which such person, firm or corporation may cause or permit such unlawful obstruction of any kind to remain shall be deemed a separate offense.

§ 3. This ordinance shall take effect from and after its approval. (*Approved October 12, 1910.*)

(See also (1) *Animals.*)

(3) SEWERS.

Interfering with Construction of.

AN ORDINANCE prescribing penalty to be imposed upon individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or upon public streets, lanes, alleys or highways, which interfere with or impede the progress of the construction or establishment of a comprehensive sewerage system in the city of Louisville, which they refuse to shift, adjust, accommodate or remove after receiving notice from the Commissioners of Sewerage of the city of Louisville.

Whereas, by statute enacted by the General Assembly of the Commonwealth of Kentucky, approved February 19, 1906, the city of Louisville was enabled to construct a comprehensive system for the disposition of sewerages; and,

Whereas, by the said statute, a body corporate under the name of the "Commissioners of Sewerage of Louisville" was created and endowed with certain capacities and powers under the said statute; and,

Whereas, it was by Section 8 of the said statute provided that "All individuals or corporations having buildings, structures, work, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys or highways which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost or expense, as fully to meet the exigencies

occasioning such action, and the General Council shall have full power by ordinance, to prescribe the penalty for such failure," and,

Whereas, it is deemed that the necessity now exists for a penalty to be prescribed as provided in said section; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That when notice in writing has been given by the Commissioners of Sewerage of Louisville to any individual or corporation having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstruction in, over, or upon the public streets, lanes, alleys, or highways, which shall interfere with or impede the progress of any sewerage system in process of construction or establishment by said Commission, requesting said individual or corporation to shift, adjust, accommodate or remove the same, and indicating the manner and extent of such shifting, adjusting, accommodation or removal, and said individual or corporation shall, for fifteen days after receiving said notice, refuse or fail to shift, adjust, accommodate or remove the same at their own cost and expense, in compliance with said notice, then said individual or corporation shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$50 nor more than \$100 for each offense.

§ 2. Each day after the expiration of said fifteen days on which any part of said obstructions referred to in said notice shall not have been shifted, adjusted, accommodated or removed in accordance with or to the extent designated in said notice, shall constitute a separate offense.

§ 3. This ordinance shall take effect from and after its passage. (*Approved September 8, 1908.*)

(4) SEWERS.

Commissioners of Sewerage—Salaries.

AN ORDINANCE fixing the salaries of the members of the Commissioners of Sewerage of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the salaries of the members of the Commissioners of Sewerage of Louisville, appointed under an act of Legislature

of Kentucky, entitled "An Act to enable cities of the first class to construct an extension of their systems of sewerage," approved March 18, 1912, are fixed so that the chairman shall receive three thousand (\$3,000) dollars per annum, and each of the other members shall receive fifteen hundred (\$1,500) dollars per annum, payable at such times as said Commissioners as a body may determine.

§ 2. This ordinance shall take effect from and after its passage. (*Approved December 1, 1919.*)

SMOKE.

Regulating the Emission Thereof.

AN ORDINANCE to prevent the emission of soot, cinders, acid or other fumes detrimental to health or dense smoke from smoke stacks, chimneys and all other smoke emitting stacks within the city of Louisville, including locomotives, railroad engines and engines used and employed in house and street construction work in the city of Louisville, and other engines in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. DEFINITIONS—"Persons" shall be considered as referring to all individuals, including all officers and employes who may be charged with the performance of any duty hereunder, and all partnerships or associations other than corporations.

"Corporations" shall be considered as including all bodies corporate, joint stock companies, domestic or foreign, their lessees, assignees, trustees, receivers, and others in interest having any of the powers or privileges of corporations and joint stock companies not possessed by individuals, partnerships or incorporated associations.

"Stack" shall be defined as including chimneys, smoke stacks, structures and openings of any kind whatsoever, capable of emitting smoke. Smoke stacks of locomotive round houses shall be deemed parts of the locomotives beneath them for the time being.

"Boiler and Smoke Division."—Where the Boiler and Smoke Division is mentioned it shall be as a division of the Department of Buildings.

“Combustion Engineer” shall have reference to the head of the Boiler and Smoke Division, and he shall have charge of the administration of all duties pertaining to said Boiler and Smoke Division.

§ 2. REQUIREMENTS FOR PERMIT—No work shall be done upon the erection of any new plant, or on the reconstruction of any old plant for the production of power or heat, or on the erection or reconstruction of any part thereof, except as hereinafter specified, until plans and specifications for such erection or reconstruction shall have been submitted to and approved by the Inspector of Buildings as required under the building ordinances, and by the Combustion Engineer, nor until proper permits shall have been issued for the prosecution of such work. These plans and specifications shall show not only the nature and extent of the proposed construction work, but also the amount of power or heat to be supplied by such plant and all appurtenances thereto. They shall also show that adequate space has been provided for the installation of equipment, so that it may be properly operated, and shall indicate all provisions made for the purpose of preventing smoke. Upon the approval of said plans and specifications, a duplicate set of which shall be left on file in the office of the Boiler and Smoke Inspection Division, a permit shall be issued for the erection or construction of such plant.

§ 3. CERTIFICATE OF APPROVAL—It shall be unlawful for any person or corporation to use any new or reconstructed plant for the production of heat or power, until such person or corporation shall have first procured from the Boiler and Smoke Division a certificate stating that the plant is so constructed that it will do the work required, and that it can be so managed that no soot, cinders, acid or other fumes detrimental to health or dense smoke will be emitted from the stacks connected to the furnace or fire box for any periods in excess of those indicated in Section six (6) hereof.

§ 4. PLANS AND SPECIFICATIONS—It shall be unlawful for any person or corporation to alter or repair any plant for the production of heat or power, or any part thereof, which alteration, change, or installation shall affect the method or efficiency of preventing smoke, without first submitting plans or specifications to the Boiler and Smoke Inspection Division and

obtaining a permit therefor; provided, however, that minor necessary or emergency repairs that do not increase the capacity of such plant, or that do not involve any alterations in the method of efficiency of smoke prevention, may be made by or under the engineer in charge of said plant without permit.

§ 5. SMOKE PROHIBITED—The emission of soot, cinders, acid or other fumes detrimental to health, or dense smoke from any stack used in connection with any stationary engine, steam boiler, locomotive, railroad engine, tar kettle, or other similar machine or contrivance or engine used in the construction, reconstruction, alteration or repairing of any building or street, or preparatory to the beginning of any such work, on any building or street, in the city of Louisville, or from any other engines or furnaces of any description within the corporate limits of the city of Louisville, in any apartment house, office building, hotel, theatre, place of public amusement, school building, institution, or any other structure in the city of Louisville, or any building used as a factory, or for any purpose of trade, or for any other purpose whatever, for any periods in excess of those indicated in Section six (6) hereafter shall be deemed, and is hereby declared, to be a public nuisance and an offense punishable under this ordinance. This provision, however, shall not apply to fire engines of the city of Louisville nor to buildings used exclusively for private residence purposes, nor to flats and apartment houses in which there are less than five apartments; provided, however, that if such excepted buildings are permitted to emit therefrom soot, or acid, or other fumes detrimental to health, or are permitted to emit therefrom, for long or continuous periods, dense smoke, such emissions shall likewise constitute a public nuisance, and as such shall be punishable under the provisions of this ordinance.

§ 6. IGNITION AND STOKING PERIOD—Every person having charge of the ignition, feeding, stoking or supervision of any such steam boiler or other furnace as hereinbefore described, shall ignite, or cause to be ignited, the furnace fires thereof in such manner that dense smoke shall not issue therefrom for a longer time than during the period of ignition, which period shall not exceed one hour, and, during said period of ignition in such manner that soot, cinders, acid or other fumes detrimental to health shall not issue therefrom for periods exceeding three

minutes duration each at intervals not exceeding thirty minutes each, and, after ignition, any such person shall so stoke, feed or supervise any such furnace fire, and shall keep any such furnace in such good and efficient order, that soot, cinders, acid or other fumes detrimental to health, or dense smoke shall not be produced or emitted therefrom, except for periods not to exceed (3) three minutes' duration at intervals of not less than thirty (30) minutes each during the time such furnace fires are in operation; and the failure of any such person to comply with any provision of this section shall constitute a violation of this ordinance and shall be punishable as such.

§ 7. SMOKE DENSITY—That for the purpose of determining by comparison the degree of darkness or density of smoke emitted from stacks within the city of Louisville, a color scale of measurement shall be, and the same is, hereby adopted as follows: One thickness of gray glass of sufficient capacity to cut off sixty (60) per cent of the light from a flame having the lighting power of sixteen (16) candles shall be taken as the basis of said scale, and four (4) thicknesses of such glass shall be known and designated as No. 1 Scale. Smoke equal to, but not greater than No. 1 Scale shall be considered gray smoke. Smoke of a greater degree of density than No. 1 Scale shall be considered and held to be dense smoke, and its emission is prohibited agreeably to the provisions of this ordinance. Dense smoke includes black smoke and smoke of any shade or color of greater density than No. 1 Scale.

INSTRUMENTS—The umberscope manufactured by Williams, Brown & Earl, of Philadelphia, Pennsylvania, and other smoke-measuring instruments and devices of like gauge and character of construction, shall be considered as proper instruments for the measuring and determination of smoke densities under the provisions of this ordinance.

§ 8. MECHANICAL STOKERS—WHEN REQUIRED—
(a) Each power boiler with more than 1,600 square feet of heating surface, using coal as fuel, shall be provided with an automatic mechanical stoker. Heating surfaces shall be construed to mean all boiler surfaces with water on one side and hot gases on the other side, not excepting such surfaces as are covered by arches or tiles used in the furnace construction.

(b) Stokers installed under boilers shall be at least 42 inches from the grate line to the nearest heating surface for H. R. T. (Horizontal Return Tubular) boilers, and 48 inches on water tube boilers with horizontal baffles, and 60 inches on water tube boilers with vertical baffles.

§ 9. BOILER SETTING—Horizontal return tubular boilers equipped with hand-fired furnaces shall be installed with not less than a minimum of thirty-six (36) inches from the grate line to the nearest heating surface.

§ 10. STACKS OR CHIMNEYS—No stack, chimney, or flue for a stationary boiler of fifty horse power, or more, shall not be less than ninety (90) feet high above the grate, and for each right angle bend in the breeching ten (10) feet shall be added to the height of the stack.

(a) The effective area of the flue or stack for stationary boilers shall be obtained from the following formula:

$$E = \frac{0.3 \text{ H. P.}}{\text{V. H.}}$$

E—Effective area of flue or stack in square feet.

H—Height of stack above grate in feet. To the diameter as obtained for the effective area add four (4) inches.

HP—Builder's rated horse power of boiler.

(b) Stacks or boilers used in the repair of old buildings or in the construction of new buildings shall always be extended above the topmost story under construction.

(c) In the event of a new structure extending beyond the tops of stacks or chimneys attached to the walls of existing buildings which may be immediately adjacent to new structure, and having been in place previous to the erection of such higher building, the owner or parties in control of the erection of such new structure shall continue such stacks or chimneys to three feet above the uppermost portion of such new structure without cost to the adjoining property owner. Such extensions of chimneys or stacks shall be in compliance with the regulations of the building ordinances of the city of Louisville, and as the Inspector of Buildings or Combustion Engineer shall require, in order that such stacks or chimneys may be substantial and safe. After such extensions are made agreeably to the provisions of this ordinance and have been approved by the Depart-

ment of Buildings, all responsibility for the proper care and maintenance of such stacks or chimneys shall be assumed and borne by the owners of the buildings for whom same have been erected.

§ 11. BREECHING—Unless the height of the stack, chimney or flue is greater than one hundred and fifty (150) feet, the breeching must not drop at any point from the boiler to the stack. The minimum radius of the center line of all bends shall not be less than the width or diameter of the breeching. The area of the breeching in plants not exceeding one thousand (1,000) horse power shall be between one-fifth and one-sixth of the grate area.

§ 12. GRATE AREA—The grate area of any boiler using coal as fuel, shall not be less than one sixty-fifth ($1/65$) of the heating surface where stokers are used, and one-fiftieth ($1/50$) of the heating surface for hand-fired furnaces.

§ 13. HEATING BOILERS OR FURNACES—Where internally fired steam or hot water, or where hot air furnaces are to be installed for heating, the boiler of the furnace shall be equipped with a down draft, underfeed, or other type of smokeless furnace, in which the fresh fuel may not be thrown directly upon the hot fuel bed, and shall be approved by the Boiler and Smoke Division, except where the boiler is to furnish heat for buildings containing less than twelve hundred (1,200) square feet of steam radiation, or less than two thousand (2,000) square feet of hot water radiation, or except where, in hot air furnace installations, the total amount of grate surface, in all the grate furnaces combined, is less than nine (9) square feet, or except where the boiler or furnace is to be installed in a building intended only as a dwelling for less than five (5) families.

§ 14. RECORDS—There shall be kept in the office of the Boiler and Smoke Division all applications made under this ordinance and a complete record thereof, as well as of all permits issued, and there shall also be kept in such office a record of all smoke observations of all stacks, and, generally, of the work done by the Boiler and Smoke Division. All such records shall be open for inspection by the public at all reasonable times.

§ 15. PERMIT SHALL NOT PRECLUDE PROSECUTION—The issue and delivery by the Boiler and Smoke Division of any permit for installation, repair or alteration of any furnace

under the provisions of this ordinance shall not be held to exempt the person or corporation to whom such permit has been issued or delivered, or who is in possession of the same, or whose application has been approved, from prosecution on account of the production or emission of smoke hereby prohibited.

§ 16. ENTRANCE TO PREMISES—Any officer or employe of the Boiler and Smoke Division or of the Building Department in the performance of his duties, shall have, at all reasonable hours, the right to enter in and upon all premises from which smoke is being emitted, or has been emitted; and any person or corporation who shall, after proper identification, deny admittance to such person or persons, or who shall interfere with any such officer or employe in the performance of his duties, shall be liable to the penalty hereinafter named.

§ 17. APPEAL FROM DECISION OF COMBUSTION ENGINEER—In any case where any person or corporation desires to appeal from the decision or ruling of the Inspector of Buildings or Combustion Engineer concerning the necessity or practicability of the installation or use, in any furnace, building or stack coming under the provisions of this ordinance, of any device, appliance, method or means, for the purpose of preventing the emission or discharge of soot, cinders, acid or other fumes detrimental to health, or dense smoke from the building or premises of any such person or corporation, or pertaining to the construction of any provision of this ordinance, such person or corporation may within five days after the date on which such person or corporation is in writing notified by the Combustion Engineer of such ruling or decision, make a formal appeal to the Board of Public Safety from such ruling or decision. His appeal shall be in writing and shall state the grounds whereon it is based. Upon the receipt of such written appeal, the Board of Public Safety shall consider the question or questions involved in the appeal, and shall thereupon give a decision thereon, which shall be final.

§ 18. NO OFFICER OR EMPLOYE TO BE INTERESTED IN DEVICES—It shall be unlawful for any officer or employe charged with the performance of any duty under the provisions of this ordinance to be interested, directly or indirectly, in the disposition or sale, for use in the city of Louisville, of any device, apparatus, or equipment designed, or represented to be

manufactured or sold, for the purpose of reducing or preventing the emission of soot, cinders, acid or other fumes detrimental to health or dense smoke from stacks or chimneys. Any violation of this section shall be punishable by a fine of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars.

§ 19. OFFERING, SOLICITING, OR RECEIVING BRIBE—It shall be unlawful for any person or corporation to offer, directly or indirectly, to any officer or employe charged with the performance of any duty under the provisions of this ordinance, any gift, gratuity, money, or other thing of value for the purpose, either directly or indirectly, of influencing any such officer or employe in rendering any decision, or in taking any action, of whatever character, concerning any matter pending, or which may come, before him for decision or action under the provisions of this ordinance. And it shall also be unlawful for any such officer or employe, directly or indirectly, to solicit from any person or corporation, any gift, gratuity, money or other thing of value for the purpose, either directly or indirectly, of being influenced thereby, or upon representation made by him, directly or indirectly, that he will, or may be, influenced thereby, in the rendering of any decision or in the taking of any action concerning any matter pending or coming before him for decision or action under the provisions of this ordinance. Any person or corporation violating any provision of this section shall, for each offense, be punished by a fine of not less than ten (\$10) dollars or more than one hundred (\$100) dollars.

§ 20. VALIDITY OF ORDINANCE—If any section or provision of this ordinance shall be declared to be invalid, such invalidation shall in no wise affect the validity of the remaining sections and provisions hereof.

§ 21. PENALTIES—Any person or corporation violating any of the provisions of this ordinance, where a specific penalty is not otherwise provided, shall be punished by fine of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each offense, and each day upon which any provision of this ordinance is violated shall constitute a separate offense.

§ 22. REPEALING CLAUSE—An ordinance approved January 27, 1909, and entitled "An ordinance to prevent the emission of soot, black or dense gray smoke from smoke stacks,

chimneys and all other smoke-emitting stacks within the city of Louisville, including locomotives, railroad engines and engines used and employed in house and street construction work in the city of Louisville or other engines in the city of Louisville," and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 23. EFFECTIVE DATE—This ordinance shall take effect from and after the date of its passage. (*Approved July 3, 1919.*)

SNOW.

Removal in Certain Districts.

AN ORDINANCE to require the removal of snow from the sidewalks of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be the duty of all persons and corporations owning or occupying property abutting on a public street in the city of Louisville, in the district between the east side of First street and the west side of Seventh street, and between the south side of Broadway and the river front, and including property abutting on both sides of said streets, to remove within the space of twenty-four (24) hours thereafter such snow as may fall on the sidewalks in front of said property. Where said property is unimproved or unoccupied the duty above mentioned shall devolve on the owner, or the agent for said property. Where the property is occupied by others than the owners thereof, the duty above mentioned shall devolve upon the owner or the tenant or tenants, and either may be proceeded against for the violation thereof.

§ 2. Said snow when removed from the sidewalk shall be placed either on private property, or in the public driveway at a distance not less than twelve (12) inches from the curbing of the sidewalk; but in no event shall said snow be so placed as to obstruct the free passage of water in the gutter, or in the direction of any sewer or catch basin.

§ 3. For any violation of the provisions of this ordinance, the offender, whether a natural person or a corporation, shall be fined not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense, and each day or fraction of a day that

snow is allowed to remain on the sidewalk. after the first twenty-four (24) hours, shall constitute a separate offense.

§ 4. This ordinance shall take effect from and after its passage. (*Approved December 27, 1917.*)

SPITTING.

Upon Sidewalks, in Public Places, etc.

AN ORDINANCE forbidding spitting or expectorating upon the sidewalks, in public places and buildings, and in public vehicles and street railway cars.

Whereas, Spitting and expectorating upon the sidewalks and in public buildings and conveyances is offensive to the people visiting such buildings and using such vehicles, and it has been ascertained that frequently disease of a fatal character has been spread throughout the community by the germs arising from the sputum and spittle so deposited,

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person within the city of Louisville to spit, expectorate, deposit or place any sputum, spittle, saliva, phlegm, mucus or tobacco juice upon the sidewalk of any street, avenue, public square or place in the city of Louisville, or upon the floor of any hall or stairway or any house which is used in common by the tenants thereof, or upon the floor of any hall, office or stairway of any hotel or lodging house which is used in common by the guests thereof, or upon the floor or stairway of any theater, store, factory, church, depot, railroad or street car station, or upon the floor or stairway or any part of any public building or upon the floor, platform or stairway of any ferryboat, railroad car, vehicle or other public conveyance, or upon the floor, stairs, platform or inside furnishings or any part of any street car which is used or runs upon any of the streets or highways of the city of Louisville.

The corporation or persons owning or having the management or control of any such building, store, factory, ferryboat, railroad car or other public conveyance, ferry house, depot, or station, station platform or stairs of any elevated railroad or other common carrier, are hereby required to keep permanently

posted in each of said places such a number of notices forbidding spitting and expectorating as may be sufficient to call attention to the provisions of this section.

§ 2. Any person violating the terms and provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than one dollar (\$1) nor more than fifty dollars (\$50).

§ 3. That the ordinance entitled "An ordinance forbidding spitting or expectorating in public buildings and passenger cars," which became effective on May 21, 1897, be, and the same is, hereby repealed.

§ 4. That this ordinance shall take effect from and after its passage. (*Approved February 12, 1907.*)

(See also *Nuisances; Sanitation.*)

STANDARD TIME.

AN ORDINANCE establishing a standard or railroad time as the system of time in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter standard or railroad time shall be the system of time in the city of Louisville, and the City Hall clock and all other city clocks or timepieces shall be regulated thereby.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 16, 1895.*)

(1) STOCK LAW.

Stock Running at Large—Impounding.

AN ORDINANCE prohibiting horses, mules, cows, sheep, hogs, or goats from running at large in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any horse, mule, cow, sheep, hog, or goat to be at large in any of the streets, lanes, highways, commons, or alleys of the city of Louisville.

§ 2. The Mayor of the city of Louisville shall provide two pounds, one in the eastern and one in the western district of the city, for the purpose of carrying out the purposes of this ordinance.

§ 3. Any person finding any horse, mule, cow, sheep, hog, or goat running at large in any of the streets, lanes, highways, alleys, or commons of the city of Louisville, may drive, lead, or carry the same to one of the pounds provided for herein, and there deliver it to the keeper of said pound, who shall at once impound and safely keep it until called for and redeemed by its owner; the person driving, leading, or carrying said animal to the pound shall receive the sum of one dollar (\$1) for so doing, which shall be charged against the animal, and paid by its owner when redeemed.

§ 4. In addition to the one dollar paid to the person delivering the animal to the pound, the keeper shall charge fifty cents for the first day or part of the day the animal is impounded, and twenty-five cents for each succeeding day or part of day it remains in the pound unredeemed by its owner.

§ 5. The owner of any animal impounded, as herein provided, may redeem the same by paying the keeper of the pound all the legal costs and charges against the same.

§ 6. All laws or parts of laws or ordinances on the subject of estrays in the city of Louisville are hereby repealed.

§ 7. This ordinance to go into effect from and after its approval. (*Approved September 16, 1895.*)

(See *Live Stock; Public Ways—Use and Protection.*)

(2) STOCK LAW.

Regulating the Driving of Live Stock Through Certain Streets.

AN ORDINANCE regulating the driving of live stock through the streets of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to drive cattle, horses, mules, sheep, hogs, or other live stock loose through the public highways of the city of Louisville, except as hereinafter provided.

It shall be unlawful to drive such stock through and along Main street, and all streets north of Market street, including the river front, except Washington, between Floyd and Clay, and through and along Campbell street and all streets east thereof; and along and through Jacob street from Campbell

to Shelby street; and along Shelby street and all streets east thereof; and along and through Oak street and all streets south thereof; and along and through Eighteenth street from Oak street to Dumesnil street; and along Dumesnil street and all streets south thereof; and along Twenty-sixth street and all streets west thereof, at all hours of the day or night.

It shall be lawful to drive such stock through and along Thirteenth street at all hours of the day and night. It shall be lawful to drive such stock along and through Market street between 10 p. m. and 6 a. m.

Nothing herein contained shall be construed to prevent the leading of live stock in such manner as to retain complete control of same through any of the streets at any time.

§ 2. Any person or persons violating the provisions of this ordinance shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100).

§ 3. All ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance is to take effect on and after its publication. (*Approved December 18, 1896.*)

(3) STOCK LAW.

Prohibiting the Driving of Live Stock on East Broadway.

AN ORDINANCE to prohibit the driving of live stock on East Broadway, from Cherokee Park to the entrance to Cave Hill Cemetery.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful to drive cattle, horses, mules, sheep, hogs, or other live stock loose through or along East Broadway, between Cherokee Park and the entrance to Cave Hill Cemetery.

§ 2. That any person who shall violate this ordinance shall be subject to a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100) for each offense.

§ 3. That all ordinances and parts of ordinances in conflict herewith be and they are hereby repealed.

§ 4. That this ordinance shall take effect from its passage. (*Approved June 10, 1901.*)

(1) STREET CARS.***Heating of Cars.**

AN ORDINANCE requiring the heating of street cars in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, firm or corporation to run or operate or cause to be run or operated any street car along, on, or over any of the streets of the city of Louisville between the first day of November of any year, and the first day of April of the succeeding year, without providing for heating such cars with electricity, or otherwise, so as to keep the temperature inside of such cars comfortable for passengers therein.

§ 2. That any person, firm or corporation that shall violate any provision of the first section of this ordinance shall be fined not less than \$20, nor more than \$100 for each offense, and for each day for each car that may be so run without being heated as aforesaid shall be a separate offense.

§ 3. That the president and each of the officers or directors of any corporation, or any person, or the members of any firm controlling said car or cars and permitting the same to be run in violation of this ordinance, shall be subject to the same fine as provided in Section 2 hereof.

§ 4. That the policemen of the city of Louisville shall cause any car being run or operated in violation of this ordinance to be returned to the stable or car shed at once.

§ 5. That this ordinance shall take effect from and after October 31, 1902. (*Approved January 13, 1902.*)

(2) STREET CARS.**Trespassing on Cars.**

AN ORDINANCE concerning street railways.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no person (not an employe) shall ride upon the

*For various franchises, see previous compilations. See also for certain franchises, contracts and regulations of street railways, Burnett's City Code 1884, pp. 583-629, and appendix thereto.

steps of any street car, nor shall any such ride upon the car or jump on and off the car without being or intending to be a passenger.

§ 2. Any person violating any of the provisions of this ordinance shall be fined not less than two dollars (\$2) nor more than ten dollars (\$10) for each offense.

§ 3. This ordinance shall take effect from its publication. (*Approved July 13, 1896.*) (See also *Spitting.*)

(3) STREET CARS.

Speed of Cars.

AN ORDINANCE concerning the speed of rapid transit cars.
Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any rapid transit street railway car, operated by electricity, cable or other motive power to run at a speed greater than nine (9) miles per hour, between the Ohio river on the north, Broadway on the south, First street on the east, and Tenth street on the west.

§ 2. Outside of the boundary named, and within the city limits, it shall be unlawful to run at a speed greater than twelve (12) miles per hour.

§ 3. Any violation of this ordinance will be subject to a fine of not less than five dollars (\$5) nor more than ten dollars (\$10).

§ 4. This ordinance shall take effect from and after its passage. (*Approved October 8, 1895.*) (See (5) *Franchise.*)

(4) STREET CARS.

Permit to Discontinue Certain Routes.

AN ORDINANCE to permit the Louisville Railway Company to discontinue temporarily the running of cars on certain tracks in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Louisville Railway Company be and it is hereby permitted to discontinue the running of cars on the tracks on the following streets, viz:

Main street from Preston to Johnson, and the loop through Story avenue.

Tenth street from Broadway to Walnut.

First street from Main to the river.

§ 2. This permission is granted for two years from the date of the taking effect of this ordinance, and thereafter until the Council shall direct from time to time the resumption of the running of cars on said tracks or such of them as from time to time the Council shall ordain.

§ 3. That by this ordinance no franchise or privilege is or shall be created or enlarged or recognized in favor of the Louisville Railway Company. Nor shall this ordinance stop the city of Louisville from asserting any rights which it had before the passage of this ordinance or would have had if this ordinance had not been passed. Nor shall it relieve the Louisville Railway Company from any duty or responsibility other than the discontinuance of the running of cars as hereinbefore provided.

§ 4. This ordinance shall take effect from its passage. (*Approved July 2, 1919.*)

STREET CLEANING DEPARTMENT.

Employes—Salaries.

AN ORDINANCE concerning the Street Cleaning Department, placing same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby created and placed under the Board of Public Works the Street Cleaning Department.

§ 2. There may be the number of officers and employes prescribed in this ordinance and no more in said department and their salaries and compensation shall not be greater than the maximum rates as fixed in this ordinance, but may, by agreement between the Board of Public Works and said employes, be fixed at any rate less than the said maximum rate as fixed in this ordinance, and the payrolls for said department shall be made up, certified and registered each week in accordance with the provisions of an ordinance entitled "An ordinance prescrib-

ing the manner in which claims against the city of Louisville, including salaries and wages of its officers and employes, shall be made and paid," and approved February 19, 1919.

§ 3. Officers and employes and their salaries and compensations:

	Compensation Per Annum.
Superintendent of Street Cleaning	\$1,500.00
Bookkeeper	1,280.00
Six Foremen at \$1,200.00 each, per annum	7,200.00
Three Assistant Foremen at \$1,000.00 each, per annum.	3,000.00
Two Garbage Foremen at \$1,200.00 each, per annum...	2,400.00
Two Assistant Garbage Foremen at \$1,000.00 each, per annum	2,000.00
One Stable Foreman	1,320.00
One Assistant Stable Foreman	900.00
Stenographer	840.00

The following employes shall be paid, respectively, the amounts shown below for services actually rendered:

Chauffeurs	\$3.00	per day
Flusher Chauffeurs and Oiler Chauffeurs	4.00	per day
Watchmen	2.50	per day
Blacksmith Foremen .....	.60	per hour
Blacksmiths .....	.50	per hour
Blacksmith Helpers .....	.25	per hour
Carpenters .....	.60	per hour
Horse Shoers .....	.44½	per hour
Laborers .....	.30	per hour
Painters .....	.50	per hour
Plumbers .....	.70	per hour
Skilled Laborers .....	.35	per hour
Two-animal Team, including Driver	6.00	per day

§ 4. The Board of Public Works in case of an emergency, and with the approval of the Mayor, shall have the power to employ additional help in said department herein mentioned, the salaries of the same to be fixed by the Board of Public Works, and the names of such employes shall appear on the regular payroll as "Special Employes." Said special employes may be dismissed at any time by the Board of Public Works.

§ 5. The ordinance approved February 19, 1919, entitled "An ordinance concerning the Street Cleaning Department, placing the same under the Board of Public Works, and fixing the number, salaries and compensation of the officers and employes in said department," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 6. This ordinance shall take effect and be in force from and after its passage. (*Approved November 7, 1919.*)

(1) TAXES.

Appropriations for Fiscal Year Ending August 31, 1918.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1918.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby appropriated for the specific purposes, the several sums out of the estimated revenues from the levy made for the current fiscal year and cash collections, as set forth in the following sections of this ordinance, for the current fiscal year, ending August 31, 1918.

§ 2. For Police Purposes:

- (a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for said purposes. . \$418,201.88
 - (b) Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1918 23,297.04
32,457.60
 - (c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated 3,168.37
 - (d) Amount reimbursed for labor and material furnished other departments, also for cash collected since September 1, 1917, and now reappropriated 1,589.73
- Total for Police Purposes..... \$478,714.62

§ 3. For Fire Department:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for said department	398,750.62	
(b) Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1918	21,730.00	
	27,417.62	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	2,802.31	
(d) Amount reimbursed for labor and material furnished other departments, also for cash collected since September 1, 1917, and now reappropriated	4,504.10	
Total for Fire Department.....		455,204.65

§ 4. For Street Cleaning:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for Street and Sewer Cleaning	228,129.40	
(b) Out of the unexpended cash collections for Street and Sewer Cleaning, being over the 95% from levies for years prior to 1918....	13,546.08	
	15,393.37	
	2,628.24	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	1,722.33	

(d) Amount reimbursed for labor and material furnished other departments, also for cash collected since September 1, 1917, and now reappropriated	4,605.17	
	6,025.32	
Total for Street Cleaning.....		272,049.91
§ 5. For Sewer Cleaning:		
(a) Out of the remainder of the 95% of the estimated revenue from the levy for the current fiscal year for street and sewer cleaning	5,285.60	
(b) Amount cash collected since September 1, 1917, and now reappropriated	34.00	
Total for Sewer Cleaning.....		5,319.60
§ 6. For Reconstruction of Streets:		
(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for said purposes.	184,786.87	
(b) Out of the unexpended cash collections for said purposes, being over the 95% from levies for years prior to 1918	12,483.54	
	17,237.63	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	1,607.59	
(d) Amount reimbursed for labor and material furnished other departments also for cash collected since September 1, 1917, and now reappropriated	2,855.21	
Total for Reconstruction of Streets		218,970.84

§ 7. For Repairing Streets:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for said purposes..	116,707.50	
(b) Out of the unexpended cash collections for said purposes, being over the 95% from levies for years prior to 1918	6,909.54	
	8,685.44	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	1,596.20	
(d) Amount reimbursed for labor and material furnished other departments, also for cash collected since September 1, 1917, and now reappropriated	5,361.45	
Total for Repairing Streets....		139,260.13

§ 8. For Sewer Construction:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for Sewer Construction and Repairs	107,707.50	
(b) Out of the unexpended cash collections for Sewer Construction and Repairs, being over the 95% from levies for years prior to 1918	3,555.99	
	8,008.50	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	803.29	
(d) Amount reimbursed for labor and material furnished other depart-		

ments, also for cash collected since September 1, 1917, and now reappropriated	2,235.73	
Total for Sewer Construction..		122,311.01

§ 9.

Out of the remainder of the 95% of the estimated revenue from the levy for Sewer Construction and Repairs	9,000.00	9,000.00
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§ 10. For Home for Aged and Infirm:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for charitable institutions	32,101.91	
(b) Amount reimbursed for labor and material furnished other departments, also for cash collections since September 1, 1917, and now reappropriated	1,371.13 485.59	
(c) There is also appropriated for the Home for the Aged and Infirm a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund	6,200.00	
Total for Home for Aged and Infirm		40,158.63

§ 11. For City Hospital:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for Charitable Institutions	154,023.42	
(b) Out of the unexpended cash collections for Charitable Institutions, being over the 95% from levies for years prior to 1918.....	9,800.02 13,295.12 1,948.27	

(c) Out of the unexpended cash collections for Charitable Institutions being under the 95% from levies for years prior to 1918, reappropriated	2,168.44	
(d) Amount reimbursed for labor and material furnished other departments, also for cash collected since September 1, 1917, and now reappropriated	8,212.53 5,057.07	
(e) There is also appropriated for the City Hospital a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund	7,700.00	
(f) There is also appropriated for the City Hospital, cash on hand to the credit of franchises, same being a part of the General Purpose Fund	3,699.62 3,994.92	
Total for City Hospital.....		209,899.41

§ 12. For Eruptive Hospital:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for Charitable Institutions	1,463.75	
(b) Amount of cash collected since September 1, 1917, and now reappropriated	5.00	
Total for Eruptive Hospital....		1,468.75

§ 13. For Workhouse:

(a) Out of the remainder of the 95% of the estimated revenue from the levy for the current fiscal year for Charitable Institutions	26,374.67	
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(b) Amount reimbursed for labor and material furnished other departments, also for cash collections since September 1, 1917, and now reappropriated	131.10	
	10.00	
(c) There is also appropriated for the Workhouse a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund	6,429.05	
	377.30	
Total for Workhouse.....		33,322.12

§ 14. For General Purposes:

The funds available for appropriation are made up as follows:

(a) The 95% of the estimated revenue for the current fiscal year from the levy for said purpose.....	486,281.25	
(b) The unexpended cash collections from levies for said purposes, being over the 95% prior to 1918..	82,555.39	
	37,508.16	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	14,050.26	
(d) From court costs	613.88	
	284.25	
(e) From franchises	8,810.62	
Less amount appropriated for Charitable Institutions as per Section 11 of this ordinance	\$7,694.54—	1,116.08

(f) From cash from city departments	54,021.16	
Less amounts appropriated for Charitable Institutions as per Sections 10, 11 and 13 of this ordinance \$20,706.35—		33,314.81
Total for General Purposes		655,724.08

Which is appropriated as follows:

Assessor's Department	\$26,466.04
Auditor's Department	3,949.92
Board of Public Safety	10,702.44
Board of Public Works	12,375.46
Cemeteries	1,700.00
Cisterns	2,500.00
City Buyer's Department	6,299.88
City Hall Expenses	44,500.00
City Pounds	1,350.00
Comptroller's Department	6,490.87
Engineer's Department	40,000.00
Gas Inspector	6,500.00
Incidental Expenses	128,879.39
Inspection of Buildings	15,700.00
Insurance	1,409.37
Law Department	23,000.00
Legislative Department	5,200.00
Live Stock Inspector's Department	2,400.00
Mayor's Department	8,000.00
Police Court	24,000.00
Printing and Stationery	19,000.00
Public Baths	8,500.00
Public Lights	184,505.06
Pumps and Wells	3,000.00
Receiver of Taxes	14,847.38
Sanitary Expenses	36,000.00
Secret Service	2,500.00
Treasurer's Department	6,245.40
Veteran Fireman's Home	900.00
Weights and Measures Department	2,261.20
Interest on City Notes	6,541.67

§ 15. For Oiling Streets:

(a) Out of the 95% of the estimated revenue from the levy for the current fiscal year for Oiling Streets.	19,451.25	
(b) Out of the unexpended cash collections for Oiling Streets, being over the 95% from levies for years prior to 1918	1,040.06	
	2,629.57	
(c) Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1918, reappropriated	267.76	
(d) Amount reimbursed for material and supplies furnished other departments since September 1, 1917, and now reappropriated	136.10	
Total for Oiling Streets		23,524.74
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Grand total of appropriations for all purposes		\$2,664,928.49

§ 16. That the City Treasurer be and he is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 14 of this ordinance, for Insurance, Secret Service, and interest on city's notes, out of the collection of taxes under the levy for the current fiscal year, ending August 31, 1918, for General Purposes.

§ 17. That all ordinances in conflict herewith are hereby repealed.

§ 18. That this ordinance shall take effect on and after its passage. (*Approved August 14, 1918.*)

(2) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1919, viz: For the months of September, October, November and December, 1918, and January, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed, or to be borrowed, for the fiscal year ending August 31, 1919, the following sums for the first five months of the said fiscal year, viz: September, October, November and December, 1918, and January, 1919, for the following purposes, to-wit:

Police purposes	\$210,000.00
Fire Department	180,000.00
Street Cleaning	110,000.00
Sewer Cleaning	6,000.00
Reconstruction of Streets	90,000.00
Repairing Streets	60,000.00
Sewer Construction	50,000.00
Sewer Repairs	4,000.00
Home for the Aged and Infirm	19,000.00
City Hospital	90,000.00
Eruptive Hospital	1,000.00
Workhouse	15,000.00
Assessor's Department	15,000.00
Auditor	1,500.00
Board of Public Safety	4,000.00
Board of Public Works	5,000.00
Cemeteries	1,000.00
Cisterns	1,000.00
City Buyer's Department	2,500.00
City Hall Expenses	21,000.00
City Pounds	1,000.00
Comptroller's Department	2,500.00
Engineer's Department	20,000.00
Gas Inspector	3,000.00
Incidental expenses	93,000.00

Inspection of Buildings Department	10,000.00
Insurance	3,000.00
Law Department	9,000.00
Legislative Department	2,000.00
Live Stock Inspector's Department	1,300.00
Mayor's Department	3,800.00
Police Court	9,000.00
Printing and Stationery	12,000.00
Public Baths	4,000.00
Public Lights	66,000.00
Pumps and Wells	3,000.00
Receiver of Taxes	6,000.00
Sanitary Expenses	20,000.00
Secret Service	1,000.00
Treasurer's Department	2,500.00
Veteran Fireman's Home	900.00
Weights and Measures Department	1,000.00
Oiling Streets	15,000.00
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Total	\$1,175,000.00

§ 2. That the City Treasurer be, and he is hereby directed to set apart the full sums of the appropriations made in the preceding section for Insurance and Secret Service, out of the revenue and funds from which said appropriation is made.

§ 3. That this ordinance shall take effect from its passage. (*Approved September 11, 1918.*)

(3) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making partial appropriation for the fiscal year ending August 31, 1919, namely, for the months of September, October, November and December, 1918, and January, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the sum of one hundred and fifty thousand dollars (\$150,000) is hereby appropriated for sewer construction out of the revenue and sums borrowed or to be borrowed for the

fiscal year ending August 31, 1919, for the first five months of the said fiscal year, namely, September, October, November and December, 1918, and January, 1919.

§ 2. The sums to which said sewer construction shall be entitled under any levy or appropriation made for said fiscal year ending August 31, 1919, shall be charged with the sum herein appropriated, this appropriation being made to enable the Board of Public Works to take advantage of certain contracts and which will result in the saving of a large sum of money to the city of Louisville.

§ 3. This ordinance is supplemental to an ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1919, namely, for the months of September, October, November and December, 1918, and January, 1919." approved September 11, 1918.

§ 4. This ordinance shall take effect from its passage. (*Approved September 30, 1918.*)

(4) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums out of the ninety-five (95%) per cent of the estimated revenue from the respective levies made for the current fiscal year ending August 31, 1919, as set forth in the following sections of this ordinance for said fiscal year:

§ 2. For Police Purposes:	
From the levy for such purposes	\$500,638.13
§ 3. For the Fire Department:	
From the levy for said department	458,030.63
§ 4. For Street Cleaning:	
From the levy for Street and Sewer Cleaning	262,274.68
§ 5. For Sewer Cleaning:	
From the remainder of the levy for Street and Sewer Cleaning	20,000.00

§ 6. For Reconstruction of Streets:

From the levy for said department 154,452.18

§ 7. For Street Repairs:

From the levy for Repairing Streets 143,800.31

§ 8. For Sewer Construction:

From the levy for Sewer Construction and Repairs. 187,059.68

§ 9. For Sewer Repairs:

From the remainder of the levy for Sewer Construction and Repairs 10,000.00

§ 10. From the levy for Charitable Institutions, estimated at \$260,970.94, which is appropriated as follows:

Home for Aged and Infirm	\$35,000.00	
City Hospital	191,000.00	
Eruptive Hospital	470.94	
Workhouse	34,500.00	
		260,970.94

§ 11. From the levy for general purposes, estimated at \$532,593.75, which is appropriated as follows:

Assessor's Department	\$26,500.00
Auditor's Department	3,950.00
Board of Public Safety	10,500.00
Board of Public Works	13,700.00
Cemeteries	1,800.00
Cisterns	2,800.00
City Buyer's Department	6,300.00
City Hall expenses	39,000.00
City Pounds	1,350.00
Comptroller's Department	6,700.00
Engineer's Department	35,000.00
Gas Inspector	7,200.00
Incidental expenses	50,233.75
Inspection of Building Department....	22,600.00
Insurance	6,000.00
Law Department	19,000.00
Legislative Department	5,500.00
Live Stock Inspector's Department ...	2,300.00

Mayor's Department	9,000.00	
Police Court	19,000.00	
Printing and Stationery	13,000.00	
Public Baths	8,500.00	
Public Lights	130,000.00	
Pumps and Wells	2,000.00	
Receiver of Taxes	15,800.00	
Sanitary Expenses	48,560.00	
Secret Service	2,500.00	
Treasurer's Department	6,600.00	
Veteran Firemen's Home	900.00	
Weights and Measures Department ...	2,300.00	
Interest on city's notes	10,500.00	
Comfort Station	3,500.00	
		532,593.75

§ 12. For Oiling Streets:

From the levy for said department	10,651.88
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Grand total of appropriations for all purposes \$2,540,472.18

§ 13. That the City Treasurer be, and he is hereby authorized and directed to set apart the full amounts of the several appropriations in Section 11 of this ordinance, for Insurance, Secret Service and interest on city's notes, out of the collection of taxes under the levy for the current fiscal year ending August 31, 1919, for general purposes.

§ 14. That the ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1919, viz., for the months of September, October, November and December, 1918, and January, 1919," and approved September 11, 1918, and all other ordinances inconsistent herewith, are hereby repealed.

§ 15. That this ordinance shall take effect on and after its passage. (*Approved January 11, 1919.*)

(5) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums as set forth in the following sections of this ordinance, for the current fiscal year ending August 31, 1919.

§ 2. For Police Purposes:

Out of the unexpended cash collections for said department, being over 95% from levies for years prior to 1919 \$8,549.79

§ 3. For Fire Department:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 7,694.46

§ 4. For Street Cleaning:

Out of the unexpended cash collections for Street and Sewer Cleaning, being over the 95% from levies for years prior to 1919 4,888.38

§ 5. For Reconstruction of Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 4,237.69

§ 6. For Repairing Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 2,410.85

§ 7. For Sewer Construction:

Out of the unexpended cash collections for Sewer Construction and Repairs, being over the 95% from levies for years prior to 1919 2,119.60

§ 8. For City Hospital:

Out of the unexpended cash collections for Charitable Institutions, being over the 95% from levies for years prior to 1919 4,112.41

§ 9. For General Purposes:

(a) Out of the unexpended cash collections for said purposes, being over the 95% from levies for years prior to 1919 \$17,639.96

(b) From cash from City Departments 20,263.94

37,903.90

Which is appropriated as follows:

Incidental Expenses .. \$22,903.90
Public Lights 15,000.00

§ 10. For Oiling Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 476.96

Grand total of above appropriations \$72,394.04

§ 11. This ordinance is not in conflict with, does not repeal, but is supplemental to an ordinance entitled "An ordinance making appropriations for the fiscal year ending August 31, 1919," said ordinance appropriating for city departments (95%) ninety-five per cent of the estimated revenue for the fiscal year ending August 31, 1919.

§ 12. This ordinance shall take effect on and after its passage. (*Approved January 11, 1919.*)

(6) TAXES.
Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919, supplemental to Ordinance No. 2, Series 1919, and Ordinance No. 3, Series 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby appropriated for the purposes of printing and stationery the sum of five thousand (\$5,000.00) dollars, being a part of the amount on hand to the credit of incidental expense, and same being a part of the general purpose fund for the current fiscal year ending August 31, 1919.

§ 2. This ordinance is supplemental to Ordinance No. 2, Series 1919, approved January 11, 1919, and also is supplemental to Ordinance No. 3, Series 1919, and is not in conflict with, nor does it repeal either Ordinance No. 2, Series 1919, or Ordinance No. 3, Series 1919.

§ 3. This ordinance shall take effect from and after its passage. (*Approved April 10, 1919.*)

(7) TAXES.
Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums as set forth in the following sections of this ordinance for the current fiscal year ending August 31, 1919.

§ 2. For Police Purposes:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	\$9,818.04
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Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1919	5,241.70
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Cash collected since September 1,
1918 1,946.38

Total \$17,006.12

§ 3. Fire Department:

Out of the unexpended cash collec-
tions for said department, being
over the 95% from levies for years
prior to 1919 8,753.73

Out of the unexpended cash collec-
tions for said department, being
under the 95% from levies for
years prior to 1919 3,060.30

Cash collected since September 1,
1918 1,175.86

Total 12,989.89

§ 4. Street Cleaning:

Out of the unexpended cash collec-
tions for Street and Sewer Clean-
ing, being over the 95% from
levies for years prior to 1919 5,607.86

Out of the unexpended cash collec-
tions for said department, being
under the 95% from levies for
years prior to 1919 2,088.24

Cash collected since September 1,
1918 5,402.46

There is also appropriated for the
Street Cleaning Department a
part of the cash on hand to the
credit of "Cash from City Depart-
ments," same being a part of the
General Purpose Fund 8,534.14

There is also appropriated for the
Street Cleaning Department cash
on hand to the credit of Fran-
chises, same being a part of the
General Purpose Fund 3,850.50

Total 25,483.20

§ 5. For Reconstruction of Streets:	
Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	4,942.98
Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1919	1,310.61
Cash collected since September 1, 1918	1,233.66
	<hr/>
Total	7,487.25
§ 6. For Repairing of Streets:	
Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	2,751.87
Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1919	968.87
Cash collected since September 1, 1918	8,103.02
	<hr/>
Total	11,823.76
§ 7. For Sewer Construction:	
Out of the unexpended cash collections for Sewer Construction and Repairs, being over the 95% from levies for years prior to 1919	2,428.44
Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1919	810.32
Cash collected since September 1, 1918	2,085.89
	<hr/>
Total	5,324.65

§ 8. For Home for Aged and Infirm:

Out of the unexpended cash collections for Charitable Institutions, being under the 95% from levies for years prior to 1919	2,270.02
Cash collected since September 1, 1918	1,366.06

Total 3,636.08

§ 9. City Hospital:

Cash collected since September 1, 1918	3,886.87
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§ 10. For Workhouse:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	4,699.57
For cash collected since September 1, 1918	287.73

Total 4,987.30

§ 11. For General Purposes:

The funds available for appropriation are made up as follows:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	11,918.32
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Out of the unexpended cash collections for said department, being under the 95% from levies for years prior to 1919	12,690.31
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From cash from city departments	39,811.21
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Less amount appropriated for Street Cleaning in Section 4 of this ordinance\$8,534.14—	31,277.07
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From Franchises	3,850.50
Less amount appropriated for Street Cleaning in Section 4 of this ordinance	3,850.50

Total	55,885.70
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Which is appropriated as follows:

Assessor's Department	1,200.00
City Hall expense	5,000.00
Inspection of Buildings Department	1,500.00
Insurance	500.00
Law Department	5,000.00
Police Court	5,000.00
Public Lights	29,835.28
Pumps and Wells	750.42
Sanitary Expenses	7,000.00
Treasurer's Department	100.00

§ 12. For Oiling Streets:

Out of the unexpended cash collec- tions for said department, being over the 95% from levies for years prior to 1919	591.74
Out of the unexpended cash collec- tions for said department, being under the 95% from levies for years prior to 1919	135.05

Total	726.79
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Grand total of all appropri- ations in this ordinance	\$149,237.61
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§ 13. That the City Treasurer be, and he is hereby authorized and directed to set apart the \$500.00 appropriated in this ordinance for Insurance out of the collections of taxes under the levy for the current fiscal year ending August 31, 1919, for General Purposes.

§ 14. This ordinance is supplemental to Ordinance No. 2, Series 1919, approved January 11, 1919, also Ordinance No. 3,

Series 1919, approved January 11, 1919, also Ordinance No. 74, Series 1919, approved April 12, 1919, and is not in conflict with nor does it repeal, Ordinance No. 2, Ordinance No. 3 and Ordinance No. 74, Series 1919.

§ 15. This ordinance shall take effect from and after its passage. (*Approved May 22, 1919.*)

(8) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby appropriated for the Street Cleaning Department the sum as set forth below for the current fiscal year ending August 31, 1919:

(a) Out of the unexpended cash collections for Street and Sewer Cleaning, being over the 95% from levies for years prior to 1919	\$4,422.24
(b) Cash collected during April and May, 1919	2,117.03
	<hr/>
Total	\$6,539.27

§ 2. This ordinance is supplemental to Ordinance No. 2, Series 1919, approved January 11, 1919; Ordinance No. 3, Series 1919, approved January 11, 1919; Ordinance No. 74, Series 1919, approved April 12, 1919, and Ordinance No. 97, Series 1919, approved May 22, 1919, and is not in conflict with nor does it repeal any of the ordinances mentioned in Section 2 of this ordinance.

§ 3. This ordinance shall take effect from and after its passage. (*Approved June 19, 1919.*)

(9) TAXES.**Appropriations for Fiscal Year Ending August 31, 1919.**

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums as set forth in the following sections of this ordinance, for the current fiscal year ending August 31, 1919:

§ 2. For Police Purposes:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	\$31,882.24	
Cash collected since April 1, 1919..	2,573.07	
Total		\$34,455.31

§ 3. For Fire Department:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	29,939.65	
Cash collected since April 1, 1919..	1,154.11	
Total		31,093.76

§ 4. For Street Cleaning:

Out of the unexpended cash collections for Street and Sewer Cleaning, being over the 95% from levies for years prior to 1919	13,455.27	
Cash collected to June, 1919	1,003.58	
There is also appropriated for the Street Cleaning Department a part of the cash on hand to the credit of "Cash from City Departments," same being a part of the General Purpose Fund	4,458.38	
Total		18,917.23

§ 5. For Reconstruction of Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 14,531.06
 Cash collected since April 1, 1919.. 2.75

Total 14,533.81

§ 6. For Repairing Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919 8,896.07
 Cash collected since April 1, 1919.. 3,328.86

Total 12,224.93

§ 7. For Sewer Construction:

Out of the unexpended cash collections for Sewer Construction and Repairs, being over the 95% from levies for years prior to 1919 7,688.89
 Cash collected since April 1, 1919.. 1,348.17

Total 9,037.06

§ 8. For Sewer Repairs:

Out of the unexpended cash collections for Sewer Construction and Repairs, being over the 95% from levies for years prior to 1919 1,000.00

§ 9. For Home for Aged and Infirm:

Out of the unexpended cash collections for Charitable Institutions, being over the 95% from levies for years prior to 1919 3,000.00
 Cash collected since April 1, 1919.. 428.76

Total 3,428.76

§ 10. For City Hospital:

Out of the unexpended cash collections for Charitable Institutions, being over the 95% from levies for years prior to 1919	10,384.64
Cash collected since April 1, 1919..	4,342.06

Total	14,726.70
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§ 11. For Workhouse:

Out of the unexpended cash collections for Charitable Institutions, being over the 95% from levies for years prior to 1919	2,700.00
Cash collected since April 1, 1919..	90.32

Total	2,790.32
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§ 12. For General Purposes:

The funds available for appropriation are made up as follows:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	37,228.40
From cash from City Departments	\$25,122.79
Less amount appropriated for Street Cleaning in Section 4 of this ordinance	4,458.38
	<u>20,664.41</u>

Total	57,892.81
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Which is appropriated as follows:

Assessor's Department	\$300.00
City Hall Expenses	5,000.00
Public Lights	12,000.00
Sanitary Expenses	3,000.00
Incidental Expenses	37,592.81

§ 13. For Oiling Streets:

Out of the unexpended cash collections for said department, being over the 95% from levies for years prior to 1919	1,598.87
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Grand total of all appropriations in this ordinance	\$201,699.56
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§ 14. This ordinance is supplemental to Ordinance No. 2, Series 1919, approved January 11, 1919; Ordinance No. 3, Series 1919, approved January 11, 1919; Ordinance No. 74, Series 1919, approved April 12, 1919; Ordinance No. 97, Series 1919, approved May 22, 1919, and Ordinance No. 167, Series 1919, approved June 19, 1919, and is not in conflict with nor does it repeal any of the ordinances named in this section.

§ 15. This ordinance shall take effect from and after its passage. (*Approved July 9, 1919.*)

(10) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making appropriations for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated for the specific purposes the several sums as set forth in the following sections of this ordinance for the current fiscal year ending August 31, 1919.

§ 2. For Police Purposes:

Cash collected during July, 1919..	\$33.60
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§ 3. For Fire Department:

Cash collected during July, 1919..	395.52
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§ 4. For Street Cleaning:

Cash collected during July, 1919..	886.59
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There is also appropriated for the Street Cleaning Department a part of the cash on hand to the credit of

“Cash from City Departments,” same being a part of the General Purpose Fund	\$1,887.42	
There is also appropriated for the Street Cleaning Department a part of the cash on hand to the credit of “Franchises”	1,261.00	
	<hr/>	
Total		4,035.01
§ 5. For Sewer Cleaning:		
Cash collected since September 1, 1918		14.90
§ 6. For Repairing Streets:		
Cash collected during July, 1919..		866.42
§ 7. For Sewer Construction:		
Cash collected during July, 1919..		330.69
§ 8. For Sewer Repairs:		
Cash collected since June, 1919..	26.95	
There is also appropriated for this department cash on hand to the credit of Franchises	1,000.00	
	<hr/>	
Total		1,026.95
§ 9. For Home for Aged and Infirm:		
Cash collected during July, 1919..	276.59	
There is also appropriated for this department a part of the cash on hand to the credit of Franchises...	300.00	
	<hr/>	
Total		576.59
§ 10. For the City Hospital:		
Cash collected during July, 1919..		4,223.79
§ 11. For City Workhouse:		
Cash collected during July, 1919..	4.50	
There is also appropriated for this department a part of the cash on hand to credit of Franchises.....	700.00	
	<hr/>	
Total		704.50

§ 12. For General Purposes:

The funds available for appropriations are made up as follows:

From cash for City Departments, less amount appropriated for Street Cleaning in Section 4 of this ordinance	5,294.92 1,887.42	
	<hr/>	3,407.50
From Franchises	\$4,261.00	
Less amounts appropriated in vari- ous sections of this ordinance	4,261.00	
	<hr/>	
Total		3,407.50

Which is appropriated as follows:

Incidental Expenses	\$3,339.00
Weights and Measures	68.50

§ 13. For Oiling Streets:

There is appropriated for this de- partment a part of the cash on hand to the credit of Franchises...	1,000.00
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Grand total of this appropri- ation	<hr/> \$16,615.47
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§ 14. This ordinance is supplemental to Ordinance No. 2, Series 1919, approved January 11, 1919; Ordinance No. 3, Series 1919, approved January 11, 1919; Ordinance No. 74, Series 1919, approved April 12, 1919; Ordinance No. 97, Series 1919, approved May 22, 1919; Ordinance No. 167, Series 1919, approved June 19, 1919, and Ordinance No. 177, Series 1919, approved July 9, 1919, and is not in conflict with nor does it repeal any of the ordinances named in this section.

§ 15. This ordinance shall take effect from and after its passage. (*Approved August 23, 1919.*)

(11) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1920, viz: For the months of September, October, November and December, 1919, and January, 1920.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed or to be borrowed, for the fiscal year ending August 31, 1920, the following sums for the first five months of the said fiscal year, viz: September, October, November and December, 1919, and January, 1920, for the following purposes, to-wit:

Police Purposes	\$235,000.00
Fire Department	220,000.00
Street Cleaning	145,000.00
Sewer Cleaning	8,000.00
Reconstruction of Streets	135,000.00
Repairing Streets	100,000.00
Sewer Construction	100,000.00
Sewer Repairs	8,000.00
Home for the Aged and Infirm	17,000.00
City Hospital	90,000.00
Workhouse	18,000.00
Assessor's Department	15,000.00
Auditor's Department	1,500.00
Board of Public Safety	4,000.00
Board of Public Works	6,000.00
Cemeteries	1,000.00
Cisterns	1,000.00
City Buyer's Department	2,500.00
City Hall Expenses	22,000.00
City Pounds	1,500.00
Comptroller's Department	2,500.00
Engineer's Department	18,000.00
Gas Inspector	2,500.00
Incidental Expenses	41,300.00
Inspector of Buildings Department	9,000.00

Insurance	1,000.00
Law Department	10,000.00
Legislative Department	2,200.00
Live Stock Inspector	1,000.00
Mayor's Department	3,800.00
Police Court	9,000.00
Printing and Stationery	10,000.00
Public Baths	3,000.00
Public Lights	66,000.00
Pumps and Wells	1,000.00
Receiver of Taxes	6,500.00
Sanitary Expenses	30,000.00
Secret Service	2,500.00
Treasurer's Department	2,500.00
Weights and Measures Department	1,500.00
Comfort Station	1,200.00
Municipal Coal Yard	30,000.00
Oiling Streets	15,000.00
<hr/>	
Total	\$1,400,000.00

§ 2. That the City Treasurer be and he is hereby directed to set apart the full sums of the appropriation made in the preceding section for Insurance and Secret Service, out of the revenue and funds from which said appropriation is made.

§ 3. This ordinance shall take effect from its passage. (*Approved September 10, 1919.*)

(12) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1919, viz: For the months of September, October, November and December, 1918, and January, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed, or to be borrowed, for the fiscal year ending August 31, 1919, the following sums for the first five months

of the said fiscal year, viz: September, October, November and December, 1918, and January, 1919, for the following purposes, to-wit:

Street Cleaning	\$30,000.00
Street Repairs	30,000.00
City Workhouse	2,000.00
Cisterns	1,000.00
	<hr/>
Total	\$63,000.00

§ 2. This ordinance is supplemental to an ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1919, viz: For the months of September, October, November and December, 1918, and January, 1919," approved September 11, 1918, and all appropriation ordinances passed by the General Council of the city of Louisville since September 11, 1918, up to the date of this ordinance.

§ 3. This ordinance shall take effect from its passage. (*Approved December 12, 1918.*)

(13) TAXES.

Appropriations for Fiscal Year Ending August 31, 1919.

AN ORDINANCE making partial appropriations for the fiscal year ending August 31, 1920, namely, for the months of September, October, November and December, 1919, and January, 1920.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there are hereby appropriated out of the revenue and sums borrowed, or to be borrowed, for the fiscal year ending August 31, 1920, the following sums for the first five months of said fiscal year, viz: September, October, November and December, 1919, and January, 1920, for the following purposes, to-wit:

For the Police Department	\$30,000.00
For Sewer Repairs	10,000.00
	<hr/>
Total	\$40,000.00

§ 2. This ordinance is supplemental to Ordinance No. 244, Series 1919, approved September 10, 1919, but is not in conflict with said ordinance.

§ 3. This ordinance shall take effect from its passage. (*Approved December 1, 1919.*)

(14) TAXES.

Appropriation for Purchase of Coal Yard.

AN ORDINANCE making an appropriation for the purchase of a tract of land on Logan street from the Louisville & Nashville Railroad Company for the purpose of a municipal coal yard.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby appropriated out of the fund for "General Purposes" for the fiscal year ending August 31, 1919, the sum of seven thousand (\$7,000) dollars to be used for the purchase of a tract of land on Logan street from the Louisville & Nashville Railroad Company for the purpose of a municipal coal yard.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 11, 1918.*)

(15) TAXES.

Appropriation for Municipal Railroad Switch.

AN ORDINANCE making an appropriation for the laying of a municipal railroad switch and trestle in connection with a municipal coal yard in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby appropriated out of the fund for "General Purposes" for the fiscal year ending August 31, 1919, the sum of seven thousand four hundred and twelve (\$7,412.00) dollars to be used in the construction and laying of a municipal railroad switch and trestle in connection with a municipal coal yard on the east side of Logan street in the city of Louisville.

§ 2. This ordinance shall take effect from and after its passage. (*Approved September 11, 1918.*)

(16) TAXES.**Appropriation for University of Louisville.**

AN ORDINANCE making partial appropriation for the fiscal year ending August 31, 1919, viz: For the months of September, October, November and December, 1918, and January, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the sum of thirty thousand (\$30,000.00) dollars is hereby appropriated for the use of the University of Louisville out of the revenue and sums borrowed or to be borrowed for the fiscal year ending August 31, 1919, for the first five months of said fiscal year, viz: September, October, November and December, 1918, and January, 1919.

§ 2. The sums to which said University of Louisville shall be entitled under any levy or appropriation made for said fiscal year ending August 31, 1919, shall be charged with the sum herein appropriated, this appropriation being made to enable the University of Louisville to secure the equipment necessary to comply with the regulations of the War Department relative to the training of students subject to the selective draft.

§ 3. This ordinance is supplemental to an ordinance entitled "An ordinance making partial appropriations for the fiscal year ending August 31, 1919, viz: For the months of September, October, November and December, 1918, and January, 1919," approved September 11, 1918.

§ 4. This ordinance shall take effect from its passage. (*Approved October 24, 1918.*)

(17) TAXES.**Appropriation for Extra Cost on Account of Spanish Influenza.**

AN ORDINANCE making an appropriation to meet the extra expense to the city of Louisville occasioned by the epidemic of Spanish influenza.

Be it ordained by the General Council of the city of Louisville:

§ 1. There is hereby appropriated out of the funds for General Purposes for the fiscal year ending August 31, 1919, a sum not exceeding \$5,000, to be expended by the Health Department

to such an extent as may be necessary to meet the extra cost and expense to said Health Department occasioned by the epidemic of Spanish influenza.

§ 2. This ordinance shall take effect from and after its passage. (*Approved October 24, 1918.*)

(18) TAXES.

Appropriation for Babies' Milk Fund.

AN ORDINANCE for the benefit of the Babies' Milk Fund Association of Louisville and making an appropriation for same.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby appropriated out of the fund for "General Purposes" for the fiscal year ending August 31, 1919, the sum of two thousand (\$2,000.00) dollars for the purposes of the Babies' Milk Fund Association of Louisville, and the Comptroller is hereby authorized and directed to draw a voucher in favor of Leonard A. Hewitt, Treasurer of said Association, and charge said sum of two thousand (\$2,000.00) dollars to the account of "Incidental Expense."

§ 2. This ordinance shall take effect from and after its passage. (*Approved April 24, 1919.*)

(19) TAXES.

Appropriation for Public Wharf.

AN ORDINANCE making appropriation for improvement of public wharf.

Whereas, the net revenue for public wharf for the fiscal year 1919, amounting to ten thousand two hundred and sixty-three dollars and seventy-six cents (\$10,263.76), has been placed by the City Treasurer to the credit of General Purpose Fund for 1919, as required by Section 2860, Subsection 3, of an act for the government of the cities of the first class, and

Whereas, the public wharf is in need of improvement and a

contract has been approved for improving a portion thereof, therefore

Be it ordained by the General Council of the city of Louisville:

§ 1. That the sum of ten thousand two hundred and sixty-three dollars and seventy-six cents (\$10,263.76) be, and the same is hereby appropriated from the "General Purpose" Fund for improving the public wharf.

§ 2. This ordinance shall take effect on and after its passage. (*Approved October 23, 1919.*)

(20) TAXES.

Levy for Year 1919.

AN ORDINANCE concerning the taxes for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. The following ad valorem taxes are hereby levied for the fiscal year ending August 31, 1919, on all lands, improvements, and personal property, tangible and intangible, in the city of Louisville, held or owned by every person, firm, company, association, and corporation, in his, her, their, or its own right, or as fiduciary, guardian or agent, subject to municipal taxation, under the laws of the State of Kentucky, and under the "Act for the Government of Cities of the First Class," approved July 1, 1893, and the amendments thereto, including all property and franchises heretofore or hereafter assessed by the City Assessor, State Railroad Commission, State Board of Valuation and Assessment, and the State Tax Commission, for taxation by the city of Louisville, in and for said fiscal year, as provided by law, and in each case on each one hundred (\$100.00) dollars of assessed value, but not to include any property exempt by law from such taxation, to-wit:

For Schools—Thirty-eight cents	\$0.38
For Sinking Fund—One cent . . . . .	.01
For House of Reform—Three and three-quarter cents . . . . .	.03 $\frac{3}{4}$
For Parks—Eight cents . . . . .	.08
For Library—Three and one-quarter cents . . . . .	.03 $\frac{1}{4}$

For Firemen's Pension Fund—Three-quarters of one cent .....	.00 ³ / ₄
For Policemen's Pension Fund—One cent .....	.01
For Board of Children's Guardians—Three-quarters of one cent .....	.00 ³ / ₄
For Board of Tuberculosis Hospital—Three and one-quarter cents .....	.03 ¹ / ₄
For University of Louisville—Three cents .....	.03
For Police Department—Twenty-three and one-half cents .....	.23 ¹ / ₂
For Fire Department—Twenty-one and one-half cents..	.21 ¹ / ₂
For Street and Sewer Cleaning—Thirteen and one-quarter cents .....	.13 ¹ / ₄
For Reconstruction of Streets—Seven and one-quarter cents .....	.07 ¹ / ₄
For Repairing Streets—Six and three-quarter cents ....	.06 ³ / ₄
For Sewer Construction and Repairs—Nine and one-quarter cents .....	.09 ¹ / ₄
For Charitable Institutions—Twelve and one-quarter cents .....	.12 ¹ / ₄
For General Purposes—Twenty-five cents .....	.25
For Oiling Streets—One-half of one cent .....	.00 ¹ / ₂
<hr/>	
Total	\$1.82

§ 2. The levy of one cent (1c) on each one hundred (\$100.00) dollars, for Sinking Fund Purposes, in Section 1 of this ordinance, includes the following levies for the payment of interest and principal of the bonds of the city of Louisville, issued under ordinances, and dated as follows, to-wit:

Four thousand and thirty-six ten-thousandths of one mill (.0004036) for the bonds dated July 1, 1897, issued under ordinance approved June 25, 1897.

Forty-one hundred and fifty-six ten-thousandths of one mill (.0004156) for the bonds dated May 1, 1900, issued under the ordinance approved March 21, 1900.

Nine hundred and eighteen ten-thousandths of one mill (.0000918) for the bonds dated April 1, 1901, issued under the ordinance approved February 2, 1901.

Twenty-nine hundred and twenty-nine ten-thousandths of one mill (.0002929) for the bonds dated June 1, 1901, issued under the ordinance approved February 2, 1901.

Eleven hundred and sixty ten-thousandths of one mill (.0001160) for the bonds dated July 1, 1901, issued under the ordinance approved February 2, 1901.

Eighty-one hundred and fifty-two ten-thousandths of one mill (.0008152) for the bonds dated January 1, 1903, issued under the ordinance approved August 8, 1902.

Eighteen hundred and thirty-four ten-thousandths of one mill (.0001834) for the bonds dated April 1, 1903, issued under the ordinance approved March 6, 1903.

Sixty-eight hundred and eight ten-thousandths of one mill (.0006808) for the bonds dated July 1, 1903, issued under the ordinance approved March 6, 1903.

Thirty-nine hundred and thirty-two ten-thousandths of one mill (.0003932) for the bonds dated September 15, 1910, issued under the ordinance approved May 10, 1910.

Eighty-two hundred and eighty-eight ten-thousandths of one mill (.0008288) for the bonds dated August 1, 1911, issued under the ordinance approved June 5, 1911.

Eighteen hundred and forty-five ten-thousandths of one mill (.0001845) for the Sewer and Park bonds dated January 1, 1901, issued under the ordinance approved October 17, 1900.

Three mills and forty-four hundred and forty-five ten-thousandths of one mill (.0034445) for the Sewer bonds dated February 1, 1907, issued under the ordinance approved October 2, 1906.

One mill and nine hundred and eighty-six ten-thousandths of one mill (.0010986) for the Hospital bonds dated March 1, 1911, issued under the ordinance approved October 8, 1910.

One mill and five hundred and eleven ten-thousands of one mill (.0010511) for the School Improvement bonds, dated April 1, 1914, issued under the ordinance approved August 8, 1913.

§ 3. The tax bills shall be made out by the City Assessor on blanks having on them in print, both in detail and in totals, the rates of ad valorem taxes as provided in the first section of this ordinance, and in casting up amounts, the sum chargeable on land, improvements, and personalty, shall be separately stated.

§ 4. The Tax Receiver shall keep his sheets and books for said fiscal year so as to show separately the money received under the heads named in the preceding section, and when he reports his collections, he shall by calculation, ascertain the sum belonging to each fund, and purpose, named in the first section of this ordinance, and in doing so he shall separate the amounts of taxes collected under the levies as stated in Section 2 of this ordinance, to pay principal and interest on the bonds issued at the dates mentioned in said section, from the remainder of the taxes collected from Sinking Fund Purposes, as provided for in Section 1 of this ordinance, he shall also in the books and sheets keep a column for the discount and interest, and one for penalties and costs.

§ 5. The authentication of the tax bills, as required by law, shall be made thereon in red ink over the signature of the City Assessor, or a stamped fac-simile thereof, and in the following form: "Original tax bill for the fiscal year ending August 31, 1919. _____, City Assessor."

§ 6. This ordinance shall take effect from and after its passage. (*Approved December 31, 1918.*)

(21) TAXES.

Assessment for Year Ending August 31, 1919.

AN ORDINANCE providing for the assessment of property in the city of Louisville for municipal taxes for the fiscal year ending August 31, 1919.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, beginning with the first day of September, nineteen hundred and eighteen (1918), and on the same date every year hereafter, the City Assessor shall take the list of taxable property in the city of Louisville, held or owned by every person, firm or corporation in his, her, their or its own right, or as fiduciary, guardian or agent, subject to taxation for city purposes and liable to assessment by the City Assessor under the laws of the State of Kentucky, and "An Act for the government of cities of the first class," approved July 1, 1893, and the amend-

ments thereto, except as provided in Section 3 of this ordinance, upon blanks in the following form substantially to-wit:

CITY OF LOUISVILLE.

Statement and Return of all Lands and Improvements and all Personal Property subject to taxation in the city of Louisville, held or owned by.....
 Business..... Street.....
 Residence.....Street Occupation.....
 either in HIS OWN right or as fiduciary, guardian or agent, on the first day of September, 1918, for the raising of revenue for the year immediately succeeding that date.

DESCRIPTION OF LAND AND IMPROVEMENTS.

No. of Front Feet	Depth of Lot	Vacant	Improved	Improvement Owned by Tenant	Location of Property

VALUE OF PERSONALTY.

Value of household and kitchen furniture..... \$.....
 Value of gold and silverware.....
 Value of clocks, watches and chains.....
 Value of diamonds, pearls and other jewelry.....
 Value of paintings and statuary.....
 Value of libraries.....
 Value of pianos and other musical instruments.....
 Number of automobiles.....; value thereof.....
 Number of other vehicles.....; value thereof.....
 Number of horses....., mules....., cattle.....; value thereof.....
 Value of office, store, barber shop and saloon fixtures and furniture.....
 Number of billiard and pool tables.....; value thereof.....
 Value of cash registers, cash carriers and safes.....
 Value of merchandise.....
 Value of manufactured articles.....

Value of products, except products in course of manufacture of persons, firms, or corporations actually engaged in manufacturing.....	.....
Value of raw material, except raw material of persons, firms, or corporations actually engaged in manufacturing actually on hand at their plants for the purpose of manufacture.....	.....
Value of machinery of all kinds, except machinery of persons, firms, or corporations actually engaged in manufacturing .....	.....
Value of farm implements and farm machinery, except that owned by a person actually engaged in farming and used in his farm operations.....	.....
Value of steam engines, boilers and electric motors, except those of persons, firms, or corporations actually engaged in manufacturing.....	.....
Value of brick, stone and other building materials....	.....
Value of steam boats, sail boats, motor boats and other water craft .....	.....
Value of property held on pledge or pawn.....	.....
Value of poles, wires, conduits, posts, lamps, water and gas mains and pipes.....	.....
Number of street cars.....; value thereof.....	.....
Number of miles of street car tracks.....; value per mile, \$.....	.....
Value of railroad switches and sidings (not owned by railroad companies) .....	.....
Miscellany—All property not mentioned above, subject by law to an ad valorem tax for city purposes....	.....

Total value of personalty.....	\$.....
Less household goods and other personal property of persons with a family.....	\$250

Assessable amount of personalty.....	.....

STATE OF KENTUCKY,
JEFFERSON COUNTY.

I do solemnly swear that the above is a true list of all taxable property, real or personal, owned or held by me in my own right,

or as fiduciary, guardian or agent, together with the value of all the personalty on the first day of September, 1918.

Signature

Subscribed and sworn to before me this.....day of....., 1918.

By

Deputy Assessor.

§ 2. That there shall be printed on the back of each of said blanks the following words:

“Kentucky Statute 2988: (Owners and Fiduciaries to Return Lists—Proceedings in Case of Failure. Every person owning or holding taxable property, in his own right, or as a fiduciary, guardian or agent, shall return to the assessor, or his assistant, a true list of such property, real and personal, upon blanks therefor prepared by the assessor, in the form prescribed by ordinance, together with the value of all personalty, and make oath before said assessor or one of his assistants. Should the assessor conclude that in any list so filed the taxpayer has either omitted to list any of his property subject to taxation, or has valued any property so listed too low, the assessor may assess the property so omitted, or raise the valuation of the property which he considers to be assessed too low, and shall thereupon send notice through the mail to the owner or holder either that he has assessed the property omitted, or raised the valuation of the property assessed too low, as the case may be.

“Any person thus notified may, within fifteen days after the mailing of a notice to him, file in the assessor’s office a complaint either that the property, which the assessor has thus assessed, is not subject to assessment, or that the valuation which the assessor has thus put upon his property is too high, as the case may be. If any person files such a complaint within said time the assessment shall not become binding, nor shall any bill be issued thereon until it is passed upon by the Board of Equalization, as other such matters are passed upon by said board.

“In case of the failure of any one to return a list of his property as hereinabove, true in quantity and value, under oath,

said assessor may, according to the best information he can obtain, assess the lands, improvements and personal property.

“The city court shall, at the instance of the assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the list above required.”

§ 3. That the City Assessor shall, as of September 1, 1918, value and assess for city taxes for the fiscal year ending August 31, 1919, the shares of stock of each State and national bank, trust company, guarantee or security company, and domestic life insurance companies, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation or association located or doing business in the city of Louisville, and having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service in the city of Louisville, as provided for by law, which assessments shall be made and notice thereof given by the City Assessor to each corporation, company and association whose shares of stock or franchise shall have been assessed by him in the manner provided by law, and after said shares of stock or franchise assessments shall have been reported by the City Assessor to, and finally passed on by, the Board of Equalization, they shall, together with all verified statements of corporations, companies and associations, made on the forms which shall be prepared by the City Assessor, under the provisions of the statutes, and returned to him, be kept on file and preserved by the City Assessor as part of the records of his office.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage. (*Approved August 29, 1918.*)

(22) TAXES.

Assessment for Year Ending August 31, 1920.

AN ORDINANCE providing for the assessment of property in the city of Louisville for municipal taxes for the fiscal year ending August 31, 1920.

Be it ordained by the General Council of the city of Louisville:

§ 1. That, beginning with the first day of September, nineteen hundred and nineteen (1919), and on the same date every year hereafter, the City Assessor shall take the list of taxable property in the city of Louisville, held or owned by every person, firm or corporation in his, her, their or its own right, or as fiduciary, guardian or agent, subject to taxation for city purposes and liable to assessment by the City Assessor under the laws of the State of Kentucky, and "An Act for the government of cities of the first class," approved July 1, 1893, and the amendments thereto, except as provided in Section 3 of this ordinance, upon blanks in the following form substantially to-wit:

CITY OF LOUISVILLE.

Statement and Return of all Lands and Improvements and all Personal Property subject to taxation in the city of Louisville, held or owned by..... Business..... Street..... Residence.....Street Occupation..... either in HIS OWN right or as fiduciary, guardian or agent, on the first day of September, 1919, for the raising of revenue for the year immediately succeeding that date.

DESCRIPTION OF LAND AND IMPROVEMENTS.

Table with 6 columns: No. of Front Feet, Depth of Lot, Vacant, Improved, Improvement Owned by Tenant, Location of Property. The table contains several rows of dotted lines for data entry.

VALUE OF PERSONALTY.

Value of household and kitchen furniture.....	\$.....
Value of gold and silverware.....	.....
Value of clocks, watches and chains.....	.....
Value of diamonds, pearls and other jewelry.....	.....
Value of paintings and statuary.....	.....
Value of libraries.....	.....
Value of pianos and other musical instruments.....	.....
Number of automobiles.....; value thereof.....	.....
Number of other vehicles.....; value thereof.....	.....
Number of horses....; mules....; cattle....; value thereof .....	.....
Value of office, store, barber shop and saloon fixtures and furniture .....	.....
Number of billiard and pool tables....; value thereof .....	.....
Value of cash registers, cash carriers and safes.....	.....
Value of merchandise.....	.....
Value of manufactured articles.....	.....
Value of products, except products in course of manufacture of persons, firms, or corporations actually engaged in manufacturing.....	.....
Value of raw material, except raw material of persons, firms, or corporations actually engaged in manufacturing actually on hand at their plants for the purpose of manufacture.....	.....
Value of machinery of all kinds, except machinery of persons, firms, or corporations actually engaged in manufacturing .....	.....
Value of farm implements and farm machinery, except that owned by a person actually engaged in farming and used in his farm operations.....	.....
Value of steam engines, boilers and electric motors, except those of persons, firms, or corporations actually engaged in manufacturing.....	.....
Value of brick, stone and other building materials....	.....
Value of steam boats, sail boats, motor boats and other water craft.....	.....
Value of property held on pledge or pawn.....	.....
Value of poles, wires, conduits, posts, lamps, water and gas mains and pipes.....	.....

Number of street cars.....; value thereof.....	.....
Number of miles of street car tracks.....; value per mile, \$.....	.....
Value of railroad switches and sidings (not owned by railroad companies) .....	.....
Miscellany—All property not mentioned above, subject by law to an ad valorem tax for city purposes....	.....
<hr/>	
Total value of personalty.....	\$.....
Less household goods and other personal property of persons with a family.....	\$250
<hr/>	
Assessable amount of personalty.....	.....

STATE OF KENTUCKY,
JEFFERSON COUNTY.

I do solemnly swear that the above is a true list of all taxable property, real or personal, owned or held by me in my own right, or as fiduciary, guardian or agent, together with the value of all the personalty on the first day of September, 1919.

Signature

Subscribed and sworn to before me this.....day
of....., 1919.

By

.....

Deputy Assessor.

§ 2. That there shall be printed on the back of each of said blanks the following words:

“Kentucky Statute 2988: (Owners and Fiduciaries to Return Lists—Proceedings in Case of Failure). Every person owning or holding taxable property in his own right, or as a fiduciary, guardian or agent, shall return to the assessor, or his assistant, a true list of such property, real and personal, upon blanks therefor prepared by the assessor, in the form prescribed by ordinance, together with the value of all personalty, and make oath before said assessor or one of his assistants. Should the assessor conclude that in any list so filed the taxpayer has either omitted to list any of his property subject to taxation, or has valued any property so listed too low, the assessor may assess

the property so omitted, or raise the valuation of the property which he considers to be assessed too low, and shall thereupon send notice through the mail to the owner or holder either that he has assessed the property omitted, or raised the valuation of the property assessed too low, as the case may be.

“Any person thus notified may, within fifteen days after the mailing of a notice to him, file in the assessor’s office a complaint either that the property, which the assessor has thus assessed, is not subject to assessment, or that the valuation which the assessor has thus put upon his property is too high, as the case may be. If any person files such a complaint within said time the assessment shall not become binding, nor shall any bill be issued thereon until it be passed upon by the Board of Equalization, as other such matters are passed upon by said board.

“In case of the failure of any one to return a list of his property, as hereinabove, true in quantity and value, under oath, said assessor may, according to the best information he can obtain, assess the lands, improvements and personal property.

“The city court shall, at the instance of the assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the list above required.”

§ 3. That the City Assessor shall, as of September 1, 1919, value and assess for city taxes for the fiscal year ending August 31, 1920, the shares of stock of each State and national bank, trust company, guarantee or security company, and domestic life insurance companies, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company, and every other like company, corporation or association located or doing business in the city of Louisville, and having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service in the city of Louisville, as provided for by law, which assessments shall be made and notice thereof given by the City Assessor to each corporation, company and association whose shares of stock or franchises shall have been assessed by him in the manner provided by law, and after said shares of stock or franchise assessments shall have been reported by the City

Assessor to, and finally passed on by, the Board of Equalization, they shall, together with all verified statements of corporations, companies and associations made on the forms which shall be prepared by the City Assessor, under the provisions of the statutes, and returned to him, be kept on file and preserved by the City Assessor as part of the records of his office.

§ 4. All ordinances in conflict herewith are hereby repealed.

§ 5. That this ordinance shall take effect from and after its passage. (*Approved July 16, 1919.*)

(23) TAXES.*

Tax Bills—Publication.

AN ORDINANCE providing for the publication of the list of delinquent taxpayers.

Whereas, Section 3005 of the Kentucky Statutes in regard to cities of the first class requires that on the first day of May of the second year after the assessment of city taxes, the Receiver shall make out a list of the bills still wholly or partly unpaid, and furnish the list to the City Attorney, whose duty it shall be to bring suit thereon; and,

Whereas, It is desirable that every taxpayer shall have the opportunity to settle without incurring any court costs, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That as soon as practicable after said delinquent list has been furnished to the City Attorney, as required by said statute, and before commencing suit thereon, he shall have prepared an alphabetical list of said delinquent taxpayers, with a brief description of the property upon which the tax is due, and cause the same to be published in the newspaper or newspapers selected by the General Council to do the public advertising of the city of Louisville, said publication to be by one insertion for each of two days.

§ 2. The failure to make the publication required by this ordinance, or the failure to include in said publication the name

*The act of 1910, amending Secs. 2998-3005, changes the method of collection of delinquent taxes, and renders this ordinance unnecessary.

of any delinquent taxpayer, shall not in any way affect any of the rights or remedies of the city of Louisville for the collection of its bills against said delinquents.

§ 3. The cost of such publication shall be paid, as other public advertising, upon a voucher approved by the City Attorney and attested by the Comptroller.

§ 4. This ordinance shall take effect from its passage. (*Approved May 8, 1908.*)

(24) TAXES.

City Assessor to Give Notice of Raised Assessment.

AN ORDINANCE requiring the City Assessor to give notice by mail to the owners of real or personal property whose assessments have been raised.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be the duty of the City Assessor, whenever said Assessor increases the assessment of any real or personal property in the city of Louisville, to send to the owner of said property, in all cases where said owner can be located, a written or printed notice by mail that said assessment has been increased. Said notice shall be mailed in ample time to permit said property owner to appear before the Board of Equalization during the time fixed by law for the meeting of said board.

§ 2. Nothing in this ordinance shall be construed to affect the validity of an assessment, even though the notice above required shall not be sent by said Assessor.

§ 3. This ordinance shall take effect from and after its passage. (*Approved October 10, 1911.*)

(25) TAXES.

To Regulate Making of Credits Upon Erroneous Tax Bills.

AN ORDINANCE to regulate the making of credits upon erroneous tax bills in the hands of the Receiver of the City Taxes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Assessor, in making any change, alteration or credit upon any tax bill in the hands of the Receiver of

Taxes, shall enter such alteration, change or credit in a record book to be kept by him for that purpose, and at once certify such change, alteration or credit to the city bookkeeper. A like entry of such alteration, change or credit shall be entered in a record book to be kept for that purpose by the Receiver of City Taxes, who shall at once certify each alteration, change or credit to the city bookkeeper, who shall also keep a record of all such alterations, changes or credits.

§ 2. An ordinance entitled "An ordinance to regulate the making of credits upon erroneous tax bills in the hands of the Receiver of City Taxes, or agent for the collection of back taxes," approved May 17, 1883, is hereby repealed. (*Approved September 16, 1895.*)

(26) TAXES.

Retrospective Assessment or Omitted Personal Property.

AN ORDINANCE providing for the retrospective assessment of omitted personal property.

Be it ordained by the General Council of the city of Louisville:

§ 1. That when it shall appear that any personal property or other property liable for taxation has been omitted in the past or shall be omitted in the future from assessment, it may be, when the omission is discovered, assessed retrospectively for the year or years said omission took place in the same manner in which real property and improvements which have been omitted are required to be assessed.

§ 2. This ordinance to take effect from and after publication. (*Approved July 9, 1895.*)

(27) TAXES.

Crediting Ad Valorem Tax Bills by Amount of License Paid.

AN ORDINANCE providing for crediting ad valorem tax bills on personalty by the amount paid to the Sinking Fund as license on same.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in collecting ad valorem tax bills on personalty for any year, it shall be the duty of the Tax Receiver of the

city of Louisville to credit such tax bill by the amount of any license paid into the Sinking Fund of the city of Louisville by the taxpayer on the personalty represented by the tax bill.

§ 2. In giving such credits when the license has been paid for a period beyond the fiscal year for which the tax bill is made out, then the credit shall be given for the proportion only of said license as within the fiscal year of the tax bill, and the remainder, if any, shall be credited on the tax bills of the succeeding years in like proportion until the whole amount of the license is credited.

§ 3. In order to facilitate the crediting of the tax bills as herein provided for, it shall be the duty of the secretary and treasurer of the Sinking Fund of the city of Louisville, upon the demand of any person who has paid a license on personalty in lieu of ad valorem taxes, to issue to such person duplicate certificates, showing the amount of license paid, by whom, and for what time, one of which said certificates shall be kept on file by the Tax Receiver, and the other shall be by the Tax Receiver filed with the Comptroller of the city of Louisville.

§ 4. In making his settlements the Tax Receiver shall be allowed the credits so made in tax bills, for money paid for license, in the same manner and to the same effect as if he had collected the tax bill entirely in money.

§ 5. When a license was paid in any year in lieu of the ad valorem taxes, the Tax Receiver is directed to receive in payment the face of the tax bill for that year without interest.

§ 6. This ordinance shall take effect from and after its publication. (*Approved August 6, 1895.*)

(28) TAXES.

Collection of, From Officers, Employes, and Creditors of the City.

AN ORDINANCE concerning the collection of taxes from officers, employes, and creditors of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter there shall be deducted and withheld from any money due from the city of Louisville to any officer, employe or creditor the amount of any tax due from such officer,

employe or creditor to the city. If the amount of the city's obligations equal the tax due it, there shall be surrendered to the party entitled to same his canceled or receipted tax bill; if the amount due from the city exceeds the amount of tax due it, a warrant for the overplus and the canceled or receipted tax bill shall be delivered to the party entitled to the same; if the amount due from the city be less than the amount of the tax due it, the tax bill of the city's creditor shall be credited by the amount due him from the city, and to enable the Auditor to carry the same into effect it shall be the duty of the Receiver of Taxes for the city to deliver to the Auditor on the first day of May of each year a list of all uncollected tax bills due at said date.

§ 2. It shall be the duty of the Auditor of the city to enforce and carry into effect the provisions of this ordinance.

§ 3. This ordinance to take effect from and after its publication. (*Approved April 1, 1895.*)

(29) TAXES.

Exemption of Manufacturing Establishments From, for Five Years.

AN ORDINANCE concerning the exemption of manufacturing establishments from municipal taxation.

Whereas, The city of Louisville has the power under the law to exempt from municipal taxation, for a period of five years as an inducement to location, manufacturing establishments; and,

Whereas, It is deemed the wisest policy to thus foster the manufacturing interest of the city by exercising this power to induce the location of new manufacturing enterprises in the city, and to induce the owners of others located in the territory sought to be annexed to the city to abandon opposition to annexation, thereby voluntarily locating their establishments within the city; therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to induce the location of more manufacturing establishments within the city limits, any such establishment, owned and operated by any person, firm or corporation,

which shall have been, after the passage of this act authorizing this ordinance, permanently located and conducted within the limits of the city of Louisville, shall be and the same is hereby exempted for a period of five years after such location and the commencement of the business of manufacturing thereat from all taxation whatever by the city of Louisville, on all property, real or personal, tangible or intangible, owned, employed and used by such person, firm or corporation in conducting the business of such manufacturing establishment, and which would otherwise be subject to city taxation: Provided, however, the exemption herein specified is granted on the condition that the person, firm or corporation owning and operating such manufacturing establishment shall comply with the provisions of the third section of this ordinance, and no such establishment shall be entitled to an exemption from city taxes until said section is complied with.

§ 2. The provisions of Section 1 hereof shall apply to such manufacturing establishments as may be brought into the city by annexation of territory, provided the owners thereof do not object to annexation, or shall agree before the passage of this ordinance to withdraw their objections to annexation.

§ 3. That any person, firm or corporation that shall be induced by the provisions of Section 1 or Section 2 of this ordinance to locate or bring a manufacturing establishment within the city limits shall, prior to the first day of September next, after said establishment shall have been located or brought within the city and begun the business of manufacturing thereat, file with the City Assessor a written statement, verified by the proprietor, or one of them, if composed of a firm, or by the chief officer or manager in charge of the corporation, as the case may be, showing the following facts, viz: The name of the proprietor, or the members of the firm or corporation owning and operating the establishment; the place where the establishment is located within the city, the kind of manufacturing engaged in, and when begun at such location; that the manufacturing establishment is a new one, or has been located or brought within the city limits since the passage of the act authorizing this ordinance; that it has been thus located or brought within the city in good faith, with the intention of being continued permanently, or for a longer period than five years.

§ 4. That it shall be the duty of the City Assessor to preserve and keep on file in his office all such verified statements; and he shall omit from his assessments for city taxation for a period of five years next after the filing of each verified statement as aforesaid, the property of the manufacturing establishment named therein, as set forth in Sections 1 and 2 of this ordinance.

§ 5. This ordinance shall take effect from and after its passage. (*Approved July 29, 1898.*)

(See *City of Louisville v. Board of Education of City of Louisville*, 154 Ky. 316, holding that this exemption does not apply to the tax levy for school purposes. See also *North Vernon Lumber Co. v. City of Louisville*, 163 Ky. 467.)

TAX RECEIVER.

Deputies.

AN ORDINANCE concerning the employes in the Tax Receiver's office of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there shall hereafter be in the office of the Tax Receiver of the city of Louisville nine (9) deputies, one of whom shall be styled "the cashier," at a salary of eighteen hundred (\$1,800) dollars per annum, payable in weekly or monthly installments. Each of the other eight (8) deputies shall receive a salary of fifteen hundred (\$1,500) dollars per annum, payable in weekly or monthly installments; all nine of whom shall be appointed by said Tax Receiver, subject to the approval of the Board of Aldermen. It shall be the duty of said deputies to perform such duties and render such services as may be required of them by the Tax Receiver.

§ 2. In addition to the officers mentioned in the first section of this ordinance the Tax Receiver of the city of Louisville may also appoint, subject to the approval of the Board of Aldermen, for service during the months of January, February and March of each year, four (4) deputy clerks, each to be paid a salary at the rate of one hundred (\$100) dollars per month, payable in weekly or monthly installments.

§ 3. All ordinances in conflict herewith are hereby repealed, and especially an ordinance entitled "An ordinance concerning

the employes in the Tax Receiver's office of the city of Louisville," approved October 4, 1918.

§ 4. This ordinance shall become effective on and after its passage. (*Approved November 28, 1919.*)

(1) TELEPHONE RATES.*

General Regulation.

AN ORDINANCE fixing the minimum rates to be charged for telephone service in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no company, corporation or individual operating, conducting or maintaining a telephone system or furnishing telephone service in the city of Louisville, shall charge more for such service than the following rates, which are hereby fixed, established and ordained to be the maximum rates that may be charged for telephone services in the city of Louisville.

§ 2. For each telephone in a business house or office the maximum rate or charge shall not exceed:

For a single or private line, unlimited service, \$5.50 per month, or at the rate of \$66.00 per year.

For a party line, unlimited service, \$4.00 per month, or at the rate of \$48.00 per year.

For each telephone in a residence the maximum rate or charge shall not exceed:

For a single or private line, unlimited service, \$3.00 per month, or at a rate of \$36.00 per year.

For a party line, unlimited service, \$2.00 per month, or at the rate of \$24.00 per year.

For each extension desk telephone the maximum rate or charge shall not exceed \$1.00 per month, or at the rate of \$12.00 per year.

§ 3. Any person, firm or corporation violating any provision of this ordinance or charging a higher rate for telephone service than is fixed by this ordinance shall be subject to a fine of not less than \$5.00 nor more than \$25.00 for each offense. Each

*See *City of Louisville v. Cumberland Tel. & Tel. Co.*, 225 U. S. 430, and see also the next ordinance, consenting to a repeal of this ordinance.

charge for telephone service in excess of the rates herein fixed and each month such charge is made for such service shall constitute a separate offense.

§ 4. That an ordinance entitled "An ordinance regulating the charges for telephone service in the city of Louisville," approved November 12, 1906, is hereby repealed:

Provided, however, that this ordinance shall not be so construed as to confer upon any person, firm or corporation now conducting or operating a telephone system in the city of Louisville the right to charge any rate in excess of that limited in the charter or franchise of such person, firm or corporation.

§ 5. This ordinance shall take effect from and after its passage. (*Approved March 6, 1909.*)

(2) TELEPHONE RATES.*

Cumberland Telephone Company Compromise Contract.

AN ORDINANCE authorizing the city of Louisville, through its Mayor, to make and execute a contract with the Cumberland Telephone & Telegraph Company for the compromise and settlement of the litigation and controversy now pending between them in the Federal Court over maximum telephone charges, and fixing the maximum charges to be made for telephone services rendered in the city of Louisville.

Whereas, there now exists litigation between the Cumberland Telephone & Telegraph Company and the city of Louisville in the Federal Court for the Western District of the State of Kentucky over and concerning proper rates for telephone service in the city of Louisville that is rendered by the said company, and

Whereas, both the city of Louisville and said company are desirous of settling the litigation and controversy amicably, and

Whereas, the said parties have arrived at a satisfactory set-

*See *City of Louisville v. Cumb. Tel. & Tel. Co.*, 224 U. S. 649; *City of Louisville v. Cumb. Tel. & Tel. Co.*, 225 U. S. 430; *in re City of Louisville, Kentucky*, 231 U. S. 256; *in re Engelhard & Sons Company*, 231 U. S. 258; *City of Louisville v. Cumberland Tel. & Tel. Co.*, 231 U. S. 260.

tlement and compromise of all pending questions in the said litigation and controversy; now, therefore,

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville, through its Mayor, do, and that said Mayor is hereby authorized, empowered and directed to, enter into and execute a contract with the Cumberland Telephone & Telegraph Company, a corporation organized and existing under the laws of the State of Kentucky, in words and figures as follows, to-wit:

This agreement made this 20th day of February, 1914, by and between the city of Louisville, a municipal corporation, party of the first part, and the Cumberland Telephone & Telegraph Company, a corporation organized and existing as aforesaid, witnesseth:

That the parties, in consideration of the premises set out in the preamble to this ordinance and the mutual undertaking herein, have and do hereby enter into the following contract, to-wit:

A. The Cumberland Telephone & Telegraph Company is to pay all the ordinary costs in the court of original jurisdiction and in the Supreme Court of the United States made and occasioned by the parties in the said litigation and to dismiss the suit which is now pending in the District Court of the United States for the Western District of Kentucky against the city of Louisville seeking to permanently enjoin the enforcement of the present ordinance fixing telephone rates, passed by the General Council of the city of Louisville on the 6th day of March, 1909.

B. The Cumberland Telephone & Telegraph Company further agrees to pay over to and deposit with the Fidelity & Columbia Trust Company, being a financial institution of the city of Louisville, the sum of money that has been or may be found due to the subscribers to the telephone service of the Cumberland Telephone & Telegraph Company on account of charges made by the said company in excess of the rates fixed by the said ordinance passed on the 6th day of March, 1909, as shown by the report or reports of a Special Commissioner, A. G. Ronald, of the said District Court, approximating the sum of \$137,000.00, be it more or less, which said sum shall be paid out by said de-

pository to the various parties, their attorneys, assigns or representatives, shown to be entitled thereto by the aforesaid report of the said Special Commissioner, and any part or portion of said fund which may remain unclaimed by the parties in interest for the period of six months is to be paid by said depository to the city of Louisville to be held and used by it, for the purpose of constructing a municipal hall or auditorium as may be hereafter determined upon by the Mayor and General Council of the city of Louisville, and the city of Louisville is to hold the Cumberland Telephone & Telegraph Company harmless against all claims to said fund.

C. That the Cumberland Telephone & Telegraph Company will abide by the terms of this ordinance when duly passed by the General Council of the city of Louisville, and approved by its Mayor, and will furnish the inhabitants of the city of Louisville telephone services at prices not to exceed the rates herein named and upon the condition and terms herein specified.

D. That the Cumberland Telephone & Telegraph Company agrees that the rates fixed in this ordinance are to apply under annual contracts to all stations within the city limits of Louisville, and whether within the city limits or not, within two miles for business and three miles for residence stations from any of the Louisville city exchanges, and within one and one-half miles of the central office at any of the following exchanges with which such stations connect, viz: New Albany and Jeffersonville, in the State of Indiana; and Harrods Creek, Pewee Valley, Anchorage, St. Matthews, Jeffersontown and Pleasure Ridge Park, in the State of Kentucky.

All subscribers in any of the above-named outlying exchanges may by paying the rates herein set out call any Louisville subscriber's station without extra charge, and likewise may Louisville subscribers call subscribers' station in any of these outlying exchanges, without extra charge, whether such called subscribers are paying the Louisville, or a merely local, rate. In addition to this, it is agreed that special toll terminals used by the patrons with a heavy demand for long-distance service shall be reduced from \$4.00 to \$3.50 per month.

E. That the Cumberland Telephone & Telegraph Company agrees not to seek or ask for any increase of the rates fixed in this ordinance, unless by consent of the city authorities, for the

period of five years after the passage hereof, but it is expressly agreed that the city of Louisville does not in any way waive, relinquish or surrender its right or power during said time, or for any time, to fix lower maximum rates if the conditions and circumstances at any time render such course proper to call the same in question.

F. That the city of Louisville hereby repeals the said ordinance approved on the 6th day of May, 1909, and substitutes and enacts the following ordinance, to-wit:

AN ORDINANCE fixing the maximum rates to be charged for telephone service in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That no company, corporation or individual operating, conducting or maintaining a telephone system or furnishing telephone service in the city of Louisville, shall charge more for such service than the following rates, which are hereby fixed, established and ordained to be the maximum rates that may be charged for telephone service in the city of Louisville:

For each telephone the maximum rate to be charged shall not exceed:

For a business special line, unlimited service, \$6.00 per month, or at the rate of \$72.00 per year.

For a business two-party line, unlimited service, \$4.25 per month, or at the rate of \$51.00 per year.

For a residence special line, unlimited service, \$3.00 per month, or at the rate of \$36.00 per year.

For a residence two-party line, unlimited service, \$2.00 per month, or at the rate of \$24.00 per year.

For each extension telephone, \$1.00 per month, or at the rate of \$12.00 per year.

For a business special line, unlimited inward service only, \$3.50 per month, or at the rate of \$42.00 per year.

For a business special line, unlimited inward service and 100 outward messages monthly, extra messages three cents each, \$4.00 per month as a minimum charge.

For a residence special line, unlimited inward service and 83 outward messages monthly, extra messages at three cents each, \$2.50 per month as a minimum charge.

For special toll terminals used by heavy patrons of long-distance service, \$3.50 per month.

Said rates are net, and payable monthly in advance before the 10th day of the month.

§ 2. That any person, firm or corporation violating any provision of this ordinance, or charging a higher rate for telephone service than is fixed by this ordinance, shall be subject to a fine of not less than \$5.00 nor more than \$25.00 for each offense. Each charge for telephone service in excess of the rates herein fixed and each month that such charge is made for such service shall constitute a separate offense.

§ 3. That an ordinance entitled "An ordinance fixing the maximum rates to be charged for telephone service in the city of Louisville," approved March 6, 1909, be and it is hereby repealed; Provided, however, that this ordinance shall not be so construed as to confer upon any person, firm or corporation now conducting or operating a telephone system in the city of Louisville the right to charge any rate in excess of that limited in the charter or franchise of such person, firm or corporation.

In witness whereof, the city of Louisville has, pursuant to the ordinance of its General Council, caused this contract to be executed in its name and for it by its Mayor, and the said Cumberland Telephone & Telegraph Company has, pursuant to a resolution of its Board of Directors, caused this contract to be executed in its corporate name and in its behalf by its vice president, and its corporate seal to be hereto affixed the day and year first above written.

CITY OF LOUISVILLE, By JNO. H. BUSCHEMEYER, Mayor.
CUMBERLAND TELEPHONE & TELEGRAPH COMPANY,
By J. M. B. HOXSEY, Vice President.

§ 2. That the Mayor and proper officials of the city of Louisville be, and they, and each of them, are, and is, hereby authorized, empowered and directed to take all necessary steps and do all things proper to carry out the conditions and terms of this contract.

§ 3. This ordinance shall take effect from and after its passage. (*Approved February 20, 1914.*)

(3) TELEPHONE RATES.

Authorizing Home Telephone Party Lines.

AN ORDINANCE authorizing the Mayor of the city of Louisville, on behalf of said city, to enter into and execute a contract with the Louisville Home Telephone Company, authorizing the construction and maintenance by it of party lines, and fixing the rates to be charged for telephones upon party lines.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the Mayor of the city of Louisville for and on behalf of said city be, and is hereby authorized, empowered and directed to enter into and execute a contract with the Louisville Home Telephone Company, a corporation, in words and figures as follows, to-wit:

This agreement, made this — day of —, 19—, by and between the city of Louisville, a municipal corporation, party of the first part, and the Louisville Home Telephone Company, a corporation, party of the second part,

Witnesseth:

That whereas the Louisville Home Telephone Company is the owner of the telephone franchise ordered to be sold under an ordinance entitled "An ordinance to provide for the sale of the franchise or privilege to construct, establish, maintain and operate a telephone system in the city of Louisville," which became effective November 5, 1900, and

Whereas, by the terms of said ordinance there was a provision in Section 9 thereof that "there shall be no party lines constructed or maintained by the owner or company operating said telephone system or plant," and

Whereas, by mechanical improvement and invention since the creation of the franchise by the General Council now exercised by the Louisville Home Telephone Company objections to party lines have been in a measure obviated, and there are many telephone users in the city of Louisville who are willing to take and who desire to have party line service for residence telephones because same may be rendered more cheaply than single line service, and it is believed that it is to the advantage of the telephone-using public of the city of Louisville to permit such service to be rendered,

Now, therefore, in consideration of the premises and in further consideration of the sum of five thousand (\$5,000) dollars to be paid to the city of Louisville upon the execution of this contract, it is agreed by and between the parties hereto as follows:

First—The city of Louisville consents that the prohibition in the aforesaid telephone franchise ordinance of November, 1900, against the use of party lines by the owner of the franchise sold thereunder, be and the same is hereby withdrawn so far as said prohibition applies to residence telephones: Provided, however, that any applicant for a residence telephone service shall have the right to designate whether the service shall be an individual wire with metallic circuit under the franchise ordinance of November, 1900, or a party line service as provided for herein.

Second—The rate to be charged for the use of each residence telephone on a party line shall be twenty-four (\$24) dollars per annum, throughout the city, without regard to distance, payable as fixed by the aforesaid ordinance of 1900.

Third—In arranging party lines, not more than two subscribers shall be put upon one party line.

Fourth—The Louisville Home Telephone Company will pay to the city of Louisville the sum of one (\$1) dollar per annum for each subscriber to a party line established hereunder, payment to be made as provided in said franchise ordinance.

Fifth—This agreement is in force and effect until November 5, 1920.

In witness whereof, the said city has, pursuant to an ordinance of its General Council, caused this contract to be executed in its name, and on its behalf, by its Mayor; and the said Louisville Home Telephone Company has, pursuant to a resolution of its Board of Directors, caused this contract to be executed in its corporate name, and on its behalf, by its President, and its corporate seal hereunto affixed, the day and year first above written.

CITY OF LOUISVILLE,

ByMayor.

LOUISVILLE HOME TELEPHONE COMPANY,

ByPresident.

§ 2. That the Mayor and proper officers of the city of Louisville be, and they are hereby authorized, empowered and directed to take all steps, and do all things which may be necessary, or proper, to carry out the terms and conditions of this contract.

§ 3. That an ordinance entitled "An ordinance authorizing the Mayor of the city of Louisville, on behalf of said city, to enter into and execute a contract with the Louisville Home Telephone Company, authorizing the construction and maintenance by it of party lines, and fixing the rate to be charged for telephones upon party lines," approved February 4, 1914, is hereby repealed, this ordinance being passed as a substitute therefor.

§ 4. This ordinance to take effect from and after its passage. (*Approved March 7, 1914.*)

NOTE—The rates chargeable by the Home Telephone Company are fixed as follows by Section 9 of its franchise which took effect November 5, 1900:

"Forty-eight (\$48) dollars per year for each *business telephone* on an individual wire with metallic circuit wherever located within the city limits; for each *residence telephone* on an individual wire with metallic circuit within a radius of *one mile* from the courthouse in said city, \$24 per year; for each *residence telephone* on an individual wire with metallic circuit within a radius of *two miles* of the courthouse and exceeding one mile therefrom,

within the city of Louisville, \$30 per annum; for each *residence telephone* on an individual wire with metallic circuit within the limits of the city of Louisville and *outside of said radius of two miles* from the courthouse, \$36 per annum. On *extension desk telephones* the rate shall not exceed \$12 each per annum, and for installing extension bells, \$5 each. All lines shall be attached to long distance instruments, and there shall be no party lines constructed or maintained by the owner or company operating said telephone system or plant." (Fourth Biennial Compilation, page 209.)

The prohibition in the last sentence above quoted is withdrawn as to residence telephones by the above ordinance, approved March 7, 1914.

THEATRES AND PUBLIC HALLS.

Overcrowding.

AN ORDINANCE to prevent the dangerous overcrowding of theatres or other public halls in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful during the performance of any play, opera, or other exhibition in any theatre or other public hall in the city of Louisville, to allow any person or persons of the audience to stand, be seated, or remain in any of the aisles or passways of the said theatre or public hall.

§ 2. Any lessee, manager, owner, proprietor, or employe of such theatre or public hall who shall violate the provisions of Section 1 of this ordinance shall be fined not less than five (\$5) nor more than twenty dollars (\$20) for each offense.

§ 3. Each person allowed to stand or to be seated in or to occupy such aisle or passway as aforesaid shall be deemed a separate offense.

§ 4. This ordinance to take effect from the date of its approval. (*Approved October 9, 1895.*) (See also (1) *Sanitation; Spitting; Fire Escapes; Building Code.*)

(1) TREASURER.*

Duties, etc.

AN ORDINANCE concerning the Treasurer of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. The Treasurer shall receive and keep the money of the city until disbursed on warrants or paid under orders of the Council.

*See generally Secs. 2902-3, Ky. St. Powers considered in *National Surety Co. v. City of Louisville, etc.*, 165 Ky. 38.

§ 2. He shall also receive all notes, bonds and other evidences of debt to the city, which he shall collect or account for, and he shall see that all persons bound to pay money to the Treasurer make due account and payment, and shall promptly report to the Council every failure to do so.

§ 3. He shall also keep in a proper set of books, by double entry, a full and accurate account of moneys received and disbursed for the city, specifying the date of receipt and disbursement, from whom received and to whom paid, and on what account received or paid, keeping a separate and accurate account of each head of revenue or expenditure, and of each fund, and of the debits and credits belonging to each.

§ 4. He shall keep a register of all warrants redeemed or paid into the treasury, describing such warrant by its date, number, page, date of payment and name of person to whom it was paid, and shall cancel and keep on file all such warrants.

§ 5. To each person paying money he shall deliver a duplicate receipt therefor, specifying the date of payment, on what account, and whether paid in money, in warrants, or otherwise.

§ 6. On receiving money set apart to several funds or accounts, he shall immediately credit to each fund or account its true proportion thereof. (*Approved October 26, 1853.*)

(See also *Warrants*. For bond required see *Bonds and Oath of Officers*.)

(2) TREASURER.

Public Funds—Use of.

AN ORDINANCE concerning the use of the public funds.

Be it ordained by the General Council of the city of Louisville:

The Treasurer is prohibited from using, directly or indirectly, the public money, funds, or property in his charge for his own use or benefit, and from permitting it to be used by or for any other person, unless authorized to do so by some law or ordinance. (*Approved October 26, 1853.*)

(3) TREASURER.**Payments by, to Departments and Boards Regulated.**

AN ORDINANCE regulating the manner of the payments to be made by the City Treasurer to the Louisville School Board, to the Board of Park Commissioners, to the Board of Managers of the Louisville Industrial School of Reform (or House of Refuge), and to the Commissioners of the Louisville Sinking Fund.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the amounts received by the City Treasurer from the Receiver of City Taxes for the credit, respectively, of the Louisville School Board, of the Board of Park Commissioners, of the Board of Managers of the Louisville Industrial School of Reform (or House of Refuge), and of the Commissioners of the Louisville Sinking Fund, shall be paid by the said Treasurer to them, respectively, in weekly installments. The receipts of the proper officers of the institutions receiving the money to be evidence of payment in settling the accounts of the City Treasurer.

§ 2. All ordinances in conflict with this ordinance be and are hereby repealed.

§ 3. This ordinance shall take effect from and after its publication. (*Approved January 31, 1896.*)

(4) TREASURER.**Clerk.**

AN ORDINANCE for providing a clerk for the City Treasurer and fixing his salary.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the City Treasurer, with the approval of the Mayor, shall have the power to appoint a clerk for his office, to perform such duties as directed by the said Treasurer or by ordinance.

§ 2. The said clerk shall receive fifteen hundred (\$1,500) dollars per annum, payable in monthly installments, on the payroll of the city officers.

§ 3. All ordinances in conflict herewith be and are hereby repealed. (*Approved September 30, 1895.*)

(5) TREASURER.**Additional Clerks.**

AN ORDINANCE providing for two additional clerks for the City Treasurer.

Be it ordained by the General Council of the city of Louisville:

§ 1. The City Treasurer, with the approval of the Mayor, shall have the power to appoint two additional clerks for his office, who shall perform such duties as may be directed by the City Treasurer or by ordinance.

§ 2. Each of said clerks shall receive a salary of not more than nine hundred dollars (\$900.00) per annum, the amount to be fixed by the Treasurer.

§ 3. All ordinances in conflict herewith, including an ordinance entitled "An ordinance providing for two additional clerks for the City Treasurer," approved January 23, 1918, are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage. (*Approved March 7, 1919.*)

(6) TREASURER.**Additional Clerks.**

AN ORDINANCE providing for two additional clerks for the City Treasurer.

Be it ordained by the General Council of the city of Louisville:

§ 1. The City Treasurer, with the approval of the Mayor, shall have the power to appoint two additional clerks for his office, who shall perform such duties as may be directed by the City Treasurer or by ordinance.

§ 2. Each of said clerks shall receive a salary of not more than seven hundred and eighty (\$780) dollars per annum, the amount to be fixed by the Treasurer.

§ 3. An ordinance entitled "An ordinance providing for an additional clerk for the City Treasurer," approved December 21, 1911, is hereby repealed.

§ 4. This ordinance shall take effect from and after its passage. (*Approved January 23, 1918.*)

TREES ON PUBLIC WAYS.**Duty to Remove Condemned Trees.**

AN ORDINANCE relating to shade and ornamental trees on the sidewalks and thoroughfares of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That whenever the Board of Park Commissioners, in their judgment, shall condemn any dead or decaying tree or trees on the sidewalks or thoroughfares, and notice is served by the Board of Park Commissioners of the city of Louisville on the owner of the lot or property abutting on the street or sidewalk where said condemned tree or trees shall be located, the said owner shall, at his expense, remove the said condemned tree or trees from the street or sidewalk in such manner as will least impede the public travel, and he shall put the surface of the streets or sidewalk in an even and uniform shape after removal.

§ 2. Should the owner of said lot or property adjoining the location of said condemned tree or trees fail for five days after notice herein mentioned to remove said condemned tree or trees from the sidewalk or public highway, he shall be fined five (\$5) dollars for each day after said fifth day that said condemned tree or trees are allowed to remain unremoved, and the sidewalk not repaired, as provided for in Section 1 of this ordinance.

§ 3. This ordinance to take effect from and after its publication. (*Approved May 21, 1894.*) (See also (2) *Advertisements.*)

(1) TRESPASSING.**On Enclosed or Improved Real Estate.**

AN ORDINANCE prohibiting trespass on real estate.

Be it ordained by the General Council of the city of Louisville:

§ 1. That it shall be unlawful for any person, without the consent of the owner, or his or her agent, to enter on any enclosed or improved real estate, lot or parcel of ground in the city of Louisville, and to destroy any flower or shrubbery, or remove therefrom any flowers, shrubbery, material, substance, earth, dirt, or turf.

§ 2. Any person violating the provisions of this ordinance shall, upon conviction thereof, be fined not less than ten (\$10) nor more than fifty (\$50) dollars for each offense.

§ 3. This ordinance shall take effect from and after its publication. (*Approved May 7, 1895.*) (See also *Advertisements; Loitering.*)

(2) TRESPASSING.

On Vacant Lots or Commons.

AN ORDINANCE prohibiting certain trespasses in vacant lots or commons within the limits of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for any person to dump or throw any dirt, trash or rubbish of any kind or description on any vacant lot or common within the limits of the city of Louisville, or to dig, cut, or carry off from any such lot or common any dirt, or sod, without first having obtained the permission of the owner of said lot or common in writing.

§ 2. For any violations of the provisions of this ordinance the party offending, on conviction therefor, shall be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20) for each offense.

§ 3. This ordinance shall take effect from and after its publication. (*Approved June 26, 1894.*)

(See also (1) *Advertisements; Loitering.*)

TRIALS.

Of Executive and Ministerial Officers.

AN ORDINANCE to regulate the trial of executive and ministerial officers of the city of Louisville, by and before the Board of Aldermen of said city, where charges are preferred against such officers by the Mayor of said city, or two members of the Board of Councilmen of said city, or as against the Mayor of said city by the Board of Councilmen of said city.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in order to carry out and effectuate Section 19 of

an act of the General Assembly entitled "An act for the government of cities of the first class," approved July 1, 1893, commonly called the City Charter, whenever written charges with specifications, duly signed, shall be preferred to the Board of Aldermen by the Mayor of said city, or any two Councilmen of said city, against executive or ministerial officers of said city, unless otherwise provided for by law, or against the Mayor of said city by the Board of Councilmen of said city, the said Board of Aldermen of said city shall at once, or within five days thereafter, proceed to organize itself into a court for the trial of said charges and specifications by taking the oath of office required by law. The president of said Board of Aldermen and the regular clerk of said board shall act as presiding judge and clerk of said court unless and until otherwise determined by a majority of said board, but they shall take proper oaths of office as such.

§ 2. As soon as said board shall have organized as a court, as required in preceding section, said charges and specifications shall be read aloud, in open court, and the person or persons charged may enter appearance, or except to the sufficiency of said charges and specifications, especially pointing out the charge and specifications excepted to, or they may file an answer making such defense as they deem best. If no appearance is entered at said reading of charges and specifications, then the clerk of said court shall issue a notice, directed to person or persons charged, warning them or him to appear and make defense against such charges and specifications at the next sitting of said court, not occurring earlier than five days after the service of said notice. The case shall be docketed in substance as follows:

The Commonwealth of Kentucky by.....relators against....., defendants (stating the names of the relators and the defendants). The notice for the defendants above provided for may be served by the sheriff of the county, or any deputy, or policeman, or any person designated by the clerk of said court; but if any person so accused shall avoid service of process, then the same may be left at his residence, or if he or they shall leave the city or State, the case may be proceeded with as if actual service had been made.

§ 3. On appearance of said action, or after service of said notice, or leaving the city or State, such person or persons so

charged may appear before said court in person, or by counsel, or both, and may accept or plead, as hereinbefore provided. If exceptions are sustained by a vote of a majority of the court to all the charges and specifications, then the proceedings shall be deemed terminated, but if such exceptions are overruled as to any charge and specification, then the trial shall proceed upon such charges and specifications as are determined by the court to be good and sufficient. Whether any defense be made or not, the relators in such matter shall cause evidence to be introduced, and may be assisted therein by the City Attorney, and other counsel, or both, in support of said charges and specifications, and then the defendant in such proceeding may introduce evidence in his behalf, unless the court shall have previously determined by a majority vote that the evidence introduced by the prosecution is not sufficient to sustain any charge or specification. In receiving the evidence, the court shall be guided by the rules of evidence prevailing in the courts of this State.

At the conclusion of such evidence for both parties in chief and in rebuttal, counsel for either side may be heard in argument, and then the room shall be cleared of all persons except the members of said court and its clerks, when the matters heard before said court shall be voted upon by a *viva voce* vote on the call of the roll by said clerk, and such vote taken on each charge and specification separately, upon which a trial has been had, and all taken down and recorded by the clerk of the said court, and if at the end of said vote it shall be found that any substantial charge or specification has been sustained, and the defendant found guilty by two-thirds of the members of said court, then said court shall proceed to enter its conclusions of record, together with a judgment evicting the defendant or defendants from office.

§ 4. No member of said Board of Aldermen, after the same has been organized into a court, shall voluntarily absent himself from any sitting of said court, or leave said court while in session, or refrain from voting when called on to do so, under a penalty of twenty (\$20) dollars for each offense, which may be recovered by ordinance warrant before the police court of the city of Louisville.

§ 5. The clerk of said court is hereby authorized to issue subpoenas for witnesses, and subpoenas *duces tecum* for needed

papers and documents of a public nature to the persons having such in charge. Said subpoenas may be served by the sheriff of the county, or any deputy, or a patrolman, or by such person as may be designated by said clerk to serve the same. If any witness shall fail to attend in obedience to such subpoenas, or depart without leave of court, or avoid service of such subpoena, or, being in attendance, shall refuse to be sworn, or refuse to answer proper questions propounded to him, then such witness shall be deemed guilty of contempt of court and liable to be fined in any amount not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, which may be recovered by ordinance warrant for every such offense before the police court of said city.

If such witness be an officer of the city, or any of its departments, or an employe thereof, drawing a salary or wages from the city treasury, and shall offend as herein pointed out, then his office or employment shall cease, and no future claim for salary, wages, or compensation shall be allowed or paid out of the treasury.

§ 6. Said court is hereby authorized to appoint one of the official stenographic reporters of the Jefferson Circuit Court as assistant clerk of said Board of Aldermen. If such stenographic reporter be so appointed he shall take the proper oath of office and attend at all meetings of said court and take down notes of all its proceedings in shorthand, including a record of all the evidence taken and votes by yeas or nays, and all objections made and exceptions taken by either party and make three typewritten copies thereof, one for the use of the court, and one for the use of each party. At each meeting this journal of the preceding meetings shall be read in open court and approved and signed by the presiding judge, after correction by the order of court, if needs be, and for his services in that behalf said assistant clerk shall be entitled to same compensation as for like services rendered in said circuit court, to be paid by the city of Louisville.

At all meetings of said court where two-thirds of all members of said Board of Aldermen are in attendance, that number shall be deemed a quorum to proceed with the trial. Absentees at any sitting may, after reading the records of the proceedings hereinbefore provided for, and declaring in open court such

reading, resume their sitting, and continue to take part in the trial. Said court may, at discretion, allow all reasonable amendments to charges and specifications, as well as to exceptions or answers, and at like discretion may allow postponement upon the grounds in writing filed, verified by oath, but not beyond a day at a time after the trial has actually begun.

§ 7. Said court may appoint an officer for said court to keep order during its sessions, to be styled "bailiff," who shall attend its sittings and preserve order and decorum, subject to the orders of said court, and remove from the room any disorderly person or persons disturbing the court proceedings, and for that purpose may summon assistance from among bystanders, whose duty it shall be to obey such summons. Said bailiff shall be a person, resident and legal voter in and for said city, of discretion and good character for sobriety and good demeanor, and shall take an oath before entering on the duties of office, such as is administered to sheriffs, and, he shall have power to execute the notices, subpoenas, and other process of said court, and shall be paid for his services by the city of Louisville at the same rate as sheriffs are paid for services in the circuit courts of this State.

§ 8. All matters, points, and questions arising during said trial shall be decided by a majority vote, and any three members of said court may demand a yea and nay recorded vote, except, however, the final vote on said charges and specifications, in which a vote of at least eight members of said court shall be necessary to sustain any charge or specification. (*Approved July 16, 1896.*) (See also *Witnesses.*)

UNDERGROUND WIRES.

When Required.

AN ORDINANCE concerning telegraph, telephone and electric light and power wires in the city of Louisville.

Whereas, Great danger to human life and property is occasioned by the large number of telegraph, telephone and electric light and power wires which have been erected and are trained, maintained and operated on, over and along the public ways of the city of Louisville; and,

Whereas, The existence of such wires interferes with the necessary approach to the buildings on said public ways for other purposes, and incommodes the public use of the streets and alleys where such wires are located; and,

Whereas, Certain of the telegraph, telephone and electric and power companies now operating their lines within the city of Louisville, obtained the privilege to erect poles and train, operate and maintain their wires on, over and along the public ways of the city, upon the condition and agreement that they would remove such wires and poles, and place their wires underground when required or directed to do so by ordinance of the General Council; and,

Whereas, The maintenance of telegraph, telephone and electric light and power poles and wires upon and along the public ways of the city mars the beauty of such public ways, and it has become entirely feasible and practicable to train and operate electric wires, both low and high tension systems, under ground;

Now, therefore, in the exercise of the police powers vested in the city of Louisville,

Be it ordained by the General Council of the city of Louisville:

§ 1. That for the purpose of this ordinance as hereinafter provided, a district in the city of Louisville is hereby defined and shall hereafter be known and referred to as "District A."

The said District A shall be bounded as follows: On the north by the north line of Main street; on the east by the west line of Floyd street; on the south by the south line of Broadway, except between Second and Fifth street by the south line of York street; on the west by the east line of Eighth street.

No telegraph, telephone or electric light or power poles, wires, tubes or cables or other wires shall be thereafter placed above the surface of any street, alley or public place in that portion of the city of Louisville embraced within the boundaries of said District A, except the following, to-wit:

(1) Conductors placed inside of posts or brackets used in connecting lamps and signal boxes on streets with underground conductors.

(2) Overhead trolley wires, and wires and poles used by street railway or railroad companies, supporting said trolley wires.

(3) Wires, cables, tubes and other electrical conductors as may be necessary for local distribution within the boundary of each city block within said District A, but not upon, across, over or above the surface of the streets surrounding the blocks of and in said District A may be maintained overhead within the confines of each of said blocks in said District A, but by such means and in the manner as the Board of Public Works shall direct and under the supervision, rules and regulations of said Board of Public Works.

Low potential signaling wires may be trained overhead across street, in the discretion of the Board of Public Works.

(4) Such temporary poles, wires and appliances as may be necessary to keep in repair and maintain or extend and make connections with the lines now owned and operated by telegraph, telephone, electric light and power companies, until such time as by the provisions of this ordinance such lines are required to be placed under ground within District A.

§ 2. That all conductors, poles, wires, cables and other appurtenances along or across any street, alley or public place in District A of the city, described in Section 1 of this ordinance, except

(a) Overhead trolley wires used by street railway or railroad companies and supporting wires and poles for the same;

(b) Conductors placed inside of posts or brackets used in connecting lamps and signal boxes on streets with underground conductors;

(c) Poles, wires, cables, tubes and other electrical conductors as may be necessary for local distribution, as provided in Subsection 3, Section 1, herein;

Shall, prior to December 31, 1910, be removed, and all wires, ducts, tubes, cables and other appurtenances necessary for the distribution of electricity for telegraph or telephone service, or for light or power service, or for any other purpose in said District A, except as heretofore provided, shall be placed and maintained under ground. All poles, wires, cables, tubes or other appurtenances, except as heretofore provided, remaining above ground in said District A after December 31, 1910, shall be deemed as unlawful obstructions to, and encroachments upon, the public ways of the city, and, as such, the Board of Public

Works shall remove or cause the same to be removed at the cost and expense of the owner or owners thereof.

§ 3. That any person or corporation which is now duly authorized by law, or which hereafter may be thus authorized to operate wires, tubes or cables conducting, transmitting or employing electricity, including telegraph or telephone service, or for any other purpose, along, over or across any streets, alleys or public places of the city of Louisville, desiring to place wires, tubes or cables under the surface of any of the streets, alleys or public places in the city, is hereby authorized, after the passage of this ordinance, to construct underground conduits and to place and operate wires, tubes or cables under ground to the extent to which it is so duly authorized to use such streets, alleys or public places—but such company must apply for and receive from the Board of Public Works a permit to construct such conduits, ducts, manholes and other appurtenances as may be required for placing said wires, tubes or cables under ground; which application shall be accompanied by full, general and detail specifications and plans showing the route, capacity and dimensions of said conduits, ducts, manholes and other appurtenances.

§ 4. That the Board of Public Works is hereby authorized and directed upon receipt of an application made as provided in Section 3 of this ordinance, which application for placing existing overhead wires under ground must be made within five (5) months after the passage of this ordinance to promptly consider the matter of constructing conduits, ducts, manholes and other appurtenances in the streets, alleys and public places within said District A named in said application. The Board of Public Works shall consider all applications, statements, plans and details presented and examine into the space available for conduits or ducts under the streets, alleys and public places applied for, and shall decide upon and approve such plans, specifications, materials and details for construction of such conduits, ducts, manholes, and provide such conditions as in its opinion the public interest and needs of the applicant seem to demand, and shall include in the plants one duct in each trench, and reserve the privilege of use of manholes and appurtenances for use of the city as it may require for its police and fire alarm circuits and telephone services or other services that the city

may require or designate. Such ducts, manholes and appurtenances in connection therewith shall be constructed and maintained by the parties receiving the permit, and to be used by the city free of charge or cost of any kind.

§ 5. That all persons and corporations required by the provisions of this ordinance to place their wires under ground are required to begin the work of constructing said conduit system within one hundred and twenty (120) days after receiving a permit from the Board of Public Works, as provided in Section 3, and to complete the work of putting said wires under ground and of removing all poles, overhead wires, appurtenances, etc., from all streets, alleys and public places in District A on or before December 31, 1910, so that no poles, wires, cables, conductors or appurtenances shall remain above ground upon any of the streets, alleys or public places in said District A after December 31, 1910, except as provided in Section 1, Subsections 1, 2 and 3, and Section 2, Subsections a, b and c of this ordinance.

§ 6. That any person or corporation desiring to make an excavation in an improved public street, alley or highway for any purpose mentioned in this ordinance, shall apply to the Board of Public Works for a permit, which permit shall only be issued after the applicant has deposited with the city of Louisville the sum of twenty-five (\$25.00) dollars for each seventy-five (75) feet of trench, or fractional part of seventy-five (75) feet to be excavated, as a special fund to be used by the Board of Public Works as hereinafter provided, or after bond in the like amount has been executed in such form and with sureties as the Board of Public Works may approve, which shall be renewed from time to time as said board may direct. In making excavations in improved streets, alleys or highways and in refilling all trenches made in streets, alleys or highways, all work shall be done as directed by the Board of Public Works and shall be maintained for a period of twelve (12) months after the completion thereof to the satisfaction of the Board of Public Works. Whenever any of the aforesaid work is not done strictly in compliance with the rules and regulations prescribed by the Board of Public Works, or is not properly maintained for a period of twelve (12) months after the completion thereof, then the said board shall cause all such work to be done and the cost thereof shall be charged

against the person or corporation in default. Whenever the whole or part of said deposit as provided in Section 6 shall have been expended for the purpose herein described, or there is a charge against the bond therein provided, no new permit for the excavation shall be issued to the person or corporation in whose deposit there is a deficit or against whose bond there is a charge until the fund is brought up again by the further deposit with the City Treasurer in the sum of twenty-five (\$25.00) dollars for each seventy-five (75) feet of trench, or fractional part of seventy-five (75) feet excavated, or additional bond given. Whenever a person or corporation who has a deposit with the City Treasurer for the purpose of taking out permits for excavations under this section, desires to withdraw the said deposit, he shall notify the Board of Public Works, who thereupon shall certify to the City Treasurer the amount of the unexpended balance of said deposit, and the City Treasurer shall pay to said person or corporation holding said certificate the amount of such unexpended balance of said deposit as shown by such certificate, and take a receipt in full thereof, provided that all excavations previously made by such person or corporation have been refilled and all pavements repaired to the satisfaction of the Board of Public Works and have been maintained in good order for at least twelve (12) months after completion of such work; and likewise the amount of the bond provided in this section and in Section 11 may in like manner be reduced or nullified with the consent of the Board of Public Works. The Board of Public Works is hereby empowered, upon the granting of a permit, to name an inspector, who shall be paid by the party or parties receiving such permit, until all the work of the main conduits and lateral system as contemplated in said permit has been completed, and whose duty it shall be to continually inspect and oversee such work, and to report to said board any violations of any of the provisions of this ordinance, or any of the rules or regulations prescribed by said board.

§ 7. All wires, conduits, pipes, ducts and appurtenances required by this ordinance to be replaced under ground shall be placed at such depth that the top of any part of the ducts thereof shall not be less than two (2) feet below the surface of the street, avenue, alley or public place wherein they are located, and shall be so located and constructed as not to interfere with or

disturb existing surface of underground structures, conduits, pipes or other property belonging to other corporations, companies or persons, or sewers or sewer connections. All conduits shall be provided with ducts at least fifty per cent in excess of those required to carry the wires in use along the route of the proposed conduits at the time of making application for a permit to construct same. Nothing contained herein shall preclude the city from prosecuting or authorizing any public work of any character, but in the prosecution of any public work of any character, hereafter, the Board of Public Works shall have the power, if it deem the same necessary, to require the temporary removal of any wire, pipe, conduit or appliance authorized by this ordinance to be laid, and the same shall be removed or necessary changes made therein by the owner thereof so as to conform to any reasonable requirement of said board, and in case of failure on the part of any person or corporation to comply with any such order or requirement, then the said board may make such removal or change, and the necessary cost thereof shall be paid by said person or corporation to the City Treasurer upon proper demand being made therefor.

§ 8. The Board of Public Works shall grant permission to any person or corporation to connect drainage system from conduits and manholes to the city sewer system when it is considered desirable and practicable. If not practicable, the Board of Public Works may, if it thinks that it is advisable, allow such persons or corporation owning conduits to construct and maintain necessary drains to run under the streets to some point where drainage can be obtained.

§ 9. All the expense connected with the removal of poles, wires and other appurtenances and the making good of damages to any person or property in so doing, shall be borne by the parties obtaining permits under this ordinance respectively. When poles are removed from public streets, thoroughfares or alleys, all holes shall be filled up and the sidewalks and pavements placed in good condition similar to the surrounding sidewalk or pavement in a manner satisfactory to the Board of Public Works.

§ 10. All persons and corporations owning conduits shall obtain from the Board of Public Works permits for each individual connection with the main conduit system along said

route of said system. Written permission shall first be obtained from the owner of the property to make such excavation as necessary to do the work on his premises, and a copy of this permit shall be presented to the Board of Public Works for their approval, and, after approval, they shall issue permit to open street and do necessary work therein for said lateral conduits. Such part of any lateral or individual connection as shall be constructed in any street, alley or other public place shall be constructed at the sole expense of the party or corporation owning the main conduit.

§ 11. The Board of Public Works is hereby authorized and directed to grant permits to construct, alter and repair conduits, ducts, manholes and other appurtenances under the surface of any street, alley or public place within the city, and to string wires, tubes and cables therein, under the terms and in accordance with the provisions of this ordinance, to any person or corporation having the lawful authority, and to the extent which he or it may have to use the streets, alleys or public ways of the city for furnishing or using electricity for public use, including telegraph or telephone services, on compliance by such person or corporation with the terms and conditions of this ordinance; provided such person or corporation has theretofore acquired or hereafter may acquire, the right to use such streets, alleys or public places for such purposes, and further provided that such person or corporation shall file with the City Treasurer a penal bond in the sum of fifteen thousand (\$15,000.00) dollars, with good and sufficient surety or sureties, approved by the Board of Public Works, conditioned that such conduits, ducts, manholes and other appurtenances shall be constructed in strict accordance with the plans and specifications approved by the Board of Public Works, and that the city shall be held harmless from all suits for damages which may arise from the construction of said conduits, ducts, manholes and other appurtenances; and conditioned further, that such person or corporation shall faithfully comply with all the terms of this ordinance concerning conduits, ducts, and other appurtenances and underground wires. Such bonds shall be renewed from time to time whenever the Board of Public Works may so order, as the condition for the continued use of the conduit privileges obtained under this ordi-

nance, and any refusal to renew a bond when so ordered shall forfeit all the rights thereunder.

§ 12. That whenever the plans as approved by the Board of Public Works require two or more applicants for conduits to use a common trench or space for conduits in any portion of any street, alley or other place, then all such applicants shall carry on work of construction at such points as nearly at the same time as may be directed by said board so as to disturb the street, alley or other public place at such point to the least degree possible; and any applicant refusing or failing, without an excuse satisfactory to the Board of Public Works, to carry on his or its work of construction at such point at the time and in the manner directed by said board shall be deemed to have waived any right to such trench or space or conduit embraced in his or its application.

§ 13. That whenever the plans, as approved by the Board of Public Works, require construction by two or more applicants for conduits on the same street, alley or public places, then the Board of Public Works shall direct the manner of constructing conduit as relative to time when the various parties or corporations shall proceed with the work, and if conduits or separate parties or corporations be adjacent to each other, then one conduit shall be first completed and proper time allowed for thorough setting of concrete around its ducts before trench is dug for adjacent conduit of other party or corporation.

§ 14. That any permit granted under this ordinance shall become void unless the work therein authorized is begun within one hundred and twenty (120) days after such permit is issued, and proceeded with continuously and in good faith to completion within a reasonable time thereafter.

§ 15. That wires of low tension and wires of high tension shall occupy conduits on opposite sides of all streets and alleys whenever practicable, and all electric light and power wires shall be deemed of high tension and all other wires shall be deemed of low tension.

§ 16. That every person or corporation making application to place its wires underground, as provided in this ordinance, shall give to the city of Louisville the right to use such poles as may be erected for local distribution or street lights in any part of District A, whenever the city shall require the same,

for the use of the fire alarm, police or telephone systems of the city, or other city uses, to the extent such use is necessary, for such purposes, but such use shall not exclude control and use of said poles by said company for its own purposes.

§ 17. Plans showing all details of conduit construction and the disposition of all electrical conductors and apparatus within or connected with the conduits shall be filed with the Board of Public Works promptly on the execution of any work, so that a complete record of all conduits, with their appurtenances and underground connections, together with the electrical conductors and apparatus installed in connection therewith, shall at all times be on file with the said Board of Public Works.

§ 18. That it shall be the duty of the police force of the city of Louisville to assist in the enforcement of this ordinance, and to arrest and prosecute any person violating any of the provisions of this ordinance, or interfering with any wire, cable or conduit, or disturbing any cover or lid, or manhole, or service box for electric wires of any kind, without the proper badge of authority as provided herein.

§ 19. That any person or corporation who shall interfere with a wire, cable or conduit, or remove the cover or lid of any manhole or service-box for electric or other wires, without having a numbered badge of authority or having actual authority, shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

§ 20. That all persons or corporations having underground conduits shall register with the Board of Public Works the employes whom they wish to be recognized as authorized to open manholes and service boxes for the purpose of making repairs or inspection, and the registration shall be kept by the Board of Public Works, which shall, in its discretion, issue numbered badges of authority upon the written request and at the expense of the company employing the person so registered, subject to such rules and regulations as said board may prescribe. The said badge shall be authority for six (6) months, or until the name of such person is withdrawn from said registration by the corporation or person having registered it, unless sooner revoked by said board.

§ 21. That it shall be the duty of every person and corporation to take necessary precautions and see that every open man-

hole or service box opened by his or its authority is guarded and a red flag signal is displayed by day and a red light signal displayed by night at such opening until the cover is properly restored. Any person or corporation or employe thereof who shall fail to observe all or any of the requirements of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine as hereinafter provided.

§ 22. That the Board of Public Works is hereby authorized to issue permits to persons or corporations applying therefor, allowing such applicant to erect and maintain above ground in District A, subject to the rules, regulations and supervision of said board, such temporary poles, wires or other appurtenances for telegraph, telephone or electric light or power uses as may appear to said board to be necessary on special occasions; provided, however, that each applicant for a permit under this section shall execute bond satisfactory to the Board of Public Works that all poles, wires and other appurtenances erected under such permit will be erected and maintained strictly under the directions of said board and removed by said applicant within ten days from the expiration of said permit; and further provided, that said Board of Public Works shall not have authority to issue any permit for a term of more than thirty (30) days' nor to renew any permit for the purpose of extending such term. Any person or corporation receiving such permit who shall violate any rule or regulation of said board shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as hereinafter provided.

§ 23. That after the passage of this ordinance the Board of Public Works shall not issue to any authorized applicant permission to occupy any special space or begin work in connection with their application in any part of District A within five (5) months from date of the passage of this ordinance, which will allow all authorized applicants time to submit their plans and the board opportunity to consider the total demand for space from all authorized applicants.

§ 24. That any person or corporation who shall violate any provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof; shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars

(\$100.00) for each offense, and each day said violation continues shall constitute a separate offense.

§ 25. That the city of Louisville reserves to itself all rights and powers which are now or may hereafter be vested in its General Council, Board of Public Works or other officers concerning the control and the regulation of the use of its streets, avenues, alleys, highways and other public places to prevent encumbering the same, to regulate and protect all future uses of same, and does reserve to the fullest extent the right and power to exercise any and all of its police powers at any time, and nothing contained herein shall be construed to, in any wise, abridge, prevent or waive any such powers, nor shall any exception herein be construed to prevent or abridge further regulation and control.

§ 26. That it is expressly ordained and provided that no person, firm or corporation shall, by reason of compliance with this ordinance, acquire any rights or privileges other or further than herein specifically expressed, and nothing herein contained shall be construed as extending or changing the terms, length of time, or any of the conditions of any contract or agreement now existing between the city of Louisville and any person, firm or corporation.

§ 27. That all ordinances, or parts of ordinances, in conflict herewith shall be, and they are hereby repealed.

§ 28. That this ordinance shall take effect from its passage. (Approved June 18, 1906.)

(See also (2) *Public Ways—Construction or Repair.*)

UNION LABEL.

Prescribing Use of, on All Public Printing.

AN ORDINANCE prescribing the use of the union label in certain city work, and providing for an enforcement of the same.

Be it ordained by the General Council of the city of Louisville:

§ 1. All printing, advertising, book-binding, book-making and other work of like character used or ordered by the city of Louisville, or for which the city of Louisville, by reason of its fiscal connection with the county of Jefferson, is obliged to pay

a large per cent of the cost, shall bear the imprint of the recognized union label of the Allied Printing Trades Council of Louisville, Ky., as registered with the Secretary of State.

§ 2. The City Buyer or any city official when advertising for printed matter, shall insert a notice in the advertisement that all bids shall be submitted in accordance with this ordinance.

§ 3. No claim presented to the General Council of the city of Louisville, in contravention with the provisions of this ordinance, shall be binding upon said city, unless the same be by ordinance setting forth clearly that the same is directly contradictory herewith.

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

§ 5. This ordinance shall take effect from its passage and publication. (*Approved January 24, 1898.*)

UNCONSTITUTIONAL—Judge Miller has decided this ordinance invalid in the case of *Davidson v. City of Louisville*, No. 37395, Jefferson Circuit Court.

(1) VICE.

Use of Public Vehicles for Immoral Purposes.

AN ORDINANCE to prohibit the owners and chauffeurs of taxicabs, jitney busses and other vehicles from using the same or allowing them to be used as a means of aiding or promoting prostitution or illicit sexual intercourse in bringing persons together for such purpose.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any owner or chauffeur of any taxicab, jitney bus or other vehicle who shall knowingly use the same or allow it to be used as a means of aiding or promoting prostitution or illicit sexual intercourse, or aid in any way in bringing persons together for the purpose of prostitution, or illicit sexual intercourse shall be fined not less than ten dollars nor more than fifty dollars for each offense.

§ 2. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

(2) VICE.**Prostitution prohibited in Hotels, Boarding Houses, etc.**

AN ORDINANCE to prohibit prostitution in hotels, ordinaries, houses of private entertainment, boarding houses, lodging houses and other places.

Be it ordained by the General Council of the city of Louisville:

§ 1. Any person or persons who shall own, keep or maintain or who shall be an inmate of; or in any way connected with a disorderly house or a house of ill fame; and any owner, proprietor, keeper or manager of any hotel, ordinary or house of private entertainment, boarding house, lodging house or other like place, who shall knowingly allow prostitution or illicit sexual intercourse to be carried on therein, and any person who shall engage in prostitution in any such place or in any other place in the city of Louisville, Kentucky, shall be fined not less than ten dollars nor more than fifty dollars for each offense. Every day that any person or persons shall maintain or be an inmate of, or in any way connected with any such disorderly house, or houses of ill fame, shall be and constitute a separate offense.

§ 2. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

VICE COMMISSION.*

AN ORDINANCE creating the Vice Commission of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That there is hereby created a commission of the city government to be known as the "Vice Commission," which shall consist of five (5) members to be appointed by the Mayor.

§ 2. The Mayor shall appoint a chairman of the commission from among its members. The chairman of the commission shall call meetings of the commission whenever he may see fit and whenever he shall be requested, in writing, so to do by any three (3) members of the commission.

§ 3. The members of the Vice Commission shall serve without compensation.

*Report filed November 10, 1915.

§ 4. It shall be the duty of Vice Commission to inquire into conditions existing within the limits of the city of Louisville with reference to vice of various forms including all practices which are physically and morally debasing and degrading and which affect the mental and physical welfare of the inhabitants of the city of Louisville.

The commission shall, from time to time, transmit reports to the Mayor, said reports containing reviews of existing conditions as they may be found, with such recommendations as the commission deems advisable for the suppression or amelioration thereof.

§ 5. That there be and is hereby appropriated out of the fund for "general purposes" for the fiscal year ending August 31, 1915, the sum of two thousand (\$2,000) dollars for the payment of the necessary expenses of the Vice Commission, and the Comptroller is hereby authorized and directed to draw vouchers for said sum upon written order of the chairman of the commission and charge the sum or sums expended to the account of incidental expenses.

§ 6. This ordinance shall take effect from and after its passage. (*Approved February 19, 1915.*)

WARD BOUNDARIES.

AN ORDINANCE laying off the city of Louisville into twelve wards as nearly equal as practicable in population, and defining the boundaries thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the city of Louisville be and the same is hereby laid off into twelve wards as nearly equal as practicable in population, as follows, to-wit:

§ 2. **FIRST WARD**—Beginning at a point where the center line of Hancock street, if extended, would intersect the northern boundary line of the city; thence southwardly with center line of Hancock street to the center line of Water street; thence eastwardly with the center line of Water street to the center line of Wenzel street; thence southwardly with the center line of Wenzel street to the intersection of the center line of Broadway and the center of line of Wenzel street extended; thence

eastwardly with the center line of Broadway to the center line of Barret avenue; thence southeastwardly with the center line of Barret avenue to the old city limits between Hepburn and Winter avenues; thence southwestwardly with the old city limits to the Kentucky street crossing of Beargrass Creek; thence following the old city limits in the bed of Beargrass Creek southwardly about one thousand feet; thence southwestwardly with the old city limits and following the bed of Beargrass Creek in its meanderings around by Fisher avenue to a point about nine hundred feet north of the southwest corner of St. Michael's Cemetery; thence southwardly with old city limits touching the southwest corner of St. Michael's Cemetery to a point in the present city limits about five hundred feet southwest of Goss avenue, or Poplar Level Road; thence eastwardly and following the present city limits in its meanderings to the point of beginning.

§ 3. SECOND WARD—Bounded on the north by the center line of Water street; on the east by the west line of the First Ward; on the south by the old city limits, running from a point in present city limits about five hundred feet southwest of Goss avenue or Poplar Level Road just south of the intersection of Texas and Mulberry streets, Lydia and Hickory streets, Hoertz and Milton streets, and just north of and parallel to Hill street extended, to a point in the center line of Shelby street; on the west by the center line of Shelby street.

§ 4. THIRD WARD—Beginning at the intersections of the center lines of Water and Shelby streets; thence southwardly along the center line of Shelby street to the old city limits just north of Hill street extended, and just south of Stonewall street; thence eastwardly along the old city limits running a little south of the intersections of Milton and Hoertz streets, Lydia and Hickory streets, and Texas and Mulberry streets, and just north of and parallel to Hill street extended, to a point in present city limits about five hundred feet southwest of Goss avenue, or Poplar Level Road; thence southwardly with the present city limits to the center line of Shelby street; thence northwardly along the center line of Shelby street to the center line of Bland street; thence northwestwardly along the center line of Bland street, and Bland street extended, to the intersection of Hancock street and the old city limits; thence

northwardly along the center line of Hancock street to the center line of Water street; thence eastwardly along the center line of Water street to the point of beginning.

§ 5. **FOURTH WARD**—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Hancock street extended; thence southwardly with the center line of Hancock street to the old city limits lying just north of Hill street; thence with the old city limits running just north of and parallel to Hill street, and Hill street extended, to the center line of Preston street; thence northwardly with the center line of Preston street to northern boundary line of the city, thence with the northern boundary line of the city to the point of beginning.

§ 6. **FIFTH WARD**—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Preston street extended; thence southwardly with the center line of Preston street to the old city limits lying just north of Hill street, and Hill street extended; thence eastwardly with the old city limits lying just north of and parallel to Hill street, and Hill street extended, to Hancock street and Bland street extended; thence southeastwardly with Bland street extended and Bland street to the center line of Shelby street to the present city limits; thence southwardly with the center line of Shelby street to the present city limits; thence westwardly with the present city limits to the center line of Flat Lick Road; thence westwardly to a point in the old city limits being the most eastern point in the grounds of the School of Reform, and the center line of Shipp street, and Shipp street extended; thence northwestwardly along Shipp street, with the old city limits, to a point midway between First and Second streets, thence northwardly with the old city limits through the grounds of Masonic Home to a point two hundred feet west of First street and two hundred feet north of A street; thence eastwardly with the old city limits two hundred feet to the center line of First street; thence northwardly with the center line of First street, and First street extended, to the northern boundary line of city; thence eastwardly with the northern boundary line of the city to the point of beginning.

§ 7. **SIXTH WARD**—Beginning at a point in the northern boundary line of the city where the same would be intersected

by the center line of First street extended; thence southwardly with the center line of First street to the old limits; thence westwardly with the old city limits two hundred feet to a point two hundred feet north of A street; thence southwardly with the old city limits to a point in the center line of Shipp street, midway between First and Second streets; hence southeastwardly along the old city limits and Shipp street, to a point being the most eastern point in the grounds of the School of Reform; thence eastwardly along the south boundary of the Fifth Ward to a point in Flat Lick Road and present city limits; thence southwestwardly with the present city limits to a point where the same is intersected by the Louisville & Nashville Railroad; thence northwardly along the line of said road to the center line of Third street; thence northwardly with the center line of Third street to a point in the northern boundary line of the city where the same would be intersected by the center line of Third street extended; thence eastwardly along the northern boundary line of the city to the point of beginning.

§ 8. SEVENTH WARD—Beginning at a point in the northern boundary line in the city where the same would be intersected by the center line of Third street extended; thence southwardly along the center line of Third street to where the same is intersected by the main stem of the Louisville & Nashville Railroad; thence southeastwardly along the line of said road to the present city limits; thence southwardly with the city limits to where the same is intersected by the National Turnpike road; thence northwardly with the National Turnpike road and the city limits to the center line of Fourth street; thence northwardly with the center line of Fourth street and the city limits to the south line of P street; thence westwardly with the city limits to Seventh street; thence northwardly along the center line of Seventh street and the city limits to the northern line of L street; thence northeastwardly to a point midway between L street and K street extended and Fifth and Sixth streets, being the most southern point in the old city limits; thence northwestwardly with the line of the old city limits to a point about one hundred feet from the intersections of Fourth and Brandeis streets; thence with the old city limits northwestwardly to a point where the same would be intersected by Fifth street extended between Avery and Bloom streets; thence

northwardly through the center line of St. James Court, continuing in a straight line through Central Park, and the center line of Garvin Place, to the center line of St. Catherine street; thence eastwardly along the center line of St. Catherine street to the center line of Fifth street, thence northwardly along the center line of Fifth street to the northern boundary line of the city; thence eastwardly along said boundary line to the point of beginning.

§ 9. EIGHTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Fifth street extended; thence southwardly along the center line of Fifth street to the center line of St. Catherine street; thence westwardly to the center line of Garvin Place; thence southwardly along the center line of Garvin Place continuing in a straight line through Central Park, and along the center line of St. James Court, and continuing in a straight line until the same would be intersected by the line of the old city limits between Bloom and Avery avenues; thence northwestwardly along the center line of the old city limits, and parallel to Shipp street, and Shipp street extended, to the center line of Seventh street; thence northwardly along the center line of Seventh street to the northern boundary line of the city; thence eastwardly with said boundary line to the point of beginning.

§ 10. NINTH WARD—Bounded on the north by the northern boundary line of the city; on the east by the western boundary line of the Eighth Ward; on the south by the old city limits lying just north of Jarvis avenue and running westwardly from the center line Seventh street to a point two hundred and ten feet west of Seventh street; thence northwardly parallel to Seventh street to a point midway between Hill and Magnolia avenue; thence westwardly with the old city limits to the center line of Tenth street, or Tenth street extended; on the west by the center line of Tenth street, or Tenth street extended.

§ 11. TENTH WARD—Bounded on the north by the northern boundary line of the city; on the east by the center line of Tenth street, or Tenth street extended; on the south by the old city limits, running parallel to and about one hundred and fifty feet south of Burnett avenue; on the west by the center line of Fourteenth street.

§ 12. ELEVENTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Fourteenth street extended; thence southwardly with the center line of Fourteenth street to the city limits about one hundred and fifty feet south of Burnett avenue; thence eastwardly with the old city limits running about one hundred and fifty feet south of and parallel to Burnett avenue to a point two hundred and ten feet west of Seventh street; thence southwardly with the old city limits running parallel to Seventh street to a point two hundred and ten feet west of Seventh street, and in the line of Jarvis avenue extended; thence southeastwardly with the old city limits running parallel to Shipp street to a point about one hundred feet from the intersection of Fourth and Brandeis streets; thence southwestwardly with the old city limits to the most southern point in the old city limits, lying midway between L street and K street extended, and Fifth and Sixth streets; thence southwestwardly to a point in the center line of Seventh street, and the northern boundary of L street, said point being on the present city limits; thence northwardly and westwardly following the present city limits, to a point where the center line of Sixteenth street extended would intersect said limits; thence northwardly along the center line of Sixteenth street extended to a point in the city limits lying about one hundred and fifty feet south of Burnett avenue; thence westwardly along the old city limits running near Burnett avenue to the intersection of the old city limits and the center line of Twenty-first street, same being near Foree avenue; thence northwardly and following the center line of Twenty-first street and Twenty-first street extended, to center line of Portland avenue; thence southeastwardly along the center line of Portland avenue to the center line of Eighteenth street, thence northwardly along the center line of Eighteenth street to the northern boundary line of the city; thence eastwardly with said boundary line to the point of beginning.

§ 13. TWELFTH WARD—Beginning at a point in the northern boundary line of the city where the same would be intersected by the center line of Eighteenth street extended; thence southwardly along the center line of Eighteenth street to the center line of Portland avenue; thence westwardly along the center line of Portland avenue to the center line of Twenty-first

street; thence southwardly along the center line of Twenty-first street, and Twenty-first street extended to the intersection of the old city limits, being near Foree avenue; thence eastwardly along the line of the old city limits running parallel to and near Burnett avenue to the center line of Sixteenth street extended; thence southwardly along the center line of Sixteenth street extended to a point where it would intersect the present city limits; thence westwardly and following the present city limits in its meanderings to the point of beginning.

§ 14. That all ordinances and parts of ordinances in conflict with this ordinance, be and the same are hereby repealed.

§ 15. This ordinance shall take effect and be in force from and after its passage. (*Approved May 27, 1902.*)

WARRANTS.

Interest on City Warrants and Notes.

AN ORDINANCE concerning the payment of the principal and interest of city warrants and notes.

Be it ordained by the General Council of the city of Louisville:

§ 1. That all warrants of the city of Louisville, the issue of any fiscal year, that remain unpaid three months after their date, shall be interest-bearing at the rate of 6 per cent per annum from the expiration of said period of three months until paid; provided, such warrants shall have been duly presented for payment to the City Treasurer, and payment thereof refused on account of no funds in the treasury.

§ 2. That interest on all outstanding warrants, the issue of any fiscal year, shall be chargeable to and payable out of any sum appropriated for that purpose by the General Council from the fund created by the levy for general purposes of any current fiscal year.

§ 3. That whenever the holder of a city warrant, issue of any fiscal year, presents a claim for interest thereon to the City Comptroller, said Comptroller shall ascertain the amount of interest thereon from the expiration of three months after the date of its issue, or from the date of the last previous payment of interest thereon, and shall register such claim for interest in a book kept by him for that purpose, and prepare a claim or

voucher for the amount of interest due. The City Auditor shall issue to the holder of said voucher his warrant drawn upon the City Treasurer for the amount of said interest. Upon the presentation to the City Treasurer for such original and interest warrants said Treasurer shall pay said interest warrant to the holder thereof, and shall stamp upon said original warrant (if not then also paid), over his official signature, in substance:

“Interest paid to ——— day of ———;” and shall redeliver said original warrant (if not then paid) to the holder who thus presented the same.

§ 4. That from and after the passage and publication of this ordinance the City Auditor shall stamp over his official signature, or have engraved on the face of each and every city warrant to be issued by said Auditor the following words, viz: “This warrant shall not bear interest until the expiration of three months after its date.”

§ 5. That all outstanding city warrants, the issue of any fiscal year, shall be hereafter subject to the call of the City Treasurer at any time for payment, either by written or printed notice to the holder or holders thereof, or by three publications in successive issues in the two daily papers which are at the time doing official advertising of the city, as required by law, and upon the failure or refusal of such holder or holders of such warrant or warrants to present the same for payment on or before the date fixed in such notice or advertisement call by the City Treasurer, interest on said warrant or warrants shall cease from and after the date fixed in such notice or call.

§ 6. That in the month of February of each year the Comptroller shall, by notice in the official newspapers, or by written or printed notice sent to the holder or holders of outstanding interest-bearing warrants, call for all such warrants to be presented to him at his office for the purpose of registering and computing the interest on said warrants to the first day of March following as provided for in Section 7 of this ordinance.

§ 7. That interest on all outstanding city warrants, the issue of any fiscal year, shall be due and payable on March first of each fiscal year at the office of the City Treasurer; provided, however, that this provision shall not apply to the interest due and payable on any warrant or warrants when the Treasurer shall have paid in full such original warrant or warrants to any

holder or holders thereof under the call of the Treasurer, as provided for in Section 5 of this ordinance.

§ 8. That all ordinances and resolutions of the General Council in conflict with this ordinance are hereby repealed.

§ 9. That this ordinance shall be in force from and beginning with September 1, 1902. (*Approved August 25, 1902.*)

(See also *Claims; Apportionment Warrants.*)

WATER SUPPLY.

City Water to be Piped to all Premises.

AN ORDINANCE providing for the piping of city water to all premises.

Be it ordained by the General Council of the city of Louisville:

§ 1. Every dwelling, business establishment or other place within the city of Louisville in which people live or transact business, and wherever the city water supply abuts the property, shall have city water piped into the premises at the expense of the owner, occupant or agent, in order that a safe supply of drinking water may be constantly available.

§ 2. Any person or persons violating or assisting in the violation of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars or more than fifty (\$50) dollars, and each day's continuance shall constitute a separate offense.

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

§ 4. This ordinance shall take effect six months after its passage. (*Approved October 6, 1917.*)

WEEDS.

Removal of Weeds, Garbage, etc.

AN ORDINANCE requiring the removal of weeds and filth from lots in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter it shall be unlawful for the owner, agent or occupant of a lot whereon a building of any kind may exist,

or the owner or agent in charge of any vacant lot within the corporate limits of the city of Louisville, to permit any growth of weeds, which are, or may become a menace to the public health, or collection of garbage or filth of any description to remain on the lot aforesaid for a longer period than three days after notice to remove same has been given by the Health Department of the city of Louisville to the owner, agent or occupant thus offending.

§ 2. For any violation of the provisions of this ordinance by the owner, agent or occupant of the property the person guilty thereof shall be fined not less than \$5.00 nor more than \$20.00 for each offense, and each and every day of such violation shall constitute a separate offense and be punishable as such.

§ 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 4. This ordinance shall take effect from and after its passage. (*Approved May 2, 1906.*)

(See also (5) *Public Ways—Use and Protection; Garbage; Sanitation.*)

WEEDS AND STAGNANT WATER.

Removal of Weeds, Stagnant Water, etc.

AN ORDINANCE to prevent the breeding of mosquitoes in the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. It shall be unlawful to maintain any vacant lot or other premises within the municipality of Louisville on which the rubbish is allowed to accumulate, weeds or long grass is allowed to grow, or any water is allowed to collect and lie stagnant, in which mosquitoes breed, or are likely to breed, and any such premises or vacant lot on which such rubbish, weeds, long grass or stagnant water is allowed to remain is hereby declared a nuisance and dangerous to the health of the people in the city of Louisville.

§ 2. The collection of water referred to in Section 1 of this ordinance shall be held to be those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs,

except horse troughs in frequent use, eaves troughs, urn cans, boxes, bottles, tubs, buckets or other similar containers.

§ 3. The method of treatment of the collection of water specified in Section 2, so as to prevent the breeding of mosquitoes, shall be any one or more of the following: (a) Screening with wire netting of at least 16 meshes to the inch each way or any other material which would prevent the ingress or egress of mosquitoes; (b) complete emptying every seven days of the un-screened containers; (c) using a larvicide approved by and applied under the direction of the Health Department; (d) covering completely every seven days the surface of the water with paraffin oil, kerosene or petroleum in sufficient quantities to remain covered at least twelve hours each time; (e) cleaning and keeping sufficiently free from vegetable growth and other obstructions, and stocking with mosquito-destroying fish, absence of half-grown or larger mosquito larvae to be evidence of compliance with this measure; (f) filling or draining to the satisfaction of the Health Department; (g) the removal of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water at least once in seven days. If not removed it must be so completely destroyed as not to be able to hold water.

§ 4. The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within twenty-four hours or such reasonable period as may be specified in writing by the Health Department shall be deemed a violation of this ordinance and regulation.

§ 5. Should a person or persons responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within twenty-four hours of such reasonable period as may be specified in writing by the Health Department, the Health Department is hereby authorized to do so, and all necessary costs incurred by the Health Department shall be a charge against the property owner or other person offending as the case may be.

§ 6. The Health Department shall enforce the provisions of this ordinance, and for this purpose may at all reasonable times enter in and upon any premises within its jurisdiction and any person or persons charged with any of the duties imposed by this ordinance failing within the time specified by the Health Department to comply with any order thereof to comply with

this ordinance, shall be deemed guilty of a violation and each day after the expiration of this time that said person fails to comply with this ordinance shall be deemed a separate offense of this ordinance.

§ 7. The owner of the premises, and in his absence the agent or occupant, shall be held under this ordinance to be responsible for the prevention or correction of conditions giving rise to the breeding of mosquitoes; provided any tenant, trespasser or other person causing said condition without the consent of the owner or agent shall be held responsible therefor.

§ 8. Any person or persons violating or assisting in the violation of any part or parts of this ordinance shall, upon conviction, be fined not less than five (\$5) dollars or not more than twenty (\$20) dollars.

§ 9. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 10. This ordinance shall take effect from and after its passage. (*Approved October 6, 1917.*)

(See also *Garbage.*)

(1) WEIGHTS AND MEASURES.

General Provisions.

AN ORDINANCE providing for an Inspector of Weights and Measures, and one or more deputies, prescribing their duties, and prescribing penalties for the punishment of persons who use or have in their possession defective or imperfect weights or measures.

Be it ordained by the General Council of the city of Louisville:

§ 1. STANDARD DEFINED—The weights, measures and balances received from the Government of the United States, and now in the custody of the Secretary of State, shall be the standard of weights and measures in the city of Louisville.

§ 2. USE OR POSSESSION OF ILLEGAL WEIGHTS OR MEASURES—Any person, firm or corporation who shall buy or sell by any weight, balance or measure, not approved by the inspector or one of the deputy inspectors of weights and measures of the city of Louisville, as herein provided, or who shall use or

have in possession defective or imperfect weights or measures, shall be fined not less than \$10.00 nor more than \$100.00 for each offense.

§ 3. INSPECTOR—SALARY AND DUTIES—There is hereby created the office of Inspector of Weights and Measures of the city of Louisville, who shall be appointed by the Mayor immediately after the adoption of this ordinance, and who shall hold his office subject to removal at the pleasure of the Mayor. Said inspector shall, before entering upon the duties of his office, execute a bond to the city of Louisville in the sum of five thousand (\$5,000.00) dollars with sufficient surety to be approved by the Mayor and the General Council, conditioned upon the faithful performance of his duties. Said inspector shall receive a salary of one hundred and twenty-five (\$125.00) dollars per month, and no fee of any kind shall be charged or received by him. It shall be the duty of said inspector to inspect and examine or cause to be inspected or examined at least once in each year, and oftener, if possible, all weights, measures, scale beams, patent appliances and steelyards, and other instruments used for weighing or measuring in the city of Louisville, and to stamp with a suitable seal all weights and measures and scales so used, which may be found correct, and deliver to the owner thereof a certificate of their accuracy. He shall make a register of all weights, measures, scales, beams, patent appliances, steelyards, and other instruments used for weighing, inspected and sealed by him or his deputy, in which he shall state the names of the owners of the same, and whether they are conformable to the standards of the city and State. It shall be his duty to enforce this ordinance against any person, firm or corporation that shall violate any of its provisions by causing warrants to be issued against any person who uses fraudulent or unsealed weights or measures, gauges, or balances, or who in any manner violate any of the provisions of this ordinance. He shall report to the Mayor quarterly and oftener, if required by him, the names of all persons whose weights, measures, scale beams, patent appliances, steelyards or other instruments used for weighing he has inspected, and whether found to be correct or incorrect. The said inspector shall examine, inspect and seal all weights, measures, scale beams, patent appliances, and steelyards, and other instruments used for weighing at the stores

and places where the same may be found, but in case they, or any of them, shall be found not conformable to the standard of this city and State, they shall be "condemned for repairs," and the owner or user of same shall have them repaired and corrected within ten days, and they may neither use nor dispose of same in any way, but shall hold same at the disposal of the sealer. Any weights, measures, or weighing or measuring devices which have been "condemned for repairs" and have not been repaired as required above, shall be confiscated by the inspector or any of his deputies. Said inspector or any deputy inspector shall have the power and it shall be his duty, to seize and remove from the premises where found all erroneous weights and measures, which cannot be regulated, or such fraudulent weights and measures as he may need for evidence in any action of law that may be brought against the party or parties in whose possession same are found.

§ 4. DEPUTY INSPECTOR—SALARY AND DUTIES—

There is also hereby created the positions of deputies not to exceed two (2) in number, to the Inspector of Weights and Measures, who shall be appointed by the Mayor, and who shall hold their offices subject to removal by the Mayor. Said deputies shall render such services as required by the inspector, and said deputies shall have authority to inspect or seal any weights, measures, scales, beams, patent appliances, steelyards or other instruments used for weighing or measuring in the city of Louisville. Said deputies shall receive a salary not in excess of seventy-five (\$75.00) dollars per month, and no fee of any kind shall be charged or received by them. Said deputies shall furnish bond in the sum of one thousand (\$1,000.00) dollars each, to be approved by the Mayor and General Council.

§ 5. WEIGHTS, ETC., TO BE SHOWN INSPECTOR—Any person, firm or corporation refusing to exhibit any package, container, scales, weights, measures or beams, or other weighing or measuring devices to the inspector or deputy inspector on his demand for the purpose of having them so examined, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars.

§ 6. NEW WEIGHTS AND MEASURES—WHEN INSPECTED—Every person, firm or corporation having estab-

lished a place of business, upon purchasing a scale, weight, measure, or any weighing or measuring device, shall before using the same, notify the Inspector of Weights and Measures that he or it desires the same to be inspected and sealed. It shall then be the duty of the inspector to inspect or cause to be inspected any such weights, measures, or weighing or measuring devices. Any person, firm or corporation not having an established place of business, upon purchasing scales, weights, or measures, or any weighing or measuring devices, shall before using, bring same to the office of the Inspector of Weights and Measures, between the hours of 9 a. m. and 10 a. m., any such scales, weights, measures, or weighing or measuring devices to be inspected and sealed.

§ 7. POUNDS TO A TON—The hundredweight shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton.

§ 8. POUNDS TO A BUSHEL—The following weights shall constitute a bushel of each article named, respectively:

Wheat—Sixty pounds.

Shelled Corn—Fifty-six pounds.

Corn in Ear—Seventy pounds, from the first of November to the first of May following, and from the first of May to the first of November following, sixty-eight pounds.

Rye—Fifty-six pounds.

Oats—Shelled, thirty-two pounds.

Barley—Forty-seven pounds.

Irish Potatoes—Sixty pounds.

Sweet Potatoes—Fifty-five pounds.

White Beans—Sixty pounds.

Castor Beans—Forty-five pounds.

Clover Seed—Sixty pounds.

Timothy Seed—Forty-five pounds.

Flax Seed—Fifty-six pounds.

Millet Seed—Fifty pounds.

Peas—Sixty pounds.

Bluegrass Seed—Fourteen pounds.

Buckwheat—Fifty-six pounds.

Dried Apples—Twenty-four pounds.

Dried Peaches—Thirty-nine pounds.

Onions—Fifty-seven pounds.

- Bottom Onion Sets—Thirty-six pounds.
Salt—Fifty pounds.
Stone Coal—Seventy-six pounds. (The term includes anthracite, cannel, bituminous and other mined coal.)
Bran—Twenty pounds.
Plastering Hair—Eight pounds.
Fine Salt—Fifty-five pounds.
Hungarian Grass Seed—Fifty pounds.
Ground Peas—Twenty-four pounds.
Orchard Grass Seed—Fourteen pounds.
English Bluegrass Seed—Fourteen pounds.
Hemp Seed—Forty-four pounds.
Tomatoes—Sixty pounds.
Rutabagas—Sixty pounds.
Plums—Sixty pounds.
Parsnips—Fifty pounds.
Peaches—Forty pounds.
Peanuts—Twenty pounds.
Pears—Fifty pounds.
Peas, Green, “Unshelled”—Fifty-six pounds.
Popcorn, “in Ear”—Fifty-six pounds.
Hominy—Sixty pounds.
Cabbage—Fifty pounds.
Carrots—Fifty pounds.
Charcoal—Twenty pounds.
Coke—Forty pounds.
Apples—Fifty pounds.
Alfalfa Seed—Sixty pounds.
Beet Seed—Sixty pounds.
Rye Meal—Fifty pounds.
One hundred and sixty pounds net of Irish potatoes shall constitute a merchantable barrel.

All other weights, measures and balances shall be regulated by the standard fixed in Section 1 of this ordinance.

§ 9. DELIVERY TICKETS—WHEN REQUIRED—SAND, ETC.—Any person, firm or corporation selling sand, broken rock, lime, asphalt or any other commodity of like character in the city shall provide the driver of the wagon, conveyance or container, with a delivery ticket bearing the name of seller, showing the net weight of the commodity, and the name and

address of the purchaser, which said delivery ticket shall be delivered by the driver in charge of the wagon, conveyance or container, to the purchaser or his agent or representative at the time of the delivery.

§ 10. DELIVERY TICKET—WHEN REQUIRED—COAL, ETC.—Any person, firm or corporation selling coal, charcoal, coke or any other commodity of like character in the city shall provide the driver or handler of the wagon, conveyance or container, with a delivery ticket bearing the name of the seller, showing the net weight of the commodity, and the name and address of the purchaser, which said delivery ticket shall be delivered by the driver or handler in charge of the wagon or conveyance to the purchaser or his agent or representative at the time of the delivery.

§ 11. PRODUCTION OF TICKET—REWEIGHING LOAD—Every person in charge of a wagon, conveyance or container used in delivering sand, broken stone, lime, asphalt, coal, charcoal, coke, or any other like commodity to whom the delivery ticket mentioned in the previous section has been given, or who has a delivery ticket in his possession, shall on demand of the inspector or deputy inspector of weights and measures, or any license inspector of the city of Louisville, produce and deliver said delivery ticket to the said inspector or any deputy inspector of weights and measures or said license inspector. If the quantity of such commodity shall be shown on said ticket by measure the driver or handler shall submit the load to be measured by any of said officers, for the purpose of verifying the measure stated upon the ticket. If the quantity of such commodity be shown upon said ticket by weight and any of said officers shall demand that the weight so shown be verified it shall thereupon be the duty of the person in charge of said wagon, conveyance or container to conduct or bring the same forthwith to some scale selected by the officer making demand, and permit the weighing of the load, together with the conveyance or container and equipment, for the purpose of ascertaining the gross weight thereof. The person in charge of the wagon, conveyance or container shall, after the delivery of the load, return forthwith with the conveyance, equipment, or container to the same scale and permit the weighing of said conveyance, equipment, or container for the purpose of verifying the net

weight of the load as shown by the delivery ticket, provided, however, that if the driver of the wagon, conveyance or container requests the privilege of reweighing the load upon another and different scale from that selected by the officer, such officer shall consent to such reweighing and shall accompany the load to the scales selected by the driver and make a record of the weight as shown thereby.

§ 12. DELIVERY TICKET — PENALTIES — SHORT WEIGHT—Any person, firm or corporation selling and delivering or attempting to sell and deliver sand, broken stone, lime, asphalt, coal, charcoal, coke or any other like commodity in the city of Louisville without having in possession of the person in charge of the wagon, conveyance or container, at the time such delivery is being made, a delivery ticket as provided in Sections 9 and 10 of this ordinance, or who shall fail to deliver by the person in charge of the wagon or conveyance, such delivery ticket when demanded by the inspector or deputy inspector of weights and measures, or license inspector of the city of Louisville, shall be fined not less than five (\$5) dollars nor more than fifty (\$50.00) dollars for each offense. Any person, firm or corporation delivering or attempting to deliver sand, broken stone, lime, asphalt, coal, charcoal, coke, or any like commodity within the city who shall have upon the wagon, conveyance or container in which delivery is being made a less quantity than that called for by the delivery ticket provided in Sections 9 and 10 of this ordinance shall be fined not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each offense.

§ 13. SALES TO BE MADE BY MEASURE, WEIGHT OR COUNT—It shall be unlawful to sell except for immediate consumption on the premises, liquid commodities in any other manner than by weight, or standard liquid measure, or commodities not liquid in any other manner than by measure or length, by weight, or by numerical count, unless otherwise agreed in writing by mutual consent of the buyer and seller, provided, however, that nothing in this section shall be construed to prevent the sale of small fruits or berries as provided in Section 14, or of vegetables usually sold by the head or bunch.

§ 14. BERRIES AND SMALL FRUITS—No person, firm or corporation shall sell or offer for sale in the city of Louisville any berries or small fruit of any description whatsoever in

crates, drawers, baskets, boxes, buckets, or in wooden, wicker, paper or metal containers in any other manner than by weight, or in containers described in this section, to-wit: One quart, containing 67.2 cubic inches, or one pint, containing 33.6 cubic inches, or even multiples thereof, being the standard dry measure.

§ 15. PACKAGES TO BE MARKED—It shall be unlawful to keep for the purpose of sale, offer or expose for sale or sell any commodity in package form unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

§ 16. ICE TO BE WEIGHED WHEN DELIVERED—Every person, firm or corporation selling ice or offering ice for sale, shall at the time of delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose shall be provided with a steelyard, balance or other apparatus for weighing such ice, which steelyard or balance shall have been duly inspected and sealed by the Inspector of Weights and Measures in accordance with the provisions of this ordinance, and all ice sold within the city of Louisville shall be sold by avoirdupois weight, unless it is otherwise specifically agreed upon between the buyer and seller in writing.

§ 17. ICE—WEIGHING IN PRESENCE OF CUSTOMERS—It shall be unlawful for any person delivering ice in the city of Louisville which has been sold by weight to refuse upon demand to allow the customer to whom said ice is being delivered to witness the weighing of the same at the time of such delivery, or to refuse upon demand therefor to furnish to any such customer a written statement of the actual number of pounds of ice delivered to such customer at the time of any such delivery.

§ 18. USING OR GIVING FALSE WEIGHT OR MEASURE—It shall be unlawful for any person to sell any commodity by any false weight or measure or to furnish to the buyer less than the number of ounces constituting a pound, or less than the number of pounds required to constitute a bushel, or the division or multiple thereof for which the buyer contracts; any person who shall give or furnish a false or deficient or defective weight, measure or quantity of any commodity sold to any person in the city of Louisville shall be subject to a fine of not less than ten (\$10) dollars nor more than one hundred

(\$100) dollars for each offense and each sale shall constitute a separate offense.

§ 19. PENALTIES—Except as otherwise provided herein, any person, firm or corporation who shall violate any of the provisions of this ordinance shall be fined not less than ten (\$10) dollars nor more than one hundred (\$100) dollars for each offense.

§ 20. REPEALS—The following ordinances are repealed: An ordinance entitled “An ordinance providing for an Inspector of Weights and Measures and a helper, prescribing their duties, and prescribing penalties for the punishment of persons who knowingly use defective or imperfect weights or measures,” approved August 18, 1908; an ordinance entitled “An ordinance concerning the use of false weights or measures in the city of Louisville,” approved May 23, 1900; and an ordinance entitled “An ordinance regulating the sale of vegetables, fruits and berries in the city of Louisville,” approved July 5, 1912; and an ordinance entitled “An ordinance providing for an Inspector of Weights and Measures, and one or more deputies, prescribing their duties, and prescribing penalties for the punishment of persons who use or have in their possession defective or imperfect weights or measures,” approved July 10, 1918.

§ 21. This ordinance shall take effect from and after its passage. (*Approved April 24, 1919.*)

(2) WEIGHTS AND MEASURES.

Regulating Sale of Flour by Weight.

AN ORDINANCE regulating the sale of flour by weight in the city of Louisville, Ky.

Be it ordained by the General Council of the city of Louisville:

§ 1. That hereafter no manufacturer, dealer in flour, firm, person or corporation shall sell or offer for sale in the city of Louisville any flour in barrels, half sacks, quarter sacks, eighth sacks, sixteenth sacks, thirty-second sacks, sixty-fourth sacks or any other size sacks or package before the number of pounds contained therein shall be plainly labeled or stamped thereon by printed words or figures at least one inch in height.

§ 2. No manufacturer, dealer in flour, firm, person or corporation shall sell or offer for sale in the city of Louisville any package of flour which shall be stamped or labeled with a greater number of pounds than such package actually contains, as provided in this ordinance.

§ 3. A barrel of flour shall consist of 196 pounds net; a half barrel of flour shall consist of 98 pounds net; a half barrel sack of flour shall consist of 96 pounds gross; a quarter barrel sack of flour shall consist of 48 pounds gross; an eighth barrel sack of flour shall consist of 24 pounds gross; a sixteenth barrel sack of flour shall consist of 12 pounds gross; a thirty-second barrel sack of flour shall consist of 6 pounds gross; and a sixty-fourth barrel sack of flour shall consist of 3 pounds gross, etc.

§ 4. That any manufacturer, dealer in flour, firm, person or corporation who shall violate any of the provisions of this ordinance shall be fined for each offense not less than five (\$5) dollars nor exceeding fifty (\$50) dollars.

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

§ 6. This ordinance shall take effect sixty (60) days after its passage.

The foregoing ordinance having been presented to the Mayor, and having been withheld by him beyond the day of the next regular meeting of the General Council on August 11, 1909, and more than three days having intervened between the presentation to the Mayor and said meeting, and the General Council having actually met on said day, the same became obligatory as if signed by him, according to Section 2795, Kentucky Statutes, and takes effect according to the last section of said ordinance, sixty days from the passage of said ordinance, and said ordinance having passed the Board of Aldermen on July 26, 1909, and the Board of Councilmen August 2, 1909, said ordinance therefore takes effect on and after October 1, 1909.

JOE D. BRADBURN, C. B. A.
C. B. NORDEMAN, C. B. C.

WHARVES.

Receipts from the Use of Wharves.

AN ORDINANCE concerning the receipts for the use of the wharves, landings and wharf property of the city of Louisville, and claims for expenditures on account thereof.

Be it ordained by the General Council of the city of Louisville:

§ 1. That in pursuance of an act entitled "An act to amend

an act entitled 'An act for the government of cities of the first class,' approved July 1, 1893, relating to wharves and landings of cities of the first class," approved February 28, 1902, that all amounts received by the City Treasurer from the Superintendent of Public Wharves for wharfage fees, rents for the use of wharves, leases on wharf property not needed for wharf purposes, and other moneys or penalties that may come into his hands as superintendent aforesaid, are hereby appropriated for the purpose of paying the salaries of said superintendent and his assistant and the improvements and repairs of such wharves, landings and wharf property, and such other expenses as may be incurred by the Board of Public Works from time to time on account thereof, and at the end of each fiscal year any balance of revenue remaining in the city treasury unexpended to the credit of said fund shall be transferred and passed by the City Treasurer to the credit of the general purpose fund for the fiscal year in which such collections shall have been made.

§ 2. That it shall be the duty of the Board of Public Works, at the end of each month, to make up and certify to the City Comptroller a payroll in duplicate for registration for the salaries and compensation of all officers and employes and the expenses in the conduct and management of such wharves, landings and wharf property during such months, which payrolls shall be on printed forms to be furnished by the City Comptroller.

§ 3. That when the payrolls required to be made up and certified by the preceding section have been registered by the City Comptroller he shall transmit the same to the General Council for approval, and after the same have been approved by the General Council and Mayor, the Auditor shall draw his warrants in favor of each person whose name appears upon such payrolls, or his assignee, and on the delivery of such warrant the same shall be receipted for by such claimant, and in all other respects the provisions of an ordinance entitled "An ordinance prescribing the manner in which claims against the city of Louisville shall be made," approved January 23, 1894, shall apply and be followed.

§ 4. That this ordinance shall take effect from its passage. (Approved May 12, 1902.) (See also *Taxes*.)

WITNESSES.

Requiring Attendance Before Committees of the Council.

AN ORDINANCE requiring witnesses to appear before committees of the General Council, or either board thereof, and to compel the production of evidence called for by such committees.

Be it ordained by the General Council of the city of Louisville:

§ 1. That whenever the General Council, or either board thereof, shall appoint a committee to investigate and report on any matter pertaining to any measure offered or pending before the General Council, or either board thereof, or to investigate and report on the conduct or management of any office or department of the city of Louisville, or the official conduct or action of any officer or employe of the city of Louisville, or any of its institutions, departments or executive boards, it shall be lawful for such committee, if deemed necessary by a majority of its members, to employ a notary public, who shall issue subpoenas for all witnesses whose names shall be furnished him by the chairman of any such committee, to administer the oath to such witnesses and take down and transcribe their testimony for the use of any such committee; and also to issue subpoenas *duces tecum* for needed papers and documents of a public nature to the persons or officials having the same in charge. Said subpoenas may be served by the sheriff or any constable of the county or any deputy thereof. If any witness shall fail to attend before any such committee in obedience to such subpoena, or wilfully avoid the service of such subpoena; or, being in attendance at any sitting or session of any such committee, shall depart without leave of any such committee, or refuse to be sworn, or refuse to answer any proper or lawful question propounded to him, or shall fail or refuse to produce any paper or document needed in evidence of which he shall have custody or possession, and for which a subpoena *duces tecum* shall have been issued and served, such witness shall be deemed guilty of contempt, and shall be subject to a fine of not less than five (\$5) dollars nor more than twenty (\$20) dollars for each offense, which may be recovered by ordinance warrant for every such offense before the Police Court of the city of Louisville. If any such recusant or disobedient witness be an officer or employe of

the city of Louisville or any of its departments, institutions or executive boards, drawing a salary or wages from the City Treasurer, and shall offend as herein specified, then his salary, wages or compensation shall cease, and no future claim therefor shall be certified, registered, allowed or paid out of the city treasury so long as such failure or refusal on the part of such officer or employe shall continue.

§ 2. That the expense occasioned by the employment of a notary public by any such committee, and the attendance of witnesses subpoenaed to give testimony or produce papers or documents needed in evidence, unless the custodian or the person having the possession thereof is an officer or employe of the city, or one of its departments, institutions or executive boards shall be against the general purpose fund of the city, and when the claim or claims therefor shall be certified by the chairman of any such committee, it shall be the duty of the City Comptroller to register such claim or claims for allowance by the General Council as other claims are now required to be by law, payable out of the fund aforesaid.

§ 3. That this ordinance shall take effect from its passage. (*Approved May 19, 1900.*) (See also *Trials.*)

(1) WORKHOUSE.

Number and Salaries of Employes.

AN ORDINANCE concerning the workhouse of the city of Louisville, placing the same under the Board of Public Safety, and fixing the number, salaries and compensation of the officers and employes therein.

Be it ordained by the General Council of the city of Louisville:

§ 1. That the workhouse within and for the city of Louisville be, and the same is hereby created and placed under the Board of Public Safety, as authorized by law.

§ 2. There may be employed within and for said workhouse, to be appointed by the Board of Public Safety, the number of officers and employes prescribed in this ordinance, and no more, and their salaries and compensation, to be approved by the Board of Public Safety, shall be no more than the sums fixed by this ordinance, and the payrolls for said department shall be made

up, certified and registered and said salaries and compensation shall be payable, in accordance with the provisions of this ordinance and other ordinances covering the subject of payrolls, claims and salaries, and not otherwise, to-wit:

WORKHOUSE.		
	Per Month.	Per Annum.
1 superintendent	\$125.00	\$1,500.00
1 druggist (who shall act as clerk) ...	75.00	900.00
1 quarry foreman	75.00	900.00
1 day watchman (who shall also be prison wagon driver	70.00	840.00
1 house engineer	70.00	840.00
1 quarry engineer	70.00	840.00
1 night watchman	70.00	840.00
1 prison cook	65.00	780.00
1 blacksmith	60.00	720.00
7 guards, each	60.00	5,040.00
1 hostler and gardner	40.00	480.00
1 house cook	20.00	240.00
1 night fireman	60.00	720.00
1 matron	60.00	720.00
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20 employes	\$920.00	\$15,360.00

§ 3. The Board of Public Safety, in cases of emergency, and with the approval of the Mayor, shall have the power to employ additional help in the workhouse, the salaries and compensation of same to be fixed by the Board of Public Safety and the names of such employes shall appear on the regular payroll as "Special Employes," and said special employes may be dismissed at any time by the Board of Public Safety.

§ 4. The ordinance approved September 30, 1918, and entitled "An ordinance concerning the departments under the Board of Public Safety and fixing the number, salaries and compensation of the officers and employes therein," and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

§ 5. This ordinance shall take effect and be in force from and after its passage. (*Approved March 7, 1919.*)

(2) WORKHOUSE.**Fixing the Wages of Those Who Satisfy Fines by Compulsory Work Therein.**

AN ORDINANCE fixing the wages of those who shall satisfy by compulsory work the fines assessed against them in the Police Court of the city of Louisville.

Be it ordained by the General Council of the city of Louisville:

§ 1. That any person who shall be arrested under a *capias pro fine* for a violation of any ordinance of the city, and be committed to the city workhouse for non-payment of such fine, shall be allowed as wages one dollar for each day such person shall do compulsory work for the city, in or out of said workhouse, until such fine at the rate aforesaid is satisfied.

§ 2. That this ordinance shall take effect from and after its passage. (*Approved August 15, 1898.*)

LIST OF POSITIONS UNDER THE VARIOUS CITY DEPARTMENTS, AUTHORITY THEREFOR AND COMPENSATION.

Assessor's Department.

City Assessor elected by the General Council, for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Assessor	\$291.66	\$3,500.00

Ordinance April 30, 1919:

1 Chief Deputy	\$166.66	\$2,000.00
10 Deputies, each	133.33	1,600.00
10 Assistants (between September 1 and December 1, each year), each....	75.00	
1 Draftsman	133.33	1,600.00
1 Assistant Draftsman	100.00	1,200.00
1 Transfer Clerk	100.00	1,200.00
1 Public Accountant, \$10.00 per day during time required.		

Auditor's Department.

Auditor elected by people for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Auditor	\$229.16	\$2,750.00

Ordinance May 25, 1908:

1 Clerk for Auditor	100.00	1,200.00
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Board of Children's Guardians.

Authorized by an Act of the General Assembly of the State of Kentucky, approved December 17, 1892.

Board is composed of six (6) members (two [2] to be colored), appointed by the Judge of the Police Court. Judge is ex officio member.

Tax Levy—Maximum one cent (1c) on each one hundred dollars (\$100.00) valuation.

Beechhurst Sanitarium (Lying-in Hospital).

The land was conveyed to the city of Louisville by the Cave Hill Cemetery Company as per agreement dated July 8, 1872—the property to be used by the city until such time as it was needed for cemetery purposes, when after twenty-five (25) years (which time has now expired) upon one (1) year's notice, the city is to remove all improvements and return the land to the Cave Hill Cemetery Company. The building on this land was leased to Dr. Malcolm H. Yeaman for a period of twenty (20) years, as per lease dated June 1, 1909, and expiring June 1, 1929, at a rental of five hundred dollars (\$500.00) per annum. Later this lease was transferred to Edmond P. Thomas and Hervey B. Scott, December 2, 1912. Under this lease Edmond P. Thomas and Hervey B. Scott are required to pay premiums on all insurance carried on the building, and to keep same in repair.

Board of Education.

Authorized by an Act of the General Assembly of the State of Kentucky, approved March 4, 1910.

The board is composed of five (5) members, elected by the people.

Tax Levy—Minimum thirty-six cents (36c). Maximum fifty cents (50c) on each one hundred dollar (\$100.00) valuation.

Board of Equalization.

Three (3) members elected by the Board of Aldermen in September of each year.

Ordinance September 4, 1913:

3 Members, each\$10.00 per day

Board of Park Commissioners.

Authorized by Section 2841 of the City Charter.

Board is composed of six (6) members, elected by the people. Mayor ex officio member.

Tax Levy—Minimum five cents (5c): Maximum eight cents (8c) on each one hundred dollars (\$100.00) valuation.

Board of Public Safety.

Authorized by Section 2861 of the City Charter. The board is composed of three (3) members, appointed by the Mayor.

Ordinance November 11, 1913:

	Per Month.	Per Annum.
3 Members of Board, each	\$208.33	\$2,500.00
1 Secretary	137.50	1,650.00
1 Stenographer	100.00	1,200.00

Board of Public Works.

Authorized by Section 2824 of the City Charter. The board is composed of three (3) members appointed by the Mayor.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
3 Members of Board, each	\$208.33	\$2,500.00

Ordinance October 24, 1918:

1 Secretary	125.00	1,500.00
1 Clerk and Stenographer	100.00	1,200.00
1 Bookkeeper	116.66	1,400.00
1 Timekeeper	100.00	1,200.00
1 Chauffeur	75.00	900.00

Board of Tuberculosis Hospital.

Authorized by Section 3037c of the City Charter.

Board is composed of ten (10) members, appointed by the Mayor for a term of four (4) years each. Mayor ex officio member.

Tax Levy—Minimum one-half cent ($1\frac{1}{2}c$). Maximum two cents (2) on each one hundred dollars (\$100.00) valuation.

Board of Water Works.

Authorized by Section 3024a of the City Charter.

Board is composed of four (4) members, appointed by the Mayor for a term of four (4) years each, one (1) chosen in March of each year. Members can succeed themselves. Mayor ex officio member.

Bond Recorder.

(See Police Court.)

Buildings Department.

Employes appointed by the Board of Public Safety.

Ordinance September 30, 1918.

	Per Month.	Per Year.
1 Inspector of Buildings	\$250.00	\$3,000.00
1 Assistant Inspector of Buildings	165.00	1,980.00
1 Deputy Inspector of Buildings—Inspector of Elevators	150.00	1,800.00
1 Deputy Inspector of Buildings—Assistant Elevator Inspector	100.00	1,200.00
1 Deputy Inspector of Buildings—Smoke Inspector	150.00	1,800.00
1 Deputy Inspector of Buildings—Assistant Smoke Inspector	100.00	1,200.00
1 Deputy Inspector of Buildings—Combustion Engineer	200.00	2,400.00
1 Deputy Inspector of Buildings—1st Electrical Inspector	150.00	1,800.00
1 Deputy Inspector of Buildings—2nd Electrical Inspector	125.00	1,500.00
2 Deputy Inspectors of Buildings, each..	125.00	1,500.00
1 Fee Clerk—Stenographer	125.00	1,500.00

1 Permit Clerk—Stenographer	100.00	1,200.00
1 Clerk and Stenographer	75.00	900.00
1 Inspector of Plumbing	150.00	1,800.00
1 Deputy Inspector of Plumbing	125.00	1,500.00

City Buyer's Department.

City Buyer appointed by the Mayor for a term of four (4) years.

Ordinance October 10, 1911:

	Per Month.	Per Annum.
1 City Buyer	\$208.33	\$2,500.00
1 Assistant City Buyer	166.66	2,000.00
1 Stenographer	75.00	900.00
1 Messenger	75.00	900.00

Cemeteries.

Superintendents appointed by Board of Public Safety.

Ordinance March 16, 1918:

	Per Month.	Per Annum.
1 Superintendent Portland or City Cemetery	\$30.00	\$360.00
1 Superintendent Western Cemetery	50.00	600.00
1 Laborer	45.00	540.00

Cisterns.

(See Engineer's Department.)

City Attorney's Office.

(See Law Department.)

City Gauger.

In the month of December of even years, a City Gauger shall be elected by the General Council of the City of Louisville for a term of two (2) years.

Ordinance November 7, 1904:

1 City Gauger. Compensation to be by fee only, as set forth in ordinance.

City Hall Expenses.

Employees appointed by Board of Public Works.

Ordinance October 23, 1919:

	Per Month.	Per Year.
1 City Hall Engineman	\$106.66	\$1,280.00
1 Night Engineman	100.00	1,200.00
1 Chief Janitor	90.00	1,080.00
1 Elevator Man	65.00	780.00
1 Chief Telephone Operator	75.00	900.00
1 Telephone Operator	50.00	600.00
1 Night Custodian	75.00	900.00
9 Janitors, each	65.00	780.00
3 Firemen, \$3.00 per day.		
Scrub Women, \$1.50 per day for services actually rendered.		
Laborers, 30c per hour for services actually rendered.		

City Hospital.

Ordinance September 30, 1918:

	Per Month.	Per Annum.
1 Superintendent	\$200.00	\$2,400.00
1 Secretary, at a salary of	100.00	1,200.00
1 Clerk, who shall be a qualified stenographer, at a salary of	50.00	600.00
3 Telephone Operators, each	40.00	480.00
2 Receiving Ward Clerks, each	40.00	480.00
1 Store Room Clerk	40.00	480.00
1 Dietitian	75.00	900.00
1 Chef	70.00	840.00
1 First Cook	50.00	600.00
1 Second Cook	40.00	480.00
1 Third Cook	30.00	360.00
1 Superintendent's Cook and Maid	25.00	300.00
1 Serving Room Cook	25.00	300.00
6 Kitchen Helpers, each	25.00	300.00
1 Baker	75.00	900.00
1 Baker's Helper	50.00	600.00
1 Chief Engineer	175.00	2,100.00
1 Assistant Chief Engineer	110.00	1,320.00

2 Assistant Engineers, each	82.50	990.00
1 Steam Fitter	82.50	990.00
3 Firemen, each	66.00	792.00
1 Carpenter	75.00	900.00
2 Chauffeurs, each	60.00	720.00
3 Elevator Men, each	30.00	360.00
1 Yardman	30.00	360.00
2 Painters, each	60.00	720.00
1 Plasterer	40.00	480.00
1 Druggist	75.00	900.00
1 Druggist	65.00	780.00
1 Technician	70.00	840.00
1 Diener	35.00	420.00
1 Stenographer	55.00	660.00
1 Laundry Foreman	80.00	960.00
1 Laundry Washer	50.00	600.00
1 Laundry Wringer	35.00	420.00
1 Laundry Marker	35.00	420.00
2 Laundry Backers, each	25.00	300.00
4 Hand Ironers, each	23.00	276.00
5 Laundresses, each	22.00	264.00
1 Matron	60.00	720.00
1 Seamstress	35.00	420.00
1 Matron Employes Home	30.00	360.00
15 Maids, each	25.00	300.00
25 House Porters, each	25.00	300.00
1 Superintendent of Nurses	100.00	1,200.00
1 Assistant Superintendent of Nurses	75.00	900.00
1 Night Supervisor	75.00	900.00
1 Supervisor Operating Room	75.00	900.00
2 Supervisors, each	65.00	780.00
1 Superintendent School Service	75.00	900.00
2 Supervisors, each	65.00	780.00
1 Superintendent Social Service	75.00	900.00
6 Attendants, each	45.00	540.00
10 Orderlies, each	35.00	420.00
1 Messenger	20.00	240.00
1 Resident Physician	35.00	420.00
4 Senior Internes, each	15.00	180.00
15 Junior Internes, each	10.00	120.00

19	Internes, who may receive \$100.00 each upon completing their period of service.		
90	Pupil Nurses, of which number there shall be		
30	(first year) nurses at a salary of, each	8.00	96.00
30	(second year) nurses at a salary of, each	10.00	120.00
30	(third year) nurses at a salary of, each	12.00	144.00

Comfort Station Department.

Ordinance November 7, 1919:

	Per Month.	Per Annum.
2 Superintendents, each	\$75.00	\$900.00
2 Assistant Superintendents, each	40.00	480.00

Commissioners of Sewerage.

Ordinance December 1, 1919:

	Per Month.	Per Annum.
1 Chairman	\$266.66	\$3,000.00
3 Members, each	125.00	1,500.00

The Commissioners have the power to employ one Engineer at a salary not exceeding \$5,000.00 per annum, and one Secretary and Treasurer at a salary not exceeding \$2,500.00. They further have the power to employ such other expert advice and consulting engineers as they deem wise. See Kentucky Statute 3037b, Subsection 16, *et seq.*

Comptroller's Department.

Comptroller appointed by the Mayor, approved by the Board of Aldermen for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Comptroller	\$291.66	\$3,500.00

Ordinance April 17, 1905:

1 Clerk	166.66	2,000.00
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Ordinance September 30, 1918:

1 Additional Clerk	100.00	1,200.00
Resolution, Firemen and Policemen's Pension Fund, December 1, 1919.		

1 Bookkeeper and Stenographer	100.00	1,200.00
Clerks of the General Council ex officio clerks to the Comptroller.		

Cook Benevolent Institute.

Founded by request of Samuel Hinman Cook in 1837, incorporated as "Cook Benevolent Institute" by Act of the General Assembly of the State of Kentucky, approved February 17, 1846.

Under the charter, the Board of Managers consists of seven (7) members, six (6) members to be representatives from different religious denominations—one (1) member to be elected in May, of each year, by the Mayor and General Council. (Elliott's Digest, 257.)

Engineer's Department.

Employes appointed by Board of Public Works.

Ordinance November 7, 1919:

	Per Month.	Per Year.
1 Chief Engineer	\$333.33	\$4,000.00
1 First Assistant Engineer	208.33	2,500.00
1 Second Assistant Engineer	166.66	2,000.00
5 Assistant Engineers, each	125.00	1,500.00
2 Assistant Engineers, each	100.00	1,200.00
4 Levelmen, each	65.00	780.00
3 Transitmen, each	55.00	660.00
5 Rodmen, each	45.00	540.00
1 Chief Draftsman	125.00	1,500.00
4 Draftsmen, each	125.00	1,500.00
1 Calculator	125.00	1,500.00
1 Chemist	125.00	1,500.00
1 Assistant Chemist	110.00	1,320.00
1 Superintendent of Street Construction and Repairs	125.00	1,500.00
1 Superintendent of Sewer Construction and Repairs	125.00	1,500.00

2 Assistant Superintendents of Street Construction and Repairs, each . . .	125.00	1,500.00
1 Assistant Superintendent of Sewer Construction	125.00	1,500.00
1 Chief Clerk to Engineer	100.00	1,200.00
1 Bookkeeper	110.00	1,320.00
1 Stenographer and File Clerk	100.00	1,200.00
1 Chief Clerk of Sewers	100.00	1,200.00
1 Assistant Clerk of Sewers	83.33	1,000.00
2 Automobile Mechanics, each	100.00	1,200.00
2 Clerks, each	100.00	1,200.00
2 Clerks, each	83.33	1,000.00
4 Timekeepers, each	83.33	1,000.00
Superintendent of Garage	125.00	1,500.00
1 Chief Mechanic	125.00	1,500.00

For time actually employed, the following shall receive:

No more than 40 supervisors	\$3.50	per day
No more than 10 foremen	4.00	per day
Chauffeurs	3.50	per day
Truck Chauffeurs	4.00	per day
Watchmen	2.50	per day
Blacksmith Foreman . . . . .	.60	per hour
Blacksmiths . . . . .	.50	per hour
Blacksmith Helpers . . . . .	.25	per hour
Bricklayers . . . . .	.85	per hour
Brick Pavers . . . . .	.44 $\frac{1}{2}$	per hour
Carpenters . . . . .	.60	per hour
Cement Finishers . . . . .	.50	per hour
Curb Setters . . . . .	.60	per hour
Enginemen . . . . .	.44 $\frac{1}{2}$	per hour
Granite Pavers . . . . .	.55 $\frac{1}{2}$	per hour
Horse Shoers . . . . .	.44 $\frac{1}{2}$	per hour
Laborers . . . . .	.30	per hour
Painters . . . . .	.62 $\frac{1}{2}$	per hour
Pipe Layers . . . . .	.35	per hour
Plasterers . . . . .	.75	per hour
Plumbers . . . . .	.70	per hour
Rammermen . . . . .	.44 $\frac{1}{2}$	per hour
Skilled Laborers . . . . .	.35	per hour

Stone Cutters .....	.60	per hour
Trench Bracers .....	.30	per hour
Two-animal Teams, including driver	6.00	per day
Rock Breakers, per cubic yard .....	.60	

Eruptive Hospital.

Employes appointed by the Board of Public Safety.

Ordinance March 16, 1918:

	Per Month.	Per Annum.
1 Superintendent	\$100.00	\$1,200.00
1 Wagon Driver	30.00	360.00
2 Regular Nurses, when required, each ..	40.00	480.00
1 Cook	25.00	300.00
1 Laundress	20.00	240.00

Additional nurses may be appointed by the Board of Public Safety in case of epidemic at \$40.00 per month each.

Fire Department.

Under supervision of the Board of Public Safety.

Ordinance October 22, 1919:

	Per Day.	Per Month.	Per Annum.
1 Chief		\$333.33	\$4,000.00
4 Assistant Chiefs, each		166.66	2,000.00
1 Secretary		137.50	1,650.00
1 Assistant Secretary	\$3.50	.....	1,095.00
30 Captains (including Drill Master), each	4.50	.....	.....
31 Lieutenants (including Drill Master), each...	4.20	.....	.....
22 Engineers, each	4.20	.....	.....
211 Privates, each	4.00	.....	.....
1 Chief Operator		166.66	2,000.00
4 Telegraph Operators, each	4.50	.....	.....
3 Telephone Operators, each	4.20	.....	.....
6 Linemen, each	5.25	.....	.....
1 Master Mechanic		179.16	2,150.00
1 Foreman		166.66	2,000.00
4 Machinists, each	5.60	.....	.....
2 Hydrantmen, each	6.07	.....	.....

2 Painters, each	5.00	.....	.....
1 Harnessmaker	4.00	.....	.....
1 Blacksmith	4.50	.....	.....
1 Blacksmith Helper	3.50	.....	.....
1 Clerk	3.85*	.....	.....
1 Supply Wagon Driver	3.50	.....	.....

*Except Sunday.

Firemen's Pension Fund.

Authorized by an Act of the General Assembly of the State of Kentucky, approved March 18, 1912. (Sec. 2896a of the City Charter.)

Board of Trustees composed of Mayor, Chairman of Board of Public Safety, Chief Fireman, City Comptroller and City Treasurer.

Tax Levy—Maximum one cent (1c) on each one hundred dollars (\$100.00) valuation.

Gas and Electricity Inspector.

(See Inspector of Gas and Electricity.)

Health Department.

Employes appointed by the Board of Public Safety.

Ordinance December 12, 1918:

	Per Month.	Per Annum.
1 Health Officer	\$250.00	\$3,000.00
1 Assistant Health Officer	166.66	2,000.00
1 Bacteriologist and Chemist	200.00	2,400.00
1 Stenographer to Health Officer	85.00	1,020.00
1 Chief of Division of Foods	150.00	1,800.00
1 Secretary of Health Department, who shall also be Chief of the Division of Sanitation	133.33	1,600.00
1 Medical Inspector	150.00	1,800.00
6 School Inspectors, each	100.00	1,200.00
6 Sanitary Inspectors, each	100.00	1,200.00
1 Registrar	85.00	1,020.00
6 School Nurses, each	85.00	1,020.00
4 Field Nurses, each	85.00	1,020.00
2 Clerks, each	50.00	600.00

1 Technician	85.00	1,020.00
1 Stenographer	75.00	900.00
1 Laboratory Diener	50.00	600.00
1 Veterinarian and Inspector	150.00	1,800.00
1 Physician for Eastern District	100.00	1,200.00
1 Physician for Western District	100.00	1,200.00
1 Physician for the indigent colored people of the city	100.00	1,200.00

Home for Aged and Infirm.

Employes appointed by the Board of Public Safety.

Ordinance November 7, 1919:

	Per Month.	Per Annum.
1 Superintendent	\$125.00	\$1,500.00
1 Engineer	85.00	1,020.00
1 Druggist (who shall also act as clerk) .	85.00	1,020.00
2 Male Nurses, each	50.00	600.00
2 Female Nurses, each	40.00	480.00
1 Farm Boss	55.00	660.00
1 Watchman	30.00	360.00
1 Seamstress	35.00	420.00
1 Matron	40.00	480.00
1 Dairyman	40.00	480.00
1 Cook (Officer's Kitchen)	40.00	480.00
1 Cook	30.00	360.00
2 Farmhands, each	40.00	480.00
1 Laundress	25.00	300.00
1 Dairy Maid	25.00	300.00

Board of Safety (with approval of Mayor) in case of emergency has the right to employ additional help.

House of Reform.

(Industrial School of Reform.)

City Code, 1884. Section 18, Elliot's Digest, 439.

Nine (9) members Board of Managers, selected by the General Council; three (3) chosen in May of each year for a term of three (3) years.

Tax Levy—Maximum five cents (5c) on each one hundred dollars (\$100.00) valuation.

Industrial School of Reform.

(See House of Reform.)

Inspector of Gas and Electricity.

Appointed by the Mayor, with approval of the Board of Aldermen.

Ordinance June 3, 1914:

	Per Month.	Per Annum.
1 Inspector	\$250.00	\$3,000.00
2 Deputy Inspectors, each	125.00	1,500.00
1 Clerk	100.00	1,200.00

Inspector of Meats.

Appointed by Board of Public Safety, with approval of the Mayor.

Ordinance May 22, 1919:

	Per Month.	Per Annum.
1 Chief Inspector	\$166.66	\$2,000.00
1 First Assistant Inspector	125.00	1,500.00
Not more than—		
2 Additional Assistant Inspectors, each..	125.00	1,500.00
All for terms of one year.		
1 Lay Inspector for one year for each slaughter house	100.00	1,200.00

Laborers.

Under supervision of Board of Public Works, for service in any department under said board. (See Departments under Board of Public Works.)

See Engineer's Department.

Law Department.

City Attorney appointed by the Mayor under Sections 2909 and 2910 of the City Charter, also First and Second Assistant City Attorneys the same. All for a term of four (4) years.

Ordinance December 19, 1904:

	Per Month.	Per Annum.
1 City Attorney	\$416.66	\$5,000.00
1 Assistant City Attorney	250.00	3,000.00
1 Second Assistant City Attorney	208.33	2,500.00

Ordinance February 14, 1919:

1 Department Counsel	300.00	3,600.00
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Ordinance November 14, 1918:

1 Law Clerk	150.00	1,800.00
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Ordinance August 11, 1908:

1 Claim Agent	125.00	1,500.00
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Ordinance August 6, 1910:

1 Mayor's Counsel	200.00	2,400.00
1 Solicitor	125.00	1,500.00
1 Tax Attorney	125.00	1,500.00
1 Law Accountant	125.00	1,500.00
1 Messenger	30.00	360.00
1 Stenographer	85.00	1,020.00
1 Stenographer	75.00	900.00
1 Stenographer	75.00	900.00

Ordinance March 26, 1919:

1 Member from Police Force, appointed by Board of Public Safety, ap- proved by Mayor and City Attor- ney	108.33	1,300.00
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Not more than 3 Tax Investigators at
40c per hour.

Legislative Department.

Clerks of the General Council elected by their respective boards for a period of two (2) years. They are also ex officio clerks to the City Comptroller.

Ordinance April 21, 1899:

	Per Month.	Per Annum.
1 Clerk to Board of Councilmen	\$166.66	\$2,000.00
1 Clerk to Board of Aldermen	166.66	2,000.00

Resolution General Council September 4, 1918:

1 Enrolling Clerk	75.00	900.00
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Ordinance November 15, 1901:

2 Pages to Board of Aldermen, per session of General Council, each		\$1.50
2 Pages to Board of Councilmen, per session of General Council, each		1.50
1 Sergeant-at-Arms Board of Aldermen, per session of General Council		1.50
1 Sergeant-at-Arms Board of Councilmen, per session of General Council		1.50

Live Stock Inspector.

Live Stock Inspector elected by the General Council in December, 1894, and every two (2) years thereafter, for a term of two (2) years. Section 2948, City Charter.

Ordinance April 7, 1910:

1 Live Stock Inspector	\$100.00	\$1,200.00
1 Assistant Inspector	75.00	900.00

Louisville Free Public Library.

Authorized by an Act of the General Assembly of the State of Kentucky, approved March 21, 1902. (Sec. 2801a, City Charter.)

Board of Trustees composed of twelve (12) members, appointed by the Mayor, three (3) members chosen each year, for a term of four (4) years. Mayor ex officio member.

Tax Levy—Minimum two and one-half cents (2½c). Maximum four cents (4c) on each one hundred dollars (\$100.00) valuation.

Mayor's Department.

Mayor elected by the people for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Mayor	\$416.66	\$5,000.00

Ordinance September 30, 1918:

1 Mayor's Clerk	208.33	2,500.00
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Ordinance July 16, 1919:

1 Secretary	100.00	1,200.00
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Meat Inspector.

(See Inspector of Meats.)

Plumbing Board.

Ordinance September 23, 1914:

Subsection 31 of Sec. 3037f, Board of Examiners of Plumbers, consisting of four, shall be appointed before the first of May of each year for a term of one year. Their compensation shall be 12 per cent of the fees collected from the persons examined and to whom certificates are issued.

Plumbing Department.

(See Building Department, also Kentucky Statute 3037f.)

Police Court.

Police Judge elected by the people for a term of four (4) years.

Ordinance November 15, 1901:

Charter, Sections 2923-2928a:

	Per Month.	Per Annum.
1 Judge	\$291.66	\$3,500.00

Charter, Sections 2911, 2913-2944:

Attorney, Clerk, Bailiff, elected by the people for term of four (4) years.

Deputy Clerks appointed by the Clerk. Deputy Bailiffs appointed by the Bailiff.

1 Attorney	291.66	3,500.00
1 Clerk	291.66	3,500.00
2 Deputy Clerks, each	100.00	1,200.00
1 Bailiff	291.66	3,500.00
2 Assistant Bailiffs, each	100.00	1,200.00

Charter, Section 2964:

Stenographer appointed by Police Judge.

1 Stenographer	100.00	1,200.00
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Charter, Section 2945:

Interpreter appointed by the Police Judge.

1 Interpreter	75.00	900.00
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Charter, Section 2928a:

Doorkeeper appointed by Police Judge.

1 Doorkeeper	50.00	600.00
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Charter, Section 2947:

1 Bond Recorder	333.33	4,000.00
2 Deputies, each	83.33	1,000.00

Charter, Section 2928b:

1 Matron of Police Court	75.00	900.00
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Judge allowed vacation of two (2) months each year, salary of Judge pro tem. not to be deducted from regular Judge's salary.

Attorney allowed vacation of sixty (60) days each year, salary of Attorney pro tem. not to be deducted from regular Attorney's salary.

Stenographer allowed vacation of sixty (60) days each year, salary of Stenographer pro tem. not to be deducted from regular Stenographer's salary.

Pro tem. attorneys appointed by Judge, salary to be deducted from salary of regular Attorney except account of illness or vacation.

Police Department.

Under supervision of the Board of Public Safety.

Ordinance October 10, 1919:

	Per Day.	Per Month.	Per Annum.
1 Chief		\$333.33	\$4,000.00
1 Assistant Chief		166.66	2,000.00
1 Secretary	\$5.00	.....	.....
1 Chief of Detectives	5.00	.....	.....
1 Secretary of Detectives and Stenographer		100.00	1,200.00

7 Captains of Police, each..	5.00	.....	.....
14 Lieutenants of Police, each	4.50	.....	.....
22 Sergeants of Police, each..	4.25	.....	.....
380 Patrolmen, each	4.00	.....	.....
6 Janitresses: One each to Station Houses Nos. 1, 4, 5, 6, 7, and Highland substation, each	1.00	.....	.....

Regular detectives may be appointed by the Board of Public Safety from the number of regular patrolmen, and shall receive \$4.25 per day, making an excess per annum over regular patrolmen's salary for a force of fourteen detectives.

Policemen's Pension Fund.

Authorized by an Act of the General Assembly, approved March 18, 1912. (Sec. 2872a, City Charter.) The Board is composed of the Mayor, Chairman of the Board of Public Safety, Chief of Police, City Comptroller and City Treasurer.

Tax Levy—Maximum one cent (1c) on each one hundred dollars (\$100.00) valuation.

Poundkeeper's Department.

Poundkeepers appointed by the Board of Public Safety.

Ordinance March 16, 1918:

	Per Month.	Per Annum.
1 Poundkeeper, Eastern District	\$50.00	\$600.00
1 Poundkeeper, Western District	50.00	600.00

Public Baths Department.

Superintendents appointed by Board of Public Works.

Ordinance November 7, 1919:

	Per Month.	Per Annum.
4 Superintendents, each	\$75.00	\$900.00
4 Assistant Superintendents, each	40.00	480.00

Pumps and Wells.

Under supervision Board of Public Works. See Engineer's Department.

Private Drains.

Ordinance November 9, 1895:

Estimated cost of Private Drains to be deposited with City Treasurer, and rebates, if any, rebated by the payroll made by Engineer's Department. See Engineer's Department.

Reconstruction of Streets.

(See Engineer's Department.)

Repairing Streets.

(See Engineer's Department.)

Receiver of Taxes.

Receiver of City Taxes elected by the people for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Tax Receiver	\$291.66	\$3,500.00

Ordinance November 28, 1919:

1 Cashier	150.00	1,800.00
4 Deputies, each	100.00	1,200.00
8 Deputies, each	125.00	1,500.00

Sewer Commissioners.

(See Commissioners of Sewerage.)

Sinking Fund Commissioners.

Authorized by Section 3010 of City Charter. Board composed of Mayor, President of Board of Aldermen, and three (3) members to be chosen by the General Council to serve three (3) years each. One (1) member chosen in October of each year.

Sewer Cleaning.

(See Engineer's Department.)

Sewer Construction.

(See Engineer's Department.)

Sewer Repairs.

(See Engineer's Department.)

Sewers and Bridges.

(See Engineer's Department.)

Street Cleaning Department.

Under supervision of Board of Public Works.

Ordinance November 7, 1919:

	Per Month.	Per Annum.
1 Superintendent	\$125.00	\$1,500.00
1 Bookkeeper	106.66	1,280.00
6 Foremen, each	100.00	1,200.00
3 Assistant Foremen, each	83.33	1,000.00
2 Garbage Foremen, each	100.00	1,200.00
2 Assistant Garbage Foremen, each	83.33	1,000.00
1 Stable Foreman	110.00	1,320.00
1 Assistant Stable Foreman	75.00	900.00
1 Stenographer	70.00	840.00
Chauffeurs	\$3.00	per day
Flusher Chauffeurs	4.00	per day
Watchmen	2.50	per day
Blacksmith Foreman .....	.60	per hour
Blacksmiths .....	.50	per hour
Blacksmith Helpers .....	.25	per hour
Carpenters .....	.60	per hour
Horseshoers .....	.44 $\frac{1}{2}$	per hour
Laborers .....	.30	per hour
Painters .....	.50	per hour
Plumbers .....	.70	per hour
Skilled Laborers .....	.35	per hour
Two-animal teams, including driver	6.00	per day

Treasurer's Department.

Treasurer elected by the people for a term of four (4) years.

Ordinance November 15, 1901:

	Per Month.	Per Annum.
1 Treasurer	\$291.66	\$3,500.00

Ordinance September 30, 1895:

1 Clerk	125.00	1,500.00
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Ordinance March 7, 1919:

2 Additional Clerks, each.....	75.00	900.00
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University of Louisville.

Authorized by an Act of the General Assembly of the State of Kentucky, approved February 7, 1846.

Board of Trustees composed of ten (10) members, two (2) to be elected in March every two (2) years, by the Mayor and the General Council of the city of Louisville, for a term of ten (10) years.

Veteran Firemen's Home.

Ordinance July 2, 1900:

President of Veteran Firemen's Home is allowed a sum each month not to exceed \$75.00 per month for employes and expenses, or \$900.00 per year.

Weights and Measures Department.

Inspector of Weights and Measures appointed by the Mayor.

Ordinance April 24, 1919:

	Per Month.	Per Annum.
1 Inspector	\$125.00	\$1,500.00
Not to exceed two Deputies, each	75.00	900.00

Wharves.

Superintendent appointed by Board of Public Works.

Act February 28, 1902. (Sec. 2860, City Charter.)

Resolution Board of Public Works, December 15, 1911:

	Per Month.	Per Annum.
1 Superintendent	\$200.00	\$2,400.00

Resolution January 13, 1914:

1 Assistant Superintendent	100.00	1,200.00
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Other employes and expenses subject to approval of Board of Public Works.

Workhouse.

Employees appointed by the Board of Public Safety.

Ordinance March 7, 1919:

	Per Month.	Per Annum.
1 Superintendent	\$125.00	\$1,500.00
1 Druggist (who shall act as clerk)	75.00	900.00
1 Quarry Foreman	75.00	900.00
1 Day Watchman (who shall also be prison wagon driver)	70.00	840.00
1 House Engineer	70.00	840.00
1 Quarry Engineer	70.00	840.00
1 Nightwatchman	70.00	840.00
1 Prison Cook	65.00	780.00
1 Blacksmith	60.00	720.00
7 Guards, each	60.00	720.00
1 Hostler and Gardener	40.00	480.00
1 House Cook	20.00	240.00
1 Night Fireman	60.00	720.00
1 Matron	60.00	720.00

Total, 20 employees.

ORGANIZATION OF THE GENERAL COUNCIL.

The members of the Board of Aldermen and the Board of Councilmen are elected the first Tuesday after the first Monday in November for a term of two years, and meet at their chambers for organization on the first Tuesday succeeding the election. At the organization the former clerk of each board calls the members to order and presides until a permanent president for the year shall have been elected.

The clerk first proceeds to call the roll of members, and finding a quorum present, a judge or justice of the peace or his honor, the Mayor, being present, the following oath, as prescribed by the State Constitution, is administered to the newly elected members:

“I,, do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, the charter and ordinances of the city of Louisville, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my

ability the office of councilman (or alderman) according to law and ordinance, and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending; and I do further solemnly swear that I possess the qualifications prescribed by an act of the General Assembly, entitled 'An Act for the government of cities of the first class' (approved July 1, 1893), and that I am not subject to any disabilities which render me ineligible to hold the office for which I have been elected."

The next business in order, which is then announced by the clerk, is the election of a president for the ensuing year, nominations being declared in order. When the nominations shall have closed, the vote is taken viva voce, calling the roll of members. The clerk announces the result, and appoints a committee of two to conduct the president-elect to his chair.

The clerk then retiring, the president then announces the next business in order, the election of a clerk for the ensuing two years. A temporary clerk being appointed, the voting for a clerk is proceeded with in the same manner as for president and the result being announced, the newly elected clerk assumes the duties of this office, and takes the same oath of office imposed upon the members of the General Council.

In like manner two pages are elected. The president is authorized to request the chief of police to detail a policeman to act as sergeant-at-arms, whose duty it shall be to preserve order in the lobby and enforce the orders of the president.

The members of the Board of Councilmen occupy seats in the order of the wards represented by them.

It is the custom to adopt the rules of the former council for the government of the current councils, until the rules shall have been revised and a new code adopted.

A committee of two is next appointed to notify the other board that this board is organized, and a joint committee of two from each board is appointed to convey like information to his honor, the Mayor.

It is the custom for the president to appoint the standing committees at the first meeting after the organization.

RULES OF BOARD OF ALDERMEN.

1. The president with three members of the Board of Aldermen shall be a sufficient number to adjourn, five to call a council and send for absent members, and make an order for their censure; and a majority of said board to proceed to business.

2. The president shall take the chair at every meeting at the hour to which the council had adjourned at the preceding meeting. He shall immediately call the members to order, and, on the appearance of a quorum, he shall cause the journal of the preceding meeting to be read, and, when approved, shall at once be signed by the president, in the presence of the Board of Aldermen, before proceeding with any other business.

3. He shall preserve order and decorum, and may speak to points of order in preference to other members without rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the Board of Aldermen, on the request of one member.

4. The business of the board shall be—

First—Reading of the minutes of the preceding meeting.

Second—Communications from the Mayor.

Third—New business, to be called by the roll, in regular order, until all the members are called.

Fourth—Reports of Boards of Public Works and Public Safety and city officers.

Fifth—Reports of standing committees.

Sixth—Reports from special committees.

Seventh—Unfinished business.

5. If the order of business is not gone through at any meeting, it shall be the duty of the president to commence where he left off at the previous meeting.

6. Questions shall be distinctly put in this form, viz: "All you who are of the opinion that (as the question may be) say *aye*; you of the contrary say *no*."

7. If the president doubt, or if a division be called for, the aldermen shall divide. Those in the affirmative of the question shall first rise from their seats, and afterward those in the nega-

tive. The president shall thereupon decide, subject to an appeal to the aldermen.

8. The president shall vote upon all questions, and when the yeas and nays are called, the president shall be first called, and, if the aldermen be equally divided, the question shall be lost.

9. The president shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He may participate in debate when out of the chair.

10. The aldermen, in the absence of the president, may appoint some one of their members president *pro tempore* during said session.

11. The president shall appoint the following standing committees, viz:

Finance, revision, courts of justice, contracts, streets (Eastern district), streets (Western district), railroads, assessments, sewers (Eastern district), sewers (Western district), bonds, wharf, Police Department, Fire Department, courthouse and city buildings, printing, gas and water, health, grievances, cemeteries, public charities, insurance, parks, street improvements, rules, charter amendments, and one member of joint committee on city buyer's department.

No committee shall sit during the session of the council, except the committee on revision, without leave of the board.

12. The committee on revision, bonds, and contracts, shall have the privilege to report at any time.

13. No payroll or voucher will be entertained by the Board of Aldermen unless registered by the Comptroller on or before the day of the meeting of the General Council.

DEBATE.

14. When a member is about to speak in debate, or deliver any matter to the Board of Aldermen, he shall rise and respectfully address himself to Mr. President.

15. If any member, in speaking or otherwise, transgress the rules of the Board of Aldermen, the president shall, or any member may, call to order such member, and any member so called to order, shall immediately sit down, unless permitted to explain; and the Board of Aldermen, if appealed to, shall decide on the case without debate. If the decision shall be in favor of

the member called to order, he shall be at liberty to proceed; if against him, and the case requires it, he shall be liable to the censure of the Board of Aldermen.

16. When two or more members rise at the same time to speak, the president shall name the first to speak.

17. No member shall speak more than twice on the same question without leave of the Board of Aldermen, nor more than once until every member of the Board of Aldermen choosing to speak shall have spoken; and no member shall speak longer than five minutes without leave of the Board of Aldermen.

18. While the president is putting a question or addressing the Board of Aldermen, none shall walk across or out of board; neither in such case, when a member is speaking, shall any entertain private discourse, nor while a member is speaking shall any pass between him and the president.

19. Every member who shall be in the chamber when a question is put shall vote upon one side or the other, unless the Board of Aldermen, for special cause shall excuse him.

20. When a motion is made and seconded it shall be stated by the president, or, being in writing, shall be handed to the chair, and read aloud by the clerk. Every motion shall be reduced to writing, if the president or any member desires it.

21. After a motion is stated by the president, or read by the clerk, it shall be considered in possession of the Board of Aldermen, but may be withdrawn at any time, before a decision or amendments, by the mover thereof.

22. When a question is under debate, no motion shall be received unless to adjourn, for the previous question to lay on the table, to postpone it, to commit it, to amend it, and each motion shall be decided in the order named.

23. A motion to adjourn shall always be in order, unless the Board of Aldermen is engaged in voting, and shall be decided without debate.

24. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" and if the nays prevail the main question shall not then be put. But a refusal to sustain the previous question shall not bar the Board of Aldermen from proceeding forthwith to the consideration of the subject. The effect of the previous question shall be to put an end to all debate, bringing the Board of

Aldermen to direct vote upon the amendments reported by a committee, if any, then upon pending amendments, and then upon the main question.

25. Any member may call for the division of a question when the sense will admit of it.

26. A motion for amendments, until it is decided, shall preclude all other amendments of the main question.

27. Motions and reports may be committed at the pleasure of the Board of Aldermen.

28. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

29. In all cases of election there shall be a previous nomination by some member of the Board of Aldermen or other officers authorized to do so.

30. If a question pending be lost by adjournment of the Board of Aldermen, and revived on the succeeding meeting, no member who has spoken twice at the previous meeting on said question shall speak on said question again without leave.

31. Petitions, memorials, and other papers addressed to the Board of Aldermen may be presented by any member in his place, who shall briefly state to the board the contents thereof, which may be received, read, and referred on the same day to the appropriate committee.

32. On a call of the Board of Aldermen for the yeas and nays on any question pending, the names of the members shall be called alphabetically, which call may be made at any time when a division as count may be had.

33. On the call of the Board of Aldermen the door shall not be shut against any member until his name shall be twice called, and then the absentees shall be noted down by the clerk.

34. A motion to proceed or dispose with the order of the day, dispense with any rule of the board, to take up an ordinance or resolution out of its regular order, shall require a majority of two-thirds of the members elect; to commit or recommit shall be propounded without debate. A motion to reconsider a vote shall not be made after the next meeting of the Board of Aldermen at which such vote was adopted. All propositions, petitions, resolutions, ordinances or other matter connected with the city, shall be referred to the appropriate stand-

ing committees for consideration upon the request of any member, and reasonable time shall be given such member to be heard before such committee.

35. The chairman of a committee to whom is referred any subject for investigation shall submit the report of the committee at the next regular meeting of the Board of Aldermen, or within a reasonable time thereafter; and all reports, whether in favor of or against any matter referred, shall be in writing, if required by the president; and in all cases where the report is against the question referred, the reasons for said report shall be given, but this rule shall not interfere with the right to move a reconsideration.

35a. That the rules be so amended as to provide that all committees shall make their reports to the Board of Aldermen, whether upon ordinances, payrolls or resolutions, in writing. In the event the report is unfavorable the reasons shall be given in full, but in case the report is favorable it shall be sufficient that the word "approved" be endorsed upon the ordinance, payroll or resolution, but in any event the members of the committee making the report shall sign the same. (*Amended by resolution of Board of Aldermen.*)

36. All propositions, ordinances, or resolutions, which have been once rejected by the Board of Aldermen shall not be again introduced unless by special leave granted by a vote of a majority of the members-elect.

ORDINANCES.

37. Every ordinance shall be read in full in each board.

38. Upon reading of the ordinance the president shall state that it is ready for amendment or recommitment, and if there is no motion to amend or recommit, the question shall be on its passage.

39. Upon the passage of any ordinance appropriating moneys, or the paving or grading of any street, alley, sidewalk, or the digging or walling of any well or cistern in said city, the yeas and nays shall be taken and recorded in full.

AMENDING RULES.

40. No standing rule or order of the Board of Aldermen shall be rescinded or changed, or new rules introduced, unless

notice of the motion thereof had been given at the preceding meeting.

41. No standing rule or order of the Board of Aldermen shall be dispensed with unless two-thirds of the members-elect concur therein.

42. No ordinance or resolution for the expenditure of money will be entertained by this board after the appropriation for the purposes referred to in said ordinance or resolution has been exhausted.

43. No ordinance or resolution for the expenditure of money will be entertained unless the approximate cost is endorsed on same by the department to which it belongs, except by consent of two-thirds of the members-elect.

44. No person, except members, city officers or reporters for the city press, shall be admitted upon the floor of the chamber, unless permitted by a vote of the Board of Aldermen; nor shall there be any smoking within the chamber during the sitting of the board. It shall be the duty of the sergeant-at-arms to enforce this rule with such aid as may be necessary, to be detailed by the chief of police.

45. No member shall leave the chamber without special leave being granted.

COMMITTEE OF THE WHOLE.

46. The Board of Aldermen may at any time resolve itself into a committee of the whole on the state of the city.

47. In forming a committee of the whole the president shall leave the chair, and a chairman to preside in said committee shall be appointed by the president.

48. All amendments made to the original proposition in committee of the whole shall be incorporated with it, and so reported.

49. The rules of proceeding in the Board of Aldermen shall be observed in the committee of the whole so far as they are applicable.

50. A motion for the rising of the committee shall always be in order unless a member is speaking, and shall be decided without debate.

51. In the absence of a standing rule the board shall have reference to Cushing's Manual.

RULES OF THE BOARD OF COUNCILMEN.

1. The president, with three members of the Board of Councilmen, shall be a sufficient number to adjourn, five to call a council and send for absent members, and make an order for their censure; and a majority of said board to proceed to business.

2. The president shall take the chair at every meeting at the hour to which the council had adjourned at the preceding meeting. He shall immediately call the members to order, and, on the appearance of a quorum, he shall cause the journal of the preceding meeting to be read unless the reading thereof be dispensed with by vote of two-thirds of the members-elect, and when approved shall at once be signed by the president, in the presence of the Board of Councilmen, before proceeding with any other business.

3. He shall preserve order and decorum, may speak to points of order in preference to other members, without rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the Board of Councilmen on the request of one member.

4. The business of the council shall be—

First—Reading of minutes of preceding meeting.

Second—Communications from the Mayor and other city officers.

Third—Reports of standing committees for payrolls and vouchers.

Fourth—Papers from the Board of Aldermen.

Fifth—Unfinished business.

Sixth—Reports of standing committees.

Seventh—Reports from special committees.

Eighth—New business, to be called by wards, commencing at the Sixth and Seventh Wards, alternately, in regular order, until all the wards are called.

5. If the order of business is not gone through with at any meeting, it shall be the duty of the president to commence where he left off at the previous meeting.

6. Questions shall be distinctly put in this form, viz: "All you who are of the opinion that (as the question may be) say *aye*; you of the contrary say *no*."

7. If the president doubt, or if a division be called for, the councilmen shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. The president shall thereupon decide subject to an appeal to the board.

8. The president shall vote upon all questions, and when the yeas and nays are called, the president shall be first called, and, if the councilmen be equally divided, the question shall be lost.

9. The president shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He may participate in debate when out of the chair.

10. The councilmen, in the absence of the president, may appoint some one of their members president *pro tempore* during said session.

11. The president shall appoint the following standing committees, viz:

Finance, revision, courts of justice, contracts, streets (Eastern district), streets (Western district), railroad, assessments, sewers (Eastern district), sewers (Western district), bonds, wharf, Police Department, Fire Department, city building, printing, gas and water, inspector of buildings, health, grievances, cemeteries, public charities, insurance, parks, engineers, street improvement, rules, charter amendments, and two members of joint committee on the city buyer's department.

No committee shall sit during the session of the council, except the committee on revision, without leave of the council.

12. The committee on revision, bonds, and contracts, shall have the privilege to report at any time.

13. No payroll or voucher will be entertained by the Board of Councilmen if not registered on or before the second day preceding the meeting of the General Council.

DEBATE.

14. When a member is about to speak in debate, or deliver any matter to the Board of Councilmen, he shall rise and respectfully address himself to Mr. President.

15. If any member, in speaking or otherwise, transgress the rules of the Board of Councilmen, the president shall, or any member may, call to order such members and any member so called to order shall immediately sit down unless permitted to explain; and the Board of Councilmen, if appealed to, shall decide on the case without debate. If the decision shall be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case requires it, he shall be liable to the censure of the Board of Councilmen.

16. When two or more members rise at the same time to speak, the president shall name the first to speak.

17. No member shall speak more than twice on the same question without leave of the Board of Councilmen, nor more than once until every member in the Board of Councilmen choosing to speak shall have spoken; and no member shall speak longer than five minutes without leave of the Board of Councilmen.

18. While the president is putting the question or addressing the Board of Councilmen, none shall walk across or out of the council; neither in such case, when a member is speaking, shall any entertain private discourse, nor while a member is speaking shall any pass between him and the president.

19. Every member who shall be in the council chamber when a question is put shall vote upon one side or the other, unless the Board of Councilmen, for special cause, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the president, or, being in writing, shall be handed to the chair and read aloud by the clerk. Every motion shall be reduced to writing if the president or any member desires it.

21. After a motion is stated by the president or read by the clerk, it shall be considered in possession of the Board of Councilmen, but may be withdrawn at any time, before a decision, or amendments, by the mover thereof.

22. When a question is under debate, no motion shall be received unless to adjourn, for the previous question, to lay on the table, to postpone it, to commit it, to amend it, and each motion shall be decided in the order named.

23. A motion to adjourn shall always be in order, unless

the Board of Councilmen is engaged in voting, and shall be decided without debate.

24. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable question.

25. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put. But a refusal to sustain the previous question shall not bar the Board of Councilmen from proceeding forthwith to the consideration of the subject. The effect of the previous question shall be to put an end to all debate, bringing the Board of Councilmen to a direct vote upon the amendments reported by a committee, if any, then upon pending amendments, and then upon the main question.

26. Any member may call for the division of a question when the sense will admit of it.

27. A motion for amendment, until it is decided, shall preclude all other amendments and the main question.

28. Motions and reports may be committed at the pleasure of the Board of Councilmen.

29. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

30. In all cases of elections there shall be a previous nomination by some members of the Board of Councilmen or other officers authorized to do so.

31. If a question pending be lost by adjournment of the Board of Councilmen and revived on the succeeding meeting, no member who has spoken twice at the previous meeting on said question shall speak on said question again without leave.

32. Petitions, memorials, and other papers addressed to the Board of Councilmen may be presented by any member in his place, who shall briefly state to the council the contents thereof, which may be received, read and referred on the same day to the appropriate committee.

33. On a call of the Board of Councilmen for the yeas and nays or any question pending, the names of the members shall be called alphabetically, which call may be made at any time when a division or account may be had.

34. On the call of the Board of Councilmen the door shall not be shut against any member until his name shall be twice called, and then the absentee shall be noted down by the clerk.

35. No member while in debate shall name any other member present.

36. All propositions, petitions, resolutions, ordinances, or other matters connected with the city, shall be referred to the appropriate standing committees for consideration, upon the request of any member, and reasonable time shall be given such member to be heard before such committee.

37. A motion to proceed or dispense with the orders of the day, dispense with any rule of the council, to take up an ordinance or resolution out of its regular order, shall require a majority of two-thirds of the members elect; to commit or recommit, shall be propounded without debate. A motion to reconsider a vote shall not be made after the next meeting of the Board of Councilmen at which such vote was adopted.

38. The chairman of a committee to whom is referred any subject for investigation shall submit the report of the committee at the next regular meeting of the Board of Councilmen, or within a reasonable time thereafter; and all reports, whether in favor of or against any matter referred, shall be in writing, if required by the president; and in all cases where the report is against the question referred, the reasons for said report shall be given, but this rule shall not interfere with the right to move a reconsideration.

39. All propositions, ordinances, or resolutions, which have once been rejected by the Board of Councilmen, shall not be again introduced, unless by special leave granted by the vote of a majority of the members-elect.

ORDINANCES.

40. Every ordinance shall be read in full in each board.

41. Upon the reading of the ordinance, the president shall state it is ready for amendment or recommitment, and, if there is no motion to amend or recommit, the question shall be on its passage.

42. Upon the passage of any ordinance appropriating moneys, or for the paving or grading of any street, alley, side-

walk, or the digging or walling of any cistern in said city, the yeas and nays shall be taken and recorded in full.

43. All ordinances, resolutions, claims, and other papers originating in the Board of Aldermen, and reported to the Board of Councilmen as passed, shall be handed to the clerk and immediately read by him, when he shall refer them to appropriate committees, unless otherwise ordered by the Board of Councilmen, keeping a record to what committee they were referred.

44. All ordinances, resolutions, claims and other papers originating in the Board of Councilmen and passed or referred to a joint committee shall be transmitted to the clerk of the Board of Aldermen; but before being transferred to the said clerk a record of same shall be made.

AMENDING RULES.

45. No standing rule or order of the Board of Councilmen shall be rescinded or changed or new rules introduced, unless notice of the motion thereof had been given at the preceding meeting.

46. No standing rules or order of the Board of Councilmen shall be dispensed with unless two-thirds of the members-elect concur therein.

47. No ordinance or resolution for the expenditure of money will be entertained by this board after the appropriation for the purposes referred to in said ordinance or resolution has been exhausted.

48. No ordinance or resolution for the expenditure of money shall be entertained unless the approximate cost is endorsed on same by the department to which it belongs, except by consent of two-thirds of the members-elect.

49. No person, except members, city officers, reporters for the city press, shall be admitted upon the floor of the council chamber, unless permitted by a vote of the Board of Councilmen; nor shall there be any smoking within the chamber during the sitting of the board. It shall be the duty of the sergeant-at-arms to enforce its rule with such aid as may be necessary, to be detailed by the chief of police.

50. No member shall leave the council chamber without special leave being granted.

51. That the Board of Councilmen shall adjourn at 10:30 o'clock p. m., motions and resolutions to the contrary notwithstanding.

52. All papers shall be and remain in the custody and possession of the clerk of the board, and when delivered by him to the chairman or any member of the committee entitled to them, the clerk shall make a memorandum of same and may demand a receipt for same.

COMMITTEE OF THE WHOLE.

53. The Board of Councilmen may at any time resolve itself into a committee of the whole on the state of the city.

54. In forming a committee of the whole the president shall leave the chair, and a chairman to preside in said committee shall be appointed by the president.

55. All amendments made to the original proposition in committee of the whole shall be incorporated with it, and so reported.

56. The rules of proceeding in the Board of Councilmen shall be observed in committee of the whole so far as they are applicable.

57. A motion for the rising of the committee shall always be in order, unless a member is speaking, and shall be decided without debate.

58. In the absence of a standing rule the board shall have reference to "Cushing's Manual."

JOINT RULES OF THE GENERAL COUNCIL.

1. In all joint meetings of the two boards the president of the Board of Aldermen shall preside, and the proceedings conducted as near as may be according to the rules of the Board of Aldermen.

2. In every case when an amendment of any ordinance or resolution is agreed to in one board and not assented to in the other board, if either board shall request a conference, and the other board appoint a committee to confer, said committee shall, at a convenient time to be agreed upon by the chairman, meet and consult together, and report their actions to their respective boards.

3. When a message shall be sent from either board, it shall be announced at the door by the messenger, and shall be respectfully communicated to the president by the person by whom it was sent.

4. While ordinances, resolutions, etc., are on their passage between the two boards, they shall be under the signature of the clerks of their respective boards.

5. After an ordinance or resolution has passed both boards, it shall be endorsed by the clerk of each board, over whose signature shall also be stated the respective dates when the same was acted on by the respective boards.

6. When the ordinances and resolutions are so indorsed they shall be presented for the signatures of the president of each board of council, and they then shall be delivered to the City Attorney, by either clerk, whose duty it shall be to examine the same, and approve or disapprove the same by his endorsement thereon, after which, if found duly passed, and in conformity with the law, they shall be presented to the Mayor for his approval when, by charter, he is required to approve.

7. When the Board of Aldermen and the Board of Councilmen shall judge it proper to make a joint address to the Mayor, it shall be presented to him in his office by the president of the Board of Aldermen, in the presence of the president of the Board of Councilmen.

8. When an ordinance or resolution which shall have passed in one board is rejected in the other, notice thereof shall be given by the clerk to the board in which the same passed at the next meeting.

9. When there is a communication from the Mayor, or a message from either board, it shall be received without delay. If the council be in committee, the president shall resume the chair, and, if any member be speaking, he shall take his seat until the communication or message be received; and when any papers may come officially before either board, they shall, as soon as acted on, lay the same before the other board.

PROVISIONS OF THE STATE CONSTITUTION APPLICABLE TO CITIES OF THE FIRST CLASS.

§ 52. **Indebtedness to State or municipality not to be released.** The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any company or municipality thereof.

§ 60. **Special laws—laws to take effect when approved by people.** The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by

§ 52. **Construction of section.** See *City v. Railway Co.*, 111 Ky. 1; 63 S. W. 14, holding that the City council had no power to make a compromise settlement of taxes; and *Com. v. Tilton*, 111 Ky. 341; 63 S. W. 602. *Cov. & Cinn. Bridge Co. v. Davison*, 31 R. 425, 102 S. W. 339. An agreement between a bank and Fiscal Court for the payment of certain sums in lieu of taxes held void. *Citizens Nat'l Bank of Lebanon v. Com.*, 118 Ky. 51; 80 S. W. 479. An ordinance modifying a franchise held not invalid as releasing a contractual liability to the city. *Louisville Home Tel. Co. v. City of Louisville*, 130 Ky. 611; 113 S. W. 855. A Judgment rendered on stipulated facts in a tax proceeding not forbidden by this section. *Com. v. Sou. Pae. Co.*, 134 Ky. 421; 120 S. W. 313. An agreement by city officers to postpone an assessment until a pending suit is decided held not void. *Louisville Car Wheel & Ry. Supply Co. v. City of Louisville* 146 Ky. 573; 142 S. W. 1043. Held under the facts that a former county clerk when sued for the amount of alleged forged warrants upon the county treasurer could not set up an accord and satisfaction by the payment to the fiscal court of certain delinquent taxes. *The Title Guaranty & Surety Co. v.*

Com., 146 Ky. 702; 143 S. W. 401. Section cited in *Ludlow v. City of Ludlow*, 152 Ky. 545.

§ 60. Section 2838 Ky. Stat. is not violative of this section. *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957. See *Murphy v. City*, 114 Ky. 762; 71 S. W. 934. See *Hodge v. Bryan*. 149 Ky. 110; 148 S. W. 21, upholding the right of the Legislature to pass the Primary Election Law of 1912. See also *Patterson v. Davis*, 152 Ky. 530. An act providing for a vote to decide whether a county shall have free turnpike and gravel roads is not thereby rendered unconstitutional. *Maysville & Lex. Turnpike Co. v. Wiggins*, 104 Ky. 540; 47 S. W. 434. An act providing a mode by which the State's share in the cost of making a street improvement shall be paid held constitutional. *Hager, Auditor v. Gast*, 119 Ky. 502; 84 S. W. 556. Act of 1910 affecting the Lincoln Institute and providing for an election to determine the right to operate the same held unconstitutional. *Columbia Trust Co. v. Lincoln Institute*, 138 Ky. 804; 129 S. W. 113. Section 2971 regulating the escheating of property to the use of public schools is not in conflict with this section. *Com. v. Thomas' Admr.*, 140 Ky. 789; 131 S. W. 797. The act of March 5, 1912, regulating primary

exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

POLICE COURTS.

§ 143. **Establishment and jurisdiction of.** A Police Court may be established in each city and town in this State, with jurisdiction in cases of violations of municipal ordinances and by-laws occurring within the corporate limits of the city or

elections held not in conflict with this section. *Hodge v. Bryan*, 149 Ky. 110; 148 S. W. 21. See further on this section *James, Auditor v. Barry*, 138 Ky. 656; 128 S. W. 1070; *Western & Southern Life Ins. Co. v. Com.*, 133 Ky. 292; *Bryan v. Voss*, 143 Ky. 422; *James v. Walker*, 141 Ky. 88; *Madden v. Meehan*, 151 Ky. 220; *City of Newport v. Merkel Bros. Co.*, 156 Ky. 583; 161 S. W. 549. The primary election act of 1912 is not in conflict with this section. *Hager v. Robinson*, 154 Ky. 489, 157 S. W. 1138. A statute making it an offense to sell or use branded property without the consent of the owners of the marks or devices is not a violation of the above section. *Com. v. Goldburg*, 167 Ky. 96; 180 S. W. 68.

Sec. 7 of the Act of March 23, 1910, Ch. 81, repealed Ordinance of City of Newport imposing license tax on a non-resident motor vehicle owner of a certain class. *City of Newport v. Meskel Bros. Co.*, 156 Ky. 580, 161 S. W. 549.

§ 637. **Ky. Stat. regulating penalties, etc.**, imposed upon insurance companies in other States greater than those imposed under the laws of this State does not violate the above section. *Clay, Insurance Commissioner v. Dixie Fire Ins. Co.*, 168 Ky. 315; 183 S. W. 529.

§ 143. (1) The Police Courts have **exclusive jurisdiction only of those offenses denounced by ordinance, and not covered by any statute or the common law, but where the offense punishable by an ordinance is also a statutory or common law offense, the police courts have only concurrent jurisdiction of prosecution for its violation.** *Com. v. Hunter*, 19 R. 1109; 41 S. W. 284; *Com. v. Wickersham*, 99 Ky. 21; 34 S. W. 707; *Moron v. Com.*, 116 Ky. 859; 76 S. W. 1090.

(2) **A city ordinance may fix a greater, but can not fix a less, penalty for an offense denounced by statute than that imposed by the statute (Con. sec. 168), but may fix**

town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said courts may be authorized to act as examining courts, but shall have no civil jurisdiction: Provided, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes, and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

MUNICIPALITIES.

§ 156. Six classes—population determines classification—organization and assignment. The cities and towns of this Com-

a less penalty for a common law offense than that prescribed by the common law. *City v. Simms*, 99 Ky. 49; 34 S. W. 1085; and see *City v. Sparks*, 99 Ky. 351; 63 S. W. 4; *Taylor v. Com.*, 98 Ky. 271; 32 S. W. 948.

(3) Legislature has no power to confer jurisdiction upon police courts of offenses arising outside of the corporate limits. *Ingram v. Fuson*, 118 Ky. 882; 32 S. W. 606; *Earle v. Latonia* 127 Ky. 578; 106 S. W. 312; *Morris v. Randall*, 129 Ky. 720; 112 S. W. 856. *Tutt v. City*, 142 Ky. 536; 134 S. W. 890.

(4) The criminal jurisdiction of police courts is limited to the jurisdiction possessed by justices. *Stone v. City of Paducah*, 120 Ky. 322; 86 S. W. 549; *Bitzer v. Com.*, 141 Ky. 58; 132 S. W. 139.

(5) Under Ky. Statute §3710 Police Courts of a city of sixth class has jurisdiction co-extensive with the county, but is to be exercised within the city. *Allen v. Moore*, 173 Ky. 394; 191 S. W. 93.

(6) The Police Court has no jurisdiction to join in the collection of a tax illegally levied. *Brady v. Brannon*, 134 Ky. 769; 121 S. W. 679; *Morris v. Randall*, 129 Ky. 720; 112 S. W. 856. The Police Court has jurisdiction to punish a person residing outside of the city who permits his cow to run at large in the city in violation of a city ordinance; *Tutt v. City of Greenville*, 142 Ky.

536; 134 S. W. 890. The Statute may provide different limit of appeals from a justice and from a police court. *McInteer v. Moss Judge*, 144 Ky. 667; 139 S. W. 842. See *Albershart v. Donaldson*, 149 Ky. 510; *Gleason v. Weber* 155 Ky. 431; 159 S. W. 976. *Kilbourn v. Chapman*, 163 Ky. 138; 173 S. W. 322.

§ 156. (1) Classification of cities. When a city has been assigned by the Legislature to a particular class it must remain in that class until changed by that Legislature. The courts have no power to transfer cities from one class to another. *Green v. Com.*, 95 Ky. 233; 24 S. W. 610; and sections 3361-3662 of the Ky. Stat., conferring this power on the courts, are unconstitutional. *Jernigan v. City*, 102 Ky. 313; 43 S. W. 448; and see *Gilbert v. City of Paducah*, 115 Ky. 160; 72 S. W. 816.

(2) Where a town has been established by the Circuit Court the failure of the Legislature to assign it to a class does not affect its organization. *Com. v. Rose*, 105 Ky. 326; 49 S. W. 29.

(3) Improvement of streets at cost of abutting owners and the expense incurred made a lien on the property. *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957.

(4) Population of city or town may be ascertained by a census taken under an ordinance enacted by the city or town. *O'Bryan v. City*, 113 Ky.

monwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and, in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by the general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignments shall be made at the first session of the General Assembly after the organization of said town or city.

680; 72 S. W. 816; *Jernigan v. City*, 102 Ky. 313; 43 S. W. 448; *Griffin v. Powell*, 143 Ky. 276; 136 S. W. 626.

(5) **The Legislature may provide** that mayors of cities of a certain class may be selected by the people or appointed by the council as may be provided by ordinance. *Brown v. Holland*, 97 Ky. 249; 30 S. W. 629. An act providing a special limitation as to actions against cities of a given class is unconstitutional. *City of Louisville v. Knutz*, 104 Ky. 584; 47 S. W. 592. The General Assembly may provide different modes of procedure as to the annexation of terri-

tory to cities of different classes. *Lewis v. Town of Brandenburg*, 105 Ky. 14; 47 S. W. 862. The act of March 4, 1867, providing a limit beyond which property should not be charged for the cost of street improvement held repealed by this section. *Henning v. Stengel* 112 Ky. 906; 66 S.W. 41. Ky. Stat., section 2985 affecting the collection of taxes not unconstitutional although there is but one city of the class named therein. *Woolley v. City of Louisville*, 114 Ky. 556; 71 S. W. 837. See also *Hager, Auditor v. Gast*, 119 Ky. 502. Courts will take judicial notice

§ 157. Tax rate—indebtedness—submission of question to voters. The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty

that the population of a given town does not exceed one hundred thousand. *Schweirman v. Town of Highland Park*, 130 Ky. 537; 113 S. W. 507. An act of the Legislature transferring a city from one class to another will be conclusive. *Griffin v. Powell*, 143 Ky. 276. The act of 1910 authorizing the adoption of a commission form of government for cities of the second class not in conflict with this section. *Bryan v. Voss*, 143 Ky. 422; 136 S. W. 884. Held that the present Constitution does not withdraw a right acquired by a telephone company by consent of the council to use the streets of the city for telephone purposes, nor was the right made subject to municipal revocation. *City of Louisville v. Cumb-Tel. & Tel Co.*, 224 U. S. 649. This section is cited in *Board v. Raum*, 141 Ky. 198. *Scott v. McCreary*, 148 Ky. 791. In *Albershart v. Donaldson*, 149 Ky. 510; 149 S. W. 573, it was held that the Legislature had no power to incorporate a city and then assign it to a given class. *Schwartz v. Boswell*, 156 Ky. 106; S. W. 748. Taxing district, not being a city or town, has no power to impose license tax upon vehicles. *Dist. of Clifton v. Cummins* 165 Ky. 526, 177 S. W. 432.

§ 157 (1) Appropriation of funds by Fiscal Court to build a Court House, although in excess of the income for that year, was not in violation of this section, as after deducting the cash on hand the levy for the year would pay the balance. *Field v. Stroube*, 103 Ky. 114; 44 S. W. 363. *Falls City Const. Co., v. Fiscal Court of Wolfe Co.*, 160 Ky. 623; 170 S. W. 26.

(2) Construction and effect of the section. Without the assent of the voters a city can not become indebted for school or any other purposes, in an amount exceeding the

income for that year. *City Council v. Powell*, 16 R. 174; 27 S. W. 1.

(3) Election under this section must be held on the day of a regular election, and the assent of two-thirds of those voting upon the question submitted is sufficient. See *Montgomery Co. Fiscal Court v. Trimble*, 104 Ky. 629; 47 S. W. 773; *Board of Education v. City of Winchester*, 120 Ky. 591; 87 S. W. 768, overruling *Belknap v. City*, 99 Ky. 474; 36 S. W. 1118; *City v. Baker*, 18 R. 324; 37 S. W. 1129; *McGoodwin v. City*, 18 R. 752; 38 S. W. 481; *City of Ashland v. Culbertson*, 103 Ky. 161; 44 S. W. 441.

(4). This section is self-operative and did not require legislation to give effect. *O'Mahoney v. Bullock*, 97 Ky., 774; 31 S. W. 878.

(5) Where cities had been authorized by legislation enacted prior to the Constitution to contract indebtedness, they had the power to make such contracts after the adoption of the Constitution, although the indebtedness exceeded the limits of this section and section 158. *City of Lexington on appeal*, 96 Ky. 258; 28 S. W. 665; *Holzhauser v. City*, 94 Ky. 396; 22 S. W. 752.

(6) A debt created, without the assent of the voters, by a city, and payable annually through a period of years, was in violation of this section if the total amount of it was more than the income for the year in which it was contracted, although the amount maturing each year could be paid by the income of that year. *City v. McKenna*, 99 Ky. 508; 36 S. W. 518; *Beard v. City*, 95 Ky. 239; 24 S. W. 872; *Knipper v. City*, 109 Ky. 187; 58 S. W. 498; *Ramsey v. City of Shelbyville*, 119 Ky. 180; 83 S. W. 116. *Streine v. Com. of Campbell Court House District*, 149 Ky. 641; 149 S. W. 641.

cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town,

(7) **The limitation in this section** does not apply to necessary current expenses. *Hopkins Co. v. Coal Co.*, 114 Ky. 153; 70 S. W. 289; and see *Cov. & Cinn. Bridge Co. v. Davidson*, 31 R. 425; 102 S. W. 339. The limitation in rate of taxation made by this section may be exceeded by a county to pay indebtedness voted by the people. *McCrocklin v. Nelson Co. Fiscal Court*, 174 Ky. 308; 192 S. W. 494. *Carter v. Krueger & Son*, 175 S. W. 399; 199 Ky. 552; *Ballard v. City of Shelbyville*, 180 Ky. 135; 201 S. W. 452.

(8) **Election officers** to hold an election under this section—appointment of *Fidelity Trust Co v. Mayor*, 96 Ky. 563; 29 S. W. 442.

(9) **Courts will not interfere with levy of taxes** within limitation of Constitution when properly made. *Mayfield W. Mills v. City*, 111 Ky. 172; 61 S. W. 43; *McMerney v. Hulefield*, 116 Ky. 28; 75 S. W. 237.

(10) **Full amount that can be raised by a levy** is the test by which to determine whether or not the indebtedness exceeds the limit. *The City of Providence v. The Providence Electric Light Co.*, 28 R. 1015; 91 S. W. 664.

(11) **“Indebtedness,”** meaning of word as used in this section—how amount of estimated. *O’Byran v. City*, 113 Ky. 680; 68 S. W. 858; and see *Whaley v. Com.*, 110 Ky. 154; 61 S. W. 35. Fixed charges of current year are part of indebtedness in meaning of this section but not within meaning of section 158. *McCrocklin v. Nelson Co., etc.*, 174 Ky. 308; 192 S. W. 494; *Nelson Co. Fiscal Court v. McCrocklin*, 175 Ky. 199; 194 S. W. 323; *City of Winchester v. Nelson*, 175 Ky. 63; 193 S. W. 1040.

(12) **Indebtedness for any year can not exceed revenue for that year.** *Overall v. City of Madisonville*, 31

R. 278; 102 S. W. 278; *Harper v. City of Catlettsburg*, 31 R. 293; 102 S. W. 294; *Town of Bardwell v. Harlin*, 118 Ky. 232; 80 S. W. 773; and see note (6). Debts contracted for expenses not indispensably necessary will not be counted as part of county’s indebtedness for the year for purpose of determining validity under this section of a debt previously created during the year. *Carter v. Krueger*, 175 Ky. 399; 194 S. W. 553. In determining the amount of indebtedness authorized in any year the levy authorized by this section, and not the levy made, controls. *Id.*

(13) **Indebtedness incurred prior to adoption of this Constitution**—limitation in this section and sec. 158 as to amount of indebtedness not applicable to. *Bank v. Taylor Co.*, 112 Ky. 243; 65 S. W. 451. As to funding debt incurred prior to this Constitution, see *Smith v. County*, 104 Ky. 596; 47 S. W. 596; *Gaulbert v. City*, 30 R. 50; 97 S. W. 342; *Richmond Cem. Co., v. Sullivan*, 104 Ky. 723; 47 S. W. 1079; *Mayfield W. Mills v. City*, 111 Ky. 172; 61 S. W. 43; *Warren v. City of Newport*, 23 R. 1006; 64 S. W. 852; *Slade v. Lexington*, 141 Ky. 214; *Aydelotte v. South Louisville*, 16 R. 166; *Culbertson v. City*, 138 Ky. 747; 128 S. W. 292; 129 S. W. 95.

(14) **Pleadings in action to enjoin collection of tax** because in excess of limitations in this section—sufficiency of *M. & L. T. P. v. Wiggins*, 104 Ky. 540; 47 S. W. 434; *Sparks v. Robinson*, 115 Ky. 453; 74 S. W. 176.

(15) **School Tax.** Trustees have no power to levy a tax for school purposes exceeding in one year the income provided for such year without the assent of two-thirds of the voters. *Com. v. L. & N. R. R.*, 105 Ky. 206; 48 S. W. 1092. *Brown v. Board of Education*, 108 Ky. 783; 57 S. W.

county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue

612; *Arbuckle v. McKinney*, 30 R. 55; 97 S. W. 1130; *Board of Trustees v. Postell*, 28 R. 37; 88 S. W. 1065; *Howard v. Trustees*, 31 R. 399; 102 S. W. 318. See, further, as to school tax, *Walsh v. City*, 152 Ky. 556; 153 S. W. 1002; *County Board of Education v. Board of Trustees*, 154 Ky. 309; 157 S. W. 697; *Stuessy v. City*, 156 Ky. 523; 161 S. W. 564; *Board of Education v. Lee*, 153 Ky. 661; 156 S. W. 375; *City of Newport, ex parte*, 141 Ky. 329; 132 S. W. 580; *Rash v. City*, 148 Ky. 154; 146 S. W. 386; *Frost v. Central City*, 134 Ky. 434; 120 S. W. 367; *McKinney v. Board of Trustees*, 144 Ky. 85; 137 S. W. 829.

(16) **Sections 157 and 158 must be construed together**, and although sec. 158 permits in certain emergencies an increase in the debt over the amount specified in the section, in no event can a debt be incurred in excess of the income for the year unless the question is submitted to the voters. *Knipper v. City*, 109 Ky. 187; 58 S. W. 498.

(17) **Street improvements—local assessments** for are not limited by the provisions of this section. *Gosnell v. City*, 104 Ky. 201; 46 S. W. 722; *City of Catlettsburg v. Self*, 115 Ky. 669; 74 S. W. 1064. Local bonds issues by cities of the 5th class for street improvement are limited by this section. *Schuster v. City Council of City of Oakdale*, 180 Ky. 760, 213 S. W. 714.

(18) **Tax in excess of amount permitted by this section** is uncollectible as to the excess, but so much of the tax as is within the limitation may be collected. *Whaley v. Com.*, 110 Ky. 154; 61 S. W. 35; and see *Sparks v. Robinson*, 115 Ky. 453; 74 S. W. 176. In an action by a city to recover taxes it will not be presumed that the levy is in excess of the constitutional limit. *Morgan v. Board of Council-*

men of Frankfort, Ky., 135 Ky. 178; 121 S. W. 1033.

(19) **The words "tax" and "taxation"** refer to the usual and customary mode of providing public revenue, and not local assessments, such as street improvements. *Gosnell v. City*, 104 Ky. 201; 46 S. W. 722.

See *Audit Co. of N. Y. v. City of Louisville*, 185 Fed. 349. A resolution authorizing the expenditure of money made in one fiscal year was binding on the revenues of the next fiscal year, the contract not having been made until the next fiscal year. Two-thirds of the electors whose votes are cast on the question of incurring an indebtedness is all that is required. *Board of Education v. Winchester*, 120 Ky. 594; 87 S. W. 768; *Render v. City of Louisville*, 142 Ky. 409; 134 S. W. 458.

(20) **A pleading which attacks a contract** under this section must state facts showing how the section is violated. *City of Louisville v. Gosnell*, 22 R. 1524; 61 S. W. 476. As to the necessity for an election to authorize the issuance of bonds see *Bardstown & Lou. Turnpike Co. v. Nelson County*, 117 Ky. 674; 78 S. W. 851. *Fiscal Court v. Com.*, 139 Ky. 307; 117 S. W. 301.

(21) **Issuing bonds to pay for street improvements** where the cost is assessed against adjoining property with the provision that the bonds shall be paid out of the assessments not forbidden by this section. *Adams v. City of Ashland*, 26 R. 184; 80 S. W. 1105. The limitation mentioned does not apply to local assessments or to taxes to pay bonds issued by a sewerage district. *Dyer v. City of Newport*, 26 R. 204; 80 S. W. 1127. Nor assessments for drainage in drainage districts. *Williams v. Wedling, Judge*, 165 Ky. 361; 176 S. W. 1176. An owner of property ad-

provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same. (See also § 157a, *providing for road tax.*)

joining an improvement is not exonerated from paying the assessment because the street improvement bonds wrongfully undertook to pledge the city's credit. *Gedge v. City of Covington*, 26 R. 273; 80 S. W. 1160. The limit of municipal tax rate fixed by the Constitution is mandatory. *Tipton v. Shelbyville*, 32 R. 1123; 107 S. W. 810. A levy in excess of the constitutional tax rate is void. *Boone v. Powell County*, 32 R. 1172; 108 S. W. 251. But in an action by the city to collect taxes the court will not presume that the tax rate exceeds the constitutional limit. *Board v. Morgan*, 33 R. 297. See also *Morris v. Hoagland*, 116 S. W. 684; 121 S. W. 1033. A levy of school taxes within the constitutional limits is not invalidated by the action of trustees building a house the cost of which exceeds the tax rate, the excess only being void. *Trustees v. Cummins*, 33 R. 739; 111 S. W. 286.

(22) A debt may be contracted to purchase a school building for white children although negroes are not allowed to vote at the election. *Crosby v. City of Mayfield*, 133 Ky. 215; 117 S. W. 316.

(23) The prohibition of this section applies only to the creation of a new debt and not to the issuing of bonds to raise money to pay an existing debt. *Culbertson v. Louisville*, 128 S. W. 292. The two-thirds referred to are two-thirds of those whose votes were cast on the question of incurring the indebtedness. *Iglehart v. Dawson Springs*, 143 Ky. 140; 136 S. W. 210.

(24) This section cited in *City of Shelbyville v. Shelbyville Water, etc. Co.*, 16 R. 176; *City of Covington v. Nadaud*, 103 Ky. 455; *Perry v. Brown*, 21 R. 344; *Combs v. Letcher County*, 107 Ky. 379; *Whitney v. Ky.*

Midland Ry. Co., 110 Ky. 955; *Grady v. Pruitt*, 111 Ky. 100; *Com. v. Citizens' National Bank*, 117 Ky. 946; *Carpenter v. Town of Central Covington*, 119 Ky. 785; *Trustees, etc. v. Kane & Co.*, 27 R. 983; *Trustees, etc., v. Miller*, 32 R. 367; *Lawrence County v. Lawrence Fiscal Court*, 130 Ky. 587; 113 S. W. 824; *Rees v. Kranth*, 120 S. W. 370; *Kentucky Light & Power Co. v. Williams & Co.*, 124 S. W. 840; *McIntire v. Powell*, 137 Ky. 477; 125 S. W. 1087; *City v. Southern Engine Works*, 130 Ky., 222; 113 S. W. 97; *Bouta v. Fiscal Court*, 144 Ky. 241; 137 S. W. 1084; *Morgan v. Goode*, 151 Ky. 284; *Logan v. Gilbert, Judge*, 151 Ky. 659; *Lambert Mayor v. Board*, 151 Ky. 725; 152 S. W. 802. *Stuessy v. City of Louisville*, 156 Ky. 527; *Southern Bitulithic Co. v. DeTreville*, 156 Ky. 513; *Scobee v. Clark Co.*, 157 Ky. 512; *City of Marion v. Haynes*, 157 Ky. 689; *Fowler v. Oakdale*, 158 Ky. 606; *Hammond v. Lester*, 159 Ky. 311; *Kash v. City of Jackson*, 159 Ky. 526; *Bradford v. Fiscal Court*, 159 Ky. 547, 550; *Barry v. Town of New Haven*, 162 Ky. 60; *German National Bank v. City of Covington*, 164 Ky. 292; *Christopher v. Robinson*, 164 Ky. 262; *Mitchell v. Knox County Fiscal Court*, 165 Ky. 543; *Vogt v. City of Oakdale*, 166 Ky. 810; *Lankfort v. Burton*, 165 Ky. 835; *Phelps v. City of Lexington*, 167 Ky. 451; *Larue v. Redmond*, 168 Ky. 487; *Bowman v. Fayette Co.*, 168 Ky. 524; *Menar, &c. v. Sanders*, 169 Ky. 285; *Gatton v. Fiscal Court*, 169 Ky. 426; *Crosby v. City*, 133 Ky. 215; 117 S. W. 316; *Bradford v. City*, 143 Ky. 401; 136 S. W. 647; *Falls City Const. Co. v. Fiscal Court of Wolfe Co.*, 160 Ky. 623; 170 S. W. 26.

(25) An injunction at the suit of a taxpayer against a city and its officers is a proper proceeding to pre-

§ 158. **Indebtedness—limit of allowed—issual of bonds.** The respective cities, towns, counties, taxing districts and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing

vent the incurring of an indebtedness in violation of this section. *City of West Covington v. Dods*, 152 Ky. 617; 153 S. W. 964.

(26) A contract by which a county board agrees to pay \$3,000.00 annually for five years creates an indebtedness for \$15,000.00. In a certain case such a contract did not create an indebtedness which, when added to an existing indebtedness exceeded the revenue provided for the year. *Co. Bd. of Ed. of Christian Co. v. Bd. of Trustees of Hopkinsville Pub. Schools*, 154 Ky. 309; 157 S. W. 697.

(27) The assessment of land within the drainage district with the cost of the drains, etc., is a species of taxation, but such assessments are not taxes within the meaning of § 157 and 158. *Williams v. Wedling*, 165 Ky. 361; 176 S. W. 1176.

(28) See especially *City of Louisville v. Parsons*, 150 Ky. 420; 150 S. W. 498, construing the power of a special commission to employ an engineer to make an examination in the affairs of the Louisville Water Company. An indebtedness for school purposes whether created before or after the adoption of the Constitution is to be considered in counting the amount of indebtedness that a city may incur under Sec. 158. The indebtedness forbidden by Sec. 157 includes indebtedness for

Pineville, 152 Ky. 556; 156 S. W. 1002. *Board of Education v. Lee*, 153 Ky. 661; 156 S. W. 375.

§ 158. (1) Construction and effect of section.. Contracts made prior to the adoption of the Constitution not affected by this section. *City of Lexington on appeal*, 96 Ky. 258; 16 R. 467; 28 S. W. 665; *Warren v. Newport*, 23 R. 1006; 64 S. W. 853; and see notes to sec 157. *Aydelotte v. South Louisville*, 16 R. 166. *City of Ludlow v. Board*, 16 R. 805. This section cited in *City of Shelbyville v. Shelbyville Water, etc. Co.*, 16 R. 176. *Benjamin v. City of Mayfield*, 170 Ky. 446; 186 S. W. 169

(2) When bonds are issued by a city for the purpose of taking up other outstanding bonds, the amount represented by them is not an increase of the city's indebtedness in the meaning of this section. *Farson v. Board of Com.*, 97 Ky. 119; 30 S. W. 17; *Bank v. Taylor Co.*, 112 Ky. 243; 65 S. W. 451; *Com'rs v. Zimmerman*, 101 Ky. 432; 41 S. W. 428; but an issue of bonds as to the premium received in excess of the amount necessary to fund the debt, and bonds issued to fund the debt should only bear interest from the date that the old debt is cancelled. *Com. v. Zimmerman*, 101 Ky. 432; 41 S. W. 428; and the interest that must be paid on the bonds issued is not to be estimated as a part of the indebtedness. *City of Ashland v. Cul-*

districts and other municipalities, two per centum: Provided, Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution: And provided further, if, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district, or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall

bertson, 103 Ky. 161; 44 S. W. 441; Lewis v. City, 140 Ky. 244; 130 S. W. 1094; Southern Bitulithic Co. v. DeTreville, 156 Ky. 513; 161 S. W. 560; Parker v. City, 149 Ky. 603; 149 S. W. 970; Board of Education v. Lee, 153 Ky. 661; 156 S. W. 375.

(3) **Bonds may be made payable in gold**, although the act authorizing their issual is silent on the subject. Farson v. Board of Com., 97 Ky. 119; 30 S. W. 17.

(4) **The total amount of a debt contracted** determines whether it is or not in violation of this section, although certain parts of the debt are payable annually for a series of years, until the entire debt is paid and the amount payable each year can be met by the revenue of that year. Board v. City, 95 Ky. 239; 24 S. W. 872; City v. McKenna, 99 Ky. 508; 38 S. W. 518, and see notes to sec. 157.

(5) **Amount of indebtedness—how estimated.** O'Bryan v. City, 113 Ky. 680; 68 S. W. 858; and see Whaley v. Com., 110 Ky. 154; 61 S. W. 35; Whitney v. Ky. Midland Ry. Co., 110 Ky. 955; 63 S. W. 24; Tipton v. Shelbyville, 32 R. 1123; 107 S. W.

810. Ballard v. City of Shelbyville, 180 Ky. 175, 201 S. W. 452. Neither estimated expenses nor income for the current year are to be included in the estimates of indebtedness under this section. City of Winchester v. Nelson 175 Ky. 63, 193 S. W. 1040.

(6) **This section and section 157 must be construed together** and the provisions of each made harmonious and effective. Knipper v. City, 109 Ky. 187; 58 S. W. 498.

(7) **Emergency tax for public health or safety,** Knipper v. City, 109 Ky. 187; 58 S. W. 498.

(8) A city council can not pledge the credit of the city for the payment of bonds for street improvements, but an injunction will not be granted to a property holder whose property is liable, to restrain the enforcement of an assessment. City of Covington v. Nadaud, 103 Ky. 455; 45 S. W. 498.

(9) **The fact that a county has outgrown** the court house is not such an emergency as justifies an indebtedness in excess of the constitutional limit. Fiscal Court v. Com., 117 S. W. 301.

have been reduced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency, the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district or other municipality.

§ 159. Tax levied to pay indebtedness—when debt must be paid. Whenever any city, town, county, taxing district or other municipality is authorized to contract an indebtedness, it shall be required, at the same time, to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

(10) For the purpose of fixing the constitutional indebtedness the value of the taxable property to be taken is the value shown by an assessment before the sale of the bonds and not at the time of the election. *Frost v. Central City*, 134 Ky. 434; 120 S. W. 367.

(11) The city has the right to take a census independent of the federal census for the purpose of determining its population and limit of indebtedness, *Lancaster v. Owensboro*, 24 R. 1978; 72 S. W. 731.

(12) The indebtedness of a board of education of a city of the second class is not a portion of the indebtedness of the city within this section. *Ex parte City of Newport*, 141 Ky. 329. See also *Rash v. City of Madisonville*, 148 Ky. 154; 146 S. W. 386. *Coppin, etc. v. Board of Education*, 164 Ky. 262; 175 S. W. 387. Bonds issued for purchase of a water works system are not within the purview of this section where contracts for purchase was made previous to present Constitution. *Benjamin v. City of Mayfield*, 170 Ky. 446; 186 S. W. 169.

(13) If a notice calling an election specifies a sum in excess of the constitutional limit the election would still be valid up to that limit. *McKinney v. Board*, 144 Ky. 85; 137 S. W. 839.

(14) Necessity of pleading the fact

that a debt is in excess of that authorized by a vote. *City of Winchester v. Winchester, etc. Co.*, 149 Ky. 177; 148 S. W. 1. See also *City of Covington v. Bussart*, 149 Ky. 288; 148 S. W. 68. This section cited in *City of Bardwell v. Southern Engine, etc.*, 130 Ky. 222; 113 S. W. 97; *Morris v. Hoagland*, 116 S. W. 684; *Rees v. Kranth*, 120 S. W. 370; *Snyder v. Board*, 142 Ky. 739; 135 S. W. 231; *Bradford v. City of Glasgow*, 143 Ky. 401. See *Walsh v. City of Pineville*, 152 Ky. 556, cited under Sec. 157. *Southern Bitulithic Co. v. DeTreville*, 156 Ky. 513; *City of Marion v. Haynes*, 157 Ky. 689; *Bradford v. Fiscal Court*, 159 Ky. 550; *Christopher v. Robinson*, 164 Ky. 262; *Phelps v. City of Lexington*, 167 Ky. 451; *Billington v. Moore*, 168 Ky. 22; *Gatton v. Fiscal Court*, 169 Ky. 426. The assessment of land within the drainage district with the cost of the drains, etc, is a species of taxation; but such assessments are not taxes within the meaning of §157 and 158. *Williams v. Wedding*, 165 Ky. 361; 176 S. W. 1176.

(15) School tax. See cases cited in note 15, sec. 157.

§ 159. (1) Provisions not self-operative. Legislation is required to make this section operative. *Holtzhauser v. City of Newport*, 94 Ky. 396; 22 S. W. 752; But see *Coms. etc., of Louisville v. Zimmerman*, 101 Ky.

§ 160. **Municipal officers—election and terms of office—officers ineligible—“fiscal officers.”** The Mayor or Chief Executive, Police Judges, members of legislative boards or council of towns and cities shall be elected by the qualified voters thereof: Provided, The Mayor or Chief Executive and Police Judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law. The terms of office of Mayors or Chief Executives and Police Judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of said wards or districts; but when in any city of the first, second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor or Chief

432; 41 S. W. 428, holding this section self-executing.

(2) **Sinking fund must be provided** in accordance with this section when a debt is created. *O'Bryan v. City*, 113 Ky. 680; 68 S. W. 858.

(3) It is proper in estimating the amount of a sinking fund to take into consideration annual interest and increase. *E. T. Lewis Co. v. City of Winchester*, 140 Ky. 244; 130 S. W. 1044.

(4) **A sinking fund is sufficient** when the amount raised by taxation added to the interest that may be reasonably realized is sufficient to pay off the bonds at maturity. *Parker v. City of Corbin*, 149 Ky. 603; 149 S. W. 970; *Board of Education v. Lee*, 153 Ky. 661. See also *Southern Bitulithic Co. v. DeTreville*, 156 Ky. 513; *City of Marion v. Haynes*, 157 Ky. 692; *Fowler v. Oakdale*, 158 Ky. 609; *Mitchell v. Knox Co. Fiscal*

Court, 165 Ky. 543; *Phelps v. City of Lexington*, 167 Ky. 451; *Billington v. Moore*, 168 Ky. 22; *Tipton v. City of Shelbyville*, 32 R. 1123; *Morris v. Hoagland*, 116 S. W. 684; *Ross v. Granth*, 120 S. W. 370. Provision by Statute (Ky. Statute 3490 sub-section 34), that sinking fund shall be provided to pay principal in 20 years instead of 40 violates this section. *City of Winchester v. Nelson*, 175 Ky. 63, 193 S. W. 1040.

(5) Cited *Ballard v. City of Shelbyville* 180 Ky. 135, 201 S. W. 452

§ 160 (1) **Board of Aldermen**, under the authority conferred by sec. 2781, Ky. Stat., had jurisdiction to remove a person holding office as park commissioner. *Gibbs v. Board of Aldermen*, 99 Ky. 490; 36 S. W. 524.

(2) **City Councilmen** in cities of the first class hold their office for two years, and sec. 2768 Ky. Stat. so

Executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal Officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in, and causes for, which they may be removed from office, and how vacancies in such offices may be filled. (See §§ 147 and 148 and notes.)

declaring, is constitutional. *McDermott v. City*, 98 Ky. 50; 32 S. W. 264.

(3) **Election of Councilmen** by wards in cities of the fourth class is permissible under this section. *Brown v. Holland*, 97 Ky. 249; 30 S. W. 629; and court will not interfere with action of Council in districting city, *Moore v. City of Georgetown*, 127 Ky. 409; 105 S. W. 905; 128 Am. St. Rep. 349.

(4) **Mayor in cities of the fourth class** may be elected by the people or appointed by the Council, as may be provided by ordinances enacted under authority of sec. 3484, Ky. St. *Brown v. Holland*, 97 Ky. 249; 30 S. W. 629.

(5) **Officers of Cities—decisions under Old Constitution.** Constitution of 1850, article 4, section 49, was held to relate to police courts in towns and cities in existence at the time of the adoption of the Constitution. And Article 6, section 6, was intended to refer to officers of towns and cities whose offices may be created by law after the adoption of the Constitution. *Trustees of Owensboro v. Webb*, 2 Met. 576; *Speed v. Crawford*, 3 Met. 207. Any officer charged with duties pertaining to a city or town government, as distinguished from a State, county or district officer, was held to be an officer of the city or town within the meaning of section 6, article 6; such as judges of city or town courts. But their election was held not to apply to commissioners for the city of Louisville and Jefferson county, for they are both city and county officers. *Police Commis-*

sioners v. City of Louisville, 3 Bush, 597; "An act to create the Newport Fire and Police District," etc., and authorizing the appointment of three fire and police commissioners by the county judge, was a violation of article 6, section 6. *Ader v. City of Newport*, 9 R. 784; 6 S. W. 577.

(6) **Police Judges** in cities of the fourth class may be elected or appointed by the Council, and under Sec. 3511 Ky. St., prescribing the qualifications of police judges, a person is eligible to the office, although he is not a qualified elector of the city. *Boyd v. Land*, 97 Ky. 379; 17 R. 273; 30 S. W. 1019.

(7) **Removal of municipal officers.** The provision in this section that the Legislature "shall prescribe the qualifications of all officers in cities and towns, and the manner in and cause for, which they may be removed," applies to all officers of cities and towns, whether created by the Constitution or the Legislature, and under sections 2781, 2794 of the Ky. St., the Mayor of cities of the first class has not the power to arbitrarily remove officers appointed for a definite term; good cause must be assigned, and an opportunity for defense allowed. *Todd v. Dunlay*, 99 Ky. 449; 36 S. W. 541.

(8) **Term fixed in this section** during which elective officers shall hold their office does not apply to officers elected under old charters, but only to those elected under the general laws enacted to give effect to this Constitution. *City v. Wilson*, 97 Ky. 707; 31 S. W. 471.

(9) **Vacancy in city office.** This

§ 161. **Compensation—extension of term.** The compensation of any city, county, town, or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed. (See § 235.)

section is to be construed in connection with section 152, and therefore vacancies in the city offices can not be filled for a longer time than is provided in that section. *Shelly v. McCullough*, 97 Ky. 164; 30 S. W. 193; *Todd v. Johnson*, 99 Ky. 548; 36 S. W. 987. *McDermot v. City of Louisville*, 98 Ky. 50; *Scott v. Singleton*, 171 Ky. 117; 188 S. W. 302.

(10) **Doubt expressed** whether a statute providing that a policeman shall not be removed during good behavior is not void as to the excess above four years. *Neumeyer v. Krael*, 110 Ky. 624; 62 S. W. 518. The statute may authorize the removal of a city officer without cause before his time expires. *London v. City of Franklin*, 118 Ky. 105; 80 S. W. 514. The treasurer of a city of the second class not eligible to succeed himself. *Dorian v. Walters*, 116 S. W. 313; 132 Ky. 54. Refusal of the General Council to approve bond of the City Treasurer will not authorize his predecessor to receive the salary during the continuance of such refusal. *Dorian v. Paducah*, 124 S. W. 369; 136 Ky. 373. The statute may provide that police officers of a city may be appointed to hold office during good behavior or during pleasure. *City of Louisville v. Ross*, 138 Ky. 764; 129 S. W. 101. The Constitution does not require cities to be divided into wards but the Legislature may provide for officers to be selected from the city at large. *Bryan v. Voss*, 143 Ky. 422; 136 S. W. 884. This section cited in *Town of Grayson v. Bagby*, 115 Ky. 651; *Wilson v. Hahn*, 131 Ky. 439.

§ 161. (1) **Application of section.** This section only applies to officers whose terms are fixed by law, and does not apply to policemen who hold office at the pleasure of a board. *City v. Rennie*, 105 Ky. 779; 49 S. W. 787; *City of Lexington v.*

Thompson, 113 Ky. 540; 72 S. W. 816; 57 L. R. A. 775

(2) **Compensation of an officer** can not be changed during his term, but where the compensation is not fixed when he takes office, it may afterwards be, and when so fixed can not be changed during his term. *City v. Wilson*, 99 Ky. 598; 36 S. W. 944; *Piercy v. Smith*, 117 Ky. 990; 80 S. W. 201; *McNew v. Com.*, 123 Ky. 115; 93 S. W. 1047; *McNew v. Nicholas Co.*, 125 Ky. 66; 100 S. W. 324; *McCracken Co. v. Reed*, 125 Ky. 420; 101 S. W. 348; *Spalding v. Thornburg*, 31 R. 738; 103 S. W. 291; *Hurt v. Morgan Co.*, 166 Ky. 364; 179 S. W. 255; *Fox v. Lantrip*, 162 Ky. 178; 172 S. W. 133; *Mercer Co. v. Gibbs*, 166 Ky. 434; 179 S. W. 409; *Beauchamp v. Snider*, 170 Ky. 220; 185 S. W. 868. Nor can it be indirectly changed. *Thomas v. Hagar*, 120 Ky. 428; 86 S. W. 969; *Slayton v. Rogers*, 128 Ky. 106; 107 S. W. 696. Salary may be fixed after officer is elected. *Marion Co. v. Kelley*, 112 Ky. 831; 56 S. W. 815; *Barrett v. City*, 109 Ky. 151; 58 S. W. 520; *Jefferson Co. v. Waters*, 114 Ky. 48; 70 S. W. 40; *Board of Ed. v. Moore*, 114 Ky. 640; 71 S. W. 621; *Butler Co. v. James*. 116 Ky. 575; 76 S. W. 402. See further on this section *Terrell v. Trimble County*, 128 Ky. 519; 108 S. W. 848; *Breathitt County v. Noble*, 116 S. W. 777; *Grayson County v. Rogers*, 122 S. W. 866; *Money v. Beard*, 124 S. W. 282; *Clark v. Logan County*, 128 S. W. 1079.

(3) **Circuit clerks in office** when act allowing \$5 fee in felony cases passed are not entitled to its benefits, as it changed their compensation. *Bright v. Stone*, 20 R. 817; 43 S. W. 207.

(4) **Officers—who are, in the meaning of this section.** *City v. Wilson*, 99 Ky. 598; 36 S. W. 944; *Lowry v.*

§ 162. **Contracts unauthorized by law invalid.** No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

City, 113 Ky. 763; 68 S. W. 1109. A revenue agent is not an officer within the meaning of this section, as this section applies only to officers having a fixed term and not to officers created by the Legislature and who may be removed at the pleasure of the appointing board. *Com. v. Ewald Iron Co.*, 153 Ky. 116; 154 S. W. 931.

(5) **Fees allowed in lieu of salaries** are subject to this section. *Taylor v. Adair County*, 119 Ky. 374; 84 S. W. 292. An allowance for extra services under an employment made after election or appointment considered. *Slayton v. Rogers*, 128 Ky. 106; 107 S. W. 696. The amendment of March 7, 1910, to Kentucky Statutes 4072 is unconstitutional as to assessors elected in November, 1909. *James v. Barry*, 138 Ky. 656; 128 S. W. 1070. The meaning of the words "during his term of office." *Bosworth v. Ellison*, 148 Ky. 708; 147 S. W. 400. This section cited in *Purnell v. Mann*, 105 Ky. 87. *Stone v. Mayo*, 21 R. 1559; *Com. v. Carter*, 21 R. 1509; *Thomas v. O'Brien*, 129 S. W. 103; *James, Auditor v. Duffy*, 140 Ky. 604; *Browne v. City of Winchester*, 153 Ky. 502; 155 S. W. 1157. *Rogers v. Slayton*, 130 Ky. 423; 113 S. W. 509; *Money v. Beard*, 136 Ky. 219; 124 S. W. 282; *James v. Cammack*, 139 Ky. 223; 129 S. W. 582; *Frizzell v. Holmes*, 131 Ky. 373; 115 S. W. 246. *Page v. O'Sullivan*, 159 Ky. 708; *Pate v. Morgan Co.*, 166 Ky. 364, *Fiscal Court v. Gibbs*, 166 Ky. 434. The legislature may indirectly affect a jailer's fees by changing the method of punishing criminals. *Duff v. Mosley*, 169 Ky. 61; 183 S. W. 231.

(6) **The Act of March 23, 1908** (p. 116 Ch. 44, K. S. 3948,) authorizing the fiscal court to appropriate a sum to keep public buildings in a clean, comfortable condition does not apply during the term of a jailer in office when that act took effect.

Frizzell v. Holmes, 131 Ky. 375; 115 S. W. 246.

(7) **An order of a fiscal court in** October 1898, increasing the salary of the county judge elected in November, 1897, is void. *Clark v. Logan County, Ky.*, 128 S. W. 1079.

(8) **The amendment of 1902 to K. S. § 1845** giving pay to magistrates acting on committees is not unconstitutional. *Thomas v. O'Brien*, 129 S. W. 103.

(9) **This section has no application to the compensation of officers** created by the Legislature who may be removed at the pleasure of the appointing body. *Com. v. Ewald Iron Co.*, 153 Ky. 116; 154 S. W. 931; *Com. v. Am. Tob. Co.*, 153 Ky. 116; 154 S. W. 931; *Com. v. Belknap Hdwe. & Mfg. Co.*, 153 Ky. 116; 154 S. W. 931; *Com. v. Nat. Lead Co.*, 153 Ky. 116; 154 S. W. 931; *Com. v. Bishop*, 153 Ky. 116; 154 S. W. 931; *Com. v. Torbitt's Exr.*, 153 Ky. 116; 154 S. W. 931.

(10) Suit to recover excess paid to officer may be prosecuted by any tax payer, even payer of poll tax. *Andeson v. Burton* 174 Ky. 456; 192 S. W. 519.

(11) Action of Fiscal Court fixing County Judge's salary may be reviewed by circuit court on appeal. *Brown, Judge v. Laurel Co. etc.*, 175 Ky. 747; 194 S. W. 907.

§ 162. **Void contract.** Ordinance allowing Police Judge his fees against persons who worked out their fines and making same payable by city is in violation of this section and sec. 3528, Ky. Stat. *Wadsworth v. City*. Although the franchise to and contract for a water supply from a water company are void, the town is still liable to the extent that it has received water therefrom. *Nicholasville Water Co. v. Board*, 18 R. 592; 38 S. W. 430.

§ 163. **Streets not to be taken by private corporation without consent—exception.** No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

§ 164. **Franchise or privilege not to be granted for longer than twenty years—sale of—exception.** No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege or make any contract

The validity of a statute to regulate the sitting of a circuit court in two towns and providing for the expenses. *Johnson v. City of Fulton*, 121 Ky. 594; 89 S. W. 672. Franchise to operate a telephone system in a city can only be acquired as provided in Sections 163 and 164. *Rural Home Tel. Co. v. K. & I. Tel. Co.*, 128 Ky. 209; 107 S. W. 787.

§ 163. (1) **Application of section.** It does not apply to grants made before adoption of this Constitution, under which work has been commenced. *L. & N. R. R. v. Bowling Green R. Co.*, 23 R. 273; 63 S. W. 4; *City v. Louisville Water Co.*, 105 Ky. 754; 49 S. W. 766.

(2) **A company that takes possession of a street for any purpose mentioned in this section without having first obtained consent from the proper authorities is a trespasser.** The only exception to this rule is contained in last clause of section. *East Tenn. Tel. Co. v. City*, 106 Ky. 667; 51 S. W. 308; *East Tenn. Tel. Co. v. Anderson Co.*, 115 Ky. 488; 74 S. W. 218; *Rough River Tel. Co. v. Cumberland Tel. Co.*, 119 Ky. 470; 84 S. W. 517; *Maraman v. Ohio Tel. Co.*, 25 R. 784; 76 S. W. 398; *East Tenn. Tel. Co. v. Anderson Co.*, 22 R. 418; 57 S. W. 457; *Merchants' Police Tel. Co. v. Citizens' Tel. Co.*,

123 Ky. 90; 93 S. W. 642; *Rural Home Tel. Co. v. K. & I. Tel. Co.*, 128 Ky. 209; 107 S. W. 787.

(3) **This section does not apply unless some part of the public ways or grounds is to be occupied.** *Bland v. Cumb. Tel. & Tel. Co.*, 33 R. 399; 109 S. W. 1180.

(4) **The right acquired by a certain telephone company to use the streets of a city held not withdrawn by the present Constitution, and not subject to revocation.** *City of Louisville v. Cumb. Tel. & Tel. Co.*, 224 U. S. 649.

(5) **This section must be read together with Sec. 164 as to the right to occupy the streets and public ways by a telephone company.** *Cumb. Tel. & Tel. Co. v. City of Calhoun*, 151 Ky. 241; 151 S. W. 659. *Christian-Todd Tel. Co. v. Com.*, 156 Ky. 566; 161 S. W. 543; *City of Covington v. L. & N. R. Co.*, 158 Ky. 137; 164 S. W. 329. *Bentler v. Cincinnati C. & S. Ry. Co.*, 180 Ky. 497; 203 S. W. 197.

§ 164. (1) **Construction of section.** This section became operative upon the adoption of the Constitution, and a grant of a franchise to a water company by a city without a compliance with the provisions of this section was void. *Nicholasville v. Board of Council*, 18 R. 592; 36 S. W., 549; 38 S. W. 430; and see *Mon-*

in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids

arch v. Owensboro R. R., 119 Ky. 939; 85 S. W. 193; City of Providence v. Providence Electric Light Co., 122 Ky. 237; 91 S. W. 664; Frankfort Tel. Co. v. Common Council, 125 Ky. 59; 100 S. W. 310; Cum. T. & T. Co. v. City of Hickman, 129 Ky. 220; 111 S. W. 311, and note (2), sect. 163; see also Moberly v. Richmond Tel. Co., 126 Ky. 373; Rural Home Tel. Co. v. Ky. & I. Tel. Co., 128 Ky. 209; 107 S. W. 787; Watson v. Morehead, 125 S. W. 724; Gathright v. Bylesby, 154 Ky. 106; 157 S. W. 45; City of Louisville v. Louisville Home Tel. Co., 149 Ky. 234; 148 S. W. 13; American Car Co. v. Johnson, 147 Ky. 69; 143 S. W. 773; Christian-Todd Tel. Co. v. Com., 156 Ky. 557; 161 S. W. 543; Slade v. City, 141 Ky. 214; 132 S. W. 404; Louisville Home Tel. Co. v. Cty, 130 Ky. 611; 113 S. W. 855; Woodall v. South Cov. R. Co., 137 Ky. 512; 124 S. W. 843; E. Ten. Tel. Co. v. Paris Elec. Co., 156 Ky. 762; 162 S. W. 530. Electric Railway from one city to another does not require a franchise to be sold under this section. Bentler v. Cincinnati, C. & E. Ry. Co., 180 Ky. 497; 203 S. W. 199.

(2) **Grant of a franchise** for a term of twenty years, to begin at a future date, is in violation of this section. City v. Smith, 105 Ky. 678; 49 S. W. 456; and see Keith v. Johnson, 109 Ky. 421; 59 S. W. 487; Merchants' Police Tel. Co. v. Citizens' Tel. Co., 123 Ky. 90; 93 S. W. 642; Hilliard v. Fetter Lighting & Heating Co., 105 S. W. 115; 127 Ky. 95.

(3) **"Highest and best bidder"**—words mandatory—definition of. Keith v. Johnson, 109 Ky. 421; 59 S. W. 487; Monarch v. Owensboro City, R. R. Co., 119 Ky. 939; 85 S. W. 193.

(4) **Right to exclude competition to prevent a monopoly.** Stites v. Morton, 101 S. W. 1189; 125 Ky. 672; 13 L. R. A. (N. S.) 474.

(5) **The city may compel a telephone company to comply with the condition in its contract or franchise**

prohibiting the use of telephone lines when although the result should be the loss to the city of the profits it had been accustomed to realize from its business. City of Louisville v. Louisville Home Tel. Co., 149 Ky. 234; 148 S. W. 13.

(6) **A city can not enlarge a franchise** except by an award under this section. People's Electric Light & Power Co. v. Capital Gas, etc., Co., 116 Ky. 76; 75 S. W. 280. A railroad company carrying freight and passengers between two cities in different States is a trunk railway. Diebold v. Ky. Trac. Co., 117 Ky. 146; 77 S. W. 674. A Franchise to supply a town with gas for twenty years runs from the date of the contract and not from the time furnishing of gas was to begin. Truesdale v. City of Newport, 28 R. 840; 90 S. W. 589. A grant by a town to a county of the privilege to erect a bridge on a street and to charge toll is not a franchise. Town of Jackson v. Breathitt County, 32 R. 199; 105 S. W. 376. An ordinance for public sale of a telephone franchise may exclude the owner of a like franchise from bidding. Louisville Home Tel. Co. v. City of Louisville, 130 Ky. 611; 113 S. W. 855. A grant by a city to a street railway company of a right to use a street in consideration of its surrender of a right it had to use other streets is not a grant of a franchise. Woodall v. South Covington, etc., Co., 124 S. W. 843; 137 Ky. 512. Limitation of twenty years does not apply to renewal of the contract made in pursuance of a contract to renew entered into in 1885. Slade v. City of Lexington, 141 Ky. 214; 132 S. W. 404. The right acquired by a telephone company to use the streets held not withdrawn by the present Constitution or subject to a revocation. City of Louisville v. Cumb. Tel. & Tel. Co., 224 U. S. 649. This section cited in L. & N. R. Co. v. Bowling Green, 110 Ky. 788; Ameri-

therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

can Car, etc., Co. v. Johnson County, 147 Ky. 69; 143 S. W. 773; Cumb. Tel. & Tel. Co., v. Calhoun, 151 Ky. 241.

(7) **An ordinance authorizing a gas franchise for sale is not invalid with reference to the requirement of due notice because it gives only two weeks' notice, one notice in an English paper and one notice in a German paper, where there is no statutory definition of what constitutes due advertisement, as the good faith of the General Council will not be questioned. It was also held with reference to the provision as to the highest and best bidder, that an ordinance constituting an agreement with a proposed purchaser of a gas franchise offered for sale by another ordinance requiring that the purchaser, if the successful bidder, should pipe natural gas to Louisville from West Virginia, is not invalid, because the proposed purchaser owns all the available natural gas field in West Virginia, when the pleading merely alleges that in West Virginia there are very extensive areas under which there lies natural gas, and that the purchaser has, so plaintiff is informed, by contracts through itself and its agents, an option to purchase or lease certain tracts in West Virginia under which tracts such available natural gas exists.**

An electric franchise to be sold so drawn as to cover only territory already occupied by the pipes or wires of the existing company, is not for that reason invalid as giving undue advantage to an existing plant. Such an ordinance is not invalid because the purchaser, by reason of his ownership and capital, is on a better footing than other bidders would be.

A provision that if the purchaser was the successful bidder, it might purchase an existing electric company, and that the city would waive the stipulation in the franchise of the latter company prohibiting it to

consolidate with a competing company of which the purchaser had control, is not invalid, since other bidders can not be prohibited from buying the latter company and might also buy the new franchise; hence the waiver merely put the purchaser on an equal footing with other bidders. *Gathright v. H. M. Byllesby & Co.*, 154 Ky. 106; 157 S. W. 45. *Christian-Todd Tel. Co., v. Com.*, 156 Ky. 566; 161 S. W. 543.

By agreement city may change telephone rates from those provided in the franchise agreement. *Lutes v. Fayette Home Tel. Co.*, 155 Ky. 555; 160 S. W. 179.

(8) **This section does not apply except when some part of the public ways or public grounds is to be occupied.** *Bland v. Cum. Tel. & Tel. Co.*, 33 R. 399; 109 S. W. 1180.

(9) **An ordinance creating a telephone franchise passed by the Council on the day it is introduced is invalid and was not cured by a subsequent ordinance introduced on a later day and passed on that day.** *Eastern Ky. Home Tel. Co. v. Hatcher*, 166 Ky. 176; 179 S. W. 7.

(10) **An ordinance of the City Council which undertakes to grant a franchise, the period of the exercise of which does not expire until more than twenty years after its granting is void; and an ordinance granting a franchise for ten years but the period of its exercise not to commence until four and one-half years after the granting is void as against sound public policy.** *City of Princeton v. Princeton Electric, etc., Co.*, 166 Ky. 730; 179 S. W. 1074. Where city pays for electricity furnished under void contracts it cannot recover amounts paid. Where franchise for period of twenty years was valid and a contract was made under it for twenty years from a future date the contract was valid for life of franchise, twenty years from time created. *Schaff & Co. v. City of Lagrange*, 176 Ky. 548; 195 S. W. 1097.

§ 165. **Incompatible offices.** No person shall, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town or other municipality, or an employe thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section. (See also § 237.)

§ 166. **Expiration of charters in force when Constitution took effect.** All acts of incorporation of cities and towns heretofore granted and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution, and all City and Police Courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but no longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

§ 165. (1) **Incompatible offices.** A master commissioner is not a State officer or a deputy State officer in the meaning of this section. *Goodloe v. Fox*, 96 Ky. 627; 29 S. W. 433. The office of deputy sheriff is incompatible with the office of city collector. *Keating v. City* 18 R. 245; 35 S. W. 1026. Office of Commissioner of one city incompatible with office of Engineer of another. *Commonwealth v. Livingston*, 171 Ky. 52; 186 S. W. 962.

(2) **The act of 1910 regulating circuit courts held not unconstitutional.** *James, Auditor v. Cammack*, 129 S. W. 582; 139 Ky. 223; see also *Taylor v. Johnson*, 148 Ky. 649; 147 S. W. 375.

(3) **The office of county commissioner is not incompatible with that of county judge.** *Vogt v. Beauchamp*, 153 Ky. 64; 154 S. W. 393.

§ 166. **Charters in existence prior to the Construction.** This section provides for the continuation of existing laws. In the meantime, the existing governmental regulations of cities and towns must remain in force. Their present charters and amended charters must, for the present, suffice. *Holtzhauer v. City of Newport*, 94 Ky. 396; 22 S. W. 752; *Bryne v. City of Covington*, 15 R. 33; 21 S. W. 1050; *City v. Vreeland*, 140 Ky. 400; 131 S. W. 195. This section held not to repeal the division of cities of the fourth class into wards. *Brown v. Holland*, 97 Ky. 249; 30 S. W. 629. Under the charter of cities of the fifth class the chairman of the board of trustees became the mayor and could not be counted in fixing a quorum. *Bybee v. Smith*, 22 R. 1864; 61 S. W. 15. Section 2810 Kentucky Statutes held to repeal the provisions for the election of a principal

§ 167. **Terms of officers elected under old charters—when officers to be elected—Police Judges.** All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city, until the general election in November, eighteen hundred and ninety-three, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in even or odd years, or part in the even and part in the odd years: Provided, That the terms of office of Police Judges, who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of Police Judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

§ 168. **Penalty for violation of municipal ordinance—bar.** No municipal ordinance shall fix a penalty for a violation thereof

engineer in Louisville. *Parsons v. Breed*, 126 Ky. 759; 104 S. W. 766.

§ 167. **Cases construing this section.** *Johnson v. Wilson*, 95 Ky. 415; 25 S. W. 1057; *Boyd v. Land*, 97 Ky. 379; 30 S. W. 1019; *Tevis v. Rice*, 97 Ky. 528; 30 S. W. 1021; *Jones v. Wilshire*, 98 Ky. 391; 33 S. W. 199; *Lafferty v. Huffman*, 99 Ky. 80; 35 S. W. 123; *Goodloe v. Fox*, 96 Ky. 627; 29 S. W. 433; *City v. Wilson*, 97 Ky. 707; 31 S. W. 471; *City v. Elmore*, 100 Ky. 417; 38 S. W. 849; *Jackson v. City of Richmond*, 56 S. W. 501; 108 Ky. 374. An election to fill the unexpired term of a city officer may be held in a year in which Congressmen are elected. *Smith v. Doyle*, 25 R. 958; 76 S. W. 519. The statute creating the office of engineer and defining the term held repealed by the present charter. *Parsons v. Breed*, 126 Ky. 759; 104 S. W. 766.

§ 168. (1) **City ordinance can not fix a less penalty for an offense denounced by statute than is imposed by the statute, but may fix a greater penalty, and for a common law offense may fix a less penalty than that prescribed by the common law.** *City v. Sparks*, 99 Ky. 351; 36 S. W. 4; *City v. Simms*, 99 Ky. 49; 34 S. W. 1085; *Taylor v. Com.*, 98 Ky. 271; 32 S. W. 948; and see further important cases of *Orme v. Com.*, 21 R. 1412; 55 S. W. 195; *Mullins v. City*, 23 R. 436; 63 S. W. 475. *Keiper v. City*, 152 Ky. 691; 154 S. W. 18; *Burdette v. Board of Council*, 125 S. W. 275.

(2) **Conviction under an ordinance in a police court for an offense not punishable by statute—such as nuisance—does not bar a conviction for the same offense in the Circuit Court under an indictment.** *Respass v.*

at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

REVENUE AND TAXATION.

§ 170. Property exempt—cities may exempt manufactories.

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the

Com., 53 S. W. 24; 107 Ky. 139; Ehrlick v. Com., 118 Ky. 818; 82 S. W. 440. Lucas v. Com., 118 Ky. 818; Leitchfield Mer. Co. v. Com., 143 Ky. 162; 136 S. W. 639; L. & N. R. Co. v. Com., 144 Ky. 558; 139 S. W. 785.

(3) **Disorderly conduct** is not the same offense as a breach of the peace, and an ordinance may fix a less penalty for it than is fixed by statute for a breach of the peace. City v. Holly, 108 Ky. 621; 57 S. W. 491.

(4) **Ordinance local in its character**—such as one that imposes a penalty on persons peddling without license—is not violative of this section, because it fixes the time at less than that imposed by a statute for the same offense, nor is a conviction under it a bar to prosecution by indictment. City v. Heckinger, 103 Ky. 381; 45 S. W. 358; Com. v. Merz, 125 Ky. 97; 100 S. W. 333; Crosdale v. City of Cynthiana, 21 R. 36; 50 S. W. 977; Com. v. City of Flemingsburg, 125 Ky. 97; 100 S. W. 333.

(5) **Ordinance fixing a less penalty** than provided by statute for the same offense is void. Kehr v. Com., 26 R. 1234; 83 S. W. 633.

(6) **An ordinance penalizing** the operation of a pool-room held constitutional. City of Louisville v. Wehmhoff, 116 Ky. 812; 76 S. W. 876. A conviction in a police court of a city of the fourth class held a bar to a prosecution in a circuit court for the same offense. White v. Commonwealth, 122 Ky. 408; 92 S. W. 275. Where an act is an offense against a statute and also a city ordinance the Commonwealth may elect. Burdette v. Board, etc., 125 S. W. 275. A city ordinance

imposing a penalty for a common law offense less than that fixed at common law is not therefore void. Leichtfield Mer. Co. v. Com., 143 Ky. 163; 136 S. W. 639. This section held not to apply to convictions of common law misdemeanors. L. & N. R. Co. v. Com., 144 Ky. 558; 139 S. W. 785.

(7) **The defendant having been** fined \$25, can not complain that the ordinance under which he was fined authorized both fine and imprisonment, when under the statute the council had authority to provide only for a fine. Keiper v. City of Louisville, 152 Ky. 691; 154 S. W. 18.

§ 170. (1) **Construction of section.** Acts held to be unconstitutional. Barbour v. Louisville Board of Trade, 82 Ky. 645; 6 R. 769; Com. v. Masonic Temple Co., 87 Ky. 349; 8 S. W. 699; Clark v. Louisville Water Co., 90 Ky. 515; 14 S. W. 502; Com. v. McKibben, 90 Ky. 384; 14 S. W. 372; City of Dayton v. Bellevue Water Co., 119 Ky. 714; 68 S. W. 142. Act exempting an orphans' home from taxation held to be valid. Zable v. Louisville Baptist Orphans' Home, 92 Ky. 89; 17 S. W. 212. Statute exempting property of the institution so long as occupied for the purposes of its organizations does not exempt property rented out, although the rents may be applied to such purposes. City of Louisville v. Board of Trade, 90 Ky. 409; 14 S. W. 408. These cases construed acts passed before the adoption of the Constitution. Under this Constitution the court held in City v. Com., 107 Ky. 680; 39 S. W. 836, that water works erected by the city of Coving-

house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their

ton, although exempted from taxation by special act, were subject to county and state taxation, deciding that the words "public property" mean property used for governmental purposes, and that property such as water works, adapted and used for profit or convenience of the citizens individually or collectively, was not public property, following the ruling in *City v. Com.* 1 Duv. 295; to the same effect is *Negley v. City*, 21 R. 1394; 55 S. W. 554; *Board of Councilmen v. Com.*, 26 R. 957; 82 S. W. 1008; but in *Board of Councilmen v. Com.*, 29 R. 699; 94 S. W. 648; the *City v. Com.*, 19 R. 105; 39 S. W. 836; and the cases that followed it were overruled and the right of exemption extended to property used for public purposes and this case has been followed in *Com. v. City*, 133 Ky. 845; 119 S. W. 161; *Com. v. City*, 128 Ky. 36; 107 S. W. 231; *Ryan v. Louisville*, 133 Ky. 714; 118 S. W. 992.

(2) **In Trustees of Orphan School v. City**, 100 Ky. 470; 36 S. W. 921, an orphan school, the primary object of which is to educate orphans, is held to be an institution of "purely public charity," although pay pupils are admitted, and its exemption includes its endowments, as well as real estate owned in a distant city. In *City of Louisville v. Southern Baptist Seminary*, 100 Ky. 506; 36 S. W. 905, a seminary established for the purpose of furnishing, free of charge, education to young men preparing for the ministry, is held to be an institution of "purely public charity," although its organization and management is under private and denominational control. And in the *City of Louisville v. Board of Trustees*, 100 Ky. 518; 36 S. W. 994, it is held that institutions of learning, where an education is furnished free or at a

nominal price, are exempt; and see further on the subject of exemption of institutions of various kinds. *Com. v. Gray*, 115 Ky. 665; 74 S. W. 702; *Louisville College of Pharmacy v. City*, 26 R. 825; 82 S. W. 610; *Com. v. Pollitt*, 25 R. 790; 76 S. W. 412; *Morton v. City of Louisville*, 118 Ky. 836; 82 S. W. 621; *German Gymnastic Asso. v. Com.*, 117 Ky. 958; 80 S. W. 201; *Com. v. Thomas*, 119 Ky. 208; 83 S. W. 572; *Com. v. Trustees of Hamilton College*, 101 S. W. 405; 125 Ky. 329; *Calvary Baptist Church v. Milliken*, 148 Ky. 580; 147 S. W. 12; *Com. v. Berea College*, 149 Ky. 95; 147 S. W. 929.

(3) **Cemetery companies—taxation of.** See *Com. v. Lex. Cem. Co.*, 114 Ky. 165; 70 S. W. 280; *City v. Com.*, 136 Ky. 232; 124 S. W. 286.

(4) **Chautauqua grounds**, the proceeds from which go to meet the expenses of the organization, is not exempt from taxation. *Bosworth v. Ky. Chautauqua*, 112 Ky. 115; 65 S. W. 602.

(5) **Christian association—exempt.** *Com. v. Y. M. C. A.*, 116 Ky. 711; 76 S. W. 522. Restaurant belonging to Y. M. C. A. exempt from payment of restaurant license under § 4224 Ky. Statutes. *Corbin Y. M. C. A. v. Commonwealth*, 181 Ky. 384; 205 S. W. 388.

(6) **Infirmaries and hospitals.** *Wathen v. City of Louisville*, 27 R. 635; 85 S. W. 1195.

(7) **Manufacturing plants—exemption of from taxation only allowable as an inducement to their location, and does not apply to plants already established.** *City of Middlesboro v. New South B. & I. Co.*, 108 Ky. 351; 56 S. W. 427; and see *Continental Tobacco Co. v. City of Louisville*, 123 Ky. 173; 94 S. W. 11; *Mengel Box Co. v. City of Louisville*, 117 Ky. 735; 79 S. W. 255. See also *Jones Bros.*

endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other

Castleman & Blakemore v. City of Louisville, 142 Ky. 759; 136 S. W. 301; L. & N. R. R. Co. v. City of Louisville, 143 Ky. 258; 136 S. W. 611; Louisville Car Wheel & Ry. Supply Co. v. City of Louisville, 146 Ky. 573; 142 S. W. 1043; Kentucky Electric Co. v. Buechel, 146 Ky. 660; 143 S. W. 58; Victor Cotton Oil Co. v. City of Louisville, 149 Ky. 149; 148 S. W. 10; City of Louisville v. N. Y. Baking Co., 151 Ky. 758; 152 S. W. 980; Standard Tailoring Co. v. City of Louisville, 152 Ky. 504; 153 S. W. 764; McCormick Lumber Co. v. City, 155 Ky. 494; 159 S. W. 997. And see City of Louisville v. Board of Education, 154 Ky. 316; 157 S. W. 379; holding the five-year exemption does not apply to the school tax. Stove and tin business is a manufacturing business although not altogether a factory from raw material and is subject to exemption. City of Louisville v. Louisville Tin & Stove Co., 170 Ky. 557; 186 S. W. 124.

(8) **Masonic Temple property** used and enjoyed only by members of the Masonic order is not a "purely public charity," and is subject to taxation. City of Newport v. Masonic Temple Ass'n, 108 Ky. 333; 56 S. W. 405; Same v. Same, 103 Ky. 592; 45 S. W. 81; 46 S. W. 697. Vogt v. City of Louisville, 173 Ky. 110; 190 S. W. 695. Where old manufacturing plant is burned to secure its being rebuilt city cannot exempt it from taxation under this section. Elain v. Salesbury, Mayor, etc., 180 Ky. 142; 202 S. W. 56. Nor is buying out an old manufactory nor increasing the articles manufactured entitle one to exemption for five years under this section. Vogt Bros. Machine Co. v. Sea, 181 Ky. 327; 204 S. W. 76.

(9) **Municipal and State property** owned by and used exclusively for municipal purposes is exempt from

taxation. City of Owensboro v. Com., 105 Ky. 344; 49 S. W. 320; City v. Com., 136 Ky. 232; 124 S. W. 286; Ryan v. City, 133 Ky. 714; 118 S. W. 992; Com. v. City, 133 Ky. 845; 119 S. W. 161; Com. v. Sinking Fund Com'r, 130 Ky. 61; 112 S. W. 1128; but this exemption does not apply to assessments made for street improvements; Hager v. Gast, 119 Ky. 503; 84 S. W. 556.

(10) **Odd Fellows' Widows and Orphans' Home is exempt.** Widows' and Orphans' Home v. Com., 103 S. W. 354; 126 Ky. 386; 16 L. R. A. (N. S.) 829.

(11) **Parsonage** located on same lot as church is not exempt from taxation when it is rented, although the rent is paid to the pastor of the church. Broadway Church v. Com., 112 Ky. 448; 66 S. W. 32; City of Louisville v. Werne, 25 R. 2196; 80 S. W. 224.

(12) **Property exempt from assessment** may be seized and sold to pay any taxes due by owner. Reams v. McHargue, 111 Ky. 163; 63 S. W. 437.

(13) **Special acts exempting property** in district from certain kinds of taxation were repealed by this Constitution. Campbell Co. v. N. & C. Bridge Co., 112 Ky. 659; 66 S. W. 526.

(14) **An assessor is not entitled to a commission on property exempt from taxation.** Powers v. Osborn, 118 Ky. 810; 82 S. W. 419; Ramsey v. County Board of Education, 159 Ky. 832; Walsh v. Asher, 163 Ky. 377.

(15) **Property exempt from taxation.** The water works of a city Com. v. Covington, 128 Ky. 36; 107 S. W. 231; 14 L. R. A. (N. S.) 1214; Com. v. Newport, 32 R. 820; 107 S. W. 232; City of Covington v. District, etc., 33 R. 323; 110 S. W. 338, Stocks and bonds composing a sinking fund to liquidate city bonds.

personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The

Com. v. Sinking Fund Commissioners, 112 S. W. 1128; 130 Ky. 61. Wharf property of a city if its rents are turned into the sinking fund. Com. v. City of Louisville, 134 Ky. 488; City Hall, Schwalk's Admr. v. Louisville, 135 Ky. 570; 122 S. W. 860; 25 L. R. A. (N. S.) 88. Cemetery and market of a city if revenue is used for their maintenance. City of Paducah v. Com. 136 Ky. 232; 124 S. W. 286. Church property. Calvary Baptist Church v. Milliken, 145 Ky. 580, 147 S. W. 12. New shops. A corporation had long maintained shops in Louisville, but abandoned them, and after disposing of its machinery, built new shops in another part of the city. It was not entitled to exemption from municipal taxation under the ordinance of 1898. L. & N. R. R. Co. v. City of Louisville, 143 Ky. 258; 136 S. W. 611.

(16) The Legislature may exempt from taxation shares of stock in a foreign corporation where the corporation pays taxes on all its property in Kentucky. Com. v. Walsh's Trustee, 133 Ky. 103; 117 S. W. 398; Com. v. Fidelity Trust Co., Trustee of Long, 147 Ky. 77; 143 S. W. 1037.

(17) This section, exempting public property from taxation, does not apply to special assessments. City of Mt. Sterling v. Montgomery Co., 152 Ky. 637; 153 S. W. 952.

(18) Meaning of a municipality under this section. Gleason v. Weber, 155 Ky. 437; 159 S. W. 976.

(19) Exemption from municipal tax does not exempt from school tax. City v. Board of Ed., 154 Ky. 316; 157 S. W. 379.

(20) The State Board of Agriculture is an arm of the State and is not liable for the torts of its officers or servants. Zoeller v. State Board of Agriculture, 163 Ky. 446; 173 S. W. 1143.

(21) A manufacturing concern is

not exempt from school taxes where the Assessor upon demand by the Board of Education and when the assessment was not barred by the statute of limitations refused to retrospectively assess the property of such manufacturing establishment for five years. The time during which such officer refused to act or was delayed by litigation is not to be estimated in the application of the statute of limitation. North Vernon Lumber Co. v. City of Louisville, 163 Ky. 467; 173 S. W. 1120.

(22) A water works system owned and operated by a city for the benefit of its inhabitants and the income from which is applied to public purposes is exempt from taxation although the town furnishes water to other towns. District of Highlands v. City of Covington, 164 Ky. 815; 176 S. W. 192.

(23) An office building owned by the Methodist Church located in the City of Louisville is exempt from taxation where the entire income therefrom is used in the support of a school owned and conducted by the church when such an institution is not an institution conducted for gain where it charges a tuition fee not sufficient to pay the expenses of the school and does not require a belief in the doctrines of the church as a condition of admission. Com. v. Board of Education of the M. E. Church, 166 Ky. 610; 179 S. W. 596.

(24) The mere enlargement of a plant used for manufacturing wooden boxes and the installation of machinery for manufacturing paper boxes does not constitute it a new manufactory within the meaning of the above section. Mengel Box Co. v. Sea, 167 Ky. 193; 180 S. W. 347. A planing mill plant used to manufacture lumber for wholesale afterwards enlarged and converted into a plant for the manufacture of lum-

General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location. (See § 3, and notes, and § 4026 Ky. St.)

§ 171. **Taxation—classification of property—local taxation—different rates—referendum.** The General Assembly shall provide by law an annual tax which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all property of the

ber for sale by retail is not a new manufacturing enterprise. *McCormick Lumber Co. v. City of Winchester*, 155 Ky. 494; 159 S. W. 997.

(25) The fact that a hospital endowed as a charity receives compensation from some of the patients does not change its status as a purely public charity. *Mason County v. Hayswood Hospital*, 167 Ky. 17; 179 S. W. 1050.

(26) Where the executors under a will which created a charity withheld the funds so derived for several years pending litigation over the will, the property during such period is still exempt from taxation. *Parr's Rest* construed to be a purely public charity. *Com. v. Parr's Executor*, 167 Ky. 46; 179 S. W. 1048.

(27) Where the owner of real property receives rent for the use of the property by a religious society as a place of worship, it is not exempt from taxation as a place actually used for religious worship. Funds acquired by a religious society from the sale of a place actually used for religious worship for the purpose of providing another such place and which is so used, are not subject to taxation while being used. *Com. v. First Christian Church*, *Same v. Starks*, 169 Ky. 410; 184 S. W. 875. Because act under which road bonds are issued undertakes to relieve them from taxation this does not invalidate the bonds. *Walsh v. Asher*, *Judge*, 163 Ky. 377; 173 S. W. 808.

§ 171. Before the above revision, Section 171 read as follows:

“The General Assembly shall provide by law an annual tax, which,

with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.”

(The following cases were decided under the old section just quoted:)

(1) **Construction and effect of section.** Sections 4105-4114 of the Ky. Stat., providing a special mode for the assessments of distilled spirits, are not in violation of this section, as the property is taxed in proportion to its value. *Com. v. Taylor*, 19 R. 552; 101 Ky. 325; 41 S. W. 11.

It is competent for the Legislature to authorize the tax-collecting agency to allow discounts for rebate to the taxpayer as an inducement for him to pay his taxes before they become due where this privilege is extended to all. *Board of Education v. Sea*, 167 Ky. 772; 181 S. W. 670. Tax imposed by Statute on city for part of expenses of Juvenile Court, the other part being paid by the County, is not uniform on all property and is void. (Ky. Statutes 331, and subsection 21). *Campbell Co. v. City of Newport*, 174 Ky. 712; 193 S. W. 1.

(2) **All real property within the limits of a city** must be taxed the same as other property situated in the city, regardless of any question of benefits or protection from the city government. *Board of*

same class subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws. The General Assembly shall have power to divide property into classes and to determine what class or classes of property shall be subject to local taxation. Bonds of the State and of counties, municipalities, taxing and school districts shall not be subject to taxation. Any law passed or enacted by the General Assembly pursuant to the provisions of or under this amendment or amended section of the Constitution, classifying property and providing a lower rate of taxation on personal property, tangible or intangible, than upon real estate, shall be subject to the referendum power of the people, which is hereby declared to exist to apply only to this section or amended section. The referendum may be demanded by the people against one or more items, sections or parts of any Act enacted

Council v. Scott, 19 R. 1068; 101 Ky. 615; 42 S. W. 104; Board of Council v. Rarick, 19 R. 1415; 102 Ky. 352; 43 S. W. 450. And see Pence v. City, 19 R. 721; 101 Ky. 534; 41 S. W. 1011; Briggs v. Town of Russellville, 99 Ky. 515; 18 R. 389; 36 S. W. 558; L. & N. R. R. Co. v. City, 105 Ky. 174; 20 R. 1105; 48 S. W. 985; Hughes v. Carl, 106 Ky. 533; 21 R. 7; 50 S. W. 852; Lou. Bridge Co. v. City, 22 R. 703; 58 S. W. 598.

(3) **Bank tax cases.** Citizens Bank v. City, 19 R. 247; 39 S. W. 1116; Deposit Bank v. Daviess Co., 19 R. 248; 102 Ky. 174; 39 S. W. 1030 (overruling bank tax cases in 97 Ky. 590; 17 R. 465; 31 S. W. 1013; and Franklin Co. v. Deposit Bank, 87 Ky. 370; 9 S. W. 212; 10 R. 506); Henderson Bank v. City, 39 S. W. 1030, 19 R. 728; and see Ky. Stat., sec. 4092 and notes; Com. v. Bank of Commerce, 118 Ky. 547; 818 S. W. 679. Tax assessments must be uniform. Where property generally is assessed at 60% on particular owner cannot be assessed at 100%. Eminence Distillery Co. v. Henry County, etc., 178 Ky. 811; 200 S. W. 347.

(4) **A license or franchise tax** can not be substituted by a city for an ad-valorem tax, but may be imposed in addition to the ad-valorem tax. Levi v. City, 97 Ky. 394; 16 R. 872; 30

S. W. 973; but see amendment to sec. 181; and Schuster v. City of Louisville, 124 Ky. 189; 28 R. 588; 89 S. W. 689; German Washington Ins. Co. v. City, 117 Ky. 593; 25 R. 1697; 78 S. W. 472.

(5) **Declaratory of the old law.** While this provision was not in the former Constitution, it is but declaratory of what has always been the law of taxation in this State. Holtz-hauer v. City of Newport, 94 Ky. 396; 15 R. 188; 22 S. W. 752.

(6) **License taxes**—must be uniform but they may be graded according to volume of business done or classified. Hager v. Walner, 125 Ky. 1; 32 R. 748; 107 S. W. 254; Brown-Foreman Co. v. Com., 125 Ky. 402; 30 R. 793; 101 S. W. 321; Schuster v. City of Louisville, 124 Ky. 189; 28 R. 588; 89 S. W. 689; and see Strater Bros. v. Com., 117 Ky. 604; 25 R. 1717; 78 S. W. 871; Weyman v. City, 153 Ky. 487; 156 S. W. 109; Western & S. Life Ins. Co. v. Com., 133 Ky. 292; 117 S. W. 376; City v. Sagalowski, 136 Ky. 324; 124 S. W. 339. Grocery store paying general license for carrying all kinds of provisions cannot be charged additional license for carrying milk. City of Newport v. French Bros. etc., 169 Ky. 174; 183 S. W. 532. Ky. Statute § 637 imposing license tax on

pursuant to or under the power granted by this amendment, or amended section. The referendum petition shall be filed with the Secretary of State, not more than four months after the final judgment of the Legislative Assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people under this section. All elections on measures referred to the people under this Act shall be at the regular general elections, except when the Legislative Assembly shall order a special election. Any measure referred to the people shall take effect and become a law when approved by the majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the candidates for Governor at the regular election last

foreign insurance companies does not violate the requirements of uniformity provided by this section. *Clay v. Dixie Fire Insurance Co.*, 168 Ky. 315; 181 S. W. 1123.

(7) **Sprinkling streets** is a public purpose and tax may be levied in aid of it. *Maydwell v. City of Louisville*, 116 Ky. 885; 25 R. 1062; 76 S. W. 1091.

(8) **State Board of Equalization.** Equality and uniformity are essential to the constitutionality of taxation, and the State Board is designed to accomplish this. *Spaldiny v. Hill*, 86 Ky. 656; 9 R. 852; 7 S. W. 27; and see *Lou. R. W. Co. v. Com.*, 105 Ky. 710; 20 R. 1509; 49 S. W. 486; *Ray v. Armstrong*, 140 Ky. 800; 131 S. W. 1039.

(9) **Taxation of cars used and owned by private corporations and employed in transportation of property.** *Com. v. Union Refrigerator Co.*, 118 Ky. 131; 26 R. 23; 80 S. W. 490. But see 199 S. W. 194.

(10) **Taxation must be uniform on all property in district levying tax.** *Carpenter v. Central Cov.*, 26 R. 430; 81 S. W. 919.

(11) **Intangible property — situs — taxation of.** *City v. Barret*, 152 Ky. 648; 153 S. W. 992; *Com. v. Southern Pacific Co.*, 150 Ky. 97; 149 S. W. 1105; *Com. v. West India Co.*, 138 Ky. 828; 129 S. W. 301; *Com. v. N. W. Mutual Life Ins. Co.*, 32 R. 796; 107 S. W. 233.

(12) **Double Taxation**—*Com. v. Walsh, Trustee*, 133 Ky. 103; 117 S. W. 398.

(13) **Inheritance tax.** *Booth v. Com.*, 130 Ky. 88; 113 S. W. 61.

(14) **Cities may be classified and different rate of tax levied in each class.** *City v. Com.*, 130 Ky. 488; 121 S. W. 411.

(15) **Classification of property.** *Hagar v. Walker*, 128 Ky. 1; 107 S. W. 254; *Metropolitan Life Ins. v. City*, 138 Ky. 801; 129 S. W. 112.

(16) **Repeals.** This section does not repeal a local act previously passed providing for the levy and collection of taxes for a special purpose. *O'Mahoney v. Bullock*, 97 Ky. 774; 31 S. W. 878.

This section repealed the exemption from taxation of insurance companies under the Act of May 8, 1886. *Ger. Nat'l Ins. Co. v. City*, 21 R. 1179; 54 S. W. 732.

(17) **A Statute imposing a tax on the franchise of corporations having a special or exclusive franchise is not unconstitutional because it does not impose a tax on other corporations.** *Louisville Tobacco Warehouse Co. v. Com.*, 106 Ky. 165; 49 S. W. 1069.

(18) **Farming lands within the body of a town are subject to taxation by the town.** *Town of Central Covington v. Park*, 21 R. 1847; 56 S. W. 650.

preceding the filing of any petition shall be the basis upon which the legal voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the Legislative Assembly at any time any acts or bills are enacted, pursuant to the power granted under this section or amended section, prior to the year of one thousand nine hundred and seventeen. After that time, the power of the referendum may be ordered either by the petition signed by five per cent of the legal voters or by the Legislative Assembly at the time said acts or bills are enacted. The General Assembly enacting the bill shall provide a

(19) An act creating a turnpike district and providing for the building of a turnpike road by taxation from which parts of the county outside the district are exempted, is constitutional. *Devou v. Boske*, 23 R. 364; 63 S. W. 44.

(20) Property of a water company all the stock of which is held by a city is subject to taxation by the city. *City v. McAteer*, 26 R. 425; 81 S. W. 698; *City v. Lou. Water Co.*, 26 R. 425; 81 S. W. 698.

(21) The failure of a sheriff to levy on personalty of a land owner to collect taxes against his land does not render the sale of land void. *Alexander v. And*, 121 Ky. 105; 88 S. W. 1103.

(22) A city ordinance imposing a license fee on the business of handling for pay telephone messages and selling railroad tickets by corporations which have paid a franchise tax covering the same privilege, is void. *Cum. Tel. & Tel. Co. v. Hopkins*, 121 Ky. 850; 90 S. W. 594.

(23) A foreign corporation which simply holds the shares of a domestic corporation is not taxable. *Com. v. Ledman*, 127 Ky. 603; 106 S. W. 247.

(24) A statute providing for forfeiture to the Commonwealth of titles by proper procedure for failure to list for taxation and to pay taxes, is not void because of further providing that in certain states of case the title so forfeited shall vest in the persons so holding the land adversely or that out of sales of the title certain officers shall be paid fees. *Eastern Ky. Coal Lands Corp. v. Com.*, 127 Ky. 667; 106 S. W. 260.

(25) An occupation tax need not be levied on all occupations; but such a tax on real estate agents is void if it varies according to the class of the city in which such agent resides. *Hager v. Walker*, 128 Ky. 1; 107 S. W. 254.

(26) An Act providing for a tax on dogs to create a fund for the remuneration of owners of sheep killed by dogs is a police regulation, and is not void as a levy for other than public purposes. *McGlone v. Womack*, 129 Ky. 274; 111 S. W. 688.

(27) A retaliatory tax on an insurance company of another State was held void. *Western & Southern Life Ins. Co. v. Com.*, 133 Ky. 292; 117 S. W. 376.

(28) A statute providing that an assessment for city taxes shall be made once every four years is not in conflict with this section nor § 172 of the Constitution. *Worton v. City of Paducah*, 123 Ky. 44; 93 S. W. 617.

(29) The provisions of Ky. Stat. 4268-4281, inclusive, in reference to a Board of Equalization, are not inconsistent with this section of the Constitution. *Ray v. Armstrong*, 140 Ky. 800; 131 S. W. 1039.

(30) The assessment of property made for State and county purposes is the basis for taxation for graded school purposes where a graded school district embraces a city and territory outside the same. *Trustees of Princeton Graded Common School v. Stone*, 143 Ky. 495; 136 S. W. 894.

(31) Securities deposited by a life insurance company under Ky. Stat. 648 and 648a with the State treasury for the benefit and protection of its

way by which the act shall be submitted to the people. The filing of a referendum petition against one or more items, sections or parts of an Act shall not delay the remainder of that Act from becoming operative.

(The above revision of Section 171 of the Constitution was proposed by the Legislature in 1914 and ratified by the people in 1915.)

§ 179. **County or municipality not to become stockholder in corporation or lend its credit—exceptions.** The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: Provided, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a capital, and the Commonwealth accepts such offer, the corporation may comply with the offer.

policy holders are property owned by it and subject to taxation against it. *Com. Life Ins. Co. v. City of Louisville*, 145 Ky. 284; 140 S. W. 306.

(32) **The rule of uniformity** does not require that municipalities must impose license taxes upon all trades, occupations and businesses, if they impose a license tax upon any. *Weyman v. City of Newport*, 153 Ky. 487; 156 S. W. 109.

(33) **An appropriation may be made by the Legislature in anticipation** of the receipt of the yearly revenue. It is the duty of the State Treasurer to pay outstanding warrants in the order in which they were issued and as the money available for the purpose reaches the treasurer. *Rhea v. Newman*, 153 Ky. 604; 156 S. W. 154.

(34) **The act granting a pension to Confederate soldiers and their widows** is not unconstitutional. *Bosworth v. Harp*, 154 Ky. 559; 157 S. W. 1084.

(35) Proposed amendment to this section held not to be ratified because not published for ninety days before

vote taken. *McCreary, Governor, v. Spear*, 156 Ky. 783; 162 S. W. 99.

(36) This section provides only substantial source of revenue. Defects and failures in revenue can only be secured by borrowing money under Sections 49 and 50. *Stanley v. Townsend*, 170 Ky. 833; 186 S. W. 941.

(37) Local assessments for local improvement is not a tax requiring uniformity under this section. *Vogt v. City of Oakdale*, 166 Ky. 810; 179 S. W. 1037.

§ 179. (1) **Construction of section.** *City of Lexington authorized by Sec. 3058 Ky. St. to donate money to erect State Houses of Reform. Board of Trustees v. City*, 112 Ky. 171; 65 S. W. 350.

(2) **Purchase of turnpike by county** is not a violation of this section. *M. & L. T. P. Co. v. Wiggins*, 104 Ky. 540; 47 S. W. 434.

(3) **Subscription to stock in railroad by county is prohibited** by this section. *Whitney v. Ky. Midland R. Co.*, 110 Ky. 955; 63 S. W. 24.

(4) *Ky. St. 963c, regulating circuit courts in certain counties upheld.*

§ 180. **Poll tax—limit of—What law or ordinance levying tax shall specify.** The General Assembly may authorize the counties, cities or towns to levy a poll tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

Johnson v. City of Fulton, 121 Ky. 594; 89 S. W. 672.

(5) **A public library** is not a private corporation under this section. Lambert, Mayor, v. Board, 151 Ky. 725; 152 S. W. 802.

§ 180. (1) **Fiscal Court — Order levying tax must specify purpose.** Com. v. U. S. F. & G. Co., 121 Ky. 409; 28 R. 362; 89 S. W. 251; Pulaski Co. v. Watson, 106 Ky. 500; 50 S. W. 861; Cahil v. Perrine, 105 Ky. 531; 49 S. W. 344.

(2) **Graded school—tax levied for benefit of by Board of Education or Trustees, must specify purpose of tax.** U. S. F. & G. Co. v. Board of Education, 118 Ky. 855; 80 S. W. 1191.

(3) **License fee—**is not a tax within meaning of this section. Shugars v. Hamilton, 122 Ky. 606; 92 S. W. 564; Brown-Forman Co. v. Com., 125 Ky. 402; 101 S. W. 321.

(4) **Ordinance levying tax must specify purpose.** City v. Somerset Bkg. Co., 22 R. 1129; 60 S. W. 5; Bureh v. City, 18 R. 284; 36 S. W. 12; Town v. Eversole, 29 R. 830; 96 S. W. 478; City of Louisville v. Button, 26 R. 606; 82 S. W. 293; C. & O. & S. W. R. Co. v. Com., 129 Ky. 318; 111 S. W. 334; Tyson v. Board of Trustees, 129 S. W. 820; 139 Ky. 256; Hillman Land & Iron Co. v. Com., 148 Ky. 331; Com. v. C. O. & S. W. R. Co., 141 Ky. 633; 133 S. W. 559; Streine v. Com'rs., 149 Ky. 641; 149 S. W. 928.

(5) **Poll tax** levied for county purposes may be collected from the citizens of a town that has also a poll tax for municipal purposes. Short v. Bartlett, 114 Ky. 143; 70 S.

W. 283; McIntyre v. Powell, 137 Ky. 477; 125 S. W. 1087.

(6) **Surplus taxes** collected by a county, when the purpose for which the tax was collected has been accomplished, become a part of the general fund of the county available for county purposes. Field v. Stroube, 103 Ky. 114; 44 S. W. 363. Where the collection of the tax due by a taxpayer to pay bonds is delayed until the bonds are paid, he can be required to pay the tax that he should have paid. Wathen v. Young, 103 Ky. 36; 44 S. W. 115.

(7) **Tax levied for school purposes** cannot be used to establish a free library. Board of Education v. Board of Trustees, 113 Ky. 234; 68 S. W. 10; Board of Trustees v. Board of Education, 25 R. 341; 75 S. W. 225. Under § 180 of the Constitution and § 3545 and § 3595 Ky. Statutes commissions must be paid by the city out of its own funds and cannot be deducted from taxes collected for school purposes. City of Winchester v. Board of Education, etc., 182 Ky. 313; 206 S. W. 492.

(8) **Taxing district—levying tax must specify purposes.** Carpenter v. Town of Central Cov., 119 Ky. 785; 81 S. W. 919.

(9) **For further cases** construing this section, see Cooper v. Wait, 106 Ky. 628; City of Cynthiana v. Board of Education, 21 R. 731; City of Somerset v. Somerset Banking Co., 109 Ky. 549; Whaley v. Com., 110 Ky. 154; Ratliff, Sheriff, v. Com., 110 Ky. 154; Hager v. Walker, 128 Ky. 1; C. O. & S. W. Ry. Co. v. Com., 129 Ky. 318; Lawrence County v. Lawrence Fiscal Court, 130 Ky. 587; Western

§ 181. **Legislature to confer power to levy taxes—license fees and other taxes.** The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used

& Southern Life Ins. Co. v. Com., 133 Ky. 292; 117 S. W. 376; Hill v. County Board, 140 Ky. 259; 130 S. W. 1100; Lambert, Mayor, v. Board, 151 Ky. 725; 152 S. W. 802; Southern Bitulithic Co. v. DeTreville, 156 Ky. 513; Christopher v. Robinson, 164 Ky. 262; Mitchell v. Knox County Fiscal Court, 165 Ky. 543.

(10) **A discount allowed by Charter of the City of Louisville for the payment of school taxes before they are due is not a deviation of a part of the levy to another purpose than the one for which it was levied.** Board of Education v. Sea, 167 Ky. 772; 181 S. W. 670.

(11) **Power of municipality to impose a license tax upon vendors of milk coming from another State construed and upheld.** City of Newport v. French Bros., 169 Ky. 174; 183 S. W. 532.

(12) § 6372 Ky. Stat., regulating penalties, etc., imposed upon insurance companies in other States greater than those imposed under the laws of this State does not violate the above section. Clay, Insurance Commissioner, v. Dixie Fire Ins. Co., 168 Ky. 315, 183 S. W. 529.

(13) **Board of Education—sufficiency of levy by.** Shanklin v. Boyd, 146 Ky. 460; 142 S. W. 1041.

(14) The limitations in this section do not apply to taxation for school purposes. Christopher v. Robinson, Sheriff, 164 Ky. 262; 175 S. W. 387.

§ 181. (1) **Double taxation—when imposition of license tax is.** Standard Oil Co. v. Com., 119 Ky. 75; 82 S. W. 1020; and see City of Louisville v. Louisville R. W. Co., 118 Ky. 534; 81 S. W. 701; Cumberland Tel. Co. v. Hopkins, 121 Ky. 850; 90 S. W. 594.

(2) **Legislature cannot impose taxes on municipalities for purely local concerns, but may authorize them to impose such taxes.** McDonald v. City, 113 Ky. 425; 68 S. W. 413.

(3) **License tax may be imposed by cities upon professions and occupations.** Elliott v. City of Louisville, 101 Ky. 262; 40 S. W. 690; Burch v. City of Owensboro, 18 R. 284; 36 S. W. 12; Hall v. Com., 101 Ky. 382; 41 S. W. 2; Baker v. City, 21 R. 809; Fidelity Trust Co. v. City, 106 Ky. 207; 50 S. W. 35; City of Covington v. Herzog, 116 Ky. 725; 76 S. W. 538; Southern B. & L. Ass'n v. Norman, 98 Ky. 294; 32 S. W. 952. A druggist may be required to pay a license to sell liquor as a medicine. Com. v. Fowler, 96 Ky. 166; 28 S. W. 786; and an ordinance imposing a tax upon vehicles let for hire is valid. City of Covington v. Woods, 98 Ky. 344; 33 S. W. 84; Wilson v. City, 20 R. 1593, 1980; 49 S. W. 806; 50 S. W. 834; 105 Ky. 765; but a license tax cannot be imposed as a substitute for an ad valorem tax, but may be levied as an addition to it. Levi v. City of Louisville, 97 Ky. 394; 30 S. W. 973; but see amendment to this section. License fees imposed on lawyers upheld. Baker v. City of Lexington, 21 R. 809; 53 S. W. 16, but a license on grocers who use delivery wagons but not on other grocers was held void. City of Covington v. Dalheim, 126 Ky. 26; 102 S. W. 829. But the Legislature may authorize cities to divide trades, etc., into different classes for the purpose of imposing different license fees. Met. Life Ins. Co. v. City of Paris, 129 S. W. 112; 138 Ky. 801. It will be presumed that proper ordinance was passed to impose tax for which suit is brought to

for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.

§ 181a. Taxation by cities and towns in lieu of ad valorem tax-exemptions. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper

recover tax provided for in this section where contrary is not stated. *City of Newport v. French Bros.*, 169 Ky. 174; 183 S. W. 532.

(4) **Peddlers**—license tax may be imposed upon cities. *West v. City*, 23 R. 1670; 65 S. W. 120; *City of Carlisle v. Heckinger*, 103 Ky. 381; 45 S. W. 358; *Crosdale v. City*, 21 R. 36; 50 S. W. 977.

(5) **Substitution of license tax for ad valorem** as authorized by amendment to this section. See *Schuster v. City of Louisville*, 124 Ky. 189; 89 S. W. 689; *Wiemer v. Com'rs Sinking Fund*, 99 S. W. 242; 124 Ky. 377.

(6) **Trades, occupations and business** may be taxed, but tax must be uniform. *Brown-Forman Co. v. Com.*, 125 Ky. 402; 101 S. W. 321; *Strater Bros. Tobacco Co. v. Com.*, 117 Ky. 604; 78 S. W. 871; *Hager v. Walker*, 128 Ky. 1; 107 S. W. 254; 15 L. R. A. (N. S.) 195. See also *Weyman v. City of Newport*, 153 Ky. 487; 156 S. W. 109; *Com. v. Payne Medicine Co.*, 138 Ky. 164; 127 S. W. 761; *Gordon v. City*, 138 Ky. 442; 128 S. W. 327; *R. J. Reynolds Co. v. City of Lexington*, 181 Ky. 503; 205 S. W. 592.

(7) **The Legislature may provide** by general law for the valuation of a franchise by a State Board. *South Covington, etc., Ry. Co. v. Bellevue*, 105 Ky. 283, 472; 49 S. W. 23; *Paducah St. Ry. Co. v. McCracken County*, 105 Ky. 472; 49 S. W. 178; *Paducah Gaslight Co. v. McCracken County*, 104 Ky. 472; 49 S. W. 178; *Western & Southern L. Ins. Co. v. Com.*, 133 Ky. 292; 117 S. W. 376. Ky. Sts. 4241 taxing shares in na-

tional banks upheld. *Com. v. Citizens Nat'l Bank*, 117 Ky. 846; 80 S. W. 158. The inheritance tax law held not void for lack of uniformity. *Booth's Ex'r v. Com.*, 130 Ky. 88; 113 S. W. 61. The General Assembly may by statute fix a minimum school tax for a city. *City of Louisville v. Com.*, 134 Ky. 488; 121 S. W. 411. See also *Hager v. Walker*, 128 Ky. 1; *Shugars v. Hamilton*, 122 Ky. 606; *City of Louisville v. Sagalowski*, 136 Ky. 324; 124 S. W. 339; *Com. v. L. & N. R. R. Co.*, 149 Ky. 829; 150 S. W. 37; *Kenton Water Co. v. City of Covington*, 156 Ky. 573; *City of Henderson v. Lockett*, 157 Ky. 367; *City v. Pooley*, 136 Ky. 286; 124 S. W. 315; *Fiscal Court v. F. & A. Cox Co.*, 132 Ky. 738; 117 S. W. 296. Classification of property. *Weyman v. City*, 153 Ky. 487; 156 S. W. 109.

§ 6372 Ky. Stat., regulating penalties, etc., imposed upon insurance companies in other States greater than those imposed under the laws of this State does not violate above section. *Clay, Insurance Commissioner, v. Dixie Fire Ins. Co.*, 168 Ky. 315; 183 S. W. 529.

(8) **An ordinance levying a license tax on trading stamp companies** may be valid, although a like tax is not imposed on ordinary merchants. *Sperry & Hutchinson Co. v. City of Owensboro*, 151 Ky. 389; 151 S. W. 932.

§ 181a. Cited in *Mitchell v. Knox Co. Fiscal Court*, 165 Ky. 543; *City of Newport v. French Bros.*, 169 Ky. 174, 183 S. W. 532. Legislative act imposing tax for expenses of Juvenile Court on city without its consent is

authorities thereof, respectively, the power to assess and collect taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions. And the General Assembly may, by general laws only, authorize cities or towns of any class to provide, for taxation for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an ad valorem tax thereon: Provided, Cities of the first class shall not be authorized to omit the imposition of an ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

(This amendment was proposed by the Legislature in 1902 and adopted by the people in 1903.)

GENERAL PROVISIONS.

§ 228. **Oath to be taken by all officers—form of.** Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of according to law; and I do

void. (Ky. St. Sec. 331e, Subsec. 21.)
Campbell County v. City of Newport,
174 Ky. 712; 183 S. W. 1.

§ 228. (1) **Applies to all officers.** Board of Aldermen of a city, acting as a court of inquiry to try charges against a city officer, is a court of limited jurisdiction, and can only sit as a court by taking oath required by

the Constitution. Tomppert v. Lithgow, 1 Bush 176. Section applies to all State, district, county, city and town officers. Morgan v. Vance, 4 Bush, 323.

(2) **Officers authorized to administer oath.** Clerk of Board of Aldermen of a city, or a notary public, not authorized to administer the oath. Tomppert v. Lithgow, 1 Bush, 176.

further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

§ 234. **Officers to reside in their respective districts, counties or towns.** All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

§ 235. **Salaries of officers not to be changed during term—deduction from.** The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also. (See § 161.)

§ 234. (1) **Residence within the town or city limits is not essential for any, save strictly town or city officers.** Police commissioners elected under the act of 1868 for the city of Louisville and Jefferson county are invested with the dual character and powers of the city and county functionaries. *Police Commissioners v. City of Louisville*, 3 Bush, 597; see note (7), Sec. 227.

(2) **Tax Collector** appointed by the County Court to collect taxes in place of the sheriff, removed, is not a district officer in the meaning of this section, and may collect tax in districts other than the one in which he resides. *Com. v. Blackwell*, 97 Ky. 314; 30 S. W. 642.

(3) **An act incorporating a private detective agency, but which fails to put a limit on the time during which its members might exercise their powers to arrest is unconstitutional.** *Swincher v. Com.*, 24 R. 1897; 72 S. W. 306.

(4) **Those living outside of a town cannot hold office as trustees there-**

of. *Hill v. Anderson*, 122 Ky. 87; 90 S. W. 1071.

§ 235. (1) **Salary of Circuit Judge can only be reduced for neglect of official duty.** Powers of auditor and treasurer. *Auditor v. Adams*, 13 B. M. 150; *Garrard v. Nuttall*, 2 Met. 106; *Auditor v. Cochran*, 9 Bush, 7; *Perkins v. Auditor*, 79 Ky. 306; 2 R. 303; and cannot be changed during term of office. *McCracken Co. v. Reed*, 101 S. W. 348; 125 Ky. 420.

(2) See cases cited in notes to Sec. 161, Con., with reference to compensation of officers and changes therein. See also *Butler County v. James*, 116 Ky. 575; 76 S. W. 402; *Nall v. Coulter*, 117 Ky. 747; 78 S. W. 1110; *Piercy v. Smith*, 117 Ky. 990; 80 S. W. 201; *Butler v. Stevens*, 119 Ky. 616; *Breathitt County v. Noble*, 116 S. W. 777; *Grayson County v. Rogers*, 122 S. W. 866; *James, Auditor, v. Barry*, 128 S. W. 1070; *James, Auditor, v. Cammack*, 139 Ky. 223; 129 S. W. 582; *James v. Walker*, 141 Ky. 88; 147 Ky. 647; 144 S. W. 744; *Bosworth v. Ellison*, 148 Ky. 708; 147

§ 236. **Time when officers shall enter upon their duties.** The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

§ 237. **Officers incompatible.** No member of Congress, or person holding or exercising any office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof. (See § 165.)

§ 242. **Private property—taking of for public purposes—appeal—trial by jury.** Municipal and other corporations, and individuals invested with the privilege of taking private prop-

S. W. 400; Page v. O'Sullivan, 159 Ky. 708; Fiscal Court v. Gibbs, 166 Ky. 434; Com. v. Ewald Iron Co., 153 Ky. 116; 154 S. W. 931. Legislature, although it extends the duties of office, cannot increase his salary during the term of his office. Green v. Cohen, 181 Ky. 108; 203 S. W. 1077.

§ 236. (1) **Failure to qualify with-in appointed time vacates office.** Barnett v. Hart, 112 Ky. 728; 66 S. W. 726; and see Schuff v. Pflanz, 99 Ky. 97; 35 S. W. 132; Jones v. Sizemore, 117 Ky. 810; 79 S. W. 229.

(2) **One appointed by the Governor at the instance of a railroad to act as a railroad policeman, but who fails to qualify within thirty days after notice of appointment vacates his office.** C. N. O. & T. P. Ry. Co. v. Cundiff, 166 Ky. 594; 179 S. W. 615.

§ 237. (1) **Postmaster and County Judge are incompatible.** Hoglan v. Carpenter, 4 Bush, 89; and see Ky. St. 3744-6, and notes thereto.

(2) **Postmaster and Justice of the Peace are incompatible.** Rodman v. Harcourt, 4 B. M. 224; Id. 499.

(3) **Eligibility must exist at time of qualification, not election.** Jones v. Williams, 153 Ky. 822; 156 S. W. 876.

§ 242. (1) **Taking private property for public use.** Under this section the owner of property abutting upon a street may recover damages from the city for injury sustained by the

excavation of a street or for any improvement that injures or destroys or takes his property. City of Henderson v. McClain, 102 Ky. 402; 43 S. W. 700; Yates v. Big Sandy R. R., 28 R. 206; 89 S. W. 108; Pickerell v. City of Louisville, 125 Ky. 213; 100 S. W. 873; City v. Jephson, 21 R. 1028; 53 S. W. 1046; City v. Detweller, 20 R. 849; 47 S. W. 881; Barfield v. Gleason, 111 Ky. 491; 63 S. W. 964; and see notes to Sec. 13; and R. & L. Turnpike Co. v. Madison Co., 114 Ky. 351; 70 S. W. 1044; Hay v. City of Lex., 114 Ky. 665; 71 S. W. 867; Henderson v. City, 33 R. 703; 111 S. W. 318; 132 Ky. 390; 22 L. R. A. (N. S.) 28; City v. Sauter, 149 Ky. 721; 149 S. W. 1029; Board of Councilmen v. Edelen, 26 R. 601; 82 S. W. 279; City of Clinton v. Franklin, 119 Ky. 143; 83 S. W. 142; City of Owensboro v. Hope, 128 Ky. 524; 108 S. W. 873; 15 L. R. A. (N. S.) 996; Kevil v. City of Princeton, 118 S. W. 363; Cassell v. Board of Councilmen, etc., 134 Ky. 103; 119 S. W. 788, holding the city not liable for the destruction of trees growing in the street; Ewing v. City of Louisville, 140 Ky. 726; 131 S. W. 1016; City of Georgetown v. Ammerman, 143 Ky. 209; 136 S. W. 202—dumping ground; City of Louisville v. Leezer, 143 Ky. 244; 136 S. W. 233—inadequate sewers; Braunstein v. City of Louisville, 146 Ky. 777; 143 S. W. 372, in which the city was

erty for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an

held not liable for a rock thrown from a quarry at the workhouse which caused an injury to a person on the street; *Philpot v. Town of Tompkinsville*, 148 Ky. 511; 146 S. W. 1093, holding that until a town fixes the grade of a street, it may cut the street down without liability to an adjoining property owner; but it is laible for a change of grade after it is once fixed; *Gernert v. City of Louisville*, 155 Ky. 589; 159 S. W. 1163, holding a city not liable to the owner of adjacent property for damages from the original establishment of the grade of a street which was a county highway constructed on a different grade, before the territory was taken into the city. See also *Town of Erlanger v. Cody*, 158 Ky. 625; 166 S. W. 245. New grade may be established by city, changing grade already established, if construction of alley is not made before that time and city will not be liable for damage. *City of Louisville v. Kosheway*, 161 Ky. 359; 170 S. W. 964.

(2) **Railroad company that permits its culverts to become obstructed, thereby causing the flow of water to injure property of adjoining owner is liable in damages.** *Stith v. L. & N. R. R. Co.*, 109 Ky. 168; 58 S. W. 600; and so where by the erection of an embankment it causes water to flow over adjacent land. *L. & N. R. R. Co. v. Brinton*, 109 Ky. 180; 58 S. W. 604. Railroad company liable for construction of stockpens. *Bramlette v. L. & N. R. R. Co.*, 113 Ky. 300; 68 S. W. 145; a judgment for damages caused by the construction of roadbed is a bar to an action for later injuries therefrom. *Oliver v. I. C. C. R. Co.*, 25 R. 235; 74 S. W. 1078. If a railroad company makes a change in the use of a street injuriously affecting the owner of adjacent property, it must make compensa-

tion. *L. & N. R. R. Co. v. Cumnoek*, 25 R. 1330; 77 S. W. 933. Throwing cinders, etc., on land by a railroad is within this section, but the noise of operating a road is not covered thereby except as to land adjoining the right of way. *Ill. Cent. Ry. Co. v. Elliott*, 129 Ky. 121; 110 S. W. 817. An injury to the easement of ingress and egress to and from the street is within this section. *Stein v. Chesapeake & O. Ry. Co.*, 132 Ky. 322; 116 S. W. 733; *Ill. Cent. Ry. Co. v. Elliott*, 129 Ky. 121; 110 S. W. 817.

(3) **City liable to land owner for damages caused by the erection of a pest-house near his premises.** *City v. Allen*, 111 Ky. 361; 63 S. W. 981. And county is liable for damages caused by cutting down a county road so as to injure property of adjacent owner. *Layman v. Beeler*, 113 Ky. 221; 67 S. W. 994; *Moore v. Lawrence*, 143 Ky. 448; 136 S. W. 1031. City liable for injury resulting from the construction of a sewer. *Thoman v. City of Covington*, 23 R. 117; 62 S. W. 721.

(4) **Damages recoverable for injury to abutting property by construction and operation of a railroad.** *M. & B. R. R. Co. v. Connor*, 16 R. 635; 29 S. W. 344; *M. & B. S. R. v. Ingram*, 16 R. 853; 30 S. W. 8; *J. M. & I. R. A. v. Esterle*, 13 Bush, 677; and notes to Sec. 13. See also *Louisville Ry. Co. v. Foster*, 108 Ky. 743; 57 S. W. 480.

In the absence of evidence showing that the municipal authorities acted corruptly or in bad faith, the city is not liable for consequential damages growing out of the original establishment of the grade of the street, but such damages may be recovered for the negligent construction of a street upon the grade so established. *City of Louisville v. Santer & Yantz*, 149 Ky. 721; 149 S. W. 1029.

appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of the common law. (See notes to § 13.)

(5) The measure of damages in a condemnation proceeding in a County Court. *Hamilton v. Maysville*, 27 R. 251. See also *Broadway Coal Mining Co. v. Smith*, 136 Ky. 725; 125 S. W. 157; 26 L. R. A. (N. S.) 565; holding Sec. 4292, Ky. Stats. unconstitutional insofar as it authorizes consequential benefits to be set off against damages for the taking of land.

(6) A county was held liable for damages done by the construction of a public road and culvert in such manner as to discharge water on private premises in a greater quantity than the natural flow. *Moore v. Lawrence County*, 143 Ky. 448; 136 S. W. 1031.

(7) A city prison is not per se a nuisance. *City of Bowling Green v. Rogers*, 142 Ky. 558; 134 S. W. 921.

(8) A private corporation or person seeking to condemn property must establish that it is needed for a public use. *Riley v. L. H. & St. L. Ry. Co.*, 142 Ky. 67; 133 S. W. 971. See on this section *Johnson v. Marcum*, 152 Ky. 629; 153 S. W. 959; *Rowe v. Com.*, 153 Ky. 338; 155 S. W. 753; *L. & N. R. R. Co. v. Hopkins County*, 153 Ky. 718; 156 S. W. 379. Road cannot be condemned by a land owner from one tract of land to another. *Fitzpatrick v. Warden*, 157 Ky. 95, 162 S. W. 550.

(9) The Louisville Commissioners of Sewerage are not answerable for an injury done to one contractor by the negligence of another contractor in the building of a sewer. *Jones & Co. v. Ferro Concrete Const. Co.*, 154 Ky. 47; 156 S. W. 1060.

(10) Cited in *Gesser v. McLane & Co.*, 156 Ky. 747; *C. & O. R. R. Co. v. May*, 157 Ky. 713; *C. & O. R. R. Co. v. Blankenship*, 158 Ky. 274; *L. & N. R. R. Co. v. Culbertson*, 158 Ky. 564; *Shaw v. Board of Drainage, etc.*, 160 Ky. 428.

(11) Although in the collection and distribution of garbage the city discharges a governmental function it has no right to take or injure private property for the use thereof without making compensation therefor. *City of Louisville v. Hehemann*, 161 Ky. 526; 171 S. W. 165.

(12) The taking of lands for the construction of drainage which will result in public benefit is the proper exercise of the power of eminent domain. *Williams v. Wedding*, 165 Ky. 361; 176 S. W. 1176; *City of Dayton v. Rewald*, 168 Ky. 398; 182 S. W. 931.

(13) City may cross with street railroad right of way. *L. & N. R. R. Co. v. City*, 131 Ky. 108; 114 S. W. 743.

(14) Closing street or alley is taking. *Henderson v. City of Lexington*, 132 Ky. 390; 111 S. W. 318.

(15) Contractor who constructs a sewer for city is not immune from damage to private property. *Adams & Sullivan v. Sengel*, 177 Ky. 535; 197 S. W. 974.

(16) § 4287-4256 as to establishment of public roads is not void under this section providing General Assembly shall not deprive any person of an appeal from a preliminary assessment for damages. *Gratz v. Gertisen*, 181 Ky. 626; 205 S. W. 782.

AN ACT FOR THE
Government of Cities of the First Class
AND AMENDMENTS THERETO.

(Approved July 1, 1893)

BEING THE CHARTER OF THE CITY OF LOUISVILLE

- | | |
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|---|---|

§ 2740. **Six Classes.** The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County. * * * *

SUBDIVISION I.

General Provisions.

§ 2742. **Incorporation and corporate powers.** That the inhabitants of cities of the first class are hereby continued cor-

Rights and Powers Generally.

§ 2742. (1) **Authority strictly construed.** General rule is that the authority delegated to municipal corporations is to be strictly construed. Kniper v. Louisville, 7 Bush 599;

Wheatly v. Covington, 11 Bush 18; Johnson v. Louisville, 11 Bush 527. Exceptions to rule. Broadway Baptist Church v. McAtee, 8 Bush 508.

(2) **City may hold property in trust** under a will for charitable uses, and may be compelled to execute

porate by the name and style which they now bear, with power to govern themselves by such ordinances and resolutions for municipal purposes as they may deem proper, not to conflict with this act, nor the Constitution and laws of this State, nor of the United States; with power to contract and be contracted

such trust. *Peynado v. Peynado*, 82 Ky. 5.

(3) **Discrimination against non-residents.** A city ordinance which discriminates against residents of Federal Constitution, although it makes the same discrimination against the residents of this State outside of each city. *Fecheimer v. Louisville*, 84 Ky., 306; 2 S. W. 65; *Simrall v. City of Covington*, 90 Ky. 451; *McGraw v. Town of Marion*, 93 Ky. 678; 38 S. W. 18; 47 L. R. A. 593.

(4) **Issual and sale of municipal bonds.** It is no objection to an ordinance providing for the issual of municipal bonds that it gives the Mayor the discretion to sell them at a lower rate of interest than that fixed in the ordinance if he can do so. There is no unauthorized delegation of legislative power. *Frantz v. Jacob*, 88 Ky. 525; 11 S. W. 654.

(5) **Legislative power** General Council can not, by contract, deprive itself of this power. *Lou. City Ry. v. Louisville*, 8 Bush 415; *Bateman v. City of Covington*, 90 Ky. 390; 14 S. W. 361.

(6) **Market—regulation of.** Mayor and Council have the right to inflict penalties on its citizens for vending at market articles not the product of the vendor. *Louisville v. Roupe*, 6 B. M. 591.

(7) **Nuisance—abatement of.** City government may, when the use to which the owner devotes his property becomes a nuisance, compel him to cease to use it, and punish him for refusing to obey its ordinances. *Lou. City Ry. v. Louisville*, 8 Bush 415.

(8) **Observance of Sabbath.** Enforcement of observance of Sabbath—powers of city. *Ormsby v. Louisville*, 79 Ky. 197; *Commonwealth ex rel Barth v. McCann*, Judge, 29 R. 707; 94 S. W. 645.

(9) **Ordinance fixing offense and punishment.** The Mayor and Council

have the right, by their ordinance, to define the acts which they intend to punish, and the act defined is the offense. *Louisville v. Roupe*, 6 B. M. 591.

(10) **Penal ordinances.** A general grant of power should not be held to confer authority upon a municipal corporation to pass an ordinance punishing an act which is made punishable as a criminal offense by the State laws. *Com. v. Duff*, 87 Ky. 586; 9 S. W. 816; *City of Louisville v. Wehmoff*, 116 Ky. 812; 79 S. W. 201; *City of Louisville v. Alvey*, 25 R. 995; 76 S. W. 876.

(11) **Police Power—public health.** Power of State to protect the public health through her towns and cities can not be relinquished, yet the municipalities entrusted with the power may make contracts to attain this end; and when made they can not disregard them upon their mere caprice. *City of Louisville v. Wible*, 84 Ky. 290; 1 S. W. 605.

(12) **Power to make contracts for city.** Persons contracting with corporations or their officers, must, at their peril, inquire concerning the authority of the contracting agents or officers to bind the corporation by such contract. *Trustees, etc. v. Hohn*, 82 Ky. 1; *Murphy v. Louisville*, 9 Bush 189; *Craycraft v. Selvage*, 10 Bush, 696. The Mayor can not, as a general rule, employ counsel to represent the city in a litigation. *Owensboro v. Weir*, 95 Ky. 158; 24 S. W. 115. Cases of emergency may arise where the power must necessarily exist, *Louisville v. Murphy*, 86 Ky. 53; 5 S. W. 194.

(13) **Special privileges.** A statute enacted for the protection of a city, if it relates to the exercise of a governmental power, is valid. *Preston v. Louisville*, 84 Ky. 118.

(14) **State laws operate within the limits of municipal corporations and**

with; to sue and be sued; to defend and be defended in all courts; to acquire property for municipal purposes by purchase or otherwise; to hold the same and all property and effects now belonging to them, either in their own names or in the names of others, to the use of the city, for the purposes and intents for which the same were granted or dedicated; to use, manage, improve,

upon their inhabitants, as elsewhere, unless it is otherwise clearly provided in the charter or by statute. *Com. v. Duff*, 87 Ky. 586; 9 S. W. 816.

Liabilities of Corporation.

(15) **Injunction by city taxpayer.** A city taxpayer may enjoin the issuing of illegal bonds by the city, both for his own protection and for that of innocent parties who may purchase them. *Frantz v. Jacob*, 88 Ky. 525; 11 S. W. 654.

(16) **Mandamus against City Council.** Jurisdiction of Jefferson Circuit Court. *Kaye v. Kean*, 18 B. M. 839. Mandamus lies against City Council to compel the levy and collection of a tax to pay bonds issued to a railroad company. *Maddox v. Graham*, 2 Met. 56; *Fleming v. Dyer*, 20 R. 689; 47 S. W. 444.

(17) **Negligence of firemen.** City being required to establish and maintain a fire department, is not liable for injuries caused by the negligence of firemen. *Greenwood v. Louisville*, 13 Bush 226.

A city is not liable to property owner for negligence of firemen. *Terrill v. Louisville Water Co.*, 127 Ky. 77; 105 S. W. 100; *Davis v. City of Lebanon*, 108 Ky. 688; *Jolly v. City of Owensboro*, 89 Ky. 281; *Dudley v. City of Flemingsburg*, 115 Ky. 5; *Haring v. City of Covington*, 25 R. 1618. See also *Louisville, etc. v. Oldham*, 148 Ky. 32; *City of Louisville v. Bridwell*, 150 Ky. 589; 150 S. W. 672; *O'Daly v. City of Louisville*, 156 Ky. 815; 162 S. W. 79.

(18) **Negligence of policemen.** City not liable for wilful negligence of policemen in making arrest upon charge of felony. They act as officers of the Commonwealth. *Pollock v. Louisville*, 13 Bush 221.

City not liable for acts of officers in enforcing laws. *Pollock v. Louisville*, 13 Bush 221; *Bean v. City of*

Middlesborough, 22 R. 415; Police judge. *Hershberg v. Barbourville*, 142 Ky. 60; 133 S. W. 989. But see *McGraw v. Town of Marion*, 98 Ky. 678.

(19) **Negligence of city employes.** The City of Louisville is not responsible for the negligence of employes in operating elevator in the City Hall. *Schwalk's Admr. v. City of Louisville*, 135 Ky. 570; 122 S. W. 860; 25 L. R. A. (N. S.) 88.

Nor for those in charge of a pest house. *Twyman v. Frankfort*, 117 Ky. 518. *Having v. Covington*, 78 S. W. 431; *Arnold v. Stanford*, 113 Ky. 852; 69 S. W. 726.

Nor for those conducting a school of reform. *Williamson v. Louisville Reform School*, 95 Ky. 251.

Nor for those in charge of public schools. *Ernst v. West Covington*, 116 Ky. 850; 76 S. W. 1089; 63 L. R. A. 652.

Nor for those in charge of a lock-up or workhouse. *Braunstein v. City of Louisville*. 146 Ky. 777; 143 S. W. 372.

Nor for the negligence of those in charge of a sprinkling cart. *Kippes v. City of Louisville*, 140 Ky. 423; 131 S. W. 184; *Maydwell v. City of Louisville*, 116 Ky. 885; 76 S. W. 1091; 63 L. R. A. 655; *O'Daly v. City of Louisville*, 156 Ky. 815; 162 S. W. 79.

Nor for those engaged in street cleaning. *City of Louisville v. Carter*, 142 Ky. 443; 134 S. W. 468.

Nor for the negligence of those engaged in repairing streets. *Danville v. Fox*, 142 Ky. 476; 134 S. W. 883.

Nor for the negligence of those in charge of a jail or prison. *City of Bowling Green v. Rogers*, 142 Ky. 558; 134 S. W. 921.

Nor for the negligence of those engaged in constructing sewers. *Smith's Admr. v. Commissioners of Sewerage of Louisville*, 146 Ky. 562; 143 S. W.

sell and convey, rent or lease the said property, and have the like powers over property hereafter acquired, to have a common seal, and change it at pleasure, and act with or without a seal.

§ 2743. **Legislative, executive, and judicial departments.** In said cities there shall be a legislative, an executive, and a judicial department. Neither of these departments shall exercise any power properly belonging to either of the others, except as permitted in this act.

§ 2744. **Separation for governmental purpose from county—city and county indebtedness.** (Repealed by act of March 24, 1904.)

§ 2745. **Official oath required of officers.** The members of the General Council, and all other officers of the city, before

3; *City of Louisville v. Frank*, 154 Ky. 254; 157 S. W. 24; *Johnson's Admr. v. Louisville etc.*, 160 Ky. 356; 169 S. W. 827.

City dumps. *City of Georgetown v. Ammerman*, 143 Ky. 209; 136 S. W. 202; *City of Louisville v. Hehemann*, 161 Ky. 523; 171 S. W. 165; **Garbage.** *City of Louisville v. Hans*, 167 Ky. 160; 180 S. W. 65.

(20) **Official misconduct of officers.** City officers are responsible for malfeasance or nonfeasance in office, but the corporation is not liable for official misconduct of its officers. *Prather v. Lexington*, 13 B. M. 557; *Ward v. Louisville*, 16 B. M. 184; nor for wilful neglect of policemen. *Pollock v. Louisville*, 13 Bush, 221.

(21) Neither the city nor the Park Board can be held liable for the negligence of employes engaged in the management of the park system. *Board of Park Commissioners v. Prinz*, 127 Ky. 470; 105 S. W. 948.

(22) **Property destroyed by mob.** City not responsible. *Prather v. Lexington*, 13 B. M. 557; *Ward v. Louisville*, 16 B. M. 184; but now by statute under certain restrictions the city is liable. See Sec. 8 and notes.

(23) **Recovery of money paid by mistake.** One who has paid money to be paid for a license to do business, may recover the money, the ordinance being invalid. *Feeheimer v. Louisville*, 84 Ky. 306; 2 S. W. 65;

Brands v. City of Louisville, 111 Ky. 61; *Bruner v. Town of Stanton*, 102 Ky. 461; see *Const.*, Sec. 170 and notes; sec. 2980a and notes.

(24) **Taxation of city property—exemption.** See *Con.*, sec. 170 and notes.

(25) A city can not require an Institution for the Blind to equip its building with fire escapes. *Ky. Institution for Education of Blind v. City of Louisville*, 123 Ky. 767; 97 S. W. 402.

(26) City ordinance regulating pool rooms and punishing acts which are offenses at common law upheld. *City of Louisville v. Wehmhoff*, 116 Ky. 812; 79 S. W. 201.

(27) The right acquired by a telephone company to use the streets of a city for telephone purposes held not withdrawn by the present Constitution, nor subject to revocation. *City of Louisville v. Camb. Tel. & Tel. Co.*, 224 U. S. 649.

§ 2744. **Construction of section.** *Joyes v. Jeff. Co. Fiscal Court, etc.*, 106 Ky. 615; 51 S. W. 435.

§ 2745. (1) **Clerks of boards of aldermen and councilmen** are officers of the city government. *Barrett v. Godshaw*, 12 Bush 592.

(2) **Election of officers of city.** The term "election," in its constitutional sense, is used to designate a selection by the popular vote of a district, county, town, or city, or by

entering upon the duties of their respective offices, shall each take such oath or affirmation as may be prescribed by this act or by ordinance; and, in addition, each shall make an oath or affirmation that he has the qualifications prescribed by this act, and is not subject to any of the disabilities which render him ineligible to hold the office to which he has been elected.

§ 2746. **Eligibility to office.** No person shall be eligible to any office who is not at the time of his election a qualified voter of the city, and who has not resided therein three years preceding his election.

§ 2747. **Officers making false entries—embezzlement and misapplication of funds—penalty.** If any auditor, tax receiver, treasurer, or comptroller, or other officer or assistant, or deputy of such officer of said city, shall make or knowingly permit others to make a false entry in his books, or shall allow or disallow any item or items, or shall knowingly fail to make any proper entry in his books, with the intent to cheat or defraud said city, or any person or corporation, or shall embezzle or knowingly misapply or withhold any money or property of any kind belonging to said city, or coming into his hand officially, such officer, assistant, or deputy shall, upon conviction thereof, be confined in the penitentiary of this Commonwealth not less than two or more than ten years.

§ 2748. **Officers to hold until successor qualifies.** All officers who have qualified shall hold their office until their successors are elected and qualified.

some organized body in contradistinction to the appointment by some single person or officer. *Speed v. Crawford*, 3 Met. 207; *Police Coms. v. Louisville*, 3 Bush 597.

(3) **Presumed to have acted legally.** Functionaries acting openly for the welfare of the local public should not be presumed to have acted illegally. *Louisville v. Hyatt*, 2. B. M. 177.

(4) **Salaries may be attached.** Salaries of officers of cities may be attached and subjected to the payment of their debts. *Speed v. Brown*, 10 B. M. 108; *Rodman v. Musselman*, 12 Bush 354. But see *Dickinson v. Johnson*, 110 Ky. 247; 61 S. W. 267; *Sanders v. Herndon*, 122 Ky. 760; 93 S. W. 14; 5 L. R. A. 1072. May not be

assigned, *Schmidt v. Dooling*, 145 Ky. 240; 140 S. W. 197.

§ 2746. Eligibility of persons in annexed territory. *Gibson v. Wood*, 105 Ky. 740; 49 S. W. 768.

Residence for three years is sufficient to render a person eligible to office, although during part of three years the territory in which he resided was outside the city limits. *Meffert v. Brown*, 116 S. W. 779; 1177 132 Ky. 201.

§ 2747. **Necessary allegations in an indictment against a live stock inspector.** *Com. v. Bradley*, 132 Ky. 512; 116 S. W. 761.

§ 2748. **This section does not apply to legislative body.** Councilmen and aldermen under the charter of the city of Louisville could not hold

§ 2749. **Aiding escape from penal institutions—harboring or concealing—penalty.** Any person who shall aid, assist or abet any male or female to escape from the House of Reform, the City Workhouse, or any other penal institution, or shall harbor or conceal such persons, knowing them to have escaped, shall, upon conviction, be fined not less than one hundred dollars, or be confined in the County Jail not less than thirty days, or both, at the discretion of the jury.

§ 2750. **Circuit judges and Commonwealth's attorney—salary supplemented.** (Repealed by act of March 24, 1904.)

§ 2751. **Ordinances—codification—publication—duty of City Attorney.** All general ordinances of the city now in force and not in conflict with this act, shall continue in force until repealed by the General Council, but not longer than two years from the first election of the General Council under this act. Hereafter there shall be published for the year 1919, and every four years thereafter, a compilation or codification of the general ordinances of the city, and hereafter there shall also be published for the year 1917, and every four years thereafter a supplemental compilation or codification, which shall contain all the general ordinances which have been passed since the previous compilation. No general ordinance shall be operative unless included or published in said compilation or supplemental compilation, or unless passed subsequent to the last compilation. Immediately after the passage of this act, the City Attorney shall codify the general ordinances of the city, and add thereto such provisions as may be necessary to carry out the purposes of this act. The code so prepared shall be promptly transmitted to the Mayor and General Council. (*Amended 1918 Legislature.*)

§ 2752. **Actions against city—limitation.** Actions against the city for damages for injuries to person or property shall be begun within six months after the cause of action accrued. [Actions against the city for taxes or assessments claimed to have been illegally paid or collected shall be commenced within six months after the cause of action accrued.] (*Words in brackets added by act of March 16, 1898.*)

over beyond the period for which they were elected, and their acts after the expiration of their terms were void. *Louisville v. Higdon*, 2 Met. 526; *McDermott v. City of*

Louisville, 98 Ky. 50; 32 S. W. 264.

§ 2752. **Limitation** fixed in this section is in violation of the Constitution. *City v. Kuntz*, 104 Ky. 584; 47 S. W. 593; *City v. Siebert*, 21 R.

§ 2753. **Obligations due to taxpayers—deduction for taxes.** The city shall, in every instance, deduct and withhold from the amount of its obligations to any person owing or liable to it for taxes, the amount of such taxes, and surrender to such person the cancelled tax bills therefor, which, to the amount thereof, with the interest and penalty thereon, if any, shall be a discharge of its obligations to such person.

§ 2754. **Fiscal year—when to begin and end.** The fiscal year of the city shall begin on the first day of September of each year and end on the thirty-first day of August following.

§ 2755. **Inspector of weights and measures—salary—penalty.** The General Council shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights or measures, and may provide for an inspector, or inspectors, of weights and measures. He shall have exclusive power to inspect weights and measures in the city, and he shall be paid a salary by the city. No fees shall be charged or received for such services. Nothing in this section shall be construed so as to interfere with the term of office or fees of the present sealer of weights and measures for Jefferson county.

§ 2756. **Officers and agents—terms, duties and compensation.** Except as otherwise herein provided, the General Council may, by ordinance, prescribe the duties, define the term of office, and fix the compensation and the bond and the time of election of all officers and agents of the city.

§ 2757. **Officers or councilmen receiving bribe—penalty.** Any officers of said city, or member of the General Council, who shall

328; 51 S. W. 310 *City v. Hegan*, 20 R. 1532; 49 S. W. 532; *City v. McGill* 21 R. 718; 52 S. W. 1053.

§ 2755. **One can not be convicted** of bribing another to vote for candidate for an office that does not exist. *Com. v. Reese*, 16 R. 493; 29 S. W. 352.

§ 2756. **Municipal officers.** (1) There can be no change in salaries of public officers during their terms. See sec. 161 of the Const., *City of Louisville v. Wilson*, 99 Ky. 598; 36 S. W. 944; *Marion County Fiscal Court v. Kelly*, 112 Ky. 835; *McNew v. Commonwealth*, 123 Ky. 115; 93 S. W. 1047.

(2) This rule does not apply to municipal officers removable without cause. *City of Lexington v. Renick*, 105 Ky. 785; 50 S. W. 1106.

(3) **Who are officers.** *Purnell v. Mann*, 105 Ky. 113; *Sinking Fund Commissioners v. George*, 104 Ky. 286; *Pratt v. Breckinridge*, 112 Ky. 8; *Lowry v. City of Lexington*, 113 Ky. 773; 68 S. W. 1109.

(4) **Bond to be executed.** See secs. 3751 and 3752 Ky. Stats.; *Grombarger v. U. S. Fidelity Co.*, 102 S. W. 873; 126 Ky. 119; 11 L. R. A. (W. S.) 758. *City of Louisville v. Vreeland*, 140 Ky. 400; 131 S. W. 195; holding that the office of gas inspector pro-

receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measures upon which he may act officially, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than two nor more than twenty years.

§ 2758. **Building inspector—inspection of buildings.** The statutes heretofore enacted for the inspection of buildings, and for the appointment of building inspectors, shall continue in force until superceded by appropriate ordinances passed by the General Council; but in no event shall such acts now in force continue longer than March 4, 1894.

§ 2759. **Elective officer—when to take office.** All elective officers shall take office at the same time as the Mayor, unless otherwise specially provided herein.

SUBDIVISION II.

Boundaries.

§ 2760. **Existing boundaries continued.** The boundaries of the cities of the first class shall, until changed as herein provided, remain as now established by law.

vided for in the charter of the Louisville Gas Company was repealed by the present city charter.

(5) The Council of a city of the first class may repeal an ordinance creating minor positions in the office of the City Attorney, but an ordinance displacing such officers and providing others in their place is void. *Underwood v. Wilhite*, 139 Ky. 116; 129 S. W. 548; *City v. Parsons*, 150 Ky. 420; 150 S. W. 498.

§ 2758. **Building regulations.** Under Ky. St. 1903, Sec. 2758, which is a part of the act for the government of cities of the first class, passed July 1, 1893, and which provides that statutes previously enacted for the inspection of buildings shall continue in force until superceded by appropriate ordinances passed by the General Council, the whole question of building inspection is left to be regulated by ordinances passed by the General Council; and an ordinance so passed is valid, although it conflicts

with Acts 1887-88; vol. 1, c, 124, which appears in Ky. St. 1903, secs. 1830, 1832, and which prescribes the conditions under which the owners of certain property shall place fire escapes thereon, and imposes a penalty for leaving the building unprotected with fire escapes. *Louisville Pub. Library Co. v. City of Louisville*, 118 Ky. 334; 80 S. W. 1169; *Tilford v. Belknap*, 126 Ky. 244; 103 S. W. 289; *Boyd v. City of Frankfort*, 117 Ky. 199; 77 S. W. 669.

§ 2760. **Acquiescence in location of boundary line.** Where, for more than twenty years, a certain location of the boundary line was adopted and acted on by both the city and lot owners, and the line was, by subsequent acts of the Legislature, recognized as the true line, the construction given to the charter for so many years will not be disregarded. *Belknap v. City of Louisville*, 93 Ky. 444; *Carrithers v. City of Shelbyville*, 126 Ky. 769; 104 S. W. 744; 17 L. R. A. (N. S.) 421.

§ 2761. **Annexation or reduction of territory—ordinance, publication.** Whenever it is deemed desirable to annex any territory to the city, or to reduce the boundaries thereof, the general council thereof may enact an ordinance, defining accurately the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least ten issues of the daily paper published in and having the largest circulation in the cities. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court, as provided in the next section, the general council may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become part of such city, or shall be stricken therefrom.

§ 2762. **Remonstrance against—petition in circuit court.** Within thirty days after the enactment of an ordinance proposing to annex territory to the city, or to reduce the limits thereof, one or more residents or freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, or any branch thereof having jurisdiction in civil cases, setting forth the reasons why such territory or any part thereof should not be annexed, or why the

§ 2761. (1) **Boundary.** Where an ordinance providing for the annexation of territory was repealed after proceeding under it had been commenced in Circuit Court, the action of motion of city should be dismissed. *City v. Town of Crescent Hill*, 21 R. 755; 52 S. W. 1054.

(2) **Burden of proof** is on petitioners who file petition resisting annexation, and they are entitled to conclusion of argument. Taxpayers who are residents of the city are competent jurors. *Ky. Wagon Co. v. City of Louisville*, 97 Ky. 548; 31 S. W. 130; *City v. Brown*, 119 S. W. 1196.

(3) **Failure to assign annexed territory** to a ward in the city does not deprive residents of the territory of any of their political rights. *Specht v. City*, 22 R. 699; 58 S. W. 607.

(4) **Ordinance** providing for annex-

ation of territory—enactment of. *Oswald v. Gosnell*, 21 R. 1660; 56 S. W. 165; *Specht v. City*, 22 R. 699; 58 S. W. 607.

(5) **Status** and political rights of citizens of annexed territory, *Gibson v. Wood*, 105 Ky. 740; 49 S. W. 768.

(6) **The motive of the Council** in annexing territory can not be inquired into. *Meffert v. Brown*, 132 Ky. 201; 116 S. W. 779; 1177; see *Town of Williamstown v. Matthews*, 103 Ky. 121; *Collins v. Town of Crittenden*, 24 R. 899; *Wooley v. City of Louisville*, 114 Ky. 556; 71 S. W. 893.

§ 2762. **When less than 75 per cent.** of the freeholders in the territory sought to be annexed remonstrate, the only questions for the jury to consider are whether the annexation will benefit the city and whether the annexation would cause

limits should not be reduced. Summons shall issue thereon and be executed on the mayor or chief executive officer of the city as in other cases, and the answer of the city shall be filed within twenty days after the service of the summons. The case shall be tried according to the rules and practice prescribed for the trial of jury cases. If the jury be satisfied, upon a hearing that less than seventy-five per cent of the freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for its interest, and will cause no manifest injury to the persons owning real estate in the territory sought to be annexed or stricken off, it shall so find, and said annexation or reduction shall be approved and become final. If the courts shall be satisfied that seventy-five per cent or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated, then such annexation or reduction shall not take place, unless the jury shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city, and of the owners and inhabitants of the territory sought to be annexed or stricken off. In case the jury shall so find, the annexation or reduction shall take place, notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court be adverse to annexation or reduction, no further effort to annex or strike off such territory shall be made within two years after the rendition of such judgment.

§2763. **Judgment certified to general council.** The judgment shall, when entered, be certified to the general council of the city, who may thereupon annex to or strike from the city territory described in the judgment, and such territory shall become, or cease to become, as the case may be, a part of the city.

§ 2764. **Annexing smaller cities—liabilities, corporate property and franchises.** In accordance with the provisions of sec-

manifest injury to the persons owning real estate in the territory. In such case it is improper to admit evidence that the annexation would not be for the interest of the property-owners or would retard the growth

of the city. It is also improper to admit evidence showing that the Council discriminated in favor of certain residents in making the annexation, as the City Council is the sole judge of what territory should be an-

tions 2761, 2762 and 2763 hereof, it shall be lawful for a city of the first class to annex the territory of a smaller city or town. But the city thus annexing the territory of another shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of such municipal corporation: *Provided*, That if only a portion of the territory of any city or town shall be annexed, the amounts of the existing debts and liabilities which such city shall be bound for shall be in proportion as the value of the property so annexed bears to the value of all the property of the city or town from which such territory is taken, as shown by the last preceding assessment of the assessor of such city or town.

SUBDIVISION III.

Legislative Department.

§ 2765. **Board of councilmen and aldermen styled general council.** The legislative power of said cities shall be in a board of twenty-four councilmen and in a board of twelve aldermen, which shall be styled the General Council.

§ 2766. **Councilmen elected by voters of city—two from each ward.** Councilmen shall be elected by the qualified voters of the city at large, and so selected that two shall be residents of and qualified voters in each ward.

§ 2767. **Aldermen elected by voters of the city.** Aldermen shall be selected from and elected by the qualified voters of the city at large.

§ 2768. **General Council—term of office—qualifications—official oath.** Members of the General Council shall hold their office for two years after the election. They shall be at least twenty-five years of age, and shall be housekeepers or owners of real estate in the city. They shall hold no other civil office. They shall not be directly or indirectly interested in any con-

nexed. *City of Louisville v. Brown*, 119 S. W. 1196.

§ 2768. (1) **Terms of councilmen.** This section providing that members of the council shall hold their office for two years after the election is constitutional. *McDermott v. City of Louisville*, 98 Ky. 50; 32 S. W. 264; *Louisville v. Higdon*, 2 Met. 526.

(2) **Void contract—councilman in-**

terested. Under this section a contract made between the city and a member of the council who is interested in the contract is void, as is a contract between the city and a corporation when an officer or paid employe of the corporation is a member of the council. *Nunemacher v. City of Louisville*, 98 Ky. 334; 32 S. W. 1091; *Jacques v. City of Louis-*

tract with said city, or in any application therfor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on or interfere, directly or indirectly, with any matters or question affecting a contract between such company and the city, or its right or duty under the same. No person while in arrears to the city for money collected shall be a member of the general council. Before any member-elect shall take his seat in either board, he shall make an oath or affirmation that he has the qualifications and is free from the disqualifications prescribed herein.

§ 2769. **Representation equal and uniform—twelve wards.** Representation shall be equal and uniform, and regulated by the number of inhabitants, as ascertained by the Federal census made in 1890, and by the Federal census every ten years thereafter. The general council shall lay off the city into twelve wards, as nearly equal as practicable in population.

§ 2770. **President and clerk elected by each board.** Each board shall elect from its members a president thereof for one year. In his absence a president *pro tem* shall be chosen from the members. Each board shall elect its clerk and may elect a sergeant-at-arms.

§ 2771. **Qualification of members judged by board—expulsion—vacancies, how filled.** Each board shall judge the eligibility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct. Two-thirds of the members-elect concurring, either board may expel a member; but not twice for the same cause. Vacancies in either board shall be filled by the general council, in joint session.

ville, 127 Ky. 727; 106 Ky. 308; Bradley & Gilbert Co. v. Jacques, 33 R. 618; 110 S. W. 836.

§ 2771. **Qualifications of members of council** can only be inquired into by that board of which the person claims to be a member, and the authority to expel or punish a member is lodged exclusively in that board of which he is a member. Neither the other board nor the General Council can punish or expel a member of one of the boards. Com. v. Hillen-

brand, 96 Ky. 407; 29 S. W. 287. The fact that an ordinance authorizing a street improvement after its completion and another ordinance for street improvement were passed by the council on the same day is no defense to an action to recover on an apportionment warrant. City of Louisville v. Gast, 118 Ky. 564; 81 S. W. 693. An election contest involving the title to the office of each member of a council must be conducted under Ky. Stats. 1596a, sub-

§ 2772. **Quorum—attendance enforced—place and time of meeting.** A majority of the members-elect shall form a quorum of either board, but a smaller number may adjourn from day to day. The attendance of members may be enforced by rules or ordinances with appropriate fines. The general council shall meet on the first Tuesday succeeding the election. It may adjourn for not longer than thirty days. The boards shall hold their meetings in such separate rooms in the city as may be provided by ordinance, and the place of meeting shall not be changed except by an ordinance, for which two-thirds of the members of each board have voted.

§ 2773. **Journal—publication of proceedings.** Each board shall keep a correct journal of its proceedings. (As amended by Acts of Legislature 1918, p. 650.)

§ 2774. **Ordinances to be published.** (Repealed by act of 1918. See acts p. 650.)

§ 2775. **Public records—copies evidence—judicial notice.** All official papers, proceedings, and records of the former officers and general councils, and trustees, and of the present and succeeding officers, general councils, and trustees of the city, under previous charters and under this and succeeding acts, are hereby declared public records, and as such shall be preserved and be

section 12, and not under sec. 2771. *Scholl v. Bell*, 125 Ky. 750; 102 S. W. 248.

§ 2773. (1) **Directory.** This section in so far as it relates to the publication of ordinance is merely directory. *Reed v. City*, 22 R. 1636; 61 S. W. 11.

(2) **Record of board of council.** The city charter requires that each board of the council shall keep a correct journal of its proceedings. How journals are to be kept. *Louisville v. McKegney*, 7 Bush 651.

§ 2774. This section compared with Ky. Stats., Secs. 3045 and 3638. *City of Newport v. Newport National Bank*, 148 Ky. 213; 146 S. W. 377. See *City of Louisville v. Parsons*, 150 Ky. 420; 15 S. W. 498.

§ 2775. (1) **Evidence—judicial notice.** Copies of the journal which each board is required to keep of its proceedings may be used as evidence

when attested by the clerk of the respective boards. Copies of ordinances, joint resolution and other documents, the result of the joint action of the two boards, may be used as evidence when certified by the Mayor. *Barret v. Godshaw*, 12 Bush 592. And the court will take judicial notice of ordinances. *Gaertner v. Lou Stone Co.*, 114 Ky. 160; 70 S. W. 293; and see *Wooley v. City*, 114 Ky. 556; 71 S. W. 893; *City v. Cassady*, 105 Ky. 424; 49 S. W. 194; *Farmers & Shippers' Tob. Wh. v. Gibbons*, 24 R. 1670; 72 S. W. 12. Ordinance sufficiently pleaded when it was stated a hotel was being operated in violation of the ordinance, them giving its title and date of approval especially, in view of this section. *Louisville Trust Co. v. Morgan*, 180 Ky. 609; 203 S. W. 555.

(2) **Notice to citizens and taxpayers.** The proceedings of the general

entitled to all faith and credit of public records. Official copies thereof may be read in all courts as public records. The courts in this Commonwealth shall take judicial cognizance of the ordinances of the city, and the printed copy officially published by the city may be read as evidence in any trial in which the same may be competent evidence without proof of the due passage and approval of said ordinance. Until the biennial publication of the ordinances by the city, a certified copy from the comptroller's office of an ordinance may be read with the same effect as if it had been officially published.

§ 2776. **Councilmen exempt from jury or military service—privileged.** Members of the General Council shall be exempt from serving on juries and from military duty during their term. For anything said in debate they shall not be elsewhere questioned.

§ 2777. **Ordinance—passage—one subject—amendments.** No ordinance shall be passed until it shall have been read in full in each board and free discussion allowed thereon, and no ordinance shall pass both boards on the same day. No ordinance shall embrace more than one subject, and that shall be expressed in its

council are public records, and citizens and tax-payers are bound to take notice of them. *Barret v. Godshaw*, 12 Bush 592. Parties dealing with the corporation through its officers are bound to take the same notice of its laws and ordinances that a citizen of the State has to with reference to its laws. *Murphy v. Louisville*, 9 Bush 189; *Craycraft v. Selvage*, 10 Bush, 696; *Wooley v. Louisville*, 71 S. W. 893; 114 Ky. 556.

(3) Effect of statute making copies of the ordinance authorizing work, a copy of the contract, etc., prima facie evidence. *McHenry v. Selvage*, 99 Ky. 23; 354 S. W. 645; *City of Louisville v. Parsons*, 150 Ky. 420; 150 S. W. 498. Courts must take judicial notice of the ordinances of the City of Louisville. *Weiss v. Coms. of Sewerage*, 152 Ky. 552; 153 S. W. 967.

(4) **All records which officers** of a city are required to keep either by statute or by valid ordinances of the city are public records and may be inspected by any person, though desiring to bring suit against the city.

But other papers, though kept by such officers, are not subject to inspection by the public. *Barrickman v. Lyman*, 154 Ky. 630; 155 Ky. 710; 157 S. W. 924; 160 S. W. 267.

(5) Under the above section the courts are required to take judicial notice of ordinances of the city and this dispenses with the necessity of introducing these ordinances in evidence. *Gnau v. Ackerman*. 166 Ky. 258, 179 S. W. 217.

§ 2777. (1) **Enjoining passage of ordinance.** The passage of ordinances and resolutions concerning the governmental and public affairs of the municipality over which the council has discretionary authority can not be enjoined; but where the council is by ordinance about to make an illegal disposition of wharf property, equity may enjoin the passage of such ordinance upon the petition of tax-payers. *Roberts v. City of Louisville*. 92 Ky. 95; 17 S. W. 216.

(2) **Passage of ordinance—sufficiency of title and reading.** *Elliot v. City of Louisville*, 101 Ky. 262; 40 S.

title. No ordinance shall be altered or amended in any way except by repealing it.

§ 2778. **Propositions to raise money to originate in Board of Councilmen.** Propositions for raising money must originate in the board of councilmen; but the board of aldermen may propose amendments thereto, as in other propositions, provided it does not, under color of amendment, introduce matter not relating to the subject.

§ 2779. **Member not eligible to office by election of board.** No member of the general council, during the term for which he was chosen, shall be eligible to any office by appointment or by election of said general council, or either branch thereof.

§ 2780. **Officers or agents—ordinance providing for election.** All officers or agents of the city, in any of its departments, not

W. 690; and see *Oswald v. Gosnell*, 21 R. 1660; 56 S. W. 165; *City v. Gast*, 118 Ky. 564; 81 S. W. 693; *City v. Wehmhoff*, 116 Ky. 812; 76 S. W. 876.

(3) **Second reading if ordinance** may be dispensed with at the same meeting of the council at which it had its first reading although the charter provides that no ordinance shall be passed until it has been read in each board at two several meetings, unless that provision be suspended by a vote of all the members elect." *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546. The record of the council being conclusive can not be overcome by the recollection of a witness. *Barfield v. Gleason*, 111 Ky. 49; 63 S. W. 964.

Sufficiency of title. *Gocke v. Staebler & McFarland*, 141 Ky. 66; 132 S. W. 167.

(4) **Enacting two ordinances at same time.** Under Section 2777, we should hesitate to hold, in the absence of an express statutory declaration on the question, that an ordinance was void for the reason that it was one of two ordinances which were passed by the council at the same time, relating to the same subject, there being no objection thereto by any member of the council. *City v. Gast*, 118 Ky. 435; 81 S. W. 693.

"No ordinance shall embrace more than one subject." *City of Louisville v. Wehmhoff et al.*, 116 Ky. 812; 76 S. W. 876; *City of Paducah v. Ragsdale*, 28 R. 1060; 92 S. W. 13.

(5) **Franchise ordinance.** The fact that an ordinance was passed on the same day that it was introduced does not necessarily show that a free discussion has not been had, so as to authorize the court to interfere. An ordinance making an agreement with a proposed purchaser of a gas franchise offered for sale by another ordinance, that it might in consideration of becoming a bidder for the gas franchise acquire an existing electric company which was forbidden to consolidate with a competing company of which the proposed purchaser had control, and that the city would waive the prohibition, is not invalid, since the statute was not intended to affect private rights of parties obtained under ordinance. *Gathright v. H. M. Byllesby & Co.*, 154 Ky. 106; 157 S. W. 45; Cited in *Swann v. City of Murray*, 146 Ky. 148; 142 S. W. 244.

§ 2780. **Can the city create new officers?** See *Collopy v. Clotherty*, 95 Ky. 330; 25 S. W. 497; *City of Louisville v. Wilson*, 99 Ky. 598; *Lowry v. City of Lexington*, 113 Ky. 772; 68 S. W. 1109; 116 Ky. 162; 75 S. W. 202. How far a city council

herein required to be otherwise elected or appointed, shall be elected or appointed in such manner as may be prescribed by ordinance.

§ 2781. **Executive and ministerial officers—how removed.** Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the board of aldermen, sitting as a court, under oath or affirmation, upon charges preferred by the mayor, or any two members of the board of councilmen, and in case of the mayor upon charges preferred by the board of councilmen: *Provided, however,* That any person removed from office under the provisions of this section shall have the right of appeal to the circuit court and from there to the court of appeals, and said appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried. (*Section as amended by act of March 15, 1900.*)

§ 2782. **Ordinance imposing fine for misdemeanor.** The general council shall have power to pass ordinances imposing fines, not exceeding one hundred dollars, for any designated misdemeanor not provided for by the general laws of the Commonwealth; but in cases where the General Statutes of the Commonwealth impose a fine not exceeding one hundred dollars such fine may be increased by ordinance.

§ 2783. **Power to pass ordinance not in conflict with the constitution and statutes.** The General Council shall have power to pass, for the government of the city, any ordinance not in con-

may abolish minor positions in the office of the City Attorney. *Underwood v. Wilhite*, 139 Ky. 116; 129 S. W. 548. See also on this section *City of Louisville v. Parsons*, 150 Ky. 420; 150 S. W. 498.

§ 2781. (1) **Removal of officers.** The cause must be such as constitutes malfeasance in office or renders the offender unfit to discharge his duties. Members of boards of public works and safety can not be removed by the mayor or board of aldermen, except for cause, and after notice and an opportunity to be heard. *Todd v. Dunlap*, 99 Ky. 449; 36 S. W. 541.

(2) **The board of aldermen has**

power in a proper state of case to remove a municipal officer—a park commissioner. *Gibbs v. Board of Aldermen*, 99 Ky. 490; 36 S. W. 524.

§ 2782. **A defendant having been fined \$25, can not complain that the ordinance imposing the fine authorized both fine and imprisonment when under the statute the council had authority to provide only for a fine.** *Keiper v. City of Louisville*, 152 Ky. 691; 154 S. W. 18. See also *Hyman v. Boldrick, Judge*, 153 Ky. 77; 154 S. W. 369.

§ 2783. **General power of legislation.** General Council has no general power of legislation. It only has power to pass ordinances and enforce

flict with the Constitution of the United States, the Constitution of Kentucky, and the statutes thereof.

§ 2783a. **Gas company stock—sale authorized—disposition of proceeds.** 1. That wherever any city of the first class shall own any stock in a gas company carrying on business within its boundaries, the said city shall have the right to sell or dispose of the same upon such terms as may be prescribed by ordinance duly passed by the general council of the said city and approved by its mayor, in the manner that other ordinances are so passed and approved, but said stock shall not be sold for less than par.

2. The proceeds of the sale of any such stock shall be applied, so far as they will suffice for that purpose, to the construction of public sewers, and held and used solely for that purpose, but the purchaser or purchasers of such stock shall not be required to look to the application of the purchase money.

3. The general council may, on such terms and conditions as shall be prescribed by ordinance passed as aforesaid, authorize the mayor of said city to consent, on behalf of the general council, to such amendments to the charter of any such gas company as may be approved by the board of directors of any such gas company, and so as to vest in the said board of directors and

them as mere police regulations. *Dolfinger v. Fishback*, 12 *Bush*, 474; *City of Louisville v. Gast, etc.*, 118 *Ky.* 564. But see *City of Louisville v. Wehmhoff*, 116 *Ky.* 812; 76 *S. W.* 876. Power to pass an ordinance regulating second-hand dealers and pawn shops upheld. *Hyman v. Boldrick*, 153 *Ky.* 77; 154 *S. W.* 369. Territory within reasonable limits that shall bear the cost of the construction of a public fire system may be defined by ordinance. *Louisville Steam-Forge Co. v. Anderson*, 22 *R.* 397; 57 *S. W.* 617. The fact that an ordinance passed both boards of the general council on the same day does not render it invalid where it was subsequently passed by the board in which it originated. *Specht v. City of Louisville*, 22 *R.* 699; 58 *S. W.* 607. City ordinance regulating fire-escapes does not apply to blind institutions. *Ky. Inst. for Ed. of Blind v. City of Louisville*, 123 *Ky.* 767; 97 *S. W.* 402. An ordinance prohibiting

the erection of a frame building within sixty feet of a brick structure without the consent of the owner of the latter is void. *Tilford v. Belknap*, 126 *Ky.* 244; 103 *S. W.* 289. The right of the Cumberland Telephone & Telegraph Company to occupy the streets of the city held not revocable by the city. *City of Louisville v. Cumb. Tel. & Tel. Co.*, 224 *U. S.* 649. A judgment enjoining as confiscatory an ordinance regulating telephone rates reversed. *City of Louisville v. Cumb. Tel. & Tel. Co.*, 225 *U. S.* 430; 32 *Sup. Ct. Rep.* 741. An ordinance segregating whites and negroes in homes, etc., upheld. *Harris v. City of Louisville*, 165 *Ky.* 559; 177 *S. W.* 472.

The council of a city of the first class can not by joint resolution incur an indebtedness or create liability or authorize the expenditure of public funds. *City of Louisville v. Parsons*, 150 *Ky.* 420; 150 *S. W.* 498.

stockholders of said company the same power and authority to deal with its charter as the stockholders and directors of any other corporation organized under the law of the State of Kentucky would have. (*This section is an act of March 20, 1902; the numbers of the sub-sections are numbers of sections of the act.*)

SUBDIVISION IV.

Executive Department.

§ 2784. **Mayor and executive boards—election of Mayor—term.** The executive power shall be vested in the Mayor and in the boards and departments authorized by this act. The mayor shall be elected by the qualified voters of the city on the first Tuesday after the first Monday in November, 1893, and at the regular election every four years thereafter.

§ 2785. **Mayor chief executive—eligibility to office.** The mayor shall be the chief executive officer of the city. Any person shall be eligible to the office who is thirty years of age, and who has been a citizen and resident of the State three years, and a resident of the city for which he may be elected mayor three years next before his election.

§ 2786. **Mayor can not be interested in contract with city.** No person shall be mayor who is, directly or indirectly, interested in any contract with the city as principal or surety.

§ 2787. **Election of Mayor—tie vote—General Council to choose.** If two or more candidates for Mayor receive the same number of votes, and this number of votes is greater than the number of votes cast for any other candidate, one of them shall be chosen mayor by a vote of the majority of all the members of the general council in joint session, immediately after its organization.

§ 2788. **Vacancy—how filled—Mayor pro tem.** When a vacancy shall take place in the office of mayor, a mayor *pro tempore* shall be chosen by the general council, in joint session,

§ 2788. (1) **Vacancy—how and when filled.** When a vacancy occurs in the office of mayor, and is filled as provided in this section by the council, three months before a regular election is held, the vacancy must be filled at said election, although

only Presidential electors are to be chosen, and no municipal officers. *Todd v. Johnson* 99 Ky. 548; 36 S. W. 987; and this rule applies to all elective municipal offices in which a vacancy occurs more than three months before a regular election.

by the votes of a majority of the members elected. If the vacancy occur three months or more prior to a regular municipal election, a mayor shall be chosen for the unexpired term at the said election. If the vacancy occur within three months, the mayor *pro tempore* chosen by the general council shall serve until the regular election for mayor. It shall be the duty of the president of the board of aldermen to issue his proclamation for such joint session, to be held not less than ten nor more than twenty days after such vacancy shall take place. Until the vacancy is filled, the president of the board of aldermen shall act as mayor.

§ 2789. **Absence or disability of Mayor—who to act—compensation.** Should the Mayor be temporarily absent or unable to discharge his duties, his office shall be administered by the president of the board of aldermen, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the mayor. His compensation shall be determined by the general council, but shall not exceed the rate allowed the mayor, and the sum so paid may be deducted in whole or in part from the salary of the mayor, or as the general council may determine.

§ 2790. **When Mayor to take office.** The Mayor shall take office on the second Tuesday after the first Monday in November succeeding his election.

§ 2791. **Duties to be performed by Mayor.** It shall be the duty of the Mayor:

1. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced.

2. To communicate to the general council, at least once a year, a statement of the finances and general condition of the affairs of the city, and also such information in relation to the

Shelley v. McCullough, 97 Ky. 164; 30 S. W. 193; but see notes to sec. 152, Con.

(2) Election to fill a vacancy may be held on the same day as a congressional election and also at a regular election at which no other municipal officers are to be chosen. Shelley v. McCullough, 97 Ky. 164; 30 S. W. 193; but see notes to Con., sec. 152.

§ 2791. **Power to make contracts for city.** The mayor can not, as a general rule, employ counsel to represent the city in a litigation. City of Owensboro v. Weir, 95 Ky. 158; 24 S. W. 115. But cases of emergency may arise where the power must necessarily exist. Louisville v. Murphy, 86 Ky. 53; 5 S. W. 194. See also District of Highlands v. Michie, 32 R. 762; 107 S. W. 216; City of New-

same as either branch of the general council may, from time to time, require.

3. To recommend by message, in writing, to the general council all such measures connected with the affairs of the city as he shall deem expedient.

4. To fill, with the consent of the board of aldermen, all vacancies in executive and ministerial offices not herein otherwise provided for.

§ 2792. **Appointment and removal of Mayor's clerk.** The mayor may appoint his own clerk and remove him at pleasure.

§ 2793. **Supervision over executive and ministerial officers.** He shall exercise a general supervision over all the executive and ministerial officers of the city, and see that their official duties are honestly performed. He may require from them statements in writing concerning the discharge of their duties.

§ 2794. **Removal of officials appointed by Mayor.** He may, by a written order, giving his reasons therefor, remove from office any head of a department, director, or other officer appointed to him. A copy of said order shall be sent to the board of aldermen at its next meeting. Unless such order be disapproved by the board of aldermen within thirty days, said order shall stand.

§ 2795. **Ordinances and resolutions to be presented to mayor—vetoes—withholding.** Except a resolution to adjourn, every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approve it

port v. Schoolfield, 142 Ky. 292; 134 S. W. 503. See also as to the respective powers of appointment where an election is held void. Scholl v. Bell, 125 Ky. 750; 102 S. W. 248.

§ 2794. **Removal from office.** This section does not invest the mayor with arbitrary power to remove officers—appointed for a definite term—without notice or an opportunity to be heard. Todd v. Dunlap, 99 Ky. 449; 36 S. W. 541.

§ 2795. (1) **Return of ordinance by mayor to correct an error in its passage is not a veto message in meaning of this section.** Oswald v. Gosnell, 21 R. 1660; 56 S. W. 165.

(2) **Right to adjourn general council.** Under the old charter of Louis-

ville the mayor had the right to adjourn the general council only when the two boards, being in joint session, could not agree on an adjournment; and in such case the mayor must adjourn both boards and not merely one of them. Tilman v. Otter. 93 Ky. 600; 20 S. W. 1036; 29 L. R. A. 110.

(3) **The provisions of this section distinguished from the provisions of Section 3045.** City of Newport v. Newport National Bank, 148 Ky. 213; 146 S. W. 377.

(4) **Legislation must be by ordinance and so must contract involving expenditure of money.** City v. Parsons, 150 Ky. 420; 150 S. W. 498.

he shall sign it, and then it shall be obligatory; but if he disapprove it, he shall return it, with his objections in writing to the board in which it originated, and said board shall then reconsider the same, and if two-thirds of the members-elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, where it shall also be reconsidered, and if again passed by the votes of two-thirds of its members, it shall be obligatory; but in such cases the votes in each board shall be taken by yeas and nays and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the general council actually meet, if three days have intervened between the presentation to the mayor and said meeting, it shall be obligatory as if signed.

§ 2796. **Appropriation bills—disapproval of items.** The mayor may disapprove of any item or items of any bill making appropriations, and the part or parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed by law for the passage of bills over the mayor's veto.

§ 2797. **Appointment of persons to examine departments and offices.** The Mayor shall, as often as he may think proper, appoint not more than three competent persons to examine, without notice, the affairs and accounts of any city department, trustee, officer, or employe, and the money, securities, and property belonging to the city in the possession or charge of such department, trustee, officer, or employe, and report to him the result of such investigation.

§ 2798. **General Council may be convened at any time.** The mayor may convene the general council at any time.

§ 2799. **Power to administer oaths.** The mayor shall have the same power to administer oaths or affirmations that justices of the peace and other judicial officers of this Commonwealth have.

§ 2800. **Salary, five thousand dollars.** The mayor shall receive a salary of five thousand dollars a year.

§ 2801. **Power to appoint city buyer—approval of purchase.** The mayor shall have the power, with the approval of the board of aldermen, to appoint a city buyer, whose duty it shall be to purchase all articles needed by the city in its several departments. All purchases made by him shall be approved by the

mayor if the amount to be expended be under two thousand dollars, or by the general council and the mayor if the amount exceed two thousand dollars. He shall report each day to the comptroller the purchases made by him.

§ 2801a. **Public library—mayor may arrange to provide.** That the mayor, with the consent of the general council may, by contract, enter into an arrangement for a period not exceeding five years, and renew the same from time to time thereafter, with the association or corporation owning or controlling an existing library in any such city, which contains not less than fifty thousand volumes, to the end that such library shall be free and open to the public, and all persons residing or sojourning in any such city, at all reasonable times and under proper and reasonable regulations (except that it may be closed on Sunday, if deemed proper by such association or corporation). In said contract it shall be provided that such library shall, during the period thereby covered, be open and free to the general public as aforesaid, the uses, privileges and facilities thereof, subject to the reasonable and proper direction and regulation of its governing body, being equal and free to all persons applying therefor; that it shall be non-sectarian, and be so conducted, and its reading room or rooms, and its circulating department shall be maintained free and open to the general public.

2. **Tax levy for library purposes—reports concerning to Mayor.** As consideration for such public use, such city shall annually in its annual ordinance fixing the tax rate include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund, upon the books of said city, and the said amounts as collected shall be paid over to the association or corporation aforesaid, by the treasurer, in regular weekly installments, the first payment to be made within one week after the collection of the said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer as collected; all money so received by such association or corporation shall be used in conducting and maintaining said library for the public purposes aforesaid and for none other. Said corporation or association shall annually, in the month of September make a

report to the mayor, showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all moneys handled by it during the year, and such other informatios as may bear upon the usefulness of said library to the public. (*This section is an act of March 15, 1898; the numbers of the subsections are the numbers of the sections of the act; the last section of the act will be found in section 2981.*)

§ 2801b. 1. **Free library may be established.** That any city of the first class may establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use and benefit of the residents thereof, with such branches and stations as the board of trustees, hereinafter provided, may, from time to time, deem proper or necessary. All the uses and privileges of such library shall forever be free and equal to all residents of such city, subject only to the rules and regulations established by the board of trustees. But said board may extend the privilege and use of such library and reading rooms to persons residing outside of such city, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe.

2. **Act becomes operative when council so ordains.** The general council of any such city may, by ordinance, signify its purpose or intent to establish a free library under the provisions of this act, and, when it shall have so ordained or resolved, the said city shall thereafter be treated as having exercised its discretion to establish such library, and the consequent provisions of this act shall then become operative.

3. **Trustees to be appointed by Mayor—term—qualifications—title—powers—vacancies—oath.** The mayor of any such city shall, as soon as practicable after the passage of this ordinance, name twelve trustees, three for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided

therein for two years prior to his selection, and no salary or other compensation shall ever be paid to or received by such trustees for the performance of the duties of his office. The said twelve trustees, together with the Mayor of said city, who shall be a trustee by virtue of his office, shall constitute and be styled the Board of Trustees of the Free Public Library, and by said title shall be a corporation with power to make such rules and regulations to govern itself, and for the control, management and use of the property entrusted to its care as it may be deemed proper, not, however, in conflict with this Act, or with the Constitution or laws of this State or of the United States, with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts, to acquire by gift, purchase or otherwise, and to hold real and personal property to the use of the Public Library, for the purpose and intent for which the same may be granted or dedicated; to use, manage and improve, sell and convey, rent or lease property; to erect suitable building or buildings; to have a common seal and change it at pleasure, and to act with or without a seal. Vacancies in the office of Trustee shall be reported by the board to the Mayor, and shall be filled in like manner as the original appointments. The said Trustees shall, before entering upon the duties of their office, make oath or affirmation before some judicial officer of this Commonwealth to discharge the duties enjoined on them.

The Board of Trustees of the Free Public Library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any indebtedness due from the said corporation.

The said mortgage not to exceed the sum of three hundred and twenty-five thousand dollars (\$325,000.00). (*As amended 1918 Acts, p. 402.*)

4. **Meetings—limit of liabilities—officers.** The board shall meet once each month, and oftener if necessary, for the transaction of its business. A majority of the board shall constitute a quorum, but no appropriation of money, except for ordinary or current expenditures, shall be made unless upon the affirmative vote of a majority of its members. Except for the purpose of erecting the library building, the Board of Trustees shall not incur liabilities for any current year in excess of its annual

income, including gifts and donations and unexpended balances from previous years. The board shall, at the first meeting after the selection of its members, and annually thereafter, select out of their number a President and Vice President, whose duties shall be prescribed by its rules and regulations, and it may choose a Secretary and Treasurer and such other officers, agents and servants as it may deem proper and necessary, and may prescribe the duties required of them, fix their compensation, and may remove its appointees at pleasure.

5. **Money where deposited and how drawn out.** All moneys due the board shall be deposited in some chartered bank in said city, to be selected by it, and funds shall be withdrawn from said bank only on order of the board by check of its Treasurer and countersigned by its President, or by its Vice President when acting in his stead.

6. **Tax—amount that may be levied—payment of—reports by trustees.** To raise money for the establishment and maintenance of the library, the General Council shall annually, in its levy ordinance, cause to be levied and collected a tax of not less than two and one-half cents or more than four cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of assessment of property for taxation the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the City Treasurer, and the said amount, as collected shall be paid over to the Board of Trustees by the City Treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and the other payments to be made weekly thereafter, in current money, by said Treasurer, as collected. The board shall annually, in the month of September, make a report to the General Council, showing the use of the library for the fiscal year ending the last day of August preceding, the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public, or may be called for by the General Council. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the Board of Trustees as herein provided.

7. **Property may be accepted by trustees.** The Board of Trustees may accept such gifts and donations of property, real and personal, to be used for the purposes contemplated by this act, upon such terms and conditions not in conflict with the Constitution and laws of this Commonwealth, as may be agreed upon by said Board of Trustees, of the one part, and the donor, of the other part, and the title of the property, as may be so given or donated, shall be vested in such Board of Trustees, and the city wherein such library may be situated may be a party to any deed or instrument of transfer for the purpose of carrying out such arrangement pertaining thereto as it may lawfully make; and for the purpose of acquiring all property of other corporations, or libraries, or societies, as may by contract or agreement under it be transferred from such library or association to it.

8. **Penalty for injuring library property.** The General Council of such city shall have power to pass such ordinances imposing suitable penalties for the punishment of persons committing injury to the library, or upon the grounds or other property thereof, or may be guilty of disorderly conduct in or about the premises of the said library, and for injury to or failure to return any books belonging to said library, under its rules and regulations, as the Board of Trustees may recommend.

All acts and parts of acts in conflict with this act are hereby repealed. (*This section is an act of March 21, 1902; the numbers of the subsections are the numbers of the sections of the act.*)

§ 2801b-9. **Board may issue "library bonds"—provisions concerning—deposit and use of proceeds of sale of—interest paid, how.** The said Board of Trustees may in their discretion, and if they deem it necessary, issue bonds in the sum of not exceeding three hundred and twenty-five thousand dollars (\$325,000.00) for the purpose of paying off any indebtedness that the corporation may owe. The said bonds may be secured by any or all real property or personal property owned by said corporation. The bonds so issued shall be designated as "Library Bonds," and the Board of Trustees shall by an appropriate resolution fix the date and maturity of such bonds, the rate of interest they shall bear, the form they shall bear, and where they shall be payable. The said board shall determine when and at what

price and how they shall be sold. Provided, that any premium which may be obtained from the sale of said bonds, shall constitute a sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall be placed to the credit of the said corporation in some bank, or banking institution or Trust Company, but shall be kept in a separate account, and shall be used only for the purpose for which the bonds were issued. The interest on the bonds shall be paid by the said corporation from the rent or income it may receive from any real property belonging to it.

§2801b-10. **City may guarantee library bonds.** Any city of the first class, having a Free Public Library, organized according to the provisions of said Chapter seventy-one (71) of the Acts of the General Assembly of the commonwealth of Kentucky, of 1902 (which is now Section 2801b of the Kentucky Statutes) may by an ordinance provide that the said bonds' principal or interest, or both, may be guaranteed by the city.

When the said ordinance is enacted by the said city the said bonds shall be endorsed "guaranteed" and the name of the city guaranteeing attached, and said guarantee shall be signed by the Mayor of the city and attested by the Comptroller of the city and stamped with the proper seal of said city of the first class.

§ 2801b-11. **Effect of partial invalidity.** Because it is important that the Board of Trustees of Free Public Libraries of cities of the first class, shall have authority to borrow money secured by mortgage or mortgages or to issue bonds for the purpose of paying any indebtedness the corporation may owe, an emergency is hereby declared to exist and this act shall become a law when approved by the Governor.

§ 2801c-1. **Use of library by county residents.** That the Fiscal Court of counties containing a population of over two hundred thousand (200,000) and wherein there is located in a city of the first class, may in its discretion, contract with the Board of Trustees of the Free Public Library of any such city for the purpose of granting to the residents and schools of such county the same privileges afforded by such library to residents and schools in the said city, and the said Fiscal Court is hereby authorized to make such contracts.

The said Fiscal Court may appropriate annually a certain sum

of money to the maintenance and support of such library to be payable out of the county levy funds in its hands.

§ 2801c-2. **County branches may be established.** The sums mentioned in Section 1 of this Act when appropriated by the said Fiscal Court shall be expended by the Board of Trustees of the Free Public Library, if the latter deems it expedient in the establishment of branch stations in various parts of the county outside of the corporate limits of the said cities of the first class, according to such rules and regulations as the said board may deem best. (1918 Acts Legislature, p. 450.)

SUBDIVISION V.

Executive Boards.

§ 2802. **Boards of Public Works and Safety—appointment—qualifications.** The following executive boards are hereby established in said cities: A Board of Public Works and a Board of Public Safety. The members of said boards shall be appointed by the Mayor, in the month of December succeeding the election of the Mayor, and the members of the boards so appointed shall be removable at any time at the pleasure of the Mayor so appointing them, or of any of his successors in office, but not by any officer who may merely for the time be filling the office of the Mayor in the absence or under the temporary disability of the regularly elected or appointed Mayor. The members of said board shall have the same qualifications as members of the General Council. No member or officer of the General Council shall be eligible to membership in either of said boards. The first members of said boards shall be appointed by the Mayor, as soon as practicable after the passage of this act, and the present boards shall cease to exist, and the terms of office of the present members shall cease and determine immediately upon the passage of this act, and the appointment of their successors, and all the powers and obligations and duties

§ 2802. **Executive boards**—members of are municipal officers within the meaning of section 161 of the Constitution, and when their compensation is fixed it can not be changed during their term. City of

Louisville v. Wilson, 99 Ky. 598; 36 S. W. 944. See also McNew v. Nicholas County, 125 Ky. 72; 100 S. W. 374; James v. Duffy, 140 Ky. 606; 131 S. W. 489; Clark v. Logan County, 138 Ky. 679; 128 S. W. 1079.

now vested in the present executive boards, together with all rights of action, shall immediately vest in the boards hereby created, and the members appointed by virtue of this act, the same as though the aforesaid section forty had not been repealed. (*Section as amended by act of March 9, 1904.*)

§ 2803. **Power to prescribe rules—books, records and property—indexes.** Each board shall have power to prescribe rules, not inconsistent with any statute or ordinance, regulating its own proceedings and the conduct of its officers, clerks and employes, the distribution and performance of its business, and the preservation of the books, records, papers and property under its control. No extra compensation shall be allowed any person for indexing its records.

§ 2804. **Business to be transacted at office—journal of proceedings.** All official business of the several boards shall be transacted at the offices thereof, and a continuous indexed record or minute shall be kept at such offices respectively of such business. Each board shall cause a full journal of its proceedings to be kept, and shall also cause all its receipts and disbursements to be faithfully entered in books to be kept for that purpose.

§ 2805. **Chairman—election—place of meeting.** Each board shall elect one of the members chairman, and shall make rules governing the time and place for holding regular and called meetings.

§ 2806. **Member can only act by authority of board.** No member of either board shall have any power to act on behalf of the same, except pursuant to an order of the board regularly made at a meeting at which a majority of said board shall have been present.

§ 2807. **Members may take part in proceedings of General Council.** The members of said boards shall have seats in the General Council, and be entitled to take part in the proceedings and deliberations thereof on all matters under their charge, subject to such rules as the General Council shall, from time to time, prescribe, but without the right on the part of the mem-

§ 2804. The requirement of this section that all official business of the several boards of the city shall appear of record while mandatory as to the boards, is directory merely so

far as affects the rights of others. *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957. **How far public.** *Barriekman v. Lyman*, 154 Ky. 630; 155 Ky. 710; 157 S. W. 924.

bers of said boards to vote. One member of each board may be compelled to attend every meeting of the General Council.

§ 2808. **Power to administer oaths.** The members of said boards shall have power to administer oaths.

§ 2809. **Employment of officers and agents—compensation.** Said boards shall have the right to employ such officers and agents as may be necessary, and, subject to such limitations as the General Council may prescribe, may fix the compensation for such officers and agents.

§ 2810. **Boards may appoint and remove chiefs of departments—cause for removal.** Each of said boards may appoint and, at pleasure, remove a chief of each department under its control. The Board of Public Works shall have the power to appoint a Chief Engineer for the city and such subordinate engineers as may be necessary; *Provided*, That all applicants for the position of Chief Engineer shall first be examined by a board of three competent Civil Engineers, to be elected by the General Council, and that no applicant who fails to pass an examination satisfactory to said Board of Examiners shall be eligible to the office of Chief Engineer, and no person shall hold the office of Chief Engineer until he shall have passed said examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the Secretary of the Board of Public Works. The General Council shall have the power to fix the compensation of the said board of examiners: *Provided, further*, that no person employed under the Board of Public Works shall receive a salary in excess of one thousand, five hundred dollars per annum, except the following: One Chief Engineer, one First Assistant Engineer, whose salary shall not exceed two thousand five hundred dollars per annum. One Assistant Engineer, whose salary shall not exceed two thousand dollars per annum. Subordinate officers and employes may be removed or punished by the board on the recommendation of the chief of the department concerned for cause,

§ 2809. **Municipal officers—who are within the meaning** of section 161 of the Constitution, which provides that the salaries of municipal officers shall not be changed during their term. See *City of Louisville v. Wilson*, 99 Ky. 598; 36 S. W. 944; and

see *Lowry v. City of Lexington*, 113 Ky. 763; 68 S. W. 1109.

§ 2810. **Removal of officers.** See *Parsons v. Breed*, 126 Ky. 759; 104 S. W. 766. The City Engineer is an officer of the City of Louisville. *Barrickman v. Lyman*, 154 Ky. 630; 155 Ky. 710.

subject to such regulations as may be prescribed by ordinance or by the board. The cause for the removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board, and the board may, in its discretion, retain or dismiss such subordinate. No officer or employe shall be removed for political causes. Interference in elections, electioneering or canvassing for any officer or employe of said board shall be cause for instant removal. (As amended by acts of 1894 and 1912.)

§ 2811. **Officers and employes not to receive perquisites.** No officer or employe of said boards, except the regular police of the city, shall receive for his own use, directly or indirectly, any fees, perquisites, commissions, percentages, or money paid to him in his official capacity, but all fees, perquisites, commissions, percentages, and money paid to and received by or for any such officer or person shall be the property of the city, and shall be paid by or for him to the City Treasurer.

§ 2812. **Officers and employes to account for fees received.** Any officer, except policeman, or person in the employment of said boards, who shall receive any fees, perquisites, or other things of value belonging to said city, shall, before receiving his salary or compensation, make, under oath, a detailed statement, and shall report to the chairman of his board, in such form as may be prescribed, the aggregate amount of all such receipts, since the last preceding statement; and he shall deposit with the said board all such fees, perquisites, percentages, or other things of value due to said city as aforesaid.

§ 2813. **Officers to make statements and returns.** Said boards, or any member thereof, may require the officers or persons employed by said boards to make such statements and returns, if they be not made as herein provided, and may examine such officers or persons under oath touching the matters herein provided for.

§ 2814. **Reference of disputes to Mayor.** Whenever there is any dispute as to the powers or duties of said boards, or the officers thereof, the matter may be referred by either of them to the Mayor, who shall examine and determine the question involved, and his decision shall be final as between said boards or said officers.

§ 2815. **Annual report to be submitted to Mayor.** It shall be the duty of each of said boards, annually, to submit to the

Mayor a minute report on all things under its control, with an estimate of the amount of money required for its departments for the ensuing fiscal year, stating with as great particularity as possible, each item thereof. Said report shall be transmitted by the Mayor to the General Council for consideration and for appropriate action, with such recommendations as he may think proper.

§ 2816. **Taxes collected and carried to credit of executive boards.** It shall be the duty of the Mayor and the General Council, in their annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable, and the amount so levied shall be collected and carried to the credit of the said executive boards, respectively, and shall not be diverted from said boards, or used by the Mayor and General Council for any other purpose; but the same shall remain as a separate fund in the hands of the Treasurer of the city. Said boards shall not divert the tax levy of the Mayor and General Council from the purposes of the departments for which it was levied.

§ 2817. **Written contracts—how to be executed.** Whenever any contract is made by either board, it shall be executed under the seal of the corporation, and be filed in the office of the board, and a copy of said contract shall be transmitted to the Comptroller.

§ 2818. **Members not to be interested in contract made by board.** No member, officer or employe of either board shall be directly or indirectly interested in any contract, or work of any kind whatever done under its direction; and any contract for work or material, in which any such person shall be so interested, shall be void.

§ 2819. **Money—upon what conditions paid out.** No money

§ 2816. No part of the levy under the head of general purposes can be used for street cleaning, as Sec. 2981 makes the sprinkling of streets a specified purpose for taxation. *City of Louisville v. Button*, 118 Ky. 732; 82 S. W. 293.

§ 2817. **Contracts—how executed.** A contract signed by the mayor as such, and having the seal of the city attached, is properly executed. *Fehler v. Gosnel*, 99 Ky. 380; 35 S. W. 1125. Not necessary for the city

council to approve a contract made by the Board of Public Works in order to create a lien for the cost of street improvements. *Joyce v. Falls City Stone Co.*, 23 R. 1201; 64 S. W. 912. Section construed in *National Surety Co. v. City of Louisville*, 165 Ky. 38; 176 S. W. 364, holding that bonds required to be deposited to secure work done under street contracts are not required to be placed in the custody of the board.

shall be paid at any time to any person claiming under a contract with the board until such person shall have first filed with the board his statement, under oath, disclosing the names of persons directly or indirectly interested in the contract, or the profits thereof, declaring that no persons other than those named are interested, and that no person forbidden by this act has any interest in the same.

§ 2820. **Power to bind city, confined to amount appropriated.** No executive board, officer or employe thereof shall have power to bind the city by any contract or agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the department under the control of said board; and all contracts or agreements, express or implied, and all obligations, of any and every sort, beyond such existing appropriations, are declared to be absolutely void.

§ 2821. **Liability for attempt to bind city beyond amount appropriated.** Any city official who shall issue any bond, certificate, or warrant for the payment of money upon the city beyond the unexpended balance of any appropriation made for such purpose, or who shall attempt to bind the city by contract, agreement, or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for such purpose and remaining at the time unexpended, shall be liable to any person injured thereby, and shall be fined in a sum not more than one thousand dollars, or imprisoned in the county jail not more than six months, or both so fined and imprisoned.

§ 2822. **Contracts for expenditures—how approved.** When-

§ 2820. (1) **Amount and appropriation or provision for payment.** Under Ky. Stat., sec. 2820, providing that the executive boards of cities of the first class and their officers shall not have power to bind the city to any extent beyond the amount of money at the time "already appropriated" by ordinance for the purpose of the department under the control of said board, a levy ordinance which, in subdividing the tax rate, designates a certain part of it "for street repairs," constitutes an appropriation of that part of the tax rate for the purpose designated. City

of Louisville v. Gosnell, 22 R. 1524; 61 S. W. 476.

(2) Where a part of the contract price of the original construction of a street was intended to cover future repairs the contractor was entitled to recover of the city that part of the price to be paid out of the appropriation for street repairs, no more specific appropriation being necessary. *Id.*

§ 2822. This section in connection with Section 2768 applies to the purchase of goods in the open market without a pre-existing contract. *Bradley & Gilbert Co. v. Jacques*, 33 R. 618; 110 S. W. 836.

ever it becomes necessary for either of said boards to make an expenditure by a contract, written or oral, of an amount less than two thousand dollars, said contract must be made with the approval of the Mayor, unless otherwise provided by ordinance. When the expenditure is to exceed two thousand dollars, the contract shall not be made without the approval of the Mayor and the General Council. If supplies and other forms of personal property are to be purchased, they shall be purchased by the City Buyer, subject to the provisions of this act.

§ 2823. **Real estate purchased by mayor for use of board.** Real estate may be purchased by the Mayor, when requested to do so by either of said boards for the use thereof, if the purchase price does not exceed two thousand dollars. If the purchase price exceeds said sum he shall not purchase said real estate without the consent of the General Council.

SUBDIVISION VI.

Board of Public Works.

§ 2824. **Board to consist of three members—salary.** The Board of Public Works shall consist of three members. Each member of said board shall receive a salary of not less than twenty-five hundred dollars.

§ 2825. **Control of public ways and property—lighting streets and public places.** The Board of Public Works shall have exclusive control over the construction, reconstruction, cleaning, repairing, platting, grading, improving, sprinkling, lighting and

§ 2824. See notes to secs. 2802, 2781.

§ 2825. **Corporation in existence when Constitution was adopted** and that had theretofore, for many years, been laying its mains in the city, may continue to do so without getting the consent of the Board of Public Works. *City v. Lou. Water Co.*, 105 Ky. 754; 49 S. W. 766.

In case No. 57774, *Jefferson Circuit Court, L. & N. R. R. Co. v. City of Louisville*, the Circuit Court granted a temporary injunction enjoining the city from constructing Roberta avenue according to plans and specifications on the theory that the grade as established was unreasonable and

that great damage would likely occur to the traveling public. The Appellate Court on motion dissolved the temporary injunction holding that courts had no power to interfere with the Board of Works as to the manner in which streets should be constructed. Judges Carroll, Nunn, Hobson, Settle and O'Rear heard the motion and concurred in dissolving the temporary injunction. See *L. & N. R. R. Co. v. City of Louisville*, 131 Ky. 108; 114 S. W. 743; 24 L. R. A. 1213; later appeal, 141 Ky. 131; 122 S. W. 849; 132 S. W. 184.

A city is not liable to a property owner on account of obstruction placed in a street and sidewalk by

using of all streets, alleys, avenues, lanes, markethouses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals, streams and water-courses, sidewalks, curbing and the lighting of public places. (See as to *Sewers*, Sec. 3037b.)

§2826. **Improvements to be directed by ordinance—plats and maps to be recorded.** No public way shall be opened, widened, narrowed, closed or constructed, and no sidewalks shall be con-

an adjoining property owner when reasonably necessary to the construction of a building. In this case a groceryman claimed that he had lost customers by reason of the obstructions. *Button v. City of Louisville*, 118 S. W. 977.

Where a city permits a property owner to use a portion of a street in erecting a building the city must use ordinary care to see that proper warnings are given to pedestrians to avoid injuring them. *Grider v. Jefferson Realty Co.*, 116 S. W. 691.

Where a plank over a culvert has from long use and lack of repair rotted away, the city is presumed to have knowledge of the fact and actual notice is unnecessary. *City of Louisville v. Lambert*, 116 S. W. 261.

A tax-payer has the right by mandamus to compel the Board of Works to offer for sale a franchise created by the General Council whenever the board was ordered to make the same, and when he, as a citizen, is interested in having the franchise put into operation. *Louisville Home Telephone v. City of Louisville*, 130 Ky. 611; 113 S. W. 855.

An existing franchise may be modified by the sale of another by the city to the holder of the first franchise, where such modification is necessary to secure efficient public service and it can not be said that an indebtedness to the municipality is thereby released. *Id.* The Board of Public Works has exclusive control of the construction of the streets of a city. *Carroll's Admr. v. City of Louisville*, 117 Ky. 758; 78 S. W. 1117. The right of the Cumberland Telephone Company to occupy the streets of the city construed, *City of Louisville v. Cumb.*

Tel. & Tel. Co., 224 U. S. 649. Held, that certain changes in plans of street improvement made by the Board of Public Works did not invalidate the ordinance or the contract under which the streets were improved. *Barringer Land Co. v. Barber Asphalt Paving Co.*, 149 Ky. 132; 147 S. W. 893.

Under this section it is the duty of a policeman to guard a hole created by a cave-in in a street of which he had notice, and his knowledge is notice to the city. *City of Louisville v. Lenehan*, 149 Ky. 537; 149 S. W. 932. See *Barrickman v. Lyman*, 154 Ky. 630; 155 Ky. 710; as to inspection of public records.

The city is not liable for the negligence of the servants of the Sewerage Commission, as it discharges a governmental function. *City of Louisville v. Frank's Guardian*, 154 Ky. 254; 157 S. W. 24.

Street sprinkling. The sprinkling of city streets, being necessary to preserve the public health and comfort, is a public purpose; and hence an ordinance levying a tax for street sprinkling purposes is not unconstitutional, under Const., Sec. 171, providing that taxes shall be levied and collected for public purposes only. *Maydwell v. City of Louisville*, 116 Ky. 885; 76 S. W. 1091; 63 L. R. A. 655.

§ 2826. (1) **Construction and effect of section.** *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957; *Barber Asphalt Co. v. Gaar*, 115 Ky. 334; 73 S. W. 1106; *Barringer v. Barber Asphalt Co.*, 149 Ky. 132; 147 S. W. 893.

(2) **Public way**—can not be closed by city without legislative authority. *City v. Bannon*, 99 Ky. 74; 35 S. W. 120.

structed or reconstructed, and no public wells and cisterns shall be dug and walled, except by ordinance recommended by the Board of Public Works.

Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing, shall be received for record by, or be recorded in the office of the clerk of the county court of the county, except upon the conditions hereinafter named; and if the description of any deed, lease, mortgage or bond for titles to land within said territory refers to or is based upon any map or plat not now recorded or described the land as binding upon any street, avenue, alley or other public way proposed or offered for dedication, immediately, or in the future, for the use of the public and the purchaser, lessee, or mortgagee said instrument or writing shall not be received for record by, or be recorded in the office of the clerk of said court, except upon the following conditions:

(a) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or easement within the city limits, he shall file with the Board of Public Works a topographical map or plat of the territory bounded or intersected or immediately adjacent to said proposed public way or easement, showing the levels of said land and the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and, if said board think such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said board shall approve the said map or plat and the chairman or secretary of said

(3) **Necessity for consent of owners of property affected.** In an action to close up the eastern end of a street, in a square on which appellants owned land and lived, it appeared that in order to go east, where the center of trade lay, they would first have to go west to the next street, then north or south to another street, thence east. Held, that the court had no authority to close the street without the owners' consent, as it would be depriving

them of their property without due process of law. *Gargan v. Louisville, N. A. & C. Ry. Co.*, 89 Ky. 212; 12 S. W. 259; 11 R. 489; 6 L. R. A. 340.

(4) **The macadamizing of a street by an abutting owner** at his own expense with the consent of the Mayor and Board of Public Works, but not under an ordinance, is not an original construction. *City of Louisville v. Gast*, 28 R. 1256; 91 S. W. 251; *Gast v. Minor*, 28 R. 1256; 91 S. W. 251, also notes under 2825.

board shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgment to deeds, and thereupon, said map or plat may be received for record by and be recorded in the office of the clerk of the County Court.

If said board refuses to approve said map or plat in thirty days, the person offering the same may file a petition in the Circuit Court of the county against the city, stating the facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believe that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the Clerk of the County Court for record in his office when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the Board of Public Works and also with the Judge of the county court and if said board and said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries embrace said land, said board and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the clerk of the county court upon the payment of the legal fees therefor.

If said board or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the Board of Public Works or the County Judge shall not be treated or held as of itself an acceptance of such an offer of dedication by the public authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement in the territory covered by said map or plat,

they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense. (*As amended by act approved March 21, 1906.*)

§ 2827. **Public buildings—supervision and control of.** Said board shall have supervision and control over the construction, repairing, cleaning, lighting, and heating of all public buildings, and over all public improvements of the city. (See as to *Hospitals*, Sec. 3037e.)

§ 2828. **Estimate of cost of work and material.** Whenever any work is to be done by the employes of the Board, a careful estimate shall be made of the cost of such work or material, and said estimate, in writing, shall be at once placed on file with the records of said board.

§ 2829. **Contracts—specifications—publication for proposals—acceptance of bids.** Whenever said board shall order any

§ 2827. **Note—See Acts of 1910** (sec. 14) establishing Hospital Commission. §3037e.

§ 2828. See *Barrickman v. Lyman*, 154 Ky. 630; 155 Ky. 710, as to how far such are public records.

§ 2829. (1) **Presumption that officers did their duty** under this section in placing on file requisite drawings and specifications. *Henning v. Stengel*, 112 Ky. 906; 66 S. W. 41. See note to sec. 2930.

(2) **Sufficiency of notice—waiver.** After contract let and work performed it is too late to rely on technical objections to the notice. *Fehler v. Gosnell*, 99 Ky. 380; 85 S. W. 1125; and see note (3) to sec. 2834.

(3) **Plans and specifications.** Under Ky. St., sec. 2829, requiring the Board of Public Works of a city of the first class, before advertising for bids, to prepare and place on file complete drawings and specifications of the work, it is sufficient for the

city engineer or his assistant to prepare such drawings and specifications, and file them in his office, pursuant to the course of business prescribed by the Board, which is authorized to appoint such engineers and other agents as may be necessary, and to prescribe rules for the conduct of its officers, and for the distribution of its business, and the preservation of the books and papers under its control. *Barret v. Falls City Artificial Stone Co.*, 21 R. 669; 52 S. W. 947.

(4) **The Board of Works is not bound to accept the lowest bid made**, but, in the absence of fraud, may take into consideration other things than mere price. *Louisville Steam Forge Co. v. Gast*, 115 S. W. 761.

§ 2829. See *Barrickman v. Lyman*, 154 Ky. 630; 155 Ky. 710.

Board of Public Works rejected a bid, its action in so doing was not passed on by General Council. Afterward the Board, without re-adver-

work to be done, which, either by order of said board or according to law, is to be performed by independent contract, said board shall prepare and place on file in the office of said department complete drawings and specifications of said work. Thereupon said board shall cause a notice to be published in one daily or weekly newspaper of general circulation, published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The board may, in its discretion, fix a day later for receiving said sealed proposals, provided such date shall be mentioned in each of said notices. Said board shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the general council. Said board shall have the power to reject any and all bids. (*Section as amended by act of March 21, 1906.*)

§ 2830. **Alteration in plans and specifications.** When, in the opinion of the board, it shall become necessary, in the prosecution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall be made only by order of the board, and such order shall be of no effect until the price to be paid for the same shall be agreed upon, in writing, and signed by the contractor and approved by the board.

§ 2831. **Condemnation of property for municipal purposes.**

tising, accepted the bid and its action was approved by the General Council. The contract held valid. *Miller v. Figg*, 175 Ky. 495, 194 S. W. 566.

§ 2830. **Effect of non-performance or defective performance of contract.** Where a railroad crossed at an acute angle a street which was being improved, and, by agreement between the Board of Public Works and the railroads, the crossing was constructed by the railroad, at its expense, at right angles, and the only change in the contractor's work was in the slight deflection in the carriageway from a straight line, there was nothing to defeat the improvement lien.

Orth v. Park, 25 R. 1910; 79 S. W. 206. Rehearing denied. *Same v. Park*, 26 R. 184; 80 S. W. 1108. See also *Lindenberger Land Co. v. Park Co.*, 27 R. 437; 85 S. W. 213.

§2831. **The City of Louisville has the power** under this section to condemn land for streets and highways. *Louisville & Nashville R. R. Co. v. City of Louisville*, 131 Ky. 108; 24 L. R. A. (N. S.) 1213; 114 S. W. 742, and may condemn the right of way of a railroad to the extent of causing the street to cross over the right of way where such crossing does not unreasonably impair the use of the right of way for railroad purposes. *Id.*

Whenever property shall be needed for appropriate municipal purposes, either within the boundaries of the city or the county, the Board of Public Works may, with the consent of the mayor, if the amount be under two thousand dollars, order the condemnation of such property; and if the amount be over two thousand dollars may, with the consent of the mayor and the general council, order the condemnation of such property. The proceedings for the condemnation of property for such purposes shall be instituted and prosecuted in the name of the city, by the city attorney as provided in this act for the condemnation of property for park purposes. (*As amended by act of March 24, 1904.*)

SUBDIVISION VII.

Public Ways.

§ 2832. Public ways—improvements—meaning of terms.

Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be

The question of necessity of condemning property for a public use is a legislative one which the court will not review, except in rare cases; and where the land is sought for a public street, the fact that a particular individual will obtain a special benefit is no defense to the action. *Id.*

The measure of damages where a railroad right of way is condemned for a street crossing is the diminution in the value of the right of way caused by the additional user. The railroad company is not entitled to compensation for the land taken (as none is taken) nor to compensation for maintaining gates and flagmen, or for the increased danger from accident; or for construction or maintaining the crossing; nor for damages caused by an improper construction of the work, a separate action being maintainable for this last item. *Id.* See same case on second appeal, 141 Ky. 131; 132 S. W. 849.

§ 2832. (1) Adverse possession of street. If a person has been per-

mitted to remain in the continued actual adverse possession of a street or part of a street, for a period of fifteen years, he will be vested with the complete title to the ground actually occupied by him. *Cornwall v. L. & N. R. R. Co.*, 87 Ky. 72; 7 S. W. 553. Possession, however, since the General Statutes, does not become adverse until the municipal corporation has been notified that it is so intended. See §2546, which provides as follows:

“The limitations mentioned in the first article of this chapter shall not begin to run in respect to actions by any town or city for the recovery of any street, alley, or other public easement, or any part of either, or the use thereof in such town or city, until the trustees, or the council or the corporation, by whatever name known or called, have been notified in writing by the party in possession, or about to take possession to the effect that such possession will be adverse to the right or title of such town or city. Until such notice is

prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city shall be a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the general council, recommended by the Board of Public Works. Upon the adoption of a resolution by the General Council authorizing and directing such action, it shall

given, all possession of streets, alleys and public easements, or any part of either, in any town or city, shall be deemed amicable, and the person in possession, the tenant at will of such town or city.''

Neither the mere non-user by the public of a street dedicated to public use, no matter how long the non-user may exist, nor the failure on the part of the city authorities to take some affirmative action, however long such non-action may continue, will work an abandonment of it for the purposes for which it was dedicated. Nothing short of some affirmative act on the part of the city manifesting its purpose to abandon a street will work an abandonment. *City of Henderson v. Yeaman*, 169 Ky. 503; 184 S. W. 878.

If the right of the city was not barred when the General Statutes were adopted, the right of the party claiming the street is regulated thereby. *Bosworth v. City of Mt. Sterling*, 87 Ky. 72; 13 S. W. 920; *Stuart v. Troutman*, 9 R. 924; 7 S. W. 553; and see *Davis v. City of Clinton*, 25 R. 2021; 79 S. W. 259; *City of Cov. v. Hall*, 30 R. 356; 98 S. W. 317; *City of Latonia v. Latonia Agr. Asso.*, 33 R. 138; 109 S. W. 356; *Keril v. City*, 118 S. W. 363; *Hurst v. Swango*, 144 Ky. 22; 137 S. W. 794; *Faith v. City*, 145 Ky. 276; 140 S. W. 312.

The right of the city to property, as an alley, where plaintiffs claim by adverse holding, but where the deeds under which plaintiffs claim recognize the disputed tract as an alley of the city. *Moody-Mitchell etc., Co. v. City of Louisville*, 169 Ky. 237; 183 S. W. 481.

Although a street may have been dedicated to the public use and used by the general public for many years,

this use does not constitute an acceptance by the city, as the city has the option of accepting or not accepting a street dedicated to public use. *Mulligan v. McGregor*, 165 Ky. 222; 176 S. W. 1129.

(2) **Closing streets and alleys.** The Legislature has no power to pass an act closing either the whole or part of an alley without the consent of abutting lot owners. *Bannon v. Rohmeiser* 90 Ky. 48; 13 S. W. 444. City can not close one end of a street without making compensation to the owner of the property bordering on the street who is thereby deprived of convenient access to other streets. *Gargan v. L. N. A. & C. Ry. Co.*, 89 Ky. 212; 12 S. W. 259. Nor can an alley which is a public way be closed against the will of the persons owning lots in the square through which the alley runs and who have an easement over it unless it is closed for or on account of some public use. *City of Louisville v. Bannon*, 99 Ky. 74; 35 S. W. 120; *Martin v. City of Louisville*, 97 Ky. 30; 29 S. W. 864. A resolution of the Louisville city council, vacating an alley over which abutting owners have a right of way is void. *Rohmeiser v. Bannon* 15 R. 114; 22 S. W. 27.

(3) **Condemnation of street for railroad.** In the absence of express statute a railroad company can not condemn and appropriate to its use, ad libitum, land already dedicated to the public for streets. Not only the city, but the owner of the fee, may enjoin the condemnation upon the ground that it would be a special injury to him. *Cornwall v. L. & N. R. Co.*, 87 Ky. 72; 7 S. W. 553.

(4) **Construction of railroad in a street** is not per se an encroachment upon abutting lot owners; if he is de-

be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares or lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting on such street or alley shall be made defendants, and if all of such defendants are competent to act for themselves and consent in

prived of the reasonable use of the street, he may have relief, but if he is merely inconvenienced he is without relief. Case of an elevated railway. *Fulton v. Short Route, Transfer Co.*, 85 Ky. 640; 4 S. W. 332; and see *Dulaney v. L. & N. R. R.*, 100 Ky. 628; 38 S. W. 1050; Ky. & Ind. *Bridge Co. v. Kreiger*, 93 Ky. 243; 16 S. W. 824; and see Sec. 242 of Con. and notes.

(5) City council, when authorized by the Legislature, may grant a right to construct and operate an electric or steam railway upon the public streets. *Louisville Bagging Co. v. Central Pass. Ry. Co.*, 95 Ky. 50; 23 S. W. 592.

(6) **Dedication of streets and alleys.** Where the owner of land adjacent to a city lays it out into building lots, streets, and alleys, and sells lots as bounded by such streets and alleys, this is an immediate dedication of the streets and alleys to the purchaser and public, although they have not been actually opened. *Schneider v. Jacob*, 86 Ky. 101; 5 S. W. 350.

(7) **Adverse user.** The fact that the city passed an ordinance authorizing the condemnation and opening the passway as a street was not a disclaimer by it that the strip was previously a public way. *Eastern Cemetery Co. v. City of Louisville*, 13 R. 279; 15 S. W. 1117.

(8) **Implied dedication of streets—partition—plat—acceptance and enjoyment of improvements made by the public—effect of a certain reservation in the deed and plat to the effect that the streets were not to be considered as dedicated to the public.** *Caperton v. Humpich*, 95 Ky. 105; 23 S. W. 875.

(9) **Dedication—when presumed.** *Kaye v. Hall*, 13 B. M. 455; *Wickliffe v. Lexington*, 11 B. M. 155.

The dedicators of a public way may impose any conditions as to its use which they may desire and may dedicate it for a sidewalk only. The public may acquire an easement in a public way by adverse user for a statutory period, and a private owner may lose his right of ingress and egress by an adverse user by the public of such kind that such right is denied to him for the statutory period. *Home Laundry Co. v. City of Louisville*, 168 Ky. 499; 182 S. W. 645.

Evidence that a city constructed sewers in a street and exercised their actual control over it as a street is sufficient to show its acceptance. *Koop v. Henry Bickel Co.*, 168 Ky. 487; 182 S. W. 617.

(10) **Easement of lot owner in street.** Citizen's right to unobstructed use of contiguous streets, etc. *Transylvania University v. Lexington*, 3 B. M. 25. Granting easement in street. Right of way granted to railroad. *L. & O. Ry. v. Appelgate*, 8 Dana, 289. The exclusive use of a street is in the public, even when the fee to the center is in abutting lot owners. *J. M. & I. R. R. v. Esterle*, 13 Bush, 667. The occupation and use of a street by a steam railroad does not entitle the adjacent lot owners to compensation as for property taken for public use. *E. & P. R. R. v. Thompson*, 79 Ky. 52; but see Con., sec. 242, and notes.

(11) **Elevated railroads.** A charter to build a railroad confers the right to elevate it wherever the character of the country makes it convenient or essential. Legislative recognition of right to elevate—ordinance. *Ful-*

writing to the closing prayed for, then the court shall render a decree accordingly, but without such consent, the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley. (*Sections as amended by act of March 22, 1902.*)

ton v. Short Route Tr. Co., 85 Ky. 640; 4 S. W. 332; 7 Am. St. Rep.

(12) **Grade of proposed street to be fixed by council.** The city council can not delegate its authority to fix the grade of streets it orders to be opened. A petition to enforce the lien is defective unless it alleges that the grade was fixed by council. Zable v. Baptist Orphans' Home, 92, Ky. 89; 17 S. W. 212; 13 L. R. A. 666.

(13) **Injury to property by improving street.** For unnecessary injury to property in making improvement the city, and not the contractor, is liable, the contractor having done the work as required by the ordinance and contract. Liability for surface water flowing on adjacent lots. Pearson v. Zable, 78 Ky. 170; see Kemper v. Louisville, 14 Bush 87; and notes to sec. 242, Con. Cases in which it was held an action would not lie. Keasy v. Louisville, 4 Dana 154; Wolfe v. C. & L. R. R., 15 B. M. 404; L. & F. R. R. v. Brown, 17 B. M. 763; N. & C. Bridge Co. v. Foote, 9 Bush 264. Obstruction of light, air or private passway—right of action. Keasy v. Louisville, 4 Dana 154; Louisville v. Louisville Rolling Mill, 3 Bush 416.

A municipality is not liable under the original establishment of a street grade unless done negligently. City of Owensboro v. Hope, 128 Ky. 524; 118 S. W. 873.

In the absence of corruption or bad faith on the part of the officers of the city, no recovery can be had for consequential damages to property growing out of the original establishment of the grade of a street. However, damages may be recovered for the negligent construction of the street on the established grade. City of Louisville v. Lausberg, 161 Ky. 363; 170 S. W. 962.

In the absence of evidence, showing that the municipal authorities acted corruptly or in bad faith, the city is not liable for consequential damages growing out of the original establishment of the grade of the street, but such damages may be recovered for the negligent construction of the street upon the grade so Sauter, 149 Ky. 723; 149 S. W. 1029; City of Louisville v. Koshewa, 161 Ky. 360; 170 S. W. 964.

Until the town fixes the grade of a street, it may cut the street down, without liability to the property owner, but if it changes the grade after it is fixed, it will be liable. Philpot v. Town of Tompkinsville, 148 Ky. 512; 146 S. W. 1093.

A municipality is not liable to the owner of abutting property for damages caused by the establishment of the original grade of a street, which was a county highway constructed on a different grade before the territory was taken into the city. Town of Erlanger v. Cody, 158 Ky. 628; 166 S. W. 202.

A city is not liable to the owner of adjacent property for damages from the original establishment of the grade of a street, which was a county highway constructed on a different grade, before the territory was taken into the city by an extension of its boundaries. Gernert v. City of Louisville, 155 Ky. 590; 159 S. W. 1163.

(14) **Liability of city for ground taken in widening street.** A street was widened, taking thirty feet from H's lot. Afterward H conveyed the lot to D, reserving the right of action against the city for wrongfully converting the thirty feet. He can not recover the thirty feet—whether the city is liable to him in damages is

§ 2833. **Original construction—cost—square defined—territory not defined—wells and cisterns—lien.** When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the Board of Public Works, according to the number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part

not decided. *Hawes v. Louisville*, 5 Bush 667.

(15) **Lots bounded on streets and alleys.** Where deed calls for a street or alley as a boundary, the grantee acquires title to the center of the street or alley. *Jacob v. Woolfolk*, 90 Ky. 426; 14 S. W. 415; *Schneider v. Jacob*, 86 Ky. 101; 5 S. W. 350.

(16) **Opening of streets and alleys.** Act prohibiting except by city authorities. City may take notice of streets and alleys opened by persons through their property, and do so previous consent to their being opened will be presumed. *Kaye v. Hall*, 13 B. M. 455.

(17) **Right to alley by user.** The status of an alley was not changed by a resolution of the city council refusing to accept it as a public way. Persons by long use having acquired the right to use it without obstruction. *Rohmeiser v. Bannon*, 15 R. 114; 22 S. W. 27.

(18) **Implied dedication of streets.** Where the owner of land sells according to plat exhibited at the sale, which plat shows a certain portion of ground to be a street, such sale and exhibition of the plat amounts to an irrevocable offer to dedicate the lands to the city for a street. The city may accept whenever it sees fit so to do, but the owner may not recall such implied dedication. *City of Louisville v. Mutual Life Insurance Co.*, 147 Ky. 141; 143 S. W. 782.

(19) **Parties.** A person whose property does not abut on the portion of the street sought to be closed and who has ample facilities for ingress and egress by other streets is not a necessary party in a suit to close a street. *Haller v. City of Louisville*, 32 R. 1045; 107 S. W. 741. See also

on this section *Long v. Barber Asphalt Paving Co.*, 151 Ky. 1; 151 S. W. 6. *City of Louisville v. Bott's Admr.*, 151 Ky. 578; 152 S. W. 529.

(20) **A salvage corps controlled and paid by insurance companies to attend fires and protect property, is not entitled to the use of the streets in preference to other persons.** *Lou. Ry. Co., v. Lou. Fire & Protective Assn.*, 151 Ky. 644; 152 S. W. 799.

(21) **Where an abutting property owner uses for his own benefit a drain pipe crossing a sidewalk, to which pipe he has connected a down spout to his building, the drain pipe constitutes such a servitude for his exclusive benefit as to make him liable to keep it in reasonable repair so as to enable persons using the sidewalk to travel over it with safety.** *City of Louisville v. Metropolitan Realty Co.*, 168 Ky. 204; 187 S. W. 172.

§ 2833. (1) **Agreement to keep in repair.** Contracts for construction of street with agreement to keep it in repair for five years. Retention of part of cost of work as security. Action by assignee of contractor. Necessary averments. *City of Louisville v. Muldoon*, 94 Ky. 462; 22 S. W. 847. Stipulation construed to mean that the contractor was only bound to make good such portions of his work as might prove within the specified time, to have been defectively done. *Louisville v. Henderson*, 5 Bush 515. It is the duty of the city to keep streets in repair, and if the guaranty of the contractor imposed any burden on the lot owners, they should to that extent be relieved. *Covington v. Dressman*, 6 Bush 210. It is not unreasonable to require the contractor to maintain a

of the cost of the construction of the street or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The General Council shall have power by ordinance, recommended by the Board of Public Works, to cause the digging and the walling of public wells and cisterns, and the placing of water-plugs and fire-

plant in the city during the five years. *Barber Asphalt Pav. Co. v. Gaar*, 115 Ky. 334; 73 S. W. 1106.

A contract requiring a contractor for a street pavement to keep it in repair for a number of years will include defects caused by gas leaking from mains located in the streets, if such defects are not expressly excepted from the operation of the contract. *Barber Asphalt Paving Co. v. City of Louisville*, 123 Ky. 687; 97 S. W. 31; 9 L. R. A. (N. S.), 154.

(2) **Benefit to owner—public need.** When the council has decided that the assessed area as an entirety will be benefited by the contemplated improvement, a lot owner may be compelled to pay his part of the cost, unless the absence of benefit and of public need of the improvement make it manifest that the burden amounts to spoliation. *Preston v. Rudd*, 84 Ky. 150; 7 R. 806. In order to make adjacent property liable for cost of improving a street it is not necessary that the city or contractor should show benefit to the owner. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546; *Pearson v. Zable*, 78 Ky. 170; *City of Lou. v. Bitzer*, 115 Ky. 359; 73 S. W. 1115.

(3) **City can not delegate its authority.** The power to pass ordinances to improve streets is legislative and can not be delegated. *Hydes v. Joyce*, 4 Bush 464.

(4) **Curing invalid assessment.** An amended act attempting to cure a void assessment was declared inoperative. *Slaughter v. Louisville*, 89 Ky. 112; 8 S. W. 920.

(5) **Double taxation—what will amount to.** Where one part of a city has improved its streets by taxing the owners of property thereon, the same owners can not be taxed to improve the streets in another part of the city in a like manner; but a contingency may arise when it would be proper to resort to a popular vote and obtain by the consent of those taxed, the right to contract such a debt as is necessary to make the improvement. *Frantz v. Jacob*, 88 Ky. 525; 11 S. W. 654.

(6) **Exemption from assessment.** The word tax or taxation when used in the statute exempting property from taxation, does not include local assessments unless used in connection with other words indicating such intention. *Zable v. Louisville Baptist Orphans' Home*, 92 Ky. 89; 17 S. W. 212; 13 L. R. A. 666; *Kilgus v. Trustees*, 94 Ky. 439; 22 S. W. 752.

(7) **Homestead** may be subjected to lien for street improvements. *Nevin v. Allen*, 15 R. 836; 26 S. W. 180.

(8) **Location of carriage-way—center.** Where the ordinance for the construction of a carriage-way merely defines the width, leaving it to the engineer to locate the way, the

hydrants and attachments to street water-pipes in the public ways and to apportion the cost thereof exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the General Council may prescribe by ordinance, and lien shall exist against such lots for respective apportionment by the Board of Public Works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes, with interest from the date of the apportionment at the rate of 6 per cent per annum until paid. The General Council shall have power by ordinance recommended by the Board of Public Works, to require that water, gas and

owners of abutting property can not escape the burden of the cost, although the engineer did not locate the way in the center of the street so as to leave the equal space on each side of the way for sidewalks, the property owner not being entitled as a matter of right to a certain space for a sidewalk. *Nevin v. Roach*, 86 Ky., 492; 5 S. W. 546.

(9) Objection to improvements—when to be made. The courts can not be resorted to avoid the payment for work already done in conformity with the ordinance and contract. The power of the court should be invoked before the improvement is made. *Preston v. Roberts*, 12 Bush 570; *Barber Asphalt Co. v. Gaar*, 145 Ky. 334; 73 S. W. 1106.

(10) When the work is completed and the contract complied with the lot owner can not be relieved from payment by reason of an error of the council in the apportionment of the burden. *Cooper v. Nevin*, 90 Ky. 85; 13 S. W. 481; and see further, note (3) sec. 2834.

(11) Ordinances need not be spread on the records. It is not necessary that an ordinance for a street improvement, or the contract and apportionment made pursuant thereto, should be spread in full upon the records of the city council. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546.

(12) Ordinance—passage of—pre-

sumption. Single entry by clerk upon the records of the council that ordinances for the improvement of several streets, naming them, were passed, does not show that they were all voted upon separately, as required by the charter. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546.

(13) Error (if any) in failing to vote on an ordinance on two different days is one which comes within the provisions of another section that "no error in the proceedings of the General Council shall exempt from payment after the work has been done; . . . and in no event shall the city be liable." *Broadway Baptist Church v. McAtee*, 8 Bush, 510.

(14) Original construction. Where a portion of a turnpike was taken into the city by the extension of its limits and become a public way of the city, the regrading and paving thereof was an "original construction." *McHenry v. Selvage*, 99 Ky. 233; 35 S. W. 645; and see *City v. Tyler*, 111 Ky. 588; 65 S. W. 125.

There is no original construction where a water company for purposes of its own constructed a street at its own expense. *Sparks v. Barber Asphalt Paving Co.*, 112 S. W. 830; 129 Ky. 769; 22 L. R. A. (N. S.) 877.

(15) Original construction. For full discussion see *Barfield v. Gleason*, 111 Ky. 491; 63 S. W. 964.

sewer service pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots the Board of Public Works shall fix a reasonable distance, fronting on said public way which shall constitute a lot for the purposes of this act and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five (25) feet. No water, gas or sewer service pipes shall be laid or constructed under this act, unless there be a water or gas main or sewer in said public way to which said service pipes are to be connected, nor shall any pipes be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the General Council

(16) **Owners hold subject to right of the city to improve.** Lot owners may be presumed to have purchased in contemplation of the power of the city to make such improvements as are ordinary and useful, but when the improvements are extraordinary and so peculiarly injurious to the owners as to result to some extent in the deprivation of the use of their property and injury to their business, such improvements should not be made without compensation. *Louisville v. Louisville Rolling Mill Co.*, 3 Bush, 416; *Goeke v. Staebler*, 141 Ky. 66; 132 S. W. 167.

(17) **Reconstruction of street.** Ordinance passed under act requiring a street to be torn up and reconstructed at the cost of adjacent lot owners held valid. *Bradley v. McAtee*, 7 Bush, 667.

(18) **School property** held by the school board for the use of the public schools is not subject to seizure or sale for street improvements. *City of Louisville v. Leatherman*, 99 Ky. 213; 35 S. W. 625.

(18½) Cemetery held not subject to lien for street improvements. *Cave Hill Cemetery Co. v. Gosnell*, 156 Ky. 599; 161 S. W. 980.

(19) **Square—territory not defined.—corner lot.** The territory may be so large as to authorize the conclusion that it could not have been intended to be a square within the meaning of the charter in regard to street improvements; but the mere fact that a square is larger than the usual squares of the city will not authorize such conclusion. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546. What deemed a square. *Broadway Baptist Church v. McAtee*, 8 Bush, 510; *Caldwell v. Rupert*, 10 Bush, 179.

(20) **Rules as to apportionment.** In assessing property under the charter it is not necessary to confine each assessment and apportionment inflexibly to a single square. Property in adjoining squares may in some cases be included. *Stengel v. Preston*, 89 Ky. 616; 13 S. W. 839.

(21) **Rule when the property assessed is not defined into squares.**

in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The General Council shall have power by ordinance recommended by the Board of Public Works to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the Board of Public Works at the cost of the respective owners of the abutting lots. Provided, however, that any gas company whose franchise requires said company to bear the expense

Loeser v. Redd, 14 Bush, 18. If the territory contiguous to the street is defined into squares, the charter fixes the district, and the council has no right to define the taxing district. Mode of apportioning the burden when territory on one side of the streets has been defined into ordinary squares and that on the other side has not. *Cooper v. Nevin*, 90 Ky. 85; 13 S. W. 481; *Preston v. Roberts*, 12 Bush, 570; *Dumesnil v. Shanks*, 97 Ky. 354; 31 S. W. 864; *German P. O. Asylum v. Barber Paving Co.*, 26 R. 805; 82 S. W. 632; *City v. American Asphalt Co.*, 125 Ky. 497; 102 S. W. 806; *Joehum v. Henry Bickel Co.*, 146 Ky. 73; 141 S. W. 1190; *Bullitt v. Gosnell*, 133 Ky. 447; 118 S. W. 329; *Long v. Barber Asphalt Co.*, 151 Ky. 1; 151 S. W. 6.

(22) **Street along square**, part of which has been previously constructed at the cost of adjacent lot owners. Rule as to apportionment. *Beck v. Obst*, 12 Bush, 268; and see *Washle v. Nehan*, 97 Ky. 351; 40 S. W. 1040; *Dumesnil v. Shanks*, 97 Ky. 354; 31 S. W. 864; *Dumesnil v. Gleason*, 99 Ky. 652; 37 S. W. 69.

(23) Case when improvement does not extend the whole distance of the square or reach some of the property assessed. *Boone v. Nevin*, 15 R. 574; 23 S. W. 512.

(24) Provisions in charter placing the costs of improvement upon owners of lots in each fourth of a square to be equally apportioned, etc., according to the number of square feet

owned by them respectively, except corner lots, which shall pay twenty-five per cent more, held to be valid. *Broadway Baptist Church v. McAtee*, 8 Bush, 510.

(25) **See diagram in opinions** illustrating the principle upon which assessments should be made. *Schmelz v. Giles*, 12 Bush, 491; *Button v. Kremer*, 114 Ky. 463; 71 S. W. 332.

(26) **Proper apportionment where property adjacent to city boundary line.** *Bullitt v. Gosnell*, 133 Ky. 447; 118 S. W. 329.

(27) **Subsequent act will not vitalize void ordinance.** Ordinance conferring no legal authority to make and let the improvements when put under contract can not be validated by subsequent act. *Hydes v. Joyce*, 4 Bush, 464. Ordinance reported to council, but which is not shown by the record to have been adopted, can not be declared by a subsequent council to have been adopted by the former. *Covington v. Ludlow*, 1 Met. 298.

(28) **Lot defined.** In a proceeding to subject a triangular lot of ground used as a right of way for the L. & N. R. R. Co., to a lien for street improvements, it was insisted that said lot was only a right of way, and not subject to payment for street improvements, also that it receive no benefit from said improvement. Held, that said objections are not tenable. It was also contended that the right of way was not a lot in the meaning of the statute governing street improvements. Held, that under the

of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved, but who shall thereafter use the gas pipe installed under this act, to the extent of his expense theretofore incurred for the installation of said pipe. The General Council shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act. (*Section as amended by acts of March, 1906 and March, 1914.*)

statute governing street improvements a lot is any piece of land within the territory defined by the statute or the general council where the territory to be assessed is not bounded by principal streets. The use or the non-use or the character of the use to which the parcel of land is put, does not determine the question whether it is or is not a lot. *Figg v. L. & N. R. R. Co.*, 116 Ky. 135; 75 S. W. 269. See also *Holt v. Figg*, 29 R. 613; 94 S. W. 34; *Jochum v. Henry Bickel Co.*, 146 Ky. 73; 141 S. W. 1190. The cost of an improvement apportioned against a lot exceed the value of the lot; the action was properly dismissed as to the property owner. *City of Louisville v. Benedict*, 147 Ky. 391; 144 S. W. 43.

(29) **Streets in annexed territory**, where one laid out land as an addition to a city, subdividing it by streets, and recorded a plat thereof, and sold lots by deeds calling for the streets, and the lots are built on, and the streets are used as such, and thereafter the city annexed such territory, such streets thereby become principal streets of the city, within Ky. St. 1899, Secs. 2833, 2834 limiting the territory which may be assessed for a street improvement. *Park v. Orth*, 73 S. W. 1015; 24 R. 2209. See also *Orth v. Park*, 117 Ky. 779; 79 S. W. 206.

(30) **Estoppel to object to assessment**. A property owner should not be permitted to stand by in silence, and allow a street improvement to be made, and then, by raising objections, escape payment for the benefit his property has received. *Barber Asphalt Pav. Co. v. Gaar*, 73 S. W. 1106; 115 Ky. 334.

(31) **Assessments**. The council has no power in determining the depth to be assessed for the cost of another principal street and lay the burden on property fronting on that street which derives no benefit from that improvement. *Fidelity, etc., Company v. Voris*, 110 Ky. 305; 61 S. W. 474. Where a square bounded by principal streets was irregular in shape, the quarter square should be determined by finding one-fourth of the total number of square feet in the square. *Park v. Cane*, 24 R. 2294; 73 S. W. 1121. A strip of land appropriated to use by a railroad as a special right of way, and which is a lot within the statute governing street improvements, is liable for assessment. *L. & N. R. R. Co. v. Barber Asphalt Paving Co.*, 116 Ky. 856; 76 S. W. 1097; 197 U. S. 430; *Long v. Barber Asphalt Pav. Co.*, 151 Ky. 1; 151 S. W. 6.

(32) **Original construction**. A street is not originally constructed until it is improved at the cost of the adjoining property owners. *City of Louisville v. Stoll*, 159 Ky. 138; 166 S. W. 811. A parkway, though the title be vested in the Board of Park Commissioners, is a principal street; and where a street bounded on one side by a park boulevard, which has been dedicated to the public use, is originally constructed, the assessment zone should extend to a point midway between such street and the park boulevard. *Marret v. Jefferson County Construction Co.*, 161 Ky. 845; 171 S. W. 396; see also *Kimbley v. Hickman, Mayor*, 163 Ky. 713; 174 S. W. 484. The council had the power to provide for the improvement of Barney Avenue although a

§ 2833a. **Claim against State for improvements—how paid.** That when any public way, or other public improvement in any city of the first-class in this Commonwealth, is ordered or directed by ordinance of the General Council of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, or within the taxable limits therefor, defined as provided in such act, and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and an apportionment warrant or statement thereof shall be certified by the Board of Public Works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated. (*This section is an act of February 28, 1902.*)

§ 2834. **Lien for cost of constructing public ways, sidewalks, wells and cisterns—passage of ordinance.** A lien shall exist for the cost of original improvement of public ways, for the construction and the reconstruction of sidewalks, and for the digging

part of the boundary as fixed was outside of a line drawn at right angles to the intersection of Barney Avenue with park boundary road. *Engelhard v. K. & I. Const. Co.*, 162 Ky. 774; 173 S. W. 131.

(33) **The test of a principal street** is not its practicability for travel, but whether or not it has been dedicated and accepted by the city. *Koop v. Henry Bickel Co.*, 168 Ky. 497; 182 S. W. 617. A principal street is one dedicated to the use of the public. A parkway is a principal street. *Marret v. Jefferson Co. Const. Co.*, 161 Ky. 845, 174 S. W. 396.

§ 2833a. **Property of State—liable**

for street improvement. *Hagar v. Gast*, 119 Ky. 502; 84 S. W. 556.

§ 2834. (1) **Construction of sewers.** City can not surrender its right to construct sewers; and a railway company to which the city had given the right of way holds subject to the power of the city to construct sewers. *L. C. Ry. v. Louisville*, 8 Bush. 415.

(2) **Construction if wells and cisterns at cost of property owners.** Apportionment of costs. *Louisville v. Osborne*, 10 Bush. 226; *Abraham v. City*, 23 R. 375; 26 S. W. 1041; *Lou. Steam F. Co. v. Anderson*, 22 R. 397; 57 S. W. 617.

(3) **Error in proceedings of council**

and walling of public wells and cisterns, for the apportionment and interest thereon at the rate of six per cent per annum against the respective lots. Payment may be enforced upon the property bound therefor by proceedings in court; and no error

will not exempt lot owner from payment after work has been done. *City v. Clark*, 105 Ky. 392; 49 S. W. 18; *Fehler v. Gosnell*, 99 Ky. 380; 35 S. W. 1125; and see *City v. Selvage*, 105 Ky. 730; 51 S. W. 447; *Gosnell v. City*, 104 Ky. 201; 46 S. W. 722; *Gleason v. Barnett*, 106 Ky. 125; 50 S. W. 67; *Specht v. Barber Asphalt Co.*, 26 R. 193; 80 S. W. 1106; *City v. Gast*, 118 Ky. 564; 81 S. W. 693; *Bullitt v. Gosnell*, 133 Ky. 447; 118 S. W. 329.

(4) **Improvement unnecessary is no defense to action to recover cost of same, as court will not go behind action of council in ordering the improvement.** *Dumesnil v. Louisville Stone Co.*, 109 Ky. 1; 58 S. W. 371; *Chawk v. Beville*, 21 R. 1769; 56 S. W. 414.

(5) **Justice to all concerned.** Under the provisions of this section that the council and courts shall do justice to all parties concerned, a contractor may recover, although the work was not accepted by that officer authorized to accept it when the work was completed. *Isenberg v. Selvage*, 103 Ky. 260; 44 S. W. 474.

(6) **Lien—how created.** What must appear. Action to enforce lien. *Preston v. Roberts*, 12 Bush, 570.

Sale of land. The statutory lien of a company for street improvement being against the land itself, and not against the owners, if the land is subjected to sale thereunder the lien-holder is entitled to have his lien enforced against the entire lot, irrespective of the various interests of life-tenants and remaindermen therein. *Duker v. Barber Asphalt Pav. Co.*, 25 R. 135; 74 S. W. 744

Change of street level—liability of abutting property for sub-way crossing—discretion of city council. The fact that the city may be held liable in damages as the result of the change of the street level, can not be pleaded in bar of the contractor's claim for making the street.

To the extent that the cost of the improvement was occasioned by the subway crossing of the railroad, it was, not such a construction of the street, which could be charged to the abutting property, but should be borne by the city itself.

While the cost of altering the grade of a street, so as to carry the street under a railroad, can not be imposed upon abutting property, yet the city council has legislative discretion to fix the grade, and the building of the street at the grade thus fixed can be made a charge upon the abutting property. *Louisville Steam Forge Co. v. Mehler, etc.*, *City of Louisville v. Gosnell, etc.*, 112 Ky. 438; 64 S. W. 369, 652.

(7) **Notice—due process of law.** The hearing which the taxpayer has when a lien upon his property for street improvement is sought to be enforced constitutes "due process of law." No other notice is necessary. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546.

(8) **Original construction for full discussion of law and facts, see** *Barfield v. Gleason*, 111 Ky. 491; 63 S. W. 964; *City v. Tyler*, 111 Ky. 588; 65 S. W. 125. A street is not originally constructed until it is improved at the cost of the adjoining property owners. *City of Louisville v. Stoll*, 159 Ky. 138; 166 S. W. 811.

(9) **Passage of ordinance—computation of time.** *Fehler v. Gosnell*, 99 Ky. 380; 35 S. W. 1125; *Gleason v. Barnett*, 106 Ky. 134; 50 S. W. 67.

(10) **Reconstruction—interest on warrants—reappointment.** *Gosnell v. City*, 104 Ky. 201; 46 S. W. 722.

(11) **Repair work—what is—reconstruction—meaning of,** *Levi v. Coyne*, 22 R. 493; 57 S. W. 790.

(12) **Taxation—provision of constitution limiting taxation does not apply to local assessments for street improvements.** *Gosnell v. City* 104 Ky. 201; 46 S. W. 722.

in the proceedings of the General Council shall exempt from payment after the work has been done as required by either the ordinance or contract; but the General Council, or the courts in which suits may be pending, shall make all corrections, rules,

(13) **What will exempt property owners.** As regards the contract with the contractors—property owner not exempt. *Louisville v. Henderson*, 5 Bush, 515. Error in proceedings of general council—property owner not exempt. *Craycraft v. Selvage*, 10 Bush, 696. When cost of improvement amounts to spoliation. *City of Lou. v. Bitzer*, 115 Ky. 359; 73 S. W. 1115.

(14) **Negligent construction of sewer—notice of defect one recovery.** A city is liable for injury to property from the construction of a sewer according to a plan which is palpably bad, though the execution of the plan may have been skillful.

When the city undertakes to construct a sewer, it is its duty to exercise ordinary care to keep it in condition to carry off the water collected thereby from such rainfalls as may be reasonably expected to occur in the neighborhood.

Where the initial construction of a sewer by a city is manifestly defective, notice to the city of the defect is not a prerequisite to its liability.

The right of action against a city for injury from the flooding of property by the negligent construction of a sewer accrues when the property is flooded, and limitation runs only from that date. *City of Louisville v. Norris*, 111 Ky. 903; 64 S. W. 958; *City of Louisville v. American Standard Asphalt Co.*, 102 S. W. 806; 125 Ky. 497.

A sewer is a permanent structure, and damages resulting from a defective sewer, if any occur from the construction of the sewer, or at least from the date of the first overflow, must be recovered entire in one action. *City of Richmond v. Gentry*, 136 Ky. 319; 124 S. W. 337. See also *Hay v. Lexington*, 24 R. 1495; *City of Louisville v. Leezer*, 143 Ky. 248; *Board v. Donohue*, 140 Ky. 505.

(15) **When city, not property owners, liable.** Failure to adopt meas-

ures rendering lot owner liable. *Murphy v. Louisville*, 9 Bush, 189; *Guthrie v. Louisville*, 6 B. M. 575. When by proper proceedings lot owners may be made liable, the city will not be liable unless it will have the right to proceed to make the property holders liable. *Craycraft v. Selvage*, 10 Bush, 696. But if the nature of the ownership of the property is such that it can not be made liable, then the city must pay. *Louisville v. Nevin*, 10 Bush, 696; *City of Louisville v. Leatherman*, 99 Ky. 213; 35 S. W. 625. City is liable where it has no authority to make the improvement at the exclusive cost of the property owners. *Caldwell v. Rupert*, 10 Bush, 179. Where the mayor and council, without the authority of law, cause the improvement to be made, the city, and not the lot owners, is liable. *Louisville v. Hyatt*, 5 B. M. 199; see and compare *Murphy v. Louisville*, 9 Bush, 189. Improvements made without sanction of general council, evidenced by the yeas and nays taken on the adoption of the ordinance, the city, and not the lot owner, is liable. *Kaye v. Hall*, 13 B. M. 455; *Richards v. Barber Co.*, 156 Ky. 690; 161 S. W. 1105.

(16) **Apportionment warrant—work done as required—failure of property owner to object.** While there may be some doubt as to the validity of an ordinance where there were two ordinances passed by the council at the same time, relating to the same subject, yet under Sec. 2834, providing that no error in the proceedings of the general council shall exempt from payment for work done on public ways, after the work has been done as required by either the ordinance or contract, where work has been done on a public way according to such ordinance or contract, without objection by the property owner whose property has thereby been benefited, it is too late for him to object to the payment of the ap-

and orders to do justice to all parties concerned; and in no event, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement, without the right to enforce it against the property receiving

portionment warrant and the enforcement of the lien therefor, after receiving the benefit of the work without objection. *City of Louisville v. Gast, etc.*, 118 Ky. 564; 81 S. W. 693.

(17) **Form, requisites, and validity in general.** An ordinance passed Thursday, April 5, by the lower board, and Thursday, April 19, by the upper board, was in compliance with the act under section 453, which provides that the day on which the act is done may be counted as one day in computing time. *Fehler v. Gosnell*, 99 Ky. 380; 35 S. W. 1125.

(18) **Obstructions and encroachments.** Injunction was issuable to restrain a party about to open up a ball park adjoining plaintiff's residence from fencing in, as a part of the park, an alley constituting one of the boundaries of plaintiff's lot, and dedicated to public use in the original plat of the property and called for in the deed to plaintiff's predecessor in title. *Alexander v. Tebeau*, 71 S. W. 427; 24 R. 1305.

Where persons erect buildings and other obstructions in a street, an individual owning property on the street, whose means of egress and ingress from and to it are obstructed, thereby reducing the value of the property, may maintain a suit for the removal of the obstructions as a nuisance, though a suit brought by the city for the removal is pending, *Bourbon Stockyard Co. v. Woolley*, 76 S. W. 28; 25 R. 477.

(19) **Obstructions.** A city is not liable for injuries resulting from the falling of a bill board erected by the proprietor of a private lot, and projecting over the line of his lot only the thickness of a board, unless the city had notice that the board was not securely fastened. *City v. Weisenberger*, 7 R. (abstract), 488.

A city is liable under its duty to keep streets in good condition, for injury to one struck, without contribu-

tory negligence, while driving, by a large limb of a tree projecting into the street dangerously low. *City of Louisville v. Micheis*, 71 S. W. 511; 114 Ky. 551.

A city is liable to a person injured while riding a tandem bicycle at night, with a lady in front of him, by striking dangerous obstructions in the street, where he had no knowledge of them, and could not, by ordinary care, have discovered them in time to have avoided the injury. *City of Louisville v. Keher*, 79 S. W. 270; 117 Ky. 841. See also *Town of Bellevue v. Rentz*, 152 Ky. 428; 153 S. W. 732.

(20) **Notice of defect or obstruction.** A city must be deemed to have had notice of an obstruction in the street, consisting of a post 2½ feet high, where it appears that the post has been standing there for more than three years. *City of Louisville v. Brewer's Adm'r*, 72 S. W. 9; 24 R. 1671.

Where a dangerous obstruction has existed in a street for several weeks with the knowledge of the officers of the city whose duty it is to report such matters, the city is estopped in an action for personal injuries resulting therefrom, to claim that it had no notice of the obstruction. *City of Louisville v. Keher*, 79 S. W. 270; 117 Ky. 841.

(21) **Negligence and contributory negligence.** One stumbling over a post which he knew was in a highway was not guilty of contributory negligence, as matter of law, in momentarily having forgotten its existence, it appearing that the accident occurred at night, and that the street was not lighted. *City of Louisville v. Brewer's Adm'r*, 72 S. W. 5; 24 R. 1671.

(22) **Instructions.** In an action for injuries sustained by a pedestrian by reason of a defective sidewalk, an instruction that it was the duty of the city to use ordinary care in keep-

the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the General Council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

ing its sidewalk in good repair; that it was the duty of pedestrians to use ordinary care; and that, if the city was negligent in leaving a stick projecting upon a sidewalk, and plaintiff stumbled over it and was injured, the verdict should be for plaintiff unless she was guilty of negligence which so far contributed to the injury that, but for the same, she would not have been injured—sufficiently announced the principle that, if the city did not keep its sidewalks in a reasonably safe condition for pedestrians using ordinary care, the city would be liable if plaintiff received her injury by reason of the city's negligence. *City of Louisville v. Bailey*, 74 S. W. 688; 25 R. 6.

(23) Apportionment of benefits. That an owner of abutting property submitted to the illegal apportionment of the cost of an improvement of a street on one side of a square, and thereby paid more than he was required by law to pay, did not affect his liability to pay a valid assessment for the improvement of a parallel street. *R. B. Park & Co. v. Cane*, 73 S. W. 1121; 24 R. 2294.

(24) Frontage of lots in general. Where an alley running north and south through a square lay entirely in the westerly half of the square, and another alley bisected that portion of the square lying between the first alley and the easterly boundary of the square, the owners of the northwest and southwest quarters of the square were properly charged with the entire expense of the construction of the first-described alley and of so much of the second alley as lay west of the middle of the block. *Wagner v. Cast*, 71 S. W. 533; 24 R. 1401.

The method of making assessments for street improvements by the foot is not invalid. *City of Louisville v. Bitzer*, 73 S. W. 1115; 115

Ky. 395; 61 L. R. A. 434; *Bitzer v. Fulton*, Id.

Property in the defined square may be assessed for the improvement although it does not front thereon. *Pfaffinger v. Kremer*, 74 S. W. 238; 115 Ky. 498.

A street on which improvements were made was paralleled on the east by a street of equal length, while the street next west remained parallel with it only in part; and, in apportioning the cost of the improvement to adjacent property, the council treated the street on the west as running parallel to the improved street the entire distance. Held, that though this method resulted in the territory to be taxed on the east side of the improved street being wider than that on the west side, nevertheless, as, under the law, the territory would have been taxed in the manner determined by the council if the street on the west side actually ran parallel the entire distance, the method adopted by the council was proper. *Wymond v. Barber Asphalt Pav. Co.*, 77 S. W. 203; 25 R. 1135.

(25) Omission to assess property liable. Where a street which was to be improved had been improved along apart of its distance by original construction, the action of the city authorities in paying for the construction of this portion of it with funds of city was not prejudicial to the property owners. *Wymond v. Barber, Asphalt Pav. Co.*, 77 S. W. 203; 25 R. 1135.

(26) Enactment. An ordinance for an original street improvement, passed by the board of councilmen, March 17 and by the board of aldermen March 31 is valid. *City of Louisville v. Selvage*, 51 S. W. 447; 106 Ky. 730.

(27) Location of property liable. Where, in a proceeding to enforce an assessment for an improvement, it

§ 2835. **Sidewalks and curbing—apportionment of costs.** The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned by the front foot, as owned by the parties respectively fronting said improvement, except that each corner lot shall pay the cost of its sidewalk intersection.

appeared the cross streets on the north side of the improved street were not extended to intersect the streets on the south side because of an intervening railway right of way, they will be treated as extended for the purposes of the assessment. *Specht v. Barber Asphalt Pav. Co.*, 80 S. W. 1106; 26 R. 193.

Under the facts alleged the collection of a warrant under the first apportionment did not release the lien as to purchasers after the first assessment was paid but before the re-apportionment, they having knowledge of the improvement and of the existence of the lien. *Comley v. Am. Asphalt Co.*, 130 Ky. 262; 113 S. W. 125. See also cases under previous section.

(28) One who purchases abutting property after an erroneous assessment has been made and pays is not a bona fide purchaser for value without notice, but takes subject to the right of the city to correct the assessment. *Richards v. Barber Asphalt Paving Co.*, 156 Ky. 690; 161 S. W. 1105.

A street is not originally constructed until it is improved at the cost of the adjoining property owners. *City of Louisville v. Stoll*, 159 Ky. 138; 166 S. W. 811.

A street ordered to be improved was bounded on the south by a regular square and on the north by land in the shape of a triangle; the Circuit Court properly assessed the land on the south to the depth of 160 feet and the land on the north to the depth of 125 feet at one end, diminishing to zero at the other. *Joehum v. Henry Bickel Co.*, 145 Ky. 73; 141 S. W. 1190.

Certain changes in plans of street improvements by the Board of Public works did not invalidate the ordinance or the contract under which

the streets were improved. *Barringer Land Co., v. Barber Asphalt Paving Co.*, 149 Ky. 132; 147 S. W. 893.

§ 2835. (1) **Curbing—when cost to be paid by abutting owners.** *City v. Tyler*, 111 Ky. 588; 65 S. W. 125; *Marshall v. Barber Asphalt Co.*, 23 R. 1971; 66 S. W. 734; *Gocke v. Staebler*, 141 Ky. 66; 132 S. W. 167.

(2) **Effect of change in law.** See sec. 3833 and *Reed v. Bates*, 24 R., 2312; 74 S. W. 234.

(3) **Sidewalks.** The fact that no sidewalk was made when a street was originally constructed or was ever thereafter made, does not prevent a subsequent improvement of the street from being a reconstruction; nor is it material that the street was originally improved by building a "turn-pike road," as that is well understood, to mean a macadam pavement, which is the kind of pavement at the time of the improvement, in general use in the city.

Sec. 2835 applies only when a sidewalk, including curbing, is either constructed or reconstructed; and therefore where no construction of sidewalk is provided for, but the ordinance and contract provide for an improvement of the carriageway "by grading, curbing, and paving," the curbing is a part of the improvement of the carriageway, and if the work is reconstruction, must be done at the cost of the city. *City of Louisville v. Tyler*, 111 Ky. 588; 64 S. W. 415; 65 S. W. 125. The omission by the ordinance to state that the cost of curbing be apportioned did not render the ordinance void. *Gleason v. Barnett*, 106 Ky. 125; 50 S. W. 67. Failure of an ordinance to direct what was a sidewalk held not to invalidate the ordinance. *Burghard v. Fitch*, 24 R. 1983; 72 S. W. 778. When a sidewalk is reconstructed, the cost of curbing must be included,

§ 2836. **Property owners permitted to improve public ways.** The Board of Public Works may, in its discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way, under the supervision of, and within such time as may be fixed by the Board of Public Works.

§ 2837. **Inspection and reception of work—publication of notice.** When improvements in public ways have been made, or public walls or cisterns dug and walled, and the contract therefor completed, the Board of Public Works shall, by one insertion in one of the daily newspapers published in the city, give notice of the time and place fixed for the inspection and reception of the work by the board, or its deputy or deputies, and such owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor.

§ 2838. **Action to enforce lien—evidence—provision for redemption.** In all actions to enforce liens, a copy of the ordinance authorizing the improvements or work, a copy of the contract therefor, and a copy of the apportionment—each attested by the

but if only the carriageway and curbing are reconstructed, the charge must be borne by the city. *Goeke v. Staebler & McFarland*, 141 Ky. 66; 132 S. W. 167.

§ 2836. **Waiver of right to improve.** Right of lot owner to improve may be waived by failing to speak when it is his duty to speak. *Broadway Baptist Church v. McAtee*, 8 Bush, 510.

Estoppel. A property owner who stands by without objection and permits a contractor to expend his money in making improvements upon the faith that the cost was to be a charge upon the abutting property is estopped to resist payment for said improvement. *Barber Asphalt Co. v. Gaar*, 115 Ky. 334; 73 S. W. 1106.

§ 2837. **Construction and effect of section.** *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957; *Isenberg v. Selvage*, 103 Ky. 260; 44 S. W. 974; *Barringer Land Co. v. Barber Asphalt Paving Co.*, 149 Ky. 132; 147 S. W. 893.

§ 2838 (1) **Appeal from judgment** in action on an apportionment warrant seeking to subject real property may be taken, although it be for less than one hundred dollars. *Fehler v. Gosnell*, 99 Ky. 380; 35 S. W. 1125.

(2) **Suit to enforce lien.** Statute not prescribing the mode of procedure, the mode prescribed by law for the enforcement of other liens will be presumed to have been intended. *Craycraft v. Selvage*, 10 Bush, 696.

(3) **Validity of statute—prima facie evidence.** The provision in this section that certain things shall be prima facie evidence of the passage, approval and publication of the ordinance as well as of other facts is upheld in *McHenry v. Selvage*, 99 Ky. 232; 35 S. W. 645; *Zable v. Orphans' Home*, 92 Ky. 89; 17 S. W. 212; and see *Richardson v. Mehler*, 111 Ky. 408; 63 S. W. 957; *Gaertner v. Lou. Stone Co.*, 114 Ky. 160; 70 S. W. 293; *Barrett v. Falls City Artif. Stone Co.*, 21 R. 669; 52 S. W. 947; *Caldwell v. Cornell*, 21 R. 812; 53 S. W. 35.

Comptroller—shall be *prima facie* evidence of the due passage, approval, and publication of the ordinance, of the due execution and approval of the contract, and shall also be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act. In such actions the court shall provide in its order confirming any report of safe that the defendants, or either of them, or any one claiming through or under them, or either of them, or any creditors of theirs, or either of them,

(4) **Payment.** Appellee G was a contractor for the construction of a section of Highland avenue, and bought an action on apportionment warrants against abutting property owner to recover the price of the construction. This court decided that the property owners were not liable on said warrants as the improvement was not original construction, but reconstruction, for which the city alone is liable. Several of the property holders pending the litigation paid to the contractor the amounts due on their warrants under an agreement that should it be determined that they were not liable on the same, said amounts should be returned. On the trial below, in which the contractor sought to recover the amounts due from the city for the benefit of the property holders who had paid him, the city claims that it had paid said indebtedness, and no recovery could be had for the further reason that the proof did not authorize a recovery. Held, that under section 2838, Kentucky Statutes, it is provided that in all actions to enforce liens a copy of the ordinance authorizing the improvement, a copy of the contract therefor, and a copy of the apportionment, each attested by the comptroller, should be *prima facie* evidence of the validity of the claim. This proof having been made, it devolved on appellant to defeat the claim. Appellant can not claim that the payment to the contractor under a special agreement for refunding same inured to its benefits, as none of these payments were made on behalf of the city.

Statute of limitation.—The con-

tract being in writing, an action to enforce payment of the contract price will not be barred until after fifteen years. It is not a liability created by statute which would be barred after five years. *City of Louisville v. Gleason*, 24 R. 1491; 71 S. W. 880.

(5) **Construction — Assessments — Constitutionality — Spoliation — Due process of law — Benefits — Preliminary hearing — Grade Change — Injury — Compensation — City Executive Board — Time — Record — Construction — Repairs — Cost — Bid — Inclusion — Prima Facie case — Necessity of Improvements — Release of Contractor.**

The mere grading of a dirt road so as to form a crown, and to leave depressions at the sides for surface drainage, and the leveling of inequalities, does not constitute a street construction.

Sec. 2838 is constitutional. A street assessment will not be held to be an arbitrary and unconstitutional taking of property merely because the benefits from the street are not commensurate with the cost, as the Legislature has a large discretion in defining the property deemed to be specially benefited, and the courts will not interfere, except upon a showing of fact so conclusive as amply to justify their interference.

The fact that the statute makes no provision for a preliminary hearing as to the extent of the special benefits to each piece of property resulting from the improvement, does not render it violative of the fourteenth amendment to the Constitution of the United States.

Under Constitution, section 242, an

may, within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale, at the rate of six per cent per annum, and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of six per cent per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

ordinance for a street improvement is not void because it fails to provide for compensation for the injury to abutting property from the excavations necessary to be made to conform the street to the grade theretofore fixed by the city council, as a statute or ordinance which results in injury to property is not unconstitutional because it fails to provide for compensation to be made for the injury before it is done.

Though the change in the grade was unnecessary, and might have been prevented by injunction, and though the excavations necessary to conform to the grade might have been prevented until compensation had been provided for the injury to be occasioned thereby, yet, as neither of these things was done, the defendants in an action by the contractor to enforce his lien can not have the cost of the excavation, which has been included in the assessment, apportioned among them, and recover against the city the amounts apportioned, the remedy being an action at law to recover the damages which have actually accrued from the change of grade.

The making out of an apportionment warrant is not the levy of a tax, and may be performed by an executive board.

A statute is not unconstitutional because it does not require the contract for construction to be approved by the city council, as that is a ministerial act, and may be entrusted to an executive board.

All the requirements of the statute necessary to create a lien having

been complied with, the fact that the apportionment warrants were not approved by the mayor and council, as required by an ordinance, does not affect the validity of the lien.

Where the contractor was required by the contract to keep the street in repair for five years, and, in order to secure that undertaking on his part, was required to deposit bonds amounting to ten per cent of the contract price, it will be presumed that this provision did not increase the cost of the improvement beyond the ten per cent, as the Court of Appeals had previously construed such a provision in a street improvement contract as binding the contractor only to that extent for repairs, and it must be presumed that plaintiff contracted with reference to that construction.

Proper averments of the steps leading to the creation of a lien, supported by the exhibits required to make out a prima facie case, entitle plaintiff to a judgment in the face of a mere denial as to the fixing of the grade of the street.

After the work is done, the legislative determination of the council that the improvement was necessary will not be disturbed, except upon a showing of abuse of discretion so conclusive as to amply justify the interference of the court.

Where the city, without good cause, released an accepted bidder, who had given bond with solvent surety, and the bid accepted upon a second advertisement, though the lowest one then made, was considerably higher than that of the released contractor,

§ 2839. **Apportionment warrants—registration—lien.** The Board of Public Works shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, water-plugs, and sidewalks as may be required by ordinance, and within two days thereafter shall enter the same upon a register kept in alphabetical order for that purpose. When the holder of said warrant shall have obtained payment, he shall notify the Board of Public Works, and it shall be marked upon the register as paid. The lien shall exist from the date of the apportionment warrant; but a lien shall not be valid against a purchaser for valuable consideration without notice unless it shall be so entered and registered within ten days of the issuing of the apportionment warrant.

§ 2839a. **Owner excavating to protect adjacent property.** That whenever the owner of a lot in a city of the first class purposes to excavate upon such lot to a depth greater than ten feet below the top of the curbstone of the sidewalk adjoining such lot, or to cause an excavation to be made on such lot to a depth greater than ten feet below the top of such curbstone,

the property owners are entitled to judgments over against the city for the difference. *Barfield v. Gleason* 111 Ky. 491; 63 S. W. 964.

It is error to order a deed instead of giving time to redeem where a sale was made to pay costs of street improvements. *Martin v. Slaughter*, 20 R. 1743; 50 S. W. 27.

The effect of failure to file certified copies of proceedings where the substance of the paper appears in the petition. *Kremer v. Leathers*, 24 R. 1149; 70 S. W. 843.

A judgment is not affected by failure in an order confirming a sale on an apportionment warrant to provide for redemption, especially where the defendant did not offer to redeem within two years. *Mapother v. Gast*, 33 R. 395; 110 S. W. 308. There is no spoliation unless the cost of the improvement equals or exceeds the value of the property. *Haller v. Barber Asphalt Pav. Co.*, 130 Ky. 547; 113 S. W. 516.

§ 2839. (1) **Assessment corrected by court.** An erroneous assessment corrected by the court. *Preston v. Roberts*, 12 Bush, 570.

(2) **Corrected assessment.** Payment and acceptance of an assessment for street improvement can not be regarded as an accord and satisfaction of an additional amount afterward found by a corrected assessment to be due. *Stengle v. Preston*, 89 Ky. 616; 13 S. W. 839.

(3) **Report of engineer—adoption of.** When the apportionment is reported by the engineer to the council, and his report adopted, it then becomes the act of the council, as much as if it had made the estimate, etc. *Nevin v. Roach*, 86 Ky. 492; 5 S. W. 546.

(4) **Validity of this section—and full discussion of question of street improvements.** *Barfield v. Gleason*, 111 Ky. 491; 63 S. W. 946, cited under section 2838.

(5) **Apportionment warrants.** As section 2839 authorizes the board of public works to make out the apportionment warrants, the allegation that the Board of Public Works made out of warrants is prima facie sufficient. The Court of Appeals can not take judicial notice of ordinances of the city, and if there was an ordi-

the owner so proposing to excavate or to cause an excavation to be made shall, at his own expense, protect any wall on adjoining land on or near such excavation from injury from such excavation, if necessary license is afforded him to enter upon such adjoining land for that purpose, but not otherwise. (*This section is an act of March 21, 1906.*)

(This section appears as § 3037a in Carroll's Edition.)

SUBDIVISION VIII.

Parks.

§ 2840. **Board of Park Commissioners—control by.** The public parks in a city of the first class shall be held, managed and controlled by a board under the name and style of the Board of Park Commissioners. Such board shall have power to contract and be contracted with, sue and be sued, and adopt a common seal.

§ 2841. **Board of six persons—election—term—qualifications—mayor, ex officio member.** Said board shall consist of six persons, to be chosen as hereinafter provided, and the Mayor of the city, who shall be ex-officio a member of the board. The six members of said board shall be elected by the qualified voters of the city at the November election, 1893. The three members receiving the highest number of votes at said election shall hold for a term of four years, and the three receiving the next highest number of votes shall hold for a term of two years. Thereafter all members shall be elected for a term of four years. No person shall be elected, or, after election, shall continue to be a

nance requiring that the apportionment should be approved by the council before the warrants were issued, and that there was no such approval, the facts should have been pleaded. *Horne v. Mehler*, 23 R. 1176; 64 S. W. 918.

In case of a reapportionment the property is liable for the additional burden in the hands of a person who purchased since the original apportionment. *Comley v. American Standard Asphalt Co.*, 130 Ky. 262; 113 S. W. 125. Liens run only from date of apportionment warrant. *Warfield v. Erdman*, 19 R. 1559; 43 S. W. 708. Effect on contractor's right to recov-

er costs where the Legislature changes the law so as to require the Board of Public Works to inspect and accept the work, etc. *Isenberg v. Selvage*, 103 Ky. 260; 44 S. W. 974.

§ 2840. (1) **Park Commissioner—removal.** Board of Aldermen has jurisdiction to remove a park commissioner for malfeasance or misfeasance, as well as for causes that unfit him for the place. *Gibbs v. Board of Aldermen*, 99 Ky. 490; 36 S. W. 524.

(2) **Board of Park Commissioners not liable for torts.** Board of Park Commissioners v. *Prinz*, 127 Ky. 460; 105 S. W. 948.

member of said board, or vote or act as such, who is not a *bona fide* resident and housekeeper of the city, or who, after election, shall for ten days fail or refuse to take oath as herein provided.

§ 2842. **Official oath to be taken by members of board.** The persons elected as members of said board shall each, within ten days after election, make and subscribe oath before, to be attested by the County Clerk or his deputy, to the effect that he will faithfully, diligently, and to the best of his skill and ability, perform all the duties of such Park Commissioner without favor or prejudice; that he is not subject to any of the prohibitions or disqualifications set out in this act; and that he will not be in any manner or to any extent, directly or indirectly, concerned in any contract, purchase, sale, salary, or emolument of any kind connected with or growing out of any business of said board, or the providing, purchasing, condemning, managing, or improving of any park property, or in supplying any labor, material, or thing of service in respect to same, save as herein permitted. Such oath shall be filed with the Comptroller of the city, and shall be a public record.

§ 2843. **Bond for performance of duties.** Each commissioner shall likewise, and within ten days of such election, execute bond in a sum of twenty-five thousand (\$25,000) dollars, payable to the city, with good security, to be approved by the Mayor, conditioned that he will faithfully perform all duties of a park commissioner for the city, as prescribed by law; which bond shall, when approved by the Mayor, be filed with the Comptroller, and be a public record. For any violation by the principal in such bond of any duty as park commissioner, for any participation by him, directly or indirectly, in any contract or subcontract in respect of park property or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond as against the principal and sureties, such suit to be brought in the name of the city, and any recovery shall inure to the benefit of the fund for park purposes.

§ 2844. **Vacancies in board—how filled.** All vacancies in said board shall be filled by appointment by the board, or by election, in accordance with Section 152 of the Constitution of Kentucky, and all commissioners now holding office shall continue to hold office until their successors are elected, and qualified, as provided herein.

§ 2845. **President and other officers—election—duties—compensation.** The commissioners shall annually, in November, choose one of the board other than the Mayor to be president of the board and another as Vice-President; and the said board shall elect a Secretary and Treasurer, and such other officers and employes as may be necessary, and may fix their duties and prescribe their compensation, their terms of office not to exceed one year. The board may exact bond, with security, from any officer or employe and fix the terms and penalty of such bond. The board may, in its discretion, intrust the duties of more than one office to one employe or officer, and may at any time dismiss or discharge any officer or employe. The compensation of all officers, including the President, shall not exceed in the aggregate ten thousand (\$10,000) dollars per annum.

§ 2846. **Members—compensation—can hold no other office or interest in contract.** No member of the Board of Park Commissioners, other than the President thereof, shall receive any compensation whatever, directly or indirectly, in respect to his services as member of the board, nor shall the President's salary exceed two thousand five hundred (\$2,500) dollars per annum; nor shall any member, save only the Mayor of the city, hold any office or appointment or employment under the city or any department of the city, or any institution thereof. Nor shall any member of the board be concerned in any contract with the Board of Park Commissioners of the city, or any of its departments or institutions, either as contractor, sub-contractor, or party directly or indirectly interested.

§ 2847. **Members becoming disqualified.** If any member of said board cease to be a *bona fide* resident or housekeeper of the city, or incur any of the disqualifications mentioned herein, or become incapacitated to perform any of the duties of commissioner, or be found guilty of any felony or high misdemeanor, he shall immediately cease to be a member of said board.

§ 2848. **Powers and duties of commissioners.** The board, constituted as aforesaid, shall have the care, management and custody of all parks and grounds used for park purposes, all boulevards and parkways now belonging to the city, or to any

§ 2847. See note to see 2840.

§ 2848. A Parkway under control of Park Board is a principal street under

§ 2833. *Marret v. Jefferson Co. Construction Co.*, 161 Ky. 845; 171 S. W. 396.

existing Board of Park Commissioners, or in the control of the city or existing board, and all such property as may hereafter be required for park purposes or public squares by the city or the board. The board shall have power to acquire and hold property for public parks and public squares by condemnation or by contract for the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and improve with walks, drives, roads, tree-planting, and other property improvements the park or parks, square or squares, and other property held by it or required and managed, and to enter into contract for the same; to protect all property and improvements to it belonging or under its management or control from injury or decay; to adopt rules and regulations for the reasonable and proper use, and for preventing injuries to or misuse of all parks, public squares, boulevards, driveways, walks and park property generally; and to prevent disorder and improper conduct within the precincts of any park or inclosure, or upon any drive, walk or avenue under control of said Board of Park Commissioners. The police power of the city shall extend over the said park property of every kind as the same is or as shall be acquired; and all violations of such park rules and regulations, and all other misdemeanors or offenses committed within any park property or precinct, shall be punished by the police court of the city on complaint and proceeding had, as provided by law in cases of misdemeanors and violations of city ordinances. The said commissioners and their agents and employes shall have power to make arrest for felonies or misdemeanors committed within any park precinct, or for violation of any park rules or regulations.

§ 2849. **Locating parks—powers and duties concerning.** In locating parks and such other property as may be acquired under this act, the board shall have regard to the needs of the different portions of the city and population thereof, and suitability of ground for park purposes, as well as the cost thereof. In and of all such matters said board shall have discretion, as also in the system of improvement of the same. The said board may acquire by purchase, gift or condemnation land for parkways connecting the parks, and may improve and regulate the use of the same.

§ 2850. **Acquiring property—exemption from taxation.** The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicious outlay. The title of all property acquired for park purposes shall vest in the Board of Park Commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park uses, free from all taxation, impost, or assessment—State, county, district, municipal, or otherwise.

§ 2851. **Public squares—shade trees—conveyance of real estate to board.** The board shall, in like manner, hold, manage, control, and improve the public squares or areas within the city limits, and may acquire others by gift, contract, purchase, or condemnation, and for such it may prescribe rules and regulations; and all squares or areas shall be deemed and treated as park precincts. It shall be competent for the city, an ordinance to that effect being duly passed and approved, to convey to said board any real estate owned, to be held and managed by said board for park purposes. The said board shall also have the control and management of the planting and care of shade trees along the sidewalks or thoroughfares of the city.

§ 2852. **Condemnation of property.** Whenever, in the opinion of said board of park commissioners, property shall be needed for any park purposes contemplated in this act, either within or beyond the boundaries of the city, in the county in which such city is located, the said board may, by resolution reciting such need, order the condemnation of such property, and proceedings for such condemnation shall be in the Jefferson Circuit Court, and conducted in the name of said board by the City Attorney. Such proceedings shall be commenced by petition and summons, and carried on as nearly as may be as actions at law by ordinary proceedings are conducted. Warning orders against non-residents, absent defendants or unknown owners of property shall be published at least three

§ 2852. **Condemnation of land for parks—procedure.** Board of Park Com'rs v. DuPont, 110 Ky. 743; 62 S. W. 891. Power conferred by this

section and Section 2831 upon cities of the first class to condemn land for every necessary municipal purpose. L. & N. R. R. Co. v. City of Louisville, 131 Ky. 108; 114 S. W. 743.

times in two daily papers published in such city, the last publication being at least ten days before the trial. In such proceedings for condemnation, the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of them holding contiguous properties may be proceeded against in a separate action. The court in which such proceedings for condemnation are instituted shall make such order, rules and judgments as will secure a fair trial by an impartial jury, which shall be summoned under order of court. Such jury shall consist of twelve freeholders of such city or county, and such trial for condemnation shall have precedence on the docket of the court, as soon as the parties are before the court and the issues made up. The jurors in such actions for condemnation shall be sworn to ascertain and determine truly and impartially by their verdict the amount of compensation each owner will be entitled to receive if his land or property described in the petition be condemned. And in assessing damages to the owner of the property so condemned, it shall be competent for the jury to consider the benefit and advantage, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages other than for the value of the property taken. The court in which such proceedings are instituted shall have the power to assign a day for the trial of the case as soon as the petition is filed. Upon return of the verdict of the jury, the court shall enter judgment vesting in the Board of Park Commissioners of the city the title to the property described and condemned, the said judgment to take effect upon the payment into court by said board of the amount of money named in the verdict, and the taxed costs of the proceedings, but said Board of Park Commissioners shall have sixty days within which to make said compensation and payment; and if the same be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and proceedings dismissed at the cost of said board; but without prejudice to any subsequent proceedings.

That no proceeding now pending and undetermined for the condemnation of property for park purposes shall be affected by this act, but the same shall be governed by existing laws. (*As amended by act of March 24, 1904.*)

§ 2853. **Tax for park purposes and expenses of board.** For the purpose of providing necessary funds for the purchase, care and improvements of park property, and to meet the expenses of the board, the General Council of the city shall, in each year, levy and cause to be collected a tax of not less than five cents nor more than eight cents, upon each one hundred dollars of value of all the property within the city taxable for municipal purposes, the same to be laid over to the board and receipted for by its president.

§ 2854. **Bonds for raising money—submission to voters.** For the purpose of raising money for the purchase or improvement of lands for park property, the General Council of the city may, by ordinances, submit to the qualified voters of the city the question as to whether the city shall issue bonds, with interest coupons attached, to the amount and of the character set forth in such ordinances; and when such ordinance is passed, it shall, at the next November election, be submitted to the qualified voters of the city; and if it receives assent of two-thirds of those voting, the bonds so voted shall be issued by the city, and delivered to the Board of Park Commissioners.

§ 2855. **Board can not anticipate or create charge upon future year.** The board shall never, to any extent or under any device, in one year, anticipate to create a charge upon the income of a future year; and no work done, or improvements made in any one year, shall be made a charge upon the income of a future year.

§ 2856. **Board to keep account—annual report to Mayor.** The board shall keep accurate record and books of account, and shall, annually, in the month of November, transmit to the Mayor a full and detailed report and statement of all its acts and doings for the preceding year, together with a complete and itemized account of all receipts and disbursements of money, and with an itemized estimate of the money needed for park purposes

§ 2854. **Bonds—election.** In *Belknap v. City of Louisville*, 99 Ky. 474; 36 S. W. 1118; 34 L. R. A. 256; 59 Am. St. Rep. 478, the court held that it required two-thirds of those voting at the election, not merely two-thirds of those voting on the

question to carry a bond issue, but in *Montgomery Fiscal Court v. Trimble*, 104 Ky. 629; 47 S. W. 773; 42 L. R. A. 738, this case is overruled, and two-thirds of those voting on question is held sufficient. See also cases cited ante under Sec. 158 of the Constitution.

during the coming year. The books of account and records of the board shall, at all times, be open to the inspection of the Mayor, and be subject to the same examination as the records of other municipal officers under section 2797 of the act for the government of cities of the first class.

§ 2857. **Special park police—provisions for.** The General Council of the city may, from time to time, upon application therefor made by the board, provide by ordinance for special park police, the same to be under control of the Board of Park Commissioners, and to be paid by it.

§ 2858. **Park property—what included in the term.** The term park property includes all parks, squares, and areas of land within the management of said board; and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbage, flowers and other things thereon and inclosures of the same; and all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds, parade grounds or the like; and all connecting parkways and roads or drives between parks; and all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description; and all birds, animals or curiosities, or objects of interest or instruction placed in or on any of such inclosures, ways, parkways, roads or places; and said terms shall be liberally construed.

§ 2859. **City Attorney to give advice and render service.** All legal service or advice required by the board shall be rendered by the City Attorney and his assistant without additional compensation.

SUBDIVISION IX.

Public Wharves.

§ 2860. 1. **Board of Public Works control—superintendent, assistant, and salaries.** That the wharves and landings of cities of the first class shall be under the care and control of the Board

§ 2860. (1) **Authority to acquire property.** A city has no power to acquire property for wharf purposes unless it be expressly conferred by legislative grant. The city council, when charged with the duty of main-

taining a wharf for public use, can not delegate its power to another. *Roberts v. City of Louisville*, 92 Ky. 95; 17 S. W. 216; 13 L. R. A. 844; *Bateman v. Covington*, 90 Ky. 390; 14 S. W. 361.

of Public Works of said city, who shall fix and receive reasonable charges to be paid for the use of the same. They shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintendent of public wharves, and an assistant superintendent of such wharves, to be appointed by the said Board of Public Works, who shall prescribe the duties of said officers and fix their compensation as follows: The compensation of the superintendent of public wharves shall be not exceeding two thousand five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. The said Board of Public Works shall appoint said officers as soon as practicable after the taking effect of this law, and the said Board of Public Works shall have the power to fill vacancies occurring in either of said offices.

2. **Lease of wharf property.** The said Board of Public Works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the said board, required for wharf purposes.

3. **Receipts to be paid to City Treasurer—disposition of.** All moneys that shall be collected for the use of wharves, landings and leases, on any part of wharf property not needed for wharf purposes, and all other money or moneys received by the superintendent of public wharves from said wharves, landings and leases, shall be paid into treasury of the city at the end of each and every week, and placed by the treasurer to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings, and leaseholds shall be placed by the City Treasurer annually to the credit of the gen-

(2) **Control of wharf property.** "Commissioners of the sinking fund" of the City of Louisville, which is a distinct corporation created by that name for specified purposes, can not control the wharf property of the

city, authority to do so not being given by the charter. *Roberts v. City of Louisville*, 92 Ky. 95; 17 S. W. 216; non-liability for state taxation, see *Com. v. City*, 20 R. 893; 47 S. W. 865; *Com. v. City of Louisville*, 133 Ky. 849; 119 S. W. 161.

eral purpose fund. (*This section, originally part of the act of July 1, 1893, as amended by act of February 24, 1894, was repealed by act of February 28, 1902, and the section as it now is—an act of February 28, 1902,—is inserted in its place.*)

SUBDIVISION X.

Board of Public Safety.

§ 2861. **Three members—salary—what to have control of.** The Board of Public Safety shall consist of three members. Each member of said board shall receive a salary of not less than two thousand five hundred dollars. The board shall have exclusive control, under the ordinances of the General Council, of all matters relating to the fire department, police department, the health department, the department of buildings, of the pounds, and prisons, and market places, and of all the charitable, reformatory, and penal institutions of the city, including the city hospital, the almshouse, the city dispensary, the pesthouse, the city workhouse, and all other buildings and institutions of a similar character belonging to the city, or under the supervision and control thereof. Said board shall also have charge of the registration of births, marriages and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary.

§ 2862. **By-laws and rules for government of inmates of institutions—punishments.** The board may make by-laws and rules

§ 2861. (1) **Police commissioners.** Act of 1868, providing for the organization of a police force for Louisville and Jefferson county, held valid. Dual character and powers. *Commissioners v. Louisville*, 3 Bush, 597. This act is repealed by the present charter.

(2) See notes to secs. 2802, 2781.

(3) **Illegal permit.** A building permit issued by the Building Inspector contrary to law may be canceled by the Board of Safety, although work has been commenced under said permit. *O'Bryan v. Highland Apartment Co.*, 128 Ky. 282; 108 S. W. 257; 15 L. R. A. (N. S.) 419.

Any person whose property would be damaged by a building erected

under an unlawful permit may enjoin the erection of such building. *Id.*

A building regulation which prohibits the erection of a frame building within 60 feet of a permanent brick or stone building is valid. *Id.*

A provision in a building ordinance providing specifically the maximum length of a theatre corridor is valid as not being unreasonable, and a permit granted by the Board of Public Safety allowing a longer corridor is void, the provisions of the ordinance being mandatory. *McGee v. Kennedy*, 131 Ky. 27; 114 S. W. 299, 753.

See Sec. 3037e, establishing Hospital Commission.

for the government of the inmates of its institutions, and may inflict proper but humane punishment in the enforcement thereof.

§ 2863. **Location of institutions by General Council.** The General Council may, by ordinance, locate any of its institutions upon land now owned by the city, or to be hereafter provided for that purpose, anywhere in the county in which said city is situated, or may authorize the board to select the location of said institutions within the county.

§ 2864. **Deduction from time of persons confined.** The board may, for good conduct, authorize deduction from the time of persons confined in the workhouse or any other penal institution.

SUBDIVISION XI.

Police and Fire Departments.

(Fire Department, § 2896a.)

§ 2865. **Chief of police—chief of firemen—appointment of.** The commissioners of the Board of Public Safety shall appoint a chief of policemen and a chief of firemen. (*See, further, as to fire department, sec. 2896a.*)

§ 2866. **Qualification of employes of departments.** Excepting the chiefs and persons now employed in said departments, and persons who have been employed in said departments during the past five years, every officer or employe shall, before appointment or selection, have the following qualification:

1. He must read and write correctly and fluently the English language from dictation in the presence of examiners appointed by said board.

2. He must pass a satisfactory examination of the charter and ordinances of the city and such parts of the Constitution and statutes of the State as relate to the duties of his office.

3. He must be at least twenty-one years of age.

4. He must be of sound health and sufficiently strong to be active and able to discharge easily his duties; and,

5. He must be a resident and voter in the city.

§ 2865. **Pension fund for firemen.** Act of March 16, 1900, unconstitutional in so far as it undertook without consent of the municipality to impose a tax for the benefit of fire-

men; the legislature may delegate this power to the municipality. *McDonald v. City*, 113 Ky. 425; 68 S. W. 413; and see *City v. Thompson*, 113 Ky. 540; 68 S. W. 477.

§ 2867. **Manual of instruction to be furnished.** The Board of Public Safety shall provide a manual of instruction for the study by persons who wish to acquire the necessary knowledge of the said ordinances, charter, statutes and Constitution.

§ 2868. **Chief of police to control police force—times of peril.** The chief of policemen shall have exclusive direction and control of the police force, subject to the rules, regulations and orders of said Board of Public Safety. In times of peril, from riot, extensive conflagration, disorder, or the apprehension thereof, the chief of policemen shall be subordinate to the Mayor, and obey his orders and directions.

§ 2869. **Powers of officers and employes of departments.** The officers and employes of said police departments shall possess all the common law and statutory powers of constables, except for the service of civil process.

§ 2870. **Commissioners may appoint special police.** Said commissioners may, in case of need, appoint special police to do special duty at any place within said city, and on such terms as they may deem proper; and these special policemen shall be governed by such rules and regulations as said commissioners may provide, and be given such powers as said commissioners allow; and in case no such rules are provided, they shall have the powers and duties of ordinary policemen.

§ 2871. **Assessment for political purposes forbidden—penalty.** No officer or policeman, or member of the fire department, shall be called on for any contribution or assessment by any superior or political organization or committee. No officer or member of said police or fire department shall be allowed to solicit any contributions or funds, or to sell any tickets, or procure money by any devices from the public. Any person violating the provisions of this section shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a period not exceeding two months, or both so fined and imprisoned.

§ 2872. **Policemen not to receive gratuity for service.** No policeman or police officer shall be allowed, without the consent of the board in each case, to receive any money, or gratuity, or

§2870. Special police may be appointed under authority of this section. *City v. Young*, 23 R. 1429; 65 S. W. 599.

§ 2872. Pension act—construction of. *Head v. Jacobs*, 150 Ky. 290; 150 S. W. 349.

compensation, in addition to his salary, for any service he may render.

§ 2872a. **Policemen's Pension Fund.** That an act entitled, "An Act providing for the creation, control and disposition of a fund to be used in pensioning, under certain conditions, policemen and the families of deceased policemen, in cities of the first class," approved March 3, 1904, be, and the same is hereby repealed.

2. **Board of Trustees.** That as soon as practical after the passage of this Act, there shall be organized in connection with the Police Department in all cities of the first class in this Commonwealth, a board to be known as the Board of Trustees of the Policemen's Pension Fund, which board shall be composed of the Mayor, the Chairman of the Board of Public Safety, the City Treasurer, the Chief of Police and the Comptroller and said board shall select from its members a President and Secretary. The City Treasurer shall be ex-officio treasurer of said board, and of the funds coming into its hands. The members of said board shall continue members thereof until their respective successors are elected, or appointed, and qualified.

3. **Tax for.** There may be levied and set apart by the General Councils of all cities of the first class in this Commonwealth, for the year 1913, a tax of not more than one cent on each hundred dollars of value of taxable property in said cities for said year, as a fund for the pensioning as hereinafter provided, of members of the police department and the families of the deceased members thereof, in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of three hundred thousand dollars as of date the first September, preceding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of three hundred thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter until said fund shall have again reached the sum of three

§ 2872a. (1) A policeman who accidentally shot himself while at home and off duty was not shot while in the line of duty and his widow is not entitled to a pension. McAuliffe

v. Board of Trustees of Policemen's Pension Fund, 115 S. W. 808.

(2) Pension Board has discretion to determine who shall be entitled to a pension under the new act. Head v. Jacobs, 150 Ky. 290; 150 S. W. 349.

hundred thousand dollars as of the first of September immediately preceding the time of making the usual tax levy in said cities, it being one of the purposes of this act to permit the amount of said fund to be kept at all times, as near as possible, to three hundred thousand dollars. All moneys withheld from officers, members, or employes of the police department as punishments for any breach of discipline, misconduct or violation of the rules and regulations of said department shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose, and all fines imposed by the Board of Public Safety upon officers, members or employes of the Police Department, by way of discipline, and collectable from pay or salary, shall be paid into the treasury to the credit of said fund. Such donations, together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the Policemen's Pension Fund, and the board hereinbefore designated, is hereby declared to be the trustee of said fund, and it shall have power, and it shall be its duty, from time to time to invest the same, in whole or in part, as it shall deem most advantageous, for the objects of said fund; and it is empowered to take all necessary remedies in the premises.

4. **Assessment.** Said board shall have exclusive control and management of said fund, and may assess each member of the police department fifty cents per month while he is such member, to be deducted and withheld from the pay of each member so assessed, the same to be placed by the Treasurer of each city of the first class to the credit of such fund, subject to the order of such board.

5. **Rules.** Said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such matters shall be final and conclusive, and not subject to review, revision or reversal, except by said board, and a record shall be kept by its Secretary of all the meetings and proceedings of said board.

6. **Powers of board.** Said Board of Trustees shall have power to draw said pension fund from the treasury and may invest the same, or any part thereof, in the name of the Board of

Trustees of the Policemen's Pension Fund, in interest-bearing bonds of the United States, or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the Treasurer of said board, and shall be subject to the order of said board.

7. **Principal and interest of fund.** Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

8. **Disability of member of Police Department—monthly allowance.** If any officer, member or employe of the Police Department, while in the performance of his duty, becomes temporarily totally disabled, physically or mentally, for service, by reason of service in such department, the Board of Trustees shall order the payment from said pension fund to such disabled officer, member or employe, monthly during such disability, not to exceed one year, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the Police Department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from the service in said department, said Board of Trustees shall retire such disabled officer, member or employe from service in such Police Department: Provided, no such retirement on account of disability shall occur unless such officer, member, or employe has contracted such disability through his service in the Police Department; and upon such retirement the Board of Trustees shall order the payment to such disabled officer, member or employe of such Police Department, monthly, from said pension fund, the sum of thirty dollars. If any officer, member or employe of said Police Department shall, while in the performance of his duty, be killed, or die as a result of an injury received in the line of his duty, or after having served in the department fifteen consecutive years shall die, while in the service or on the retired list, from any cause, and shall leave a widow, or child, or children, under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said Board of Trustees shall direct the pay-

ment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if such officer, member or employe was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead the father shall receive the entire thirty dollars, and if both living, each shall receive fifteen dollars.

9. **Percentage of payments—when made.** If at any time there shall not be sufficient money in the Policemen's Pension Fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund be so replenished as to warrant the payment in full to each of said beneficiaries.

10. **Funeral expenses.** Whenever an active or retired policeman shall die, the Board of Trustees may appropriate from the pension fund a sum not exceeding one hundred dollars, to his widow or family, for funeral expenses, and may expend a sum of not exceeding fifty dollars for the expense of the attendance of policemen at the funeral.

11. **Who may receive pension.** No person shall be entitled to receive any pension from the said fund, except a regularly retired officer, member or employe, or a regular officer, member or employe in said Police Department, his widow and children under the age of fourteen years, and his dependant father or mother.

12. **Treasurer of board—duties.** The treasurer of the Board of Trustees shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The Treasurer shall within ten days after his election or appointment execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his

office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such Treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may have come into his hands as Treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city, for the use of said board, or in the name of said board, or any person or persons injured by a breach thereof.

13. **Warrants.** It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the Treasurer of said city on request in writing by said Board of Trustees, to draw warrants on the Treasurer of said city payable to the Treasurer of said Board of Trustees, for all funds belonging to said pension fund as aforesaid.

14. **Moneys—how paid.** All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the President of said board, and countersigned by the Secretary thereof, and no warrant shall be drawn, except by order of the board, after having been duly entered on the records of the proceedings of the board.

15. **Report of board.** The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund in the month of September in each and every year.

16. **Pension fund exempt from process.** No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to, detained or levied by virtue of any attachment, execution, injunction, writ, interlocutory, or any other order or decree, or any process of proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, or any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

17. **City Attorney—duty of.** It shall be the duty of the Attorney for cities of the first class to give advice to the Board of Trustees of the Policemen's Pension Fund in all matters per-

taining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its Attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

18. **Transfers of pensioners and beneficiaries.** Said board shall organize as soon as practical after the passage of this act and take charge of all records, property and funds on hand or in process of collection as soon as realized, that belong, or pertain, to the Policemen's Pension Fund, as now constituted. All pensions that are now in force under the law heretofore existing are declared to be hereby ended and abolished: *Provided*, That all pensioners and beneficiaries under the laws hereby abolished, shall be continued as such by the board when organized under this act, if under the terms of this act, they would be entitled to apply for and receive pensions, or benefits, and said transferred pensioners and beneficiaries shall be subject to all the rates and provisions of this act in the same manner as if claims had been originally allowed under same.

19. **Saving clause.** If any section under this act shall be held invalid, such fact shall not affect any other section, it being the intention of the General Assembly, in enacting this act, to enact each section separately. And if any provision or exemption contained in any section shall be held invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately. (*Act of March 18, 1912.*)

§ 2873. **Police—control by Board of Public Safety.** The government, administration, disposition and discipline of the Police Department and police force shall be such as the Board of Public Safety, may and is hereby authorized from time to time by rules, orders and regulations, prescribed, but in strict conformity to the provisions of "An act for the government of cities of the first class."

§ 2874. **Rules and regulations—examination of charges—removal—copy of rules, evidence.** The Board of Public Safety

§ 2874. **Removal of Policemen—** of action. *Gorley v. City*, 104 Ky. without notice or before charges are 372; 108 Ky. 789; 47 S. W. 263; 55 preferred is unauthorized—recovery S. W. 886; see *Gorley v. City*, 23 R. of salary after removal—limitation 1782; 65 S. W. 844; and note to sec.

is authorized and empowered to make, adopt and enforce rules, orders, and regulations for the government, discipline, administration and disposition of the Police Department and police force and the members thereof. The board shall have power, and it is authorized to adopt rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against members of the said police force, but no member or members of the police force (except as provided in this chapter) shall be fined, reprimanded, removed, suspended or dismissed from the police force, until written charges shall have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said Board of Public Safety may, by rules and regulations, from time to time, prescribe: *Provided, however,* That any member of the police force who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full police service or duty, may be removed and dismissed from the police force by resolution of the Board of Public Safety. A copy of the rules and regulations, or any or either of them, of the Police Department or Board of Public Safety, passed or adopted by such board, may when certified by the President of said board and Chief Clerk of said Police Department or board, be given in evidence upon any trial, investigation, hearing or proceeding, in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

§ 2875. Board of Public Safety—powers in compelling attendance of witnesses and in investigating charges. The Board of Public Safety shall have the power to issue subpoenas, attested in the name of the chairman, to compel the attendance of witnesses upon any proceedings authorized by law or its rules and regulations. The Board of Public Safety is hereby authorized and empowered to investigate, take evidence and hear any

2880. It is intimated in *Neumeyer v. Krakel*, 110 Ky. 624; 62 S. W. 518, that Sections 2874 and 2882 are void to the extent that they attempt to give a term of more than four years

to appointive city officers. A police officer under this section can not be discharged without a trial. *City of Louisville v. Ross*, 138 Ky. 764; 129 S. W. 101.

charge or charges made or preferred against any member or members of the police force; but no judgment or other determination shall be rendered or pronounced, dismissing, removing or suspending any member or members of said police force, or imposing any fine or forfeiture, unless a majority of the Board of Public Safety shall concur.

§ 2876. **Ordinance enforced—information furnished.** The Board of Public Safety, shall, at all times, cause the ordinances of cities of the first class, not in conflict with law, to be properly enforced; and it shall be the duty of said board at all times, whenever consistent with the rules and regulations of the board and the requirements of this act, to furnish all information desired.

§ 2877. **Stations and station houses—business accommodations—patrol wagons and horses to be furnished.** The Board of Public Safety may, from time to time, establish, provide and furnish stations and station-houses for the accomodation thereat of members of the police force, and as places of temporary detention for persons arrested; and it shall also provide and furnish such business accommodations, apparatus and articles, and provide for the care thereof, as shall be necessary for the department of police and the transaction of the business of the department. The said Board of Public Safety is hereby authorized and empowered to furnish horses and wagons, to be known as partol-wagons, to be assigned to police headquarters, which said horses and wagons shall be under the custody and care of said department and for the exclusive use thereof.

§ 2877a. 1. **Station houses for female prisoners to be designated.** That within ninety days after the adjournment of the present General Assembly, the Mayor of each city of the first class shall designate one or more station houses within the said city for the detention of all female prisoners who may be properly detained in a station house while awaiting trial, and said Mayor may thereafter change the station house or station houses so designated; *Provided, however,* That at least one station house shall always remain as a place in which female prisoners shall be detained, until they shall have been set at liberty, or removed by order of a competent court.

2. **Jail designated.** Where there shall be a county jail in said city of the first class, the Mayor of said city shall also designate

it as a place in which female prisoners may be detained awaiting trial, or after trial, until removed or set at liberty by the order of a competent court.

3. Matrons to look after female prisoners to be appointed. Immediately upon such designation of such station house or station houses and county jail, if there be a jail in such city, the Mayor, the Judge of the Criminal Court and the Judge of the County Court shall constitute a board to appoint for the county jail two respectable women to care for and have supervision over the female prisoners, subject to the orders of the Jailer in said place of detention. One of the women appointed by the board shall be called Police Matron, and she will be stationed at the jail, if there be a jail in the county, and there shall also be appointed by the board, composed of the Mayor, Judge of the Criminal Court and Judge of the County Court, an Assistant Police Matron for the jail, and the Mayor may appoint two Assistant Police Matrons for each of the station houses which may have been designated by the Mayor for the detention of female prisoners.

3a. Jail visiting board. A board of women shall exist to be constituted as follows, viz: Home for Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Associated Charities, The Woman's Club of Louisville, Kentucky Children's Home Society, District Women's Christian Temperance Union of Louisville, Kentucky, and Women's Christian Association. If all of said associations shall not appoint a representative on said committee, then the Mayor shall make the appointment herein provided for upon the recommendation of those of the said associations who do appoint a representative upon said committee. Said board shall be known as the Jail Visiting Board and shall have power and authority by itself, or by its several members to visit and inspect the portions of the county jail and station houses set apart for female prisoners once a month, and it shall annually and as often as it may determine submit reports to the Jailer and the board created in Section Three hereof, respecting conditions affecting female prisoners.

4. Matrons to be appointed for the jail by the Mayor, Judge of the Criminal Court and Judge of the County Court and for the city by the Mayor. No woman shall be appointed either Police

Matron or Assistant Police Matron for the jail until the said board composed of the Mayor, Judge of the Criminal Court and Judge of the County Court, is notified by the Jailer that there is no Matron stationed at the county jail. And in the event a vacancy occurs in the office of the matron's department at the county jail, the Jailer shall notify the appointing board personally and individually, either in writing or in person, that such vacancy exists, and it shall be the duty of such board to appoint a woman of good moral reputation and character. Said appointees to have educational ability sufficient to make out all reports necessary and discharge her duty according to law and rules of the jail.

5. **Term of office of matron.** Neither the Police Matron nor the Assistant Police Matrons shall be appointed for any definite term, but they shall hold their positions until removed, which may be done at any time for the good of the service. A report in writing must be submitted by the Jailer to the board for the county jail and to the Mayor by the Chief of Police for the city based on inefficiency, incompetency, insubordination or other sufficient cause. Upon the death, resignation or removal of either of the women so appointed by the board for the county jail and by the Mayor for the city, her successor shall be appointed in the manner aforesaid, within two days after the board has been notified by the Jailer and within two days after the Mayor has been notified by the Chief of Police for the city as provided in Section Four of this act.

6. **Hours of service and duties of matrons.** The hours of service of the Police Matron and the Assistant Matrons at the county jail shall be so arranged by the Jailer for the county jail and the Chief of Police for the city, that at least one of them shall at all hours of the day and night be on duty at each of the places in which there shall be one or more female prisoners detained. The Police Matron shall have, subject to the control of the Jailer, the entire care of women and children under arrest in the county jail, which may be designated for female prisoners, and subject to the control of the Chief of Police of women and children under arrest at station houses, and she may call upon a police officer or a jailer, or his deputy for assistance.

7. Rooms to be provided for matrons and female prisoners at the county jail. In every jail in which a police matron or assistant police matron serves, sufficient and proper accommodations shall be provided therein for women confined under arrest. There shall also be provided at said jail designated for female prisoners a comfortable and suitable room or rooms which the Police Matron or Assistant Police Matron, as the case may be, may occupy, and if in the opinion of such Matron, the accommodations are not sufficient, or proper at the county jail, she shall notify the Jailer, and he shall provide the necessary and proper accommodations; the expense necessary therefor to be paid by the proper county authorities out of the county treasury. The Police Matron or Assistant Police Matron stationed at the county jail shall be subject to the orders of the Chief of Police for special duty in her line when he may see fit to call her.

8. How provided for by the city. The Police Matron and Assistant Police Matron for the city in cities of the first class shall be under the control of the Chief of Police, and he shall provide proper accommodations for said Police Matron and Assistant Police Matron, if any, at any station house or houses that may be designated for the care and keep of female prisoners. And for the appointment of Matron or Matrons for the city, the Mayor shall be notified by the Chief of Police of the necessity for making such appointment, and if any vacancy should occur at any time, the Chief of Police shall notify the Mayor that such vacancy exists.

9. Matron to be notified when female or child incarcerated. Whenever in any city, where a Police Matron should be appointed under this act, a woman or child is taken to the station house or jail in which a Police Matron or an Assistant Police Matron is attached, and she shall not be present at the time said woman or child is received, the keeper of said station or jail shall immediately notify her that such female, or child, is detained at such place.

10. Matron to have charge of assistant matrons. The Police Matron shall, subject to the Jailer at the county jail, and Chief of Police at station houses, have charge of the Assistant Police Matrons, and shall instruct them as to their duties and shall see that they give proper care to the female prisoners under their charge.

11. **Matrons to attend criminal court—when.** The Police Matron or one of the Assistant Police Matrons shall attend the circuit courts and police courts in said city whenever a female prisoner is brought before said courts, and she shall have charge of said women, subject to the orders of the court.

12. **“Police station,” “women,” meaning of words.** The words “police station” shall be construed under this act to mean any place where persons are temporarily under arrest; the word “women” shall include any person of the female sex.

13. **Matron to be present when female searched—salary of matron and assistants—expenses, how and by whom paid.** Whenever it becomes necessary to search a female prisoner, it shall be done by or in the presence of the Police Matron, or an Assistant Police Matron. The salary of the Police Matron shall be seventy-five dollars per month, and that of the Assistant Police Matrons fifty dollars per month. The expenses necessary for providing the proper accommodations for the Police Matron and Assistant Police Matron at the jail, and for sufficient and suitable accommodations for the female prisoners detained therein, as provided for in this act, and the salary of the Police Matron and the Assistant Police Matron at the county jail, shall be borne by the county in which said jail is located, and the expense necessary for providing a suitable room or rooms at each of the station houses designated for the detention of female prisoners, and the salary of each of the Assistant Matrons at said station houses, and the expense of providing suitable accommodations for said female prisoners, shall be borne by the city of the first class as other expenses in the police department are provided.

14. Whereas, This act is intended to supersede all other acts pertaining to Police Matrons and by the enactment of this law, all laws in conflict herewith are hereby repealed: Therefore, as the office of the Police Matron in cities of the first class does no longer exist, an emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage. (*Act of March 5, 1912—and takes place of Act of 1898.*)

§ 2877b. 1. **Chaplain for jail—term—duties—appointment—salary.** Within ten days after this act becomes a law, the

County Judge for each county in which there shall be a city of the first class shall appoint a regularly authorized Minister of the Gospel as Chaplain for the jail in said city, who shall hold his office for a term of four years and until his successor shall be approved and qualified, provided he be not removed by the county for cause, whose duty it shall be to give proper religious instruction and comfort to the prisoners detained in such jail, to visit those who are sick and despondent, and to use his best efforts to promote the religious and moral welfare of the prisoners, as well as the harmony and general interest of the jail.

2. It shall be the duty of the Chaplain to hold himself in readiness at all proper times, subject to the rules of the Jailer, to give spiritual instruction or comfort to any prisoner in the jail who may wish to receive the same.

Said Chaplain shall hold, unless sick or temporarily excused for good cause from the performance of his duties by the Jailer, on each Sunday, religious services in the jail for the benefit of those who may be detained therein.

3. No person shall be appointed chaplain who is not a regularly authorized Minister of the Gospel and recommended to the County Judge for the position of Chaplain by the Ministerial Association in the city in which the jail is located; or if there be no such association in said city, then the County Judge may appoint a Chaplain upon the recommendation of at least ten regularly authorized Ministers of the Gospel dwelling in said city of the first class.

4. The Chaplain shall perform his duties subject to the necessary and proper rules established by the Jailer for the control of the prisoners and inmates of the jail.

5. The salary of the Chaplain shall be four hundred dollars (\$400) a year, payable in equal monthly installments. Said salary shall be paid by the county in which the jail is located, on the order of the Fiscal Court.

6. The County Judge of the county in which the Chaplain is appointed may, for sufficient cause, remove the Chaplain; but the cause for said removal shall be stated in writing. (*Act of March 16, 1906.*)

§ 2878. **Mounted patrols—teams and vehicles—board may dispose of the personal property of the department.** In rural and sparsely inhabited precincts the Board of Public Safety may

establish a mounted patrol, and procure and use and employ so many horses and equipments as shall be requisite for the purpose; and they may procure and cause to be used any teams and vehicles required, and may sell and dispose of, in accordance with law, any personal property owned or used in the department whenever it shall have become old and unfit and not required for service.

§ 2879. **Police to advise and report to Board of Safety.** It shall be the duty of the members of the police force to promptly advise the Board of Public Safety of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said Board of Public Safety all violations of its rules and ordinances and of the health laws, and all useful sanitary information under such rules as the Board of Public Safety may provide.

§ 2880. **Police force—board to appoint—increase of—compensation—detective.** The police force shall consist of one chief of police, with the rank of colonel; one assistant chief of police, with the rank of major; seven captains of police, fourteen lieutenants of police, twenty-two sergeants of police, one secretary of police, and patrolmen not exceeding one for each seven hundred inhabitants. The Board of Public Safety shall appoint all the members of the police force, and shall have power and is authorized to increase the police force by adding to the number of patrolmen, from time to time, provided the General Council shall have previously made an appropriation for that express purpose. The Board of General Council may include in the annual tax levy an amount sufficient to provide for the compensation of additional patrolmen authorized to be appointed pursuant to the provisions of this section. The Board of Public Safety shall maintain and continue a detective force and shall

§ 2880. **Policemen**—council may determine number of and reduce number of. Board of Public Safety can not. *Neumeyer v. Krakel*, 110 Ky. 624; 62 S. W. 518; and note sec. 2874.

The council may reduce the number of policemen by ordinance and a policeman removed to adjust the size of the police force to that required by the ordinance can not recover of the city the salary which

he would have received had he not been so removed. *Wagner v. City of Louisville*, 117 S. W. 283.

Where a police officer was wrongfully discharged, and his place was filled by the officers remaining, some one of whom drew the salary which the officer would have received had he remained on the force, the officer could not recover from the city salary during the time he was discharged. *Id.*

select and appoint to perform detective duty, one of whom shall be chief of detectives, as many patrolmen as said Board of Public Safety may, from time to time, determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall, while performing such detective duty, be vested with the same authority and be entitled to receive and be paid such salary as policemen as the General Council may, from time to time, provide.

But the Board of Public Safety may, by resolution, reduce to the grade of patrolmen, and transfer such detectives, or any number of them, to perform patrol or other police duty, and, when so transferred, they shall only receive and be paid the same rate of compensation each as patrolmen of police. (*Section as amended March 21, 1906.*)

§ 2881. **Promotions by the board—order of—Chief of Police.** Promotions of officers and members of the police force shall be made by the board only on the grounds of meritorious police service and superior capacity, and shall be as follows: Sergeants of police shall be selected from among patrolmen; lieutenants of police from among sergeants; captains of police from among lieutenants, and major of police from among captains. But the chief of police may be appointed by said board as it may deem best.

§ 2882. **Reprimanding, suspending, dismissing, deducting or withholding pay of member of force—actions—limitation.** The Board of Public Safety shall have power, in its discretion, on conviction by said board or by any court or officer of competent

§ 2882. (1) **Removal of policemen**—without notice or before charges preferred is unauthorized—recovery of salary after removal. *Gorley v. City*, 104 Ky. 372; 47 S. W. 263; and see *Gorley v. City*, 23 R. 1782; 65 S. W. 844.

(2) **Unconstitutional.** So much of this section as fixes a six months' statute of limitation is held to be unconstitutional in *Gorley v. City of Louisville*, 104 Ky. 372; 47 S. W. 263.

(3) **Appointive city officers** can not by statute be given a term longer than four years; and therefore it would seem that Ky. St., Secs. 2874,

2882, providing, in effect, that policemen shall not be removed by the board of safety during good behavior, are void to the extent that they attempt to give a term of more than four years. *Neumeyer v. Krael*, 110 Ky. 624; 62 S. W. 518.

(4) **Policemen have no term of office.** *City of Louisville v. Ross*, 138 Ky. 764; 129 S. W. 101.

(5) **A discharged police officer** must establish his title against the person succeeding him before he can recover salary. *Dolan v. City of Louisville*, 142 Ky. 819; 135 S. W. 272; *Kammerer v. City of Louisville*, 142 Ky. 850; 135 S. W. 411.

jurisdiction, of a member of the force of any legal or criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force, but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. The board is also authorized and empowered, in their discretion, to conduct and withhold pay, salary or compensation from any member or members of the police force, for, or on account of absence for any cause, without leave, lost or sick time, sickness or other disability, physical or mental; and said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section. No action, suit or proceeding, either at law or in equity shall be commenced or maintained against the city, Board of Public Safety, or any member thereof, or against the Mayor, or member or members of the General Council, by any member or officer, or former member or officer, of or belonging to the police force or department of said city, to recover or compel the payment of any salary, pay, money or compensation, for, or on account of any service or duty, or to recover any salary, compensation or moneys, or any part thereof, forfeited, deducted or withheld for any cause, or to restore or reinstate to the police force or department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after the cause of action shall have accrued.

§ 2883. **Forfeiture of salary—absence without leave—dismissal—leave of absence.** No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Board of Public Safety. Absence without leave of any member of the police force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be a member of the police force, and be dismissed therefrom without notice. No leave of absence,

exceeding twenty days in one year, shall be granted or allowed any member of the police force.

§ 2884. **Salary of officers and members of police force—payable monthly.** The Board of Public Safety shall designate the salary and compensation for each member and officer of said police force, and may fix the salaries and compensation of such clerks and employes, other than policemen, whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the General Council for the support of said department. The compensation of the members of the police force shall be payable monthly by payrolls as provided by ordinances.

§ 2885. **Duties of the police force.** It is hereby made the duty of the police force, at all times of day and night, and the members of such force are hereby thereunto empowered, to especially preserve the public peace; prevent crime; detect and arrest offenders; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages, and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property; guard the public health; preserve order at elections and all public meetings and assemblages; prevent and regulate the movements of teams and vehicles in streets, and remove all nuisances in the public streets, parks and highways; arrest all street mendicants and beggars; provide proper police attendance at fires; assist, advise and protect immigrants, strangers and travelers in public streets, at steamboat landings and at railroad stations; carefully observe

§ 2884. **Salary designated by Board of Safety.** *Neumeyer, Auditor, v. Krael*, 110 Ky. 624; 62 S. W. 518. A policeman improperly dismissed cannot recover his salary unless he shows that the office remained vacant during the time for which he sues. *Dolan v. City of Louisville*, 142 Ky. 818; 135 S. W. 272. See also *Kammerer v. City of Louisville*, 142 Ky. 848; 135 S. W. 411.

§ 2885. **Policemen's powers in making arrests.** Policemen under the provisions of the charter may, with or without a warrant, arrest a person guilty of offenses against the laws or ordinances of the city. *Jamison v. Gaernett*, 10 Bush, 221. Police-

men making arrests for felonies act as officers of the State, and not as officers of the city. *Pollock v. Louisville*, 13 Bush, 221. See also as to the right to make arrests within a polling place without a warrant upon reasonable grounds to believe that disorderly conduct was taking place therein. *Weaver v. McGovern*, 122 Ky. 1; 90 S. W. 984. This section was not intended to and does not give further power to police officers, or vary from the general law, even if this could constitutionally be done. *Madden v. Meehan*, 151 Ky. 220; 151 S. W. 681; *City v. Lenehan*, 149 Ky. 537; 149 S. W. 932; see also *Ross v. Kohler*, 163 Ky. 583; 174 S. W. 36.

and inspect all places of public amusement, all places of business having excise or other licenses to carry on any business; all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside; all lottery offices, policy shops and places where lottery tickets or lottery policies are sold or offered for sale; all gambling houses, cock-pits, rat-pits, and public common dance houses, and to repress and restrain all unlawful or disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.

§ 2886. **Supervision over pawnbrokers and other licensed and unlicensed business.** The Chief of Police and each captain of police within his district shall possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junk-shop keepers, junk boatmen, cartmen, dealers in secondhand merchandise, intelligence office keepers and auctioneers within the city; and in the exercise of and in furtherance of said supervision may, from time to time, empower the members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordained by the Board of Public Safety. The said chief and each captain within his district may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vender, or licensed junk-shop keeper or dealer in second-hand merchandise, or intelligence office keeper, or auctioneer, or boat of any junk boatman. Any such member of the police force, when thereto authorized in writing, by the said chief or captain, shall be authorized to examine property alleged to be pawned, pledged, deposited, lost or stolen, in whosoever possession said property may be; but no such property shall be taken from the possession thereof, without due process or authority of law. Any willful interference with the said chief or captain of police, or with any member of the police force by any of the persons hereinbefore named in this

section, whilst in official discharge of duty, shall be punished as a misdemeanor.

§ 2887. **Examination of pawnbroker's books or tickets.** The chief of police and persons acting by his orders shall have power to examine the books of any pawnbroker, his clerk or clerks, if they deem it necessary, when in search of stolen property; and any person having in his possession a pawnbroker's ticket shall, when accompanied by a policeman, or by an order from the chief of police or captain of police, examine the property purporting to be pawned by said ticket; but no property shall be removed from the possession of any pawnbroker without the process of law required by the existing laws of this State, or the laws and ordinances of the city regulating pawnbrokers. A refusal or neglect to comply in any respect with the provisions of this section on the part of any pawnbroker, his clerk or clerks, shall be deemed a misdemeanor and punishable as such.

§ 2888. **Property clerk—stolen, lost or abandoned property—public pound.** The Board of Public Safety may employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office, and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court, or which shall come into the custody of any police officer, shall be by such member, or by order of said court, given into the custody of and kept by the property clerk of the police department. All such property and money shall be particularly described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition of such property or money. The Board of Public Safety may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section; but all animals strayed, lost or stolen, which shall come into the possession of said property

clerk, shall by him be transferred and sent to the public pound in said city, anything herein contained to the contrary notwithstanding.

§ 2889. **Property taken on suspicion transmitted to property clerk—advertisement.** All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be registered and advertised for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

§ 2890. **Unclaimed property—disposition of.** If property stolen or embezzled be not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the officer having it in his custody must on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things, or choses in action, that shall remain in the custody of the property clerk for a period of six months, without any lawful claimant thereto, after having been advertised for the period of ten days, may be sold at public auction, in a suitable room to be designated for such purpose, and the proceeds of such sale shall be paid into the city treasury to the credit of the police department. No property shall be delivered to the property clerk except as provided in this act.

§ 2891. **Property or money used as evidence—proceedings.** If any property or money placed in the custody of the property clerk shall be desired as evidence in any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property, however, shall not be retained in said court, but shall be returned to such property clerk to be disposed of according to the previous provisions of this chapter.

§ 2892. **Private policemen — appointment — qualification — bond—duties.** The Board of Public Safety shall, on application of any person or persons, appoint any number of private policemen to do duty at any place within the city, at the charge and expense of the person or persons by whom such application is made; and said private policeman shall have the same qualifications as to citizenship as members of the regular police force, and said private policemen, so appointed, shall take an oath of office and shall furnish bond in the same manner as patrolmen, and shall wear such dress and insignia of office as the Board of Public Safety may direct. Said private policemen shall hold their appointment during good behavior. While holding such appointment they shall be restricted in the performance of their duties to the particular place and locality to which they may be appointed.

§ 2893. **Qualifications of members of police force.** Each member and officer of the police force hereafter appointed shall be an elector and shall have been a resident for three years in the city in which he is appointed. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him; nor shall any officer or member of said force be removed or discharged or reduced in grade or pay for any political reasons. Their appointment and continuance upon the police force shall depend absolutely upon their ability and their willingness to enforce the law.

§ 2894. **Oath and bond of members of force.** Each officer and member of the police force, private policeman, special policeman and substitute policeman, before entering upon the discharge of his duties, shall take an oath before the Mayor, who is hereby empowered to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it and shall be filed for preservation in the office of the Board of Public Safety. All bonds

for the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the Board of Public Safety that they own real estate within the county in which such city is located.

§ 2895. **Examination and inspection of force—proof of inefficiency.** It shall be the duty of the Board of Public Safety, at least once in each year, to require the examination and inspection of the entire police force, and for this purpose the Board of Public Safety may appoint such of its members as examiners as it may select. The Board of Public Safety may order any officer or member of the force, at any time, to be inspected and examined. Gross ignorance of the laws and regulations governing and directing the police force, and of ordinances of cities of the first class, after six months' service as officer or member, or at any time thereafter, shall be deemed conclusive proof of inefficiency, and said board may remove such officer or member of the force.

§ 2896. **Exemption from military or jury duty or civil process—political organization.** No member of the police force shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while actually on duty, nor shall any member of said force belong to any political organization.

Fire Department and Pension Fund.

(The first section of this act, which is omitted, repealed an act of March 16, 1900, and said act is omitted. This act, sections 2-15 below, was approved February 19, 1902.)

§ 2896a. 2. **Amendment.** That an act entitled "An act for the government of cities of the first class," approved July 1, 1893, be amended by adding thereto the following:

3. **Fire department under control of Board of Public Safety.** That the government, administration, disposition and discipline of the fire department, and the officers, members and employes thereof, shall be such as the Board of Public Safety may, and is

§ 2896a. The act of March 16 1900, was held unconstitutional in *McDonald v. City*, 113 Ky. 425; 68 S. W. 413. The salary of a fireman can

not be assigned before it is due as he is a public officer. *Schmitt v. Dooling*, 145 Ky. 240; 140 S. W. 197.

hereby authorized from time to time by rules, orders, and regulations not in conflict with this act, to prescribe.

4. Government of department—punishment of members—evidence. The Board of Public Safety is authorized and empowered to make, adopt and enforce rules, orders and regulations, not in conflict with this act, for the government, discipline, administration and disposition of the fire department, and the officers, members and employes thereof. The board shall have power, and is authorized, to adopt rules and regulations for the examination, hearing, investigation and determining of charges made or preferred against members of the fire department or employes thereof; but no officer, member, or employe thereof (except as provided in this act) shall be fined, reprimanded, removed, suspended, or dismissed from the fire department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination, and investigation as the said Board of Public Safety may, by rules and regulations, from time to time prescribe: *Provided, however,* That any officer, member, or employe of the fire department who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full fire service or duty, may be removed or dismissed from the fire department by resolution of the Board of Public Safety.

A copy of the rules and regulations, or any or either of them, of the fire department or Board of Public Safety, may, when certified by the chairman or president of said board, and the chief clerk of said fire department or Board of Public Safety, be given in evidence upon any trial, investigation, hearing, or proceeding of any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

5. Board may summon witnesses—trials—judgment. The Board of Public Safety shall have power to issue subpoenas, attested in the name of the chairman or president, to compel the attendance of witnesses upon any proceeding authorized by law or its rules and regulations. The Board of Public Safety is hereby authorized and empowered to investigate, take evidence,

and hear any charge or charges made or preferred against any member or members of the fire department, but no judgment or other determination shall be rendered or pronounced, dismissing, removing, or suspending any officer, member, or employe of said fire department, or imposing any fine or forfeiture, unless a majority of the Board of Public Safety shall concur.

6. **Board to provide for equipment for department.** The Board of Public Safety may, from time to time, establish, provide, and furnish engine houses, and shall also provide and furnish such accommodations, apparatus, and articles, and provide for the care thereof as shall be necessary for the fire department and the transaction of the business of said department. The Board of Public Safety is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses, and other necessary equipments, from such houses, which apparatus, wagons, horses, and other necessary equipments shall be under the control and care of said fire department, and for the exclusive use thereof.

7. **Officers and men and their salaries.** The fire department shall consist of one chief, whose salary shall not be less than three thousand five hundred dollars per year; one secretary for the fire department, whose salary shall not be less than one thousand and eight hundred dollars per year; assistant chiefs of firemen, not exceeding in number one to each six companies in active service, and the salary of each assistant chief shall not be less than one thousand eight hundred dollars per year; one captain for each fire company, whose salary shall not be less than ninety-five dollars per month; one chief operator for the fire alarm telegraph, whose salary shall not be less than one thousand and five hundred dollars per year; one master mechanic or superintendent of machinery, whose salary shall not be less than one hundred dollars per month; one driver for each apparatus in service, whose salary shall not be less than two dollars and twenty-five cents per day; one stoker for each steam fire engine in service, whose salary shall not be less than two dollars and twenty-five cents per day; one engineer for each steam fire engine in service, whose salary shall not be less than ninety dollars per month; not less than two pipemen for each steam fire engine company, the salary of each not to be less than two dollars and fifty cents per day; seven ladder men for

each hook and ladder company, the salary of each to be not less than two dollars and fifty cents per day; not less than two tower men for each water tower company, whose salary shall not be less than two dollars and fifty cents per day; not less than two pipemen for each combination chemical and hose company, the salary of each not to be less than two dollars and fifty cents per day; not less than two hydrant men, each of whom shall receive a salary of not less than two dollars and fifty cents per day; not less than four fire alarm operators, the salary of each to be not less than two dollars and fifty cents per day; one aid to the chief, whose salary shall be not less than two dollars and fifty cents per day; one foreman of repair shop, whose salary shall not be less than ninety dollars per month; not less than one employe, who shall be a mechanic, of the repair shop, whose salary shall not be less than two dollars and fifty cents per day; not less than one fire department painter, whose salary shall be not less than two dollars and fifty cents per day; not less than two pipemen for each chemical engine company, the salary of each not to be less than two dollars and fifty cents per day; not less than four linemen for fire alarm telegraph, each to receive a salary of not less than two dollars and fifty cents per day; not less than one battery-man, whose salary shall not be less than two dollars and fifty cents per day. There shall not be less than one harness maker, whose salary shall be not less than two dollars and fifty cents per day. There shall be not less than one substitute fireman for each company.

8. **Firemen may be increased.** The Board of Public Safety may, upon the recommendation of the chief of firemen, increase the number of firemen to such number as may, in his or their wisdom, be necessary to the efficiency of said department.

9. **Board to appoint all members—qualifications.** The Board of Public Safety shall appoint all officers, members and employes of the fire department. No person shall be eligible to serve as chief of firemen, or assistant chief of firemen, who has not been a member of said department continuously for five years previous to his appointment or election.

No person shall be a captain of any fire company who has not been a member of said department for three years, one year of which shall have been continuous, previous to his appointment. All promotions in the fire department shall be for merit,

such promotions to be made only upon recommendation of the chief of firemen.

10. **Punishment of members guilty of offenses.** The Board of Public Safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of any officer, member or employe of the fire department, of any legal or criminal offense, or neglect of duty, violating of rules, or neglect or disobedience of orders, or absence without leave, or conduct unbecoming an officer, member or employe, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense.

11. **Deduction from salary—rules of board.** The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary, or compensation from any officer, member or employe of the fire department for or on account of absence for any cause without leave, sickness, or other disability, physical or mental. Said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

12. **Absence of member—penalty—leave of absence.** Absence without leave, or without total disability of any officer, member, or employe of the fire department for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be an officer, member or employe of the fire department, and be dismissed therefrom without notice. No leave of absence shall be granted or allowed any officer, member, or employe of the fire department without the recommendation or approval of the chief of said department.

13. **Compensation of other employes—payment of salaries.** The Board of Public Safety shall designate the salary and compensation of any other persons than those mentioned in this act whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the General Council for the support of said department. Compensation of the officers, members and employes of the fire depart-

ment shall be payable monthly by payroll, as provided by ordinance.

14. **Privileges of members.** No officer, member, or employe of the fire department shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while on duty at a fire.

15. **Penalty for interfering with when on duty.** The officers, members and employes of the fire department, with their apparatus of all kinds when on duty, shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mails, and any person in or upon or owning any vehicles, who shall refuse the right of way, or in any way willfully obstruct any fire apparatus, or any of its said officers, members or employes while in the performance of their duties, shall be guilty of a misdemeanor, and liable to punishment for the same.

FIREMEN'S PENSION FUND.

(Act of 1912-428.)

Repealing clause. That sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, of an Act entitled "An Act to amend an act entitled 'An Act for government of cities of the first class,' approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after a service of a term of years," approved February 19, 1902, be and each and all of said sections is, and are, hereby repealed.

16. **Board of trustees of firemen's pension fund—organization of.** There shall be organized in connection with the fire department in all cities of the first class a board to be known as the Board of Trustees of the Firemen's Pension Fund, which shall be composed of the Mayor, chairman of the Board of Safety, City Treasurer, chief fireman and Comptroller, and said board shall select from their number a president and a secretary. The City Treasurer shall be ex-officio treasurer of said board and the funds coming into its hands.

17. **Tax may be levied—pension fund.** There may be levied and set apart by the General Council of cities of the first class a tax for the year 1913, not exceeding one cent on each one hundred dollars of value of the taxable property in said city for said year as a fund for the pensioning of crippled and disabled members of the fire department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the fire department of said cities, and a like tax may be levied and set apart for the same purpose, for any succeeding year when the amount and value of property to the credit of the firemen's pension fund falls below three hundred thousand dollars as of the date of the first of September preceding; that is, if during any year succeeding nineteen hundred and twelve, there shall be to the credit of the firemen's pension fund on September first, property and funds of less than three hundred thousand dollars, then the General Council of cities of the first class may levy and set apart for the year succeeding a tax of one cent on each hundred dollars of value of the taxable property in said cities where said condition occurs for said year as a fund for the purpose herein defined. And all moneys withheld from the officers, members or employes of the fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for said department shall be paid into said fund each month and credited upon the payroll of the department, payable to said fund for that purpose; and all fines imposed by the Board of Public Safety upon officers, members and employes of the fire department, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the fire department (except when specially allowed by the Board of Public Safety to be retained by such members), shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem advantageous for the objects of said fund, and

they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

18. **Powers of board.** Said board shall have exclusive control and management of said fund, and all moneys donated, paid, or assessed for the relief or pensioning of disabled members of the fire department, their widows and dependent children under the age of fourteen years, or dependent fathers or mothers, and may assess each member and substitute of the fire department fifty cents per month while he is a member or substitute of the department, to be deducted and withheld from the pay of each member or substitute so assessed, the same to be placed by the Treasurer of each city to the credit of such fund, subject to the order of such board.

19. **Powers of board.** The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such applications shall be final and conclusive, and not subjected to revisions or reversal, except by said board, and a record shall be kept of all the meetings and proceedings of said board.

20. **Powers of board.** The said board of trustees shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund, in interest-bearing bonds of the United States or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the Treasurer of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

21. **Fund—principal and interest.** Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

22. **Disability of members of fire department—monthly allowances.** If any officer, member or employe of the fire department, while in the performance of his duty, becomes temporarily

Sub-sec. 22. The courts can not review the action of the board of Trustees of the Firemen's Pension Fund in refusing to grant a pension. Board of Trustees of Firemen's Pension

Fund v. McCrory, 132 Ky. 89; 116 S. W. 326. Only pensions in case of death or disability in the service can be allowed under this act. Schmid v. Board, etc., 146 Ky. 335; 142 S. W. 688.

totally disabled, physically or mentally, for service, by reason of service in such department, the board of trustees shall order the payment to such disabled officer, member or employe monthly, during such disability, not to exceed one year, from such pension fund, a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any member or employe of the fire department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in such fire department. Provided, no such retirement on account of disability shall occur unless said member has contracted said disability through his service in the fire department; and upon such retirement the board of trustees shall order the payment to such disabled member of such fire department, monthly, from such pension fund, a sum of thirty dollars per month. If any member of said fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall from any cause whatever as the result of his service, or after having served in the department for fifteen consecutive years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if said deceased member was unmarried, and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both be living each shall receive fifteen dollars.

23. **Percentage payments—when made.** If, at any time, there shall not be sufficient money in such pension fund to pay

each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

24. Funeral expenses. Whenever an active or retired fireman shall die as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

25. Who may receive pension. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said fire department, his widow and children, under the age of fourteen years, and his dependent father or mother.

26. Treasurer of board—duties of. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient security, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bonds shall be filed in the office of the Comptroller as other bonds, and may be sued on in the name of

Sub-sec. 24. So much of this act as authorized a pension to a fireman after twenty years' service is void. *Schmid v. Board, etc.*, 146 Ky.

335; 142 S. W. 688. See also *Tyson v. Board of Trustees*, 139 Ky. 256; 129 S. W. 820.

said city, for the use of said board or in the name of said board, or any person or persons injured by a breach thereof.

27. **Warrants.** It shall be the duty of such officer or officers of the city as are designated by the law to draw warrants on the treasurer of said city, on request in writing by said board of trustees, to draw warrants on the treasurer of said city payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

28. **Moneys—how paid.** All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by the order of the board after having been duly entered on the records of the proceedings of the board.

29. **Report of board.** The board of trustees shall make a report to the General Council of said city of the condition of said pension fund in the month of September of each year.

30. **Pension fund exempt from process.** No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree or any process or proceeding whatever issued out of or by any court of this State, for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand, or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

31. **City Attorney—duty of.** It shall be the duty of the attorney for cities of the first class to give advice to the board of trustees of the firemen's pension fund in all matters pertaining to their duties and management of said fund and whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

32. **Transfer of pensioners and beneficiaries.** Said board shall organize as soon as practical after the passage of this act

and take charge of all records, property and funds on hand or in process of collection as soon as realized, that belong, or pertain to the firemen's pension fund, as now constituted. All pensions that are now in force under the law heretofore existing are declared to be hereby ended and abolished; Provided, That all pensioners and beneficiaries under the laws hereby abolished, shall be continued as such by the board when organized under this act, if under the terms of this act they would be entitled to apply for and receive pensions, or benefits, and said transferred pensioners and beneficiaries shall be subject to all the rates and provisions of this act in the same manner as if their claims had been originally allowed under same.

33. **Saving clause.** If any section of this act shall be held invalid, such fact shall not affect any other section, it being the intention of the General Assembly, in enacting this act, to enact each section separately. And if any provision or exception contained in any section shall be held invalid, such fact shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately.

(Act of March 18, 1912.)

(Sections 16-33 inclusive are inserted in place of the same sections in act of 1902.)

SUBDIVISION XII.

Comptroller.

§ 2897. **Appointed by the Mayor—term of office—duties.** There shall be appointed by the Mayor, with the approval of the Board of Aldermen, in the month of December succeeding his election, for four years, a Comptroller, who shall exercise a general supervision over the fiscal affairs of the city, the collection and disbursement of all revenues and moneys of the city. He shall see that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liability is incurred or expenditure made from the treasury without due authority of law; and that appropriations are not overdrawn.

§ 2898. **Annual report—records—duties and powers—bond.**

He shall make annual reports to the Mayor and General Council of the financial condition and requirements of the city, with careful statements and estimates of the receipts and expenditures. The records in his office shall show the financial operations, conditions, assets, and claims of the city, the expenditures authorized for public works, and all contracts, with the names of contractors, in which the city is interested and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the city treasury, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department of the city government whenever he so desires, and he shall see that the accounts of the city are kept in plain, methodical manner. He shall give bond to the city in the sum of not less than twenty thousand (\$20,000) dollars, approved by the Mayor and General Council. His bond shall be deposited with the Mayor. The Comptroller shall have a seat in each branch of the General Council, with the right to debate on any question pertaining to his department, but shall have no vote. He shall perform any other duties that may be prescribed by law.

§ 2899. **Custodian of city seal and records—other duties and powers.** He shall have the custody of the city seal, the public records, the original rolls of ordinances of the General Council, all original contracts not herein required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity, or security bonds, and such other records, papers and documents of value as are not required to be deposited with any other officer, all of which shall be registered by numbers, dates, and contents. He shall attest and certify all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who has a right to such copies.

§ 2899. **Custodian of records.** Evidence of assistant engineer concerning records of which he is not custodian held incompetent in *City v. Cassidy*, 105 Ky. 424; 49 S. W. 194. The

Comptroller is the custodian of guaranty bonds given under contracts for the performance of street improvement work. *National Surety Co. v. City of Louisville*, 165 Ky. 38; 176 S. W. 364.

§ 2900. **Ordinances to be printed and filed—appointment of clerks.** The Comptroller shall cause to be printed and filed and preserved in his office all ordinances passed by the General Council. He shall have power to appoint such clerks as may be allowed him by ordinance.

SUBDIVISION XIII.

Auditor.

§ 2901. **Election by voters of city—duties and powers—bond—salary.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of Mayor, an Auditor, who shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, vouchers, documents, and papers relating to the accounts or contracts of the city, its debts, revenues and other fiscal affairs, and to adopt a proper mode and manner of book-keeping. He shall state and render all accounts filed or kept in his office between the city and any other person or body corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for the payment of which any money may be drawn from the city treasury; and, after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand, and draw his warrant on the treasury in payment thereof. But no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized form, and unless the amount required for the payment of the same shall have been appropriated for that purpose by the General Council. He shall have power to administer oaths, and may require a settlement of accounts, to be verified by affidavit, and shall keep the accounts of the city, general and special, in a systematic, orderly manner. He shall give bond to the city in the sum of twenty thousand dollars, to be approved by the Mayor and General Council. His salary shall not be less than two thousand five hundred dollars per annum.

SUBDIVISION XIV.

Treasurer.

§ 2902. **Election by voters of city—duties and powers—bond.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of the Mayor, a Treasurer, whose duty it shall be to receive and keep all money of the city, and pay out the same on the warrants drawn by the Auditor and countersigned by the Comptroller, except as herein provided. All moneys belonging to the city received by an officer or agent thereof, either from collections, loans, sale of bonds, fees, fines and penalties or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with, it shall be the Treasurer's duty to report any delinquencies to the Mayor. He shall give triplicate receipts in all cases—one for the party paying, one for the Auditor, and one for the Comptroller—which shall set out the amount paid, from what it proceeds, and to what account credited. His books shall at all times be open to the inspection of the Mayor, the Comptroller, or any member of the General Council, and he shall report the balance in the treasury each day to the Comptroller. He shall give bond for the faithful performance of his duties, to be approved by the Mayor and General Council.

§ 2903. **Bank—selection annually for current deposits.** The Mayor, Comptroller and Treasurer shall annually select a bank or banks, or banking institution, which will give the highest rate of interest for the current deposit of the city's funds, and which shall give and maintain a bond, to be approved by the unanimous vote of the Mayor, Comptroller and Treasurer, said bond to be conditioned for the safekeeping and prompt payment of said funds, or any part thereof, when demanded by the Treasurer.

§ 2902. The City Treasurer is authorized only to receive and keep all moneys of the city and is not given the custody of valuable papers or evidences of debt belonging to the city which already are entrusted to the Comptroller. National Surety

Co. v. City of Louisville, 165 Ky. 38; 176 S. W. 364.

§ 2903. See Commercial Bank and Trust Co. v. Citizens Trust & Guaranty Co., 153 Ky. 566; 156 S. W. 160, holding the act of the bank in pledging its liquid assets to secure the deposits of a county treasurer was ultra vires and void.

SUBDIVISION XV.

Tax Receiver.

§ 2904. **Election by voters—duties and powers—deputies' qualifications—settlements—vacancy.** There shall be elected by the qualified voters of the city, at the time and places provided for the election of Mayor, a Tax Receiver, who shall collect all city taxes except such as are to be collected by the Sinking Fund, and he shall pay the same over to the Treasurer once each day.

He shall, each day, deliver to the assessor and the Comptroller a statement showing what persons have the previous day paid their taxes, what amounts have been paid, and the number of the tax bills. He shall give bond for the faithful performance of his duties, to be approved by the Mayor and General Council. He shall keep the books and accounts of his office in such manner as may be prescribed by ordinance, or in the absence of any such requirements, the Comptroller shall prescribe the manner of keeping such books and accounts, and said tax receiver shall perform any other duties required by law. He shall have the power to appoint, with the approval of the Board of Aldermen, such deputies as may be allowed him by ordinance. The Tax Receiver and his deputies shall be paid by an annual salary, to be fixed by the General Council. For the acts of his deputies he and his sureties shall be responsible on his official bond. No Tax Receiver shall be eligible to any office unless he has accounted with the city for all collections and obtained a quietus. He shall settle his accounts with the Mayor, Comptroller, Auditor and Treasurer on or before the last day of October in each year for the taxes for which bills have been placed in his hands for collection for the year; and if, through his fault, a quietus therefor is not held by said receiver on said day the General Council shall, by resolution, declare vacant the office of such receiver, and the vacancy shall be filled by the General Council in joint session, by viva voce vote, for the unexpired term. In his settlements he shall be charged with such uncollected bills as he could have collected by the distraint of the goods or garnishment of the rents of the delinquents; and he shall be subrogated to the rights of the city on such uncollected bills.

§ 2905. **Penalty for conversion of funds.** The Tax Receiver shall not use or in any way convert to his own use any money

or other thing of value belonging to the city, and if he do, he and his sureties shall pay the same with interest, and he shall be guilty of felony, and upon conviction, shall be confined in the penitentiary not less than five nor more than twenty years.

SUBDIVISION XVI.

Assessor.

§ 2906. **Election by Council—deputies—powers and duties—bond.** There shall be elected by the General Council, immediately upon the assembling of the new board, and every four years thereafter, an Assessor, whose duty it shall be to assess all property in the city subject to taxation. He shall have power to appoint, with the approval of the Board of Aldermen, such deputies and assistants as may be allowed him by ordinance. The manner in which he shall perform his labors shall be determined by ordinance of the General Council. He shall give a bond, with sureties, to be approved by the General Council. The Assessor and his deputies may administer oaths or affirmations, and certify the same.

§ 2907. **Register of transfers of real estate—notice to purchasers.** The Assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the Assessor information thereof within two days after the conveyance has been lodged for record. The Assessor shall notify such purchasers of any taxes which remain unpaid and which are a lien on the property bought.

§ 2908. **Statement of payments by taxpayers.** The Assessor shall daily enter upon his books of assessments, opposite the name of the person assessed, and the property for which he is assessed, a statement showing the payment to the Tax Receiver by the taxpayer of taxes due on said property. This statement shall be made up by him from reports daily made to him by the Tax Receiver, which reports the Assessor shall preserve as part of the records of his office.

§ 2906. See *North Vernon Lumber Co. v. City of Louisville*, 163 Ky. 467; 173 S. W. 1120.

SUBDIVISION XVII.

City Attorney.

§ 2909. **Appointment by Mayor—duties—opinions—salary.** There shall be appointed by the Mayor immediately after the expiration of the term of office of the present City Attorney in cities of the first class, a City Attorney whose duty it shall be to give legal advice to the Mayor, members of the General Council, and all other officers and boards of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for, and defend all suits against the city, and to attend to such other legal business as may be prescribed by the General Council. He shall be a licensed practicing attorney-at-law of eight years practice and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments. He shall be appointed by the Mayor for a term of one year and immediately after the expiration of his term of office an appointment of a City Attorney shall be made by the Mayor for a term of four years; and an appointment of a City Attorney shall be made by the Mayor for a like term every four years after said first appointment of a City Attorney for a term of four years. (*Section as amended by Act of 1912.*)

§ 2910. **Assistant attorneys—appointment — duties—salary.** At the time at which a City Attorney is appointed in accordance with the preceding section, there shall be appointed by the Mayor for a term of one year, a First Assistant City Attorney and a Second Assistant City Attorney, who shall be licensed practicing attorneys-at-law of five years practice, and shall discharge such duties as may be required of them by the City Attorney, or prescribed by the General Council and Mayor in the preparation, prosecution and defence of all legal business of the

§ 2909. Powers and duties of city attorney. Council can not control his action in reference to litigation properly placed in his hands. *City v. Louisville Ry. Co.*, 111 Ky. 1; 63 S. W. 14.

City attorney has exclusive control over litigation of the city. *Underwood v. Wilhite*, 139 Ky. 116; 129 S.

W. 548; 141 Ky. 130; 132 S. W. 141. Under this section the City Attorney's services may be rendered in assisting the Commonwealth's Attorney in appeals from orders of the license board revoking licenses. *Com. v. Campbell*, 128 Ky. 252; 107 S. W. 797.

city. Immediately after the expiration of their term of office there shall be appointed by the Mayor a First Assistant City Attorney and a Second Assistant City Attorney for a term of four years; and an appointment of a First Assistant City Attorney and a Second Assistant City Attorney shall be made by the Mayor for a like term every four years after said first appointment of said First Assistant City Attorney and said Second Assistant City Attorney for a term of four years. The First Assistant City Attorney may receive a salary not to exceed three thousand dollars per annum, and the Second Assistant City Attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments. (*Amendment of March 18, 1912.*)

SUBDIVISION XVIII.

Police Court.

§ 2911. **Police Court—court of record—officers.** The judicial power of the city shall be vested in a police court, which shall be a court of record, and the officers thereof shall be a judge, a clerk, a prosecuting attorney, and a bailiff, all of whom shall be elected by the qualified voters of the city at the same times and places at which the Mayor is elected, and shall hold their offices for the term of four years.

§ 2912. **Jurisdiction—examining court—stenographic report of evidence—bond of accused.** Said court shall have original and exclusive jurisdiction in all cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city, and such criminal jurisdiction within the said limits as justices of the peace have, with the necessary power to carry into effect the jurisdiction given. Said court shall have exclusive jurisdiction, as an examining court, of all felonies and misdemeanors committed within the corporate limits of the city, and shall exercise all the powers and duties of examining courts. On the trial of any felony case the presiding judge may, in his discretion, order a full report of the testimony, or such portion of the testimony as he may deem necessary; in which case it

§ 2911. See as to procedure in Police Court, City of Louisville v. Wehmhoff, 116 Ky. 812; 76 S. W. 876; 79 S. W. 201.

§ 2912. Police Courts have the same jurisdiction in criminal cases as justice courts. Bitzer v. Com., 141 Ky. 58; 132 S. W. 179, 180.

shall be the duty of said official stenographic reporter to cause shorthand notes of such or all of the evidence to be taken, and, upon request of the judge, to cause a full and accurate transcript of same to be made, or in his discretion, the judge may order a transcript to be made out, which will contain such parts of the evidence as he may deem material, which shall be returned to the Jefferson Circuit Court. At the conclusion of any trial for a felony or misdemeanor, the court shall commit or discharge the accused or hold him to answer before the proper court, as may be adjudged. If bond be required of the accused to appear and answer, said court shall have the power to order the bond to be taken in such sum as it may direct. The bond, together with the papers, shall be transmitted by the clerk within twenty-four hours to the proper court. The bond shall be in writing and it shall not be invalidated by any irregularity in its form, or in the manner of taking or giving the same. Persons arrested under a charge of crime must be presented to the court for trial within twenty-four hours after arrest, unless Sunday intervenes. (*Section as amended by act of March 12, 1898.*)

§ 2913. **Fines and penalties—imprisonment—hard labor—custody of children.** Said court shall have power to impose such fines and penalties as may be prescribed by the statutes of the State or by the ordinances of the city, but no imprisonment exceeding thirty days shall be ordered, and no fine exceeding fifty dollars shall be imposed without the intervention of a jury, unless the right to have a jury is waived by the party to be tried. Cases in which the right to the custody and care of children is involved shall be tried by the court. When imprisonment is prescribed by the judge or jury trying the case, it shall be in the discretion of the judge or jury to direct whether or not the imprisonment shall be with hard labor, unless the statute imposing the penalty distinctly prevent the exercise of such discretion.

§ 2914. **Drunkenness—disorderly conduct—bond to keep the peace.** In all cases of drunkenness or disorderly conduct, in addition to imposing a fine, said court may hold the offender to bail in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any length of time not exceeding one

§ 2913. This section authorizes Police Court to try violations of Section 1303. *Com. v. McCann*, 123 Ky. 247; 94 S. W. 645.

year, or the court may impose a fine without holding to bail. Should the offender fail to give bond, or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail be given, or until the time fixed by the judgment shall have expired, and the fine be paid or satisfied by labor, as provided by law.

§ 2915. **Practice—rules and regulations—administering oaths.** In the trial of cases arising under the ordinances of the city the proceedings and practice of the court shall be such as may be determined by the ordinances of the city. In the trial of cases which grow out of the violation of the statutes of the State, the proceedings and practice shall be the same as in the courts of justices of the peace. Subject to these limitations the judge of said court shall have power and authority to adopt rules and regulations for conducting the business of said court, and to enforce the same by process of contempt. He shall have all the powers necessary to try the causes coming under his jurisdiction. He may administer oaths, and shall be a general conservator of the peace.

§ 2916. **Confinement in workhouse or county jail—payment of fine by work.** Unless discharged by authority of law, any person arrested under a *capias pro fine* for a violation of the ordinances of the city shall be committed to the workhouse, and shall be there detained until the judgment against him or her is satisfied by the payment of the fine, or is satisfied by his or her earnings by compulsory work, in or out of said workhouse, on such wages as the General Council may allow. In cases of violations of the statutes of the State, the prisoner may be confined in the county jail, or in the city workhouse, as the judgment may prescribe.

§ 2917. **Fines to be paid into city treasury.** All fines and recoveries realized in said court, whether the prosecution be in the name of the city or the Commonwealth, shall be paid to the city Treasurer as a contribution toward the expenses of said court.

§ 2917. **Criminal prosecutions.** Const. Sec. 123, providing that all prosecutions shall be in the name and by the authority of the Commonwealth of Kentucky, does not preclude a prosecution in a municipal

court, in the name of the city, for the violation of an ordinance authorized by Sec. 2917. *City of Louisville v. Wehmhoff*, 76 S. W. 876; 116 Ky. 812. *Rehearing denied*, 79 S. W. 201; 85 R. 1924.

§ 2918. **Judge's docket—entries—control over judgment.** The clerk of the police court shall, for the use of said court, daily enter in a book, to be kept for that purpose, a list of all cases in which any orders are to be made, leaving sufficient space on the margin of said book, or following each case, for the judge to note whatever orders may be made therein. Said book shall be known as the "judge's docket," and it shall be the duty of the judge to concisely note therein, in ink, all orders and judgments in each case, and to daily sign his name at the foot of the day's docket. No order or judgment of said court shall be modified, set aside, or annulled, except in open court during the regular hours of the court, and by the judge who tried the case. No order or judgment shall be thus modified, set aside or annulled, except on motion duly made in open court, within three days from the date on which the judgment or order was entered; and after ten days the court shall have no control over its orders. Said motion must be accompanied by the written reasons therefor, and the grounds for modifying, setting aside or annulling said order or judgment shall be stated briefly and accurately by the judge from the bench, and recorded by the clerk in the order book of the court. The judge may, at any time and at any place, suspend for twenty-four hours, but no longer, the enforcement and execution of any order or judgment.

§ 2919. **Officer or deputy neglecting duty—penalty.** If any officer or deputy of said court shall, without legal excuse, fail or neglect for one week to perform the duties provided for herein, or to keep up any book, docket or record as required by law, he shall be subject to a fine of twenty-five dollars for each day the offense continues; and any officer or deputy of said court, who shall, in the conduct of his office, do that which is forbidden by law, shall be subject to a like fine for each day's offense, and if the offense be repeated, or if the delinquency continues two weeks, the offender shall be liable to said fine, and also to imprisonment not exceeding one year.

§ 2920. **Witnesses—when allowed fee for attendance.** Witnesses shall not be allowed any fees for attendance in this court, unless they live beyond the limits of the city. If they live outside of the city, they shall be allowed such fees as are allowed witnesses in the circuit court.

§ 2921. **Fees and costs.** No fees shall be received by any of the officers of this court, and no costs shall be taxed against any person tried by said court.

§ 2922. **Appeals to Circuit Court and Court of Appeals.** Appeals shall be from the decisions of said court to the Circuit Court in all cases where the amount of the fine imposed is as much as twenty dollars. In cases where a fine of twenty dollars or less is imposed under an ordinance, the legality of said ordinance may be tested by the city by an appeal to the Jefferson Circuit Court or by the defendant by a writ of prohibition to the Jefferson Circuit Court, and after a decision has been rendered in the Circuit Court, as provided for in this section, either the city or the accused may appeal to the Court of Appeals as other cases in the Circuit Court are appealed. In all cases in which the judgment, in addition to a fine, prescribes imprisonment exceeding ten days, the defendant may have an appeal to the Circuit Court, and thence to the superior court or Court of Appeals, except in cases in which bail has been required for good behavior and has not been given.

SUBDIVISION XIX.

Judge of Police Court.

§ 2923. **Qualification—official oath—salary.** The judge of the Police Court shall have the qualifications and take the oath required of the Judge of the Circuit Court. He shall receive such salary from the city as may be provided by ordinance. (*Vacancy in office, how filled, Sec. 3758.*)

§ 2924. **Shall devote whole attention to duties—payment of salary.** Said judge shall devote his whole attention to the duties of said court, and shall be paid his salary at the same time and in the same manner as the salaries of other city officers are paid.

§ 2925. **Pro tem judge—powers—compensation.** When, from any cause, the judge of said court shall fail to attend and hold court, the Mayor of the city shall select and designate some

§ 2922. The validity of an ordinance may be tested by an appeal to the Circuit Court and from the Circuit Court to the Court of Appeals

where a fine as much as \$20 is imposed. *Keiper v. City of Louisville*, 151 Ky. 691; 152 S. W. 761; 152 Ky. 691; 154 S. W. 181.

lawyer, who has no case on the docket of said court, to act as judge *pro tem* for said court, and the judge *pro tem* shall have the same rights, powers and duties as the regular judge has, and the judge *pro tem* shall receive from the city the same *pro rata* compensation paid the judge of the court. (*Section as amended by act of March 18, 1902.*)

§ 2926. **Vacation—provision for—pro tem judge—salary.** The judge of the court shall annually have a vacation of two months, and during said vacation a compensation of the judge *pro tem* shall not be deducted from the salary of the regular judge. The clerk of the court shall certify to the Auditor of the city the name of the judge *pro tem* and the term of his service, and the City Auditor shall thereupon draw a warrant upon the city treasury for the amount of money due the judge *pro tem* for the time he served on the bench and the Treasurer shall pay the warrant. (*Section as amended by act of March 18, 1902.*)

§ 2927. **Swearing judge off the bench—pro tem judge.** No one shall sit as judge in this court in any case in which there has been filed by the accused an affidavit that he cannot have a fair trial, provided that such affidavit be supported by the affidavits of at least two credible housekeepers of the city. In such case the compensation paid to the judge *pro tem* shall not be deducted from the salary of the regular judge.

§ 2928. **Where to hold court.** The judge of said court shall never hold his court out of the room provided by the General Council as a city courtroom, unless said room cannot be used.

§ 2928a. **Doorkeeper for court—appointment—salary.** The Judge of the Police Court shall have power to appoint and remove at will a doorkeeper for the Police Court, whose duties shall be to stand and guard the door of said court, and preserve order and perform such other services as directed by the judge of said court. Said doorkeeper shall receive a salary of fifty dollars per month to be paid monthly out of the city treasury. He is vested with the same power as those of a deputy bailiff of the Police Court. (*As amended by act of March 22, 1904.*)

SUBDIVISION XX.

Clerk of Police Court.

§ 2929. **Qualifications—oath and bond.** The clerk of the Police Court shall have the qualifications and take the oath and give the bond required of the clerk of the County Court. Said bond and the requisite surety thereon must be approved by the Judge of the Police Court.

§ 2930. **Powers and duties—penalties for violation of duty.** The clerk of the court may administer oaths as clerk of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect and violation of his duty he may be prosecuted, punished, or removed in the same manner in which they may be prosecuted, punished, or removed.

§ 2931. **Salary—appointment of deputies.** He shall receive no fees whatever, but he shall be paid a salary of thirty-five hundred dollars per annum, and may appoint two deputies, who shall be paid a salary of twelve hundred dollars per annum for each deputy. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

§ 2932. **Vacancy in office—how filled.** In case of a vacancy in said clerk's office the judge of the said court shall fill such vacancy, subject to the provisions of Section 152 of the Constitution of Kentucky.

§ 2933. **Allowance for stationery.** The clerk of said court may be allowed such stationery as may be necessary for his office, but it shall be obtained through the city buyer, as supplies are obtained by other municipal officers.

§ 2934. **Authority to issue process.** Said clerk or his deputy shall have authority to issue all proper mesne and final process in cases cognizable by said court, or which have been adjudicated.

§ 2932. As to method of filling the office of Clerk of the Police Court in case an election is declared void. See *Scholl v. Bell*, 125 Ky. 750; 102 S. W. 248.

§ 2934. The authority of the Clerk of the Police Court to issue a warrant of arrest construed. *Schwartz v. Boswell*, 156 Ky. 103; 160 S. W. 748.

SUBDIVISION XXI.

Prosecuting Attorney of Police Court.

§ 2935. **Qualifications—oath—duties.** The Prosecuting Attorney of the Police Court shall have the qualifications and take the oath and come under the obligations prescribed for Commonwealth's Attorneys, and his duties to the city and said court shall be similar to those of the Commonwealth's Attorney in his circuit.

§ 2936. **Representative of Commonwealth and city.** In all matters before the Police Court the Prosecuting Attorney shall represent the Commonwealth or the city, as the case may require.

§ 2937. **Salary \$3,500.** He shall receive a salary of thirty-five hundred dollars per annum, and the salary of the Prosecuting Attorney shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

§ 2938. **Pro tem attorney—deduction from attorney's salary.** When said attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as Prosecuting Attorney *pro tem* and the person so appointed shall take the oath of office prescribed for the regular Prosecuting Attorney, and for his services the Prosecuting Attorney *pro tem* shall receive such part of the salary of the regular Prosecuting Attorney as the judge, on motion, after due notice to the Prosecuting Attorney, may summarily decide to be fair and reasonable; but the compensation allowed the Prosecuting Attorney *pro tem* shall not be estimated at a greater rate than that allowed the regular Prosecuting Attorney. The amount so paid the Prosecuting Attorney *pro tem* shall be deducted from the salary of the regular Prosecuting Attorney: *Provided*, That when such Prosecuting Attorney shall be prevented by sickness from discharging the duties of his office, the compensation of the Prosecuting Attorney *pro tem* shall not be deducted from the salary of the regular Prosecuting Attorney: *And provided further*, That such Prosecuting Attorney shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the Prosecuting At-

torney *pro tem* shall not be deducted from the salary of the regular Prosecuting Attorney.

§ 2939. **Commonwealth's Attorney may assist.** The Commonwealth's Attorney or the County Attorney may be present and assist in the trial of offenses against the Commonwealth.

SUBDIVISION XXII.

Bailiff of Police Court.

§ 2940. **Powers of constable or policeman.** The Bailiff of the Police Court shall have the power of a constable and policeman.

§ 2941. **Bond to be executed.** He shall give bond, payable to such city, in the penal sum of one thousand dollars, with good security, to be approved by the Mayor, conditioned for the faithful and honest discharge of his duties, and said bond shall be filed with the other official bonds of the city.

§ 2942. **Duties of Bailiff.** It shall be the duty of the Bailiff to be present at the sessions of the court, to maintain order therein and to perform all other court duties, subject to the directions of the court.

§ 2943. **Process—may execute anywhere in State—special bailiff—policeman.** The mesne and final process of said court shall be addressed to the Bailiff, or to any Sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the Bailiff may execute it anywhere in the State, or may appoint by endorsement on the process a special bailiff to execute it, and said special bailiff's rights and powers shall be the same as those of the Bailiff. Policemen may execute any process delivered to them by the Bailiff; and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

§ 2944. **Bailiff and assistants—salaries.** The Bailiff shall be assisted in the performance of his duties by two deputies, who are to be appointed by him. The Bailiff and his deputies shall receive no fees, but that Bailiff shall receive a salary of thirty-five hundred dollars per annum and each of his deputies shall receive a salary of twelve hundred dollars per annum. The salaries of the Bailiff and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (*Section as amended by act of March 18, 1902.*)

SUBDIVISION XXIII.

Interpreter and Stenographer of Police Court.

§ 2945. **Interpreter appointed—term of office—salary.** The judge of the court may appoint, for a term not exceeding four years an interpreter, who shall be paid nine hundred dollars per annum, and the judge may remove him at pleasure.

§ 2946. **Stenographer — appointment — term — salary.** The judge of the court may appoint for a term not exceeding four years a stenographer, who shall be paid a salary of twelve hundred dollars per annum. Such stenographer shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the stenographer *pro tem* shall not be deducted from the salary of the regular stenographer. (*Section as amended by act of March 26, 1904.*)

§ 2946a. **Police Court matron—appointment—term.** There is hereby created the office of court matron of the Police Court in all cities of the first class in this State. Said matron shall be appointed by the Judge of the Police Court aforesaid of every city of the first class. The term of office of the said court matron shall be two years, and until the qualification of her successor; and she shall be removable by the Judge of the Police Court aforesaid, for good cause, and the Judge shall cause to be entered in the minutes of his court his reasons for such removal. Said Judge shall have power to appoint a successor whenever a vacancy may occur in the office of court matron for whatever cause.

§ 2946a-2. **Qualifications.** The said office shall be filled by a woman of good moral character, with experience and training in social work, and she shall be fully qualified to perform the duties of her office.

§ 2946a-3. **Duties—powers.** Said matron shall investigate and report to the Judge of the Police Court upon the past histories, conditions of living, character, morals and habits of all women and girls awaiting trial in such city court, and shall exercise supervision of such women and girls while under suspended sentence until final disposition of the charge or charges against them.

§ 2946a-4. **Salary—expenses.** Said matron shall be paid out of the city treasury a salary of seventy-five dollars (\$75.00) per month, and shall be allowed all necessary expenses incidental to investigation of cases subject to the approval of the Judge of the Police Court. (*This section is an act of 1916.*)

SUBDIVISION XXIV.

Bond Recorder.

§ 2947. **Appointment—term—powers and duties—bond—fees—deputies—salary.** There shall be appointed by a majority of the Judges of the Circuit Court, having jurisdiction in said cities, a Bond Recorder for said cities. He shall be appointed for the term of four years, and shall have the qualifications, take the oath, and give the bond required of County Clerks, and he shall be subject to the same fines and penalties to which they are subject; and for neglect and violation of his duty he may be prosecuted, punished or removed, in the same manner in which said clerks may be prosecuted, punished or removed. The bond furnished by said recorder, and the requisite surety thereon, must be approved by said Judges. Said Bond Recorder shall have exclusive right to take all bonds required by law to be taken or given by persons arrested in the city in and for which he is appointed, for their appearance before the proper tribunal; also all bonds or recognizances required by law to be taken or given by or in the Police Court of said city; and no person in custody shall be released therefrom before trial, unless bond be first given as herein required. Said Bond Recorder shall be allowed for his services the same compensation as now allowed by law to Justices of the Peace in trials for breach of peace, to be paid by the party for whom the services are rendered. He may appoint two deputies, and the salary of each of said deputies

§ 2947. The Bond Recorder must make at least annual settlements with the city; and when in any current year he has collected enough to pay his salary for that year and for his deputies and to pay his other legal expenses for the current year, he may, during the rest of the year, be made to account every thirty

days. *Com. v. Ross*, 135 Ky. 315; 122 S. W. 161.

The Bond Recorder is entitled to receive \$4,000 per year and \$1,000 a year for each deputy actually employed, not exceeding two. *Id.* See also for construction of this section *Henderson v. Com.*, 122 Ky. 296; 91 S. W. 1141; *York v. Ross*, 139 Ky. 215; 129 S. W. 580.

shall be one thousand dollars per annum, and shall be paid from the fees collected by the said Bond Recorder. Said deputies shall give bond the same as recorder, and he is hereby given power to administer oaths to parties offering as sureties on bonds, and for all purposes necessary for the proper conduct of his office, to carry into effect the provisions of this act, and enable him to properly execute his duty. And no officer or other person shall have power to take any bond or administer any oath herein mentioned, except said recorder. Said Bond Recorder shall keep a record of all bonds taken by himself or deputy, showing the date, amount of bail, the name of the defendant, and the charge under which arrest was made; and all money received by said Bond Recorder, over and above the amount of four thousand dollars, exclusive of the deputy's salary, shall be paid into the treasury of the city from which the recorder is appointed. Said recorder, or one of his deputies, shall be in his office at all hours for the purpose of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal. In continued cases, the Bond Recorder may require a memorandum from the clerk of the court, showing the charge, amount of bail, and date of continuance.

SUBDIVISION XXV.

Live Stock Inspector.

§ 2948. **Elected by Council—term of office—powers and duties—salary—bond.** There shall be elected by the General Council, on the first Tuesday in December, 1894, and every two years thereafter, one Live Stock Inspector, whose salary and duties shall be determined by ordinance of the General Council. He shall have power to appoint, with the approval of the Board of Aldermen, such deputies and assistants, with such salaries as may be allowed them by ordinance. He shall give a bond with sureties, to be approved by the General Council.

SUBDIVISION XXVI.

Education.

§ 2948a-1. **Municipal university—tax levy.** The General Council of any city of the first class, which has a municipal university as defined in this act, may annually cause to be levied

and collected for support of such university a tax of not less than one cent nor more than three cents on each one hundred dollars' worth of property subject to taxation for city purposes.

§ 2948a-2. **Municipal university defined.** A municipal university within the meaning of this act is a university established or supported in whole or in part by funds raised by municipal taxation and controlled by a board of trustees appointed by the Mayor and General Council of such municipal corporation and consisting of departments united under one organization or management, affording instruction in the arts, sciences and professions, and conferring degrees.

§ 2948a-3. **Levy and collection of tax.** Such levy shall be made by the General Council at the same time and in like manner as other levies for municipal purposes, and the amount levied shall be placed to the credit of the university fund upon completion of the assessment of property for taxation, and paid as collected, subject to such discount as is allowed on other city taxes, in regular weekly installments, by the Treasurer of the city to the treasurer of the University.

§ 2948a-4. **Appropriations from other funds.** The General Council of such municipal corporation having a municipal university may devote to university purposes from time to time any other funds not derived from taxes levied for a special purpose.

§ 2948a-5. **When entitled to support.** A municipal university shall be entitled to support under this act only when its chief work is the maintenance of courses of instruction in advance of, or supplementary to, the instruction maintained in high schools under control of the Boards of Education.

§ 2948a-6. **Site for university.** The General Council of such municipal corporation may set apart or appropriate as a site for the buildings and grounds of such a municipal university any public grounds of the city not specially appropriated or dedicated by ordinance to any other use.

§ 2948a-7. **Annual reports.** An annual report and audit of receipts and disbursements of funds received by a municipal university under this act shall be made in addition to such other report on the condition of the university as may be required by its charter. (*Act of 1916.*)

§ 2949 (*Repealed by act of March 4, 1910; Section 2978a below.*)

§ 2950. **Rules and by-laws.** (Repealed by act of March 4, 1910.)

§ 2951. **Monthly meeting of board—quorum.** The board shall meet once a month, and oftener, if necessary, for the transaction of business. A majority of the board shall be a quorum.

§ 2952. **Appropriation of money by board.** No appropriation of money shall be made by the board, except upon the affirmative vote of a majority of the members. The vote shall be entered upon its records.

§ 2953. **Proceedings of board to be recorded.** All proceedings of the board shall be entered in a book provided for that purpose. This book shall be a public record, and at all times be open to the inspection of the citizens.

§ 2954. (*Repealed by act of March 4, 1910.*)

§ 2955. (*Repealed by act of March 4, 1910.*)

§ 2956. **Principals and teachers elected by board—salaries—dismissal and suspension.** The board shall elect principals and teachers, regulate and fix their salaries, and the term of office of all the teachers, officers and employes of the board. The salaries shall not be changed during the year for which they are fixed. The board may dismiss or suspend any principal, or teacher or employe for misconduct, inefficiency, neglect of duty, or diminished attendance of pupils.

§ 2957. **Branches to be taught and text-books prescribed by board—kindergarten for young children.** The board shall pre-

§ 2949. The act providing for a Board of Education (Sec. 2978a) is not unconstitutional, but repeals so much of this section and the following sections as is inconsistent with it. *Mark v. Bloom*, 141 Ky. 474; 133 S. W. 203.

A contract for the purchasing of supplies by a School Board in conflict with its by-laws held not enforceable. *Montenegro-Riehm Music Co. v. Board of Education*, 147 Ky. 720; 145 S. W. 740.

Held under the facts that an assistant superintendent employed before the new School Board Act went into effect and who continued to dis-

charge his duties until April 1, 1911, could not recover for his salary after the new act. *Lucas v. Board of Education*, 148 Ky. 15; 146 S. W. 34.

Action against School Board—to recover salary due employe. *Oberdorfer v. Louisville School Board*, 120 Ky. 112; 85 S. W. 696.

§ 2950. See cases cited under Sec. 2949.

§ 2957. **This section confers no rights upon publishers of discarded books where there is no contract relation.** *Allyn & Bacon v. Louisville School Board*, 131 Ky. 324; 115 S. W. 206.

scribe the branches of education to be taught, and the text-books to be used. Text-books once adopted shall not be changed, except by the unanimous consent of the board, until notice of said proposed change shall be given and entered upon the records of the board one scholastic year, and then only by the affirmative vote of not less than two-thirds of the members.

Schools may be open as a part of said school system to teach children of the ages of four, five and six years by the kindergarten method. Nothing contained in this section shall be construed as affecting in any way the present method of taking the school census or as increasing or reducing the *pro rata* of the school fund to be received from the State of Kentucky by the school board of cities of the first class, nor to be construed as conflicting with or changing in any way Sections 166 and 189 of the act for the government of cities of the first class, being now Sections 2949 and 2974 of Chapter 89 of the Kentucky Statutes. (*Section as amended by act of March 21, 1902.*)

§ 2958. (*Repealed by act of March 4, 1910.*)

§ 2959. **Poor children provided with text-books.** For school children whose parents are too poor to purchase books, the board shall provide text-books.

§ 2960. (*Repealed by act of March 4, 1910.*)

§ 2961. (*Repealed by act of March 4, 1910.*)

§ 2962. (*Repealed by act of March 4, 1910.*)

§ 2963. (*Repealed by act of March 4, 1910.*)

§ 2964. **Secretary to receive no fees or perquisites.** No fees or perquisites shall be received by said secretary. Interest paid on deposits must be credited to the board.

§ 2965. **Superintendent.** (*Repealed by act of March 4, 1910.*)

§ 2966. **Investigation of complaints—power of board.** In investigation of charges or complaints against any of its members, officers, principals, teachers or other employes, the board, or its committee on grievances, shall have the power to summon witnesses, and by its chairman, administer oaths. Any willful disregard of said summons or process may be punished by any judge of the circuit court, on complaint of the board, as contempt of such court is punished.

§ 2965. A superintendent elected under this section had no right to an injunction to prevent the new board from removing him from office. *Mark v. Bloom*, 141 Ky. 474; 133 S. W. 203.

§ 2967. **Officers, teachers and employes may be reprimanded or expelled.** The board may punish its members for misconduct by reprimand or expulsion from office, and punish its officers, principals, teachers and employes by reprimand, suspension, forfeiture of pay or dismissal, as it may judge appropriate for the offense committed.

§ 2968. **Officer or member of board receiving bribe—penalty.** Any officer or member of said board who shall receive any money or other thing of value, directly or indirectly, for his vote or influence in favor of any measure upon which he shall act officially, shall be deemed guilty of felony, and upon conviction thereof, be confined in the penitentiary not less than two nor more than ten years.

§ 2969. **Taxation.** (Repealed by act of March 4, 1910.)

§ 2970. (*Repealed by act of March 4, 1910.*)

§ 2971. (*Repealed by act of March 4, 1910.*)

§ 2972. **Examination for position as principal or teacher.** The board shall have the power to examine, or cause to be examined by competent persons, all applicants for the position of principal, teacher or professor in the schools.

§ 2973. **Certificate—when void—revocation of certificate.** A certificate granted to any person shall be void, if the holder thereof shall not receive regular employment of the board within five years from its date, but may be renewed by another examination. The board may revoke any certificate issued by it for any cause by it deemed sufficient.

§ 2969. **Taxation.** See construing this section, *Louisville School Board v. City of Louisville*, 113 S. W. 883, as to the right to off-set taxes of a water company against the price of water furnished the City; *City of Louisville v. Com.*, 134 Ky. 488; 121 S. W. 411, holding the act requiring a minimum school tax of 36 cents not in violation of the Constitution; *City of Louisville v. Com.*, 154 Ky. 316; 157 S. W. 379, holding that the exemptions to new industries given by such an ordinance does not apply to school tax as the schools are not considered municipal institutions. See also *North Vernon Lumber Co. v.*

City of Louisville, 163 Ky. 469; 173 S. W. 1120. See sec. 2978a (25).

§ 2971. For cases construing this section as **vesting escheated property in school boards**, see *Com. v. Thomas' Adm'x.*, 140 Ky. 789; 131 S. W. 797; *German Ins. Co. v. Com.*, 141 Ky. 606; 133 S. W. 793; *Louisville Banking Co. v. Com.*, 142 Ky. 690; *Louisville Ins. Co. v. Com.*, 147 Ky. 72; 143 S. W. 1044. See also construing this section, *Com. v. C. S. & N. O. R. Co.*, 124 Ky. 497; 99 S. W. 596; *Louisville School Board v. King*, 127 Ky. 824; 107 S. W. 247; *Com. v. Louisville Public Library*, 151 Ky. 420; 152 S. W. 262.

§ 2974. **Census.**.....(Repealed by act of March 4, 1910.)

§ 2975. **Eligibility.** (Repealed by act of March 4, 1910.)

§ 2976. **Member becoming disqualified—office vacated.** If, after election, any member of the board should become a candidate for nomination or for any office or agency, the holding and discharging of which would have rendered him ineligible before his election, or should he remove out of the district for which he was chosen, or should he do or incur anything which would have rendered him ineligible for election, or should any of the relatives above specified be employed by the board, his office shall become vacant and be filled as herein directed.

§ 2977. **Members privileged in debate.** Members of the board shall not be elsewhere called in question for language used in debate.

§ 2978. (*Repealed by act of March 4, 1910.*)

§ 2978a. **Board of Education created—powers.** Every city in this State of the first class shall be and constitute a single school district, and the supervision and government of common schools, kindergartens, high schools, manual training schools and normal schools, and all such school property therein shall be vested in a board of five members to be known as the "Board of Education of, Kentucky," (in which title the name of such city shall be inserted). Such Board of Education shall be a body corporate and shall, by and in said name, sue and be sued, purchase, receive, hold and sell property, do all things necessary

§ 2974. (1) **Census of school children — reports to Superintendent.** The provision in this section that a census of school children shall be taken every five years is not in violation of the Constitution. The State superintendent may, in a judicial proceeding, question the accuracy of the reports made to him of the number of children. *Louisville School Board v. Supt. Public Instruction*, 120 Ky. 394; 43 S. W. 718.

(2) In *Louisville School Board v. City of Louisville*, 103 Ky. 421; 45 S. W. 1047, a portion of the section as amended by act of March 12, 1898, is held unconstitutional. Since this decision section has been amended.

§ 2975. This section held declaratory of the common law, and contracts in which members of the

School Board are interested are void, *Bornstein v. Louisville School Board*, 122 S. W. 522; 137 Ky. 108. See sec. 2978a (4).

§ 2978a. (1) For cases construing these and similar provisions, see cases cited to sections 2950-2978. The discount allowed by the charter of the city for payment of taxes before they become due, applies also to the levy for school purposes. *Board of Education v. Sea*, 167 Ky. 772; 181 S. W. 670.

(2) Where common school property is embraced in an annexation it becomes the property of the Board of Education of the City. *Board of Education of Jefferson Co. v. Board of Education of City of Louisville*, 182 Ky. 544; 206 S. W. 869.

to accomplish the purpose for which such school district is organized, and succeed to all the property, rights and privileges granted to and belonging to any previous School Board of such city. *Provided*, that all pending suits in which any such previous School Board is a party, may be prosecuted to an end in the name of such party.

2. **Powers and duties.** Every such Board of Education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings, and proceedings, for the government, regulation and management of the common schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affirmative vote of four members of said Board; to provide for special and standing committees, and to certify to the General Council the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, necessary for the purposes of public education, to build and construct improvements for such purposes, and to hold or sell the same.

3. **Real estate—power to purchase or condemn.** It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said Board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations incorporated under the laws of this Commonwealth; and to have in such proceedings the same rights, powers, privileges and restrictions as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

4. **Eligibility of members of board.** No person shall be eligible

to the office of member of the Board of Education who has not attained the age of thirty years and one who is not a housekeeper or is not the owner of real estate in said city, and who is not a citizen of and a bona fide resident of this Commonwealth and of the city for which he is elected, for three years next preceding the election; or who holds or discharges any office, deputyship or agency under the city, or any district or county, or under the State of Kentucky, or any department, thereof, or under the United States or any foreign government, except that of notary public or militia officer of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the Board, or who holds any office of trust or agency of or draws a salary from any corporation which holds any contract with the Board, or whose father, son, brother, wife, daughter or sister is employed as teacher, or in any other capacity by such Board, or in any of the public schools, or who is, directly or indirectly, interested in the sale to the Board of books, stationery or other property. If he shall, after election, become a candidate for any office or agency or for the nomination thereto, the holding and discharging of which would have rendered him ineligible before election, or if he shall remove out of the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, or if any of his relatives above specified be employed by the Board, his office shall, without further action, be vacant and it shall be filled as directed.

5. Compensation of members. No compensation shall be paid to the members of the Board, but they shall be exempt from jury duty and from service as election officers during their term of office.

6. Term of office. The members of said Board of Education shall be elected, except as specified in Section 7 of this Act, for the term of four years by the qualified voters of such city. They shall be elected from the city at large, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this Act.

7. Election by secret ballot—general election law to control. All elections for members of the Board of Education shall be by secret ballot, and the ballot shall be on a separate sheet from all

other ballots to be used in any election. It shall be the duty of the County Clerk of any county, in which a city of the first class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing by not less than four hundred electors of said city. The petitions must be filed in the office of the County Clerk not more than sixty days nor less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons, and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled. If the nomination is to fill a vacancy, the petition shall so state. Where the same person shall be nominated for a full term and to fill a vacancy, he shall be accepted as a candidate for the full term.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party or other emblem or distinguishing mark shall be placed upon said ballot, save the words, "School Ticket" at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed on said ballot in a single column. The names shall be printed on the first one hundred ballots as arranged in order by lot. On each of the succeeding one hundred ballots the names shall be printed in the same order, save that the last name on the preceding one hundred ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every one hundred ballots. As many additional lines shall be left blank as there are members to be elected.

The provisions of the general election law of the State of Kentucky as to the duties of County Clerks and other public officers in the matter of printing and distributing ballots, of the issuing them to voters, of receiving and depositing them in the ballot boxes, and of counting and preserving them, and in all other particulars, except as otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education; *Provided*, that it shall be the duty of the Sheriff of each county in which a city of the first class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education.

And *Provided, further*, that it shall be the duty of the judge of election of the opposite political party to the clerk of the election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election by writing the name and residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars.

8. Members to be voted for. Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for which he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballots as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

9. Organization of board. At the general election occurring in the month of November, 1910, five members of the Board of Education shall be elected as herein provided. After having qualified by taking the oath prescribed by law, they shall assume office on the first day of January, 1911, and shall meet at the offices of the present School Board of said city at twelve o'clock noon, and shall proceed to organize by electing one of their number President, and another Vice President. Within one week after the organization of said Board it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: The first class consisting of two members shall hold office through the 31st day of December, 1912; the second class consisting of three members shall hold office through the 31st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms

will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.

10. **President and vice president to be elected.** At its first regular meeting after the first day of January, in each year following its original organization, said Board of Education shall reorganize by electing one of its members President, and another Vice President.

11. **Vacancies—how filled.** Any vacancy in said board, from whatever cause occurring, shall be temporarily filled by the other members of the Board as soon as practicable after such vacancy occurs. The member so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

12. **School Board to surrender school property.** When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of the existing School Board and all officers, agents and employes thereof to surrender their places and to deliver to said Board of Education all the common school property, both real and personal, of every kind whatsoever, and the control and management of the common school affairs of such city: *Provided*, that until such Board of Education shall be organized, the administration of common schools and the management of school property in such city shall remain in the control of the existing School Board in the same manner and with the same powers as existed prior to the passage of this Act.

All rules and by-laws made by any existing School Board at such time vested in such city with the management of the common schools shall continue in force, so far as consistent with this Act, until repealed or altered by a majority of such Board of Education.

Provided, further, that the first Board of Education may continue the employment and service of any existing officers, teachers, agents or other employes, in their several capacities in connection with the administration of school affairs, until such time as they effect the change of administrative system applicable to the common schools as contemplated in this Act; and said Board of Education may thereafter retain or remove any agents, teachers, janitors, engineers or other employes then rendering service in connection with the public schools of said city.

13. **Rules and by-laws.** It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and management of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered, or set aside, only upon an affirmative vote of four (4) members of the Board.

14. **Appointment of officers.** It shall be the duty of said Board of Education, as soon as practicable after its organization, to appoint a Superintendent of Schools, a Business Director, a Secretary and Treasurer, and such other officers, employes and agents as it may deem proper: *Provided*, that no such officer, employe or agent shall be a member of said Board.

15. **Superintendent of schools appointed for one year—powers and duties.** The Board of Education shall appoint a Superintendent of Schools who shall serve a term of one year, but whenever a Superintendent who shall have served one year shall be re-elected, his re-election shall be for a term of four years. His compensation shall be changed during the term for which he is elected. He may be removed at any time by a vote of three-fifths of the entire Board. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many Assistant Superintendents as it may deem necessary, whose compensation shall be fixed by the Board, and who may be removed by the Superintendent with the approval of the Board. The Superintendent of Schools shall qualify by taking the oath prescribed by law. He shall have general supervision, subject to the control of the Board of the course of instruction, discipline and conduct of the schools, text-books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and changes of text-books and apparatus, shall be made only upon the recommendation of the Superintendent and the approval of the Board. The Superintendent shall have the power to suspend any teacher or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointments, by examination, and in

cases of promotion, by length and character of service. Examination for appointment shall be conducted by the Superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the Board. The Superintendent of Schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salaries shall be fixed by the Board, and shall have power to remove same; shall exercise a general supervision over the schools of the city, examine their condition and progress and shall keep himself informed as to the progress of education in other cities. He shall advise himself of the need of extension of the School System of the city, shall make reports, from time to time, as may be fixed by the rules or directed by the Board, and shall be responsible to the Board for the condition of the instruction and discipline of the schools.

The term "teachers," as used herein, shall include supervisors, supervising principals and principals.

16. Business director—compensation—duty. The board shall appoint a Business Director who shall serve for a term of one year, but whenever a Business Director who shall have served one year shall be re-elected, his re-election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. His compensation shall not be changed during the term for which he is elected. The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things authority for which shall have been granted by the Board, as herein provided.

17. Bond to be given by business director. The business director shall devote his entire time to the duties of his office, and shall receive an annual salary to be fixed by the Board of the beginning of each term, and payable monthly out of the School

Fund of the city. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in the sum of ten thousand dollars, with a surety company, to be approved by the Board, which bond shall be paid for by the Board and deposited with the Secretary and Treasurer within twenty days from date of election, and preserved by him.

18. **Janitors and engineers to be appointed by business director.** Subject to the approval of the Board of Education as to the number and salaries, the business director shall have power to appoint, with the approval of the Board of Education, as many engineers, janitors and other employes and agents as may be necessary for the proper performance of the duties of his department, for whom he shall be responsible, and whom he shall have power to remove; but the Board of Education may provide for a competitive examination for the positions of janitors and engineers; and when such provision shall have been made, the business director shall be required by the Board to appoint janitors and engineers from the list obtained by such examination. He shall appoint such assistants and deputies as may be authorized by the Board, whose compensation shall be fixed by the Board and one of said assistants shall be a trained and educated mechanical engineer, qualified to design the heating, ventilating and sanitary machinery and apparatus connected with the school buildings. Such assistants and deputies shall be subject to removal by the business director who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the Board.

19. **Business director to estimate cost of work—how arranged for—when done by director or by contract—lowest and best bid—emergency work—board may restrict authority.** Work of construction, alteration or repair may be done by contract or directly by the Business Director.

(a) The Business Director shall make a careful estimate of the cost of any such work. If the estimate exceeds \$100.00 in amount he shall submit it in writing to the Board of Education, and the work must in such case be done by contract let by the Board, unless the Board shall order it done directly by the Business Director, and shall state in its order the amount of the estimate and the Board's reason for ordering it to be done directly. If such order be entered the Business Director shall proceed with

the work. If no such order is entered and the work is to be done, the necessary plans and specifications shall be prepared, bids shall be solicited by such advertisement as the Board may provide, and the contract shall be made by the Board after public letting to the lowest responsible bidder, but the Board may reject all bids.

(b) Where the Business Director's estimate of the cost of any work of construction, alteration or repair does not exceed \$100.00 he shall preserve such estimate in his office, and he may proceed to do such work directly or by contract, and in the latter case the contract may be made for the board by him. Before making any such contract he shall prepare plans and specifications if necessary, shall solicit bids in such manner as the Board shall provide, and he shall make the contract with the lowest responsible bidder, but he may reject all bids.

(c) An exception to the foregoing rules is allowed where, in the opinion of the Business Director, an emergency exists and his estimate of the cost of the work does not exceed \$250.00. In such case the business director may proceed, without action by the Board, to do such work directly, or by contract made for the Board by him. If in such case he proceeds by contract he may award the contract without plans or specifications and without solicitation of bids. In every case coming under this paragraph (c) the Business Director must report in writing his action to the next regular meeting of the Board, and he must state in the writing the cost of the work and his reasons for considering that an emergency existed.

(d) Where work is to be done by contract no bid shall be entertained which does not comply with the specifications and with the terms of the letting.

(e) The Board may withdraw or restrict to such extent as it deems proper any authority by this section conferred upon the Business Director to do work either by contract or directly. (*As amended by an act of 1918 Legislature.*)

20. **Advertisement for supplies.** The board shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide for proposals for furnishing the supplies required in the schools and by the Board in the ensuing year; and every contract therefor shall be awarded to the lowest responsible bidder complying with the terms of the letting: *Provided*, however, that said Board shall have and re-

serve the right to reject all bids. If other supplies are required during the year, they shall be furnished under contracts awarded in like manner; but the Board may authorize the purchase of supplies not exceeding one hundred dollars in amount without letting or contract. The Board shall make distribution of supplies through such agencies and in such manner as it deems proper. (*As amended by an act of 1918 Legislature.*)

21. **Secretary and treasurer to be appointed.** The board shall appoint an officer, who shall be Secretary and Treasurer, and shall serve for a term of one year, but whenever a Secretary and Treasurer shall have served one year and be re-elected, his election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. He shall give bond in such sum as the Board may require, which shall not be less than \$50,000.00, with a surety company to be approved by the Board, such bond to be paid for by the Board and be deposited with the President of the Board within twenty days from date of election and preserved by him. The compensation of such officer shall be fixed by the Board of Education before his election, and shall not be changed during the term for which he is elected. He shall exercise, subject to the control of the Board, general supervision over the fiscal affairs of the public schools of the city, the collection and payment of funds to the school depositaries, and the disbursement of all revenues and moneys belonging to the Board. He shall record the proceedings of the Board in such manner as may be directed by the Board, and shall deposit daily in the designated depository of the Board all moneys collected or received by him for the Board. He shall furnish to the Board at the beginning of each month a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the Board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the Board, under such conditions as the Board may direct. It shall be his duty to see that no liability is incurred or expenditure made without due authority of law, that appropriations are not over drawn and that all expenditures are charged to the appropriations for which they are made. Subject to the approval of the Board, he shall have power to appoint assistants, for whom he shall be responsible and whom

he may remove. He shall perform such other duties as may be required of him by the board.

22. **Depositories to be selected.** The board shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city for the current deposits of such board, to be secured by bond with surety to be approved by the board in an amount to be fixed by the board, and said bids shall specify the rate of interest to be allowed to said board on such deposits and the nature of the security offered and such deposits shall be annually awarded to the two institutions, banks or trust companies that offer, with the required security, the highest rates of interest therefor and the board shall cause contracts for the ensuing year to be made with such banks or trust companies so receiving the award of such deposits. All moneys due the board, from any source whatever, shall be paid to the Secretary and Treasurer, who shall thereupon cause all funds received to be paid into such designated depositories, the balances in each to be kept as nearly equal as practicable. The fiscal year of the board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

The funds of the board deposited in bank shall be withdrawn only on the order of the board, evidenced by the check of its Secretary and Treasurer, countersigned by the President of the board, or, in his absence or disability, by the Vice President.

23. **Apportionment of revenues.** It shall be the duty of the board at the beginning of each fiscal year to apportion the revenues available for that year to the different departments, for expenditure in the support of the schools for that year, and no report or resolution shall be adopted by the board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the Secretary and Treasurer showing sufficient balance in such fund available for such expenditure.

24. **Money may be borrowed.** The board shall have power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal year in which the same is borrowed and to pledge said school taxes for the payment of the principal and interest of said loan: *Provided*, that the interest paid shall in no case exceed six per cent per annum and the prin-

cipal shall in no case exceed fifty per cent of the anticipated revenue.

25. **Tax levy.** To raise money for the maintenance of the schools the General Council shall annually cause to be levied and collected, a tax of not less than thirty-six (.36) on each one hundred (\$100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the board by the treasurer of the city, in regular monthly installments, the first payment to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter in current money by the said treasurer as collected.

26. **School fund.** For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the city's portion of the school fund of this Commonwealth.

27. **Property to escheat.** So much real or mixed property in the city which, from alienage, defeat of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky, shall vest in the board for the use and benefit of the common schools. Said board may, in the name of the Commonwealth, for the use and benefit of the common schools of the city, by its President or other officers to be designated by it, enter upon and take possession of said property or sue for and recover the same by an action at law or in equity, and without office found. The board may sell and convey any of such property by warranty deed or otherwise.

28. **Duty of officers as to collection of taxes.** All officers of any city of the first class, and of the State, concerned with the assessment and collection of taxes, fines and penalties shall perform such duties relating to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this Act, unless inconsistent therewith, shall be construed as repealing any

existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any board in relation thereto shall be continued in the board created by this Act.

29. **Books to be audited by expert accountant.** At the close of each fiscal school year the Mayor of such city shall appoint one or more expert accountants, who shall examine the books, accounts and vouchers of the Secretary and Treasurer, Business Director, and all other departments of expenditures of the board, and shall make due report thereof to the Mayor and Board of Education of such city. All the officers and employes of the board shall produce and submit to such accountants for examination of all books, papers, documents, vouchers and accunts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employes. A reasonable compensation for such services shall be paid by the board.

30. **Kindergarten—powers to establish.** The board shall have the power to establish and maintain the kindergartens for children from four to six years of age, high schools, manual training schools and normal school and normal training classes for the purposes of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools, and as in other cases it may employ the principals and other teachers necessary for their efficient management.

31. **Separate schools for white and colored children.** The board shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and eighteen years, may be taught in like manner as herein provided for white children. Said school for colored children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for white children. (*Act as amended 1918 Legislature.*)

32. **Qualifications of pupils fixed by board.** The board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools, and may

furnish text-books and necessary school supplies to pupils free of charge under such rules and regulations as it may adopt.

33. **Religious dogma.** No formula of religious belief shall be taught or inculcated, nor shall any class or any text-book be used which reflects on any religious denomination.

34. **Pupils admitted from beyond city.** The board shall have power to admit to the school pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the board may require as aforesaid.

35. **Reports to be made—census to be taken.** A city of the first class being deemed one school district for taxation purposes and entitled to its proportion of the common school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports are required to the State Superintendent of Public Instruction. The board shall also, in the year 1911, and every third year thereafter, take the census of children of school age and make returns thereof to the Superintendent of Public Instruction, at the same time other school officers are required to make returns; and for the neglect of this duty the members of the board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education.

For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the boards of education of such cities by adding annually to the number of children of school age, as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: *Provided*, however, that the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

36. **Report of business director and treasurer.** The board shall, at the end of each scholastic year, prepare and publish, for the information of the public, a report which shall include the annual reports made to the board by the superintendent, business director and secretary and treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

37. **Penalty.** Any member, officer or employe of such board who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall, unless otherwise herein provided, be punished by a fine of not more than five hundred dollars or imprisonment for not exceeding one year, or by both fine and imprisonment in the discretion of the jury. But nothing herein contained shall be construed as suspending the general criminal laws of the State so far as applicable.

38. **Repealing clause.** The general school laws of this State and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city. (*Act of March 4, 1910.*)

§ 2978b. **Board may purchase sites and erect buildings—sub-mission to voters—bonds—tax.** That in cities of the first class whenever the Board of Education shall deem it necessary for the proper accommodation of the schools of such city to purchase a site or sites or to erect school houses for the high schools or for the other schools, or to purchase land for the enlargement of existing school yards, or for any or all of these purposes, and the annual funds raised from other sources are not sufficient to accomplish said purpose or purposes, and it shall deem a bond issue to be necessary therefor, said board shall make a careful estimate of the probable amount of money required for such purpose or purposes and it shall certify to the General Council of said city the fact that an election for an issue of bonds for school improvements should be held together with the amount of money for which bonds shall be issued and the purpose or purposes to which the proceeds thereof shall be applied. It shall thereupon be the

§ 2978b. **Right of women to vote** City of Louisville, 156 Ky. 530; 161
on school bond issue. *Stuessy v. S. W.* 564.

duty of the General Council to adopt an ordinance submitting to the qualified voters of the city at the next regular municipal election the question whether bonds of the city to the amount specified shall be issued for school improvement purposes. The bonds so issued shall be designated as "School Improvement Bonds," and the ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear, and the total amount to be issued; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. No bond issue shall ever be for an amount exceeding the sum of one million dollars. The question to be submitted shall be so framed that the voter may by his vote answer for or against the issue of bonds. It shall be the duty of the Mayor of the city to see to it that all proper steps are taken to secure a vote of the people upon the question, conforming, as far as applicable, to the proceedings in case of an election for members of the Board of Education in cities of the first class. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of the Board of Education, who shall determine when and at what price and how they shall be sold: *Provided*, that no such bonds shall be sold for less than par; and, *provided, further*, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the bonds are sold, their proceeds shall be placed to the credit of the board in the same depositories which are selected for its other funds, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued. It shall be the duty of the General Council to levy annually in its tax levy a rate that will raise a sum that shall be sufficient to pay the interest and create a sinking fund for the payment of the bonds at maturity. The said bonds, principal and interest, shall be a charge upon the sinking fund of said city, and it shall be entitled to have the annual tax that shall be levied as aforesaid. (*Act of March 15, 1912.*)

§ 2978c. 1. **Parents to have children enrolled—exceptions.** That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child, or children, between the ages of seven

and sixteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day or parochial school regularly each school year for a full term or period of said school, provided that such private or parochial school term shall not be for a shorter period during each year than the term of the public schools in the city of the child's residence: *Provided, further*, that this act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in the public schools for a like period of time and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the court may order such child to submit to an examination to be given by the city superintendent of schools. *Provided, further*, that this section shall not apply to any child who is excused by the Board of Education or School Board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children reside, upon it being shown to the satisfaction of the superintendent or chief executive officer of schools upon certificate of the health officer, which certificate shall be filed in the office of the superintendent of schools, that such child is not in proper physical or mental condition to attend school. *Provided, further*, that the provisions of this act shall not apply to any child between fourteen and sixteen years of age for whom an employment certificate may have been issued in accordance with the provisions of the child labor law.

2. Penalty for failure to send children to school. Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding twenty-five (\$25) dollars for the first offense and for any subsequent offense, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100) dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

3. Penalty for making false statement about age of child—truant children. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within

this act, who, with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100) dollars, or by imprisonment in the county jail for a period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defence that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability and such child shall be proceeded against as a delinquent child under the statutes in such cases made and provided.

4. **Record of age.** A passport, a duly attested transcript of the certificate of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record, showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as heretofore provided can not be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to the age of such child may be considered.

5. **Fines go to aid of schools.** Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its order or decrees.

6. **Appointment of truant officers—qualifications—examination of—compensation—chief truant officer may be appointed.** In the first week of July, in each year the Board of Education in each city of the first, second, third and fourth classes shall appoint at least one person for each ten thousand (10,000) children, enrolled in the school census, to serve as truant officers, whose term of office shall be during the pleasure of the board appointing him, who may be removed at any time by said board for cause and whose duties shall be limited to the city where the appointment is made. If in any such city there shall be less than ten thousand (10,000)

children enrolled in the school census, there shall be appointed, as above, one truant officer.

Said truant officers shall be residents of the city in which they are appointed, and of good moral character. They must be able to read and write with ease. In cities of the first class such truant officers shall not engage in any other occupation during such period of time as the schools are in session each year.

Before they shall be eligible for appointment, all applicants, for the position of truant officer, shall be examined by the superintendent of schools, who shall certify to the Board of Education only such persons qualified as herein provided.

Such truant officer shall receive from the tax levy for school purposes of such cities not less than one (\$1.00) dollar, nor more than three (\$3.00) dollars per day during such period of time as he may be employed by the school board.

In cities of the first class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer. Such chief truant officer shall be called the Director of Attendance, and his salary shall be fixed by the Board of Education. It shall be the duty of the director of attendance, under the general direction of the superintendent of city schools, to supervise, control and direct the work of all truant officers appointed in such city, to supervise, control and direct the taking of the school census when directed by the Board of Education, and to cause to be made and fully kept, reports from all truant officers, principals and teachers, of the workings of this act, and he shall be directly charged with the duty of seeing that the provisions of this act are complied with.

In cities of the second class the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for, or may designate one of the truant officers as provided for, as chief truant officer, and shall be authorized to pay such chief truant officer a salary of not exceeding twelve hundred (\$1,200) dollars per year to be fixed by said board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools, to supervise, control and direct the work of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept, reports from all truant officers, principals and

teachers, of the workings of this act, and shall be directly charged with the duty of seeing that the provisions of this act are complied with. (*As amended by act of 1916.*)

7. **Duties of truant officers.** Truant officers shall examine into any case of truancy within the city or district, and when, from personal knowledge, or by report or complaint from any resident or teacher of the city or district it appears that any child, subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, the truant officer shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child, that the attendance of such child is required, and if such parent, guardian or person having the custody, control or supervision of such child does not comply immediately with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parents, guardian or person having the custody, control or supervision of such child for violation of this act, and for contributing to such condition of delinquency in such child. It shall be the duty of all truant officers and in cities having no chief truant officer law of which they have any knowledge. In cities having a chief truant officer, such reports shall be made to such chief truant officers and in the cities having no chief truant officer such reports shall be made by truant officers to the superintendent of city schools. All such violations aforesaid shall be promptly reported by the superintendent of schools or chief truant officer, as the case may be, to the labor inspector.

8. **County Court has jurisdiction under this act.** The County Court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

9. **Reports by teachers—truant officers.** All school officers and teachers are hereby required to make and furnish, upon demand, any report that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools of cities of the first, second, third and fourth classes, with reference to the workings of this act; and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Su-

perintendent of Public Instruction. The Superintendent of Public Instruction shall make and publish an annual report of the workings of this act.

Such truant officers shall be under the direct supervision and control of the City Superintendent of Schools, and shall report to teachers, principals, or other persons as directed by him and each City Superintendent of Schools shall compile and publish an annual report of the work of the truant officer or officers under this act.

10. **Names furnished principals—absentees to be reported to truant officers—children not attending to be reported.** During the month of August in each year the Superintendent of Public Schools in cities of the first, second, third and fourth classes shall furnish or cause to be furnished by the truant officer or officers of said city to the principal of each school in their respective cities a list of all children between the ages of seven and sixteen years entitled to attend said school, in such form as may be adopted by such superintendent. Said list shall be arranged in such form as such superintendent may prescribe, shall contain the name and age of each child, the name and address of such child's parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instruction, or Superintendent of Schools of the city of the first, second, third and fourth classes.

The principal of each school in cities of the first, second, third and fourth classes shall report each day, if possible, or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session each year in the respective cities, to the superintendent of public schools in the city in which such school is situated, or to a truant officer, if so directed by the superintendent, the name and address of each child who has been absent from school without lawful excuse, or who is persistently truant from school, together with the name of such child's parent or parents, guardian or persons having the custody, control or supervision of such child, and it shall be the duty of the truant officer to whom such report is made, immediately upon the receipt of same, to make or cause to be made an examination into the cause of absency or truancy contained in such reports and to take any and all needful steps as provided herein under the statutes of this State, to compel such

child to attend school, and in cities where a chief truant officer has been designated or appointed, such officer shall file a written report once each month with the city superintendent of schools of all the work done by such chief truant officer and his assistants and in cities where no chief truant officer is designated each truant officer appointed shall file with the city superintendent of schools each month a written report of his work done in the discharge of his duties as set out herein.

11. A. **Parental or truant schools—location of—religious instruction—probation of child—penalty for violation—rules.** The Board of Trustees, Board of Education, School Board or Board of Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct, one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction hereinafter provided.

B. Such school or schools may be located either within or without the corporate limits of the city: *Provided*, however, that such school or schools shall not be located outside of the county in which such city is located; and, *provided, further*, that no such school shall be located at or near any penal institution.

C. No religious instruction shall be given in such school or schools, except as is allowed by law to be given in public schools, but the Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

D. Any child committed to such school or schools, upon an order duly entered by the county court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said County Court, and subject at any time to be returned to such school if said child, in the opinion of the County Court, shall violate the terms and conditions of its probation. No

child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter unless the court shall be satisfied that said child who is probationed, will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the Statutes of this State, concerning neglected, dependent and delinquent children.

E. Any child released from said school or schools, upon probation, as herein provided, who shall violate the conditions of his or her probation any time within one year thereafter, shall, upon the order of the County Court, be returned to such parental or truant school, and shall not again be released upon probation, within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation, he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

F. The Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such schools not inconsistent with this act or the constitution or laws of this State.

12. **Repealing clause.** An act entitled "An act to promote and compel attendance of children in schools, and to prevent the truancy in cities of the first, second, third and fourth class, and to enable Boards of Education and Boards of School Trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy," approved March 19, 1908, is hereby repealed.

13. **How act to be construed.** If any section of this act shall be held to be invalid, such fact shall not affect any other section of this act; it being the intention of the General Assembly, in enacting this act, to enact each section separately; and if any

proviso or exception contained in any section of this act shall be held to be invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereto separately. (*Act of March, 1910.*)

§ 2978d. 1. **Annuities for school teachers.** In every city of the first class in the State of Kentucky there shall be, and is hereby created, a teachers' annuity fund, which shall be governed and managed by a board of trustees, which shall be a body corporate under the name of Trustees of Teachers' Annuity Fund of Louisville, with power to contract and to sue and be sued, and to adopt and alter its seal, and which shall be composed of seven members, as follows: One member of the Board of Education of such city, to be selected or appointed annually by such board, the superintendent of public schools, one principal and four teachers regularly employed in the public schools of such city. Said principal and teachers of such city shall be selected at a meeting of the public school teachers of such city on the third Saturday of May, 1912, in such manner and at such place or places as shall be determined and designated by the Board of Education of such city; and thereafter there shall be selected on the third Saturday of May of each year one principal and three teachers as members of such Board of Trustees. The trustees shall hold their offices until their successors shall be selected or elected as above set forth. In the event of a vacancy upon said board occasioned by the death, resignation or disability of either of said principal or teachers, then the public school teachers of said city shall, within a reasonable time, upon the call of the president of said Board of Trustees, hold a special meeting and elect a successor or successors. A majority of said trustees shall constitute a quorum for the transaction of business pertaining to said annuity fund. Said trustees shall receive no pay for their services as such, except the secretary, who may be paid such sum for services as may be fixed by the Board of Trustees: *Provided*, however, that if any one shall act as such secretary who shall receive any of the benefits of said pension fund, as hereinafter provided, the amount of the salary so received by such secretary shall be deducted from the amount for which he or she would otherwise be entitled as a beneficiary under said fund.

2. **Officers of board—powers and duties.** Said Board of

Trustees shall elect from among its number a president, vice president and secretary. The president shall preside at the meeting of th board and perform all other duties usual to such office. The vice president shall perform duties of the president in his or her absence. It shall be the duty of the secretary to keep a true and accurate account of the proceedings of such Board of Trustees and of the teachers of such city, when acting upon matters with relation to said fund, and to turn over to his or her successor all books and papers pertaining to such office. The superintendent of schools of such city shall act as assistant treasurer, and it shall be his duty to keep a true and accurate statement of the account of each member with said annuity fund, to collect and turn over to the treasurer of said board all moneys belonging to said fund, and to render to the board a monthly account of his doings. He shall furnish bond in such amount as shall be determined and required by said Board of Trustees. He shall receive no compensation for attending to the duties of his office as assistant treasurer of said board, but the trustees may allow to him annually for the employment of clerical assistance a sum not to exceed two hundred dollars, for the expenditure of which he shall account by full statement, with vouchers which shall be filed with his annual report hereinafter mentioned. The treasurer of the Board of Education shall be ex officio the treasurer of said Board of Trustees, and he shall receive and hold all moneys belonging to such teachers' annuity fund; he shall have the custody of all notes, bonds and other securities belonging to said fund, and shall collect the principal and interest of the same and shall be liable on his bond as treasurer of the Board of Education for the performance of all duties imposed upon him by this act and for the faithful accounting of all money and securities, including both principal and interest, which may come into his hands and which shall belong to such annuity fund. And he shall keep a separate account which shall show at all times the true condition of such fund. Said treasurer shall, upon the expiration of his term of office, account to said board for all moneys, notes, bonds and other securities coming into his hands, and for the interest, income, profits, rentals and proceeds of and from the same, and he shall turn over to his successor all moneys, notes, bonds and other securities belonging to said fund. The secretary, treasurer and assistant treasurer shall each make a full, true and accurate report of their

offices and trusts at each annual meeting of such teachers in May of each year. Their books shall at all times be open to inspection or examination by any member of said Board of Trustees.

3. **Revenue—board to make rules concerning.** Such board of Trustees shall have full charge and control of the teachers' annuity fund of such city with power to adopt and enforce all needful regulations governing the same not inconsistent with this act. Said fund shall be derived from the following sources: First, all moneys that may be given to said Board of Trustees or to said fund or to the Board of Education of such city, for the use of said Board of Trustees of teachers' annuity fund, by any person or persons. Such Board of Trustees may take by gift, grant, devise, or bequest, any money, choses in action, personal property, real estate, or any interest therein, and any such gift, grant, devise or bequest may be absolute, or upon the condition that only the rent, profits and income arising from the same shall be applied to the uses and purposes of said fund. Such Board of Trustees shall be authorized to take such gift, grant, devise or bequest under and by the style of the Board of Trustees of the teachers' annuity fund of such city, and to hold the same or assign, transfer or sell the same, whenever proper and necessary, under and by such name. Second, every teacher shall be assessed upon his or her salary as follows: One per centum per annum (but not more than ten (\$10) dollars upon the salary of every teacher who shall not have taught in excess of fifteen years; and two per centum per annum (but not to exceed twenty (\$20) dollars) upon the salary of every teacher who shall have taught longer than fifteen years: *Provided*, however, that such assessment shall not be made prior to the first day of September, one thousand nine hundred and twelve. And the assistant treasurer of such Board of Trustees shall prepare a roll of each of said assessments and place opposite the name of every teacher the amount of assessment against him or her, and shall furnish a copy of such roll to the treasurer, and the treasurer of said board shall, in November and April of each school year, deduct and retain out of the salary going to such teacher the amount of such assessment, and shall give him or her credit for the same and place the same to the credit of said teachers' annuity fund. Every teacher of such city receiving a salary of four hundred and fifty (\$450) dollars a year or more shall pay such assessment, and in becoming a teacher

he or she shall be conclusively deemed to undertake and agree to pay the same, and to have such assessment deducted from his or her salary as hereinbefore provided.

4. **Fund—manner of investment.** The board of trustees of such teachers' annuity fund shall determine what part of said fund may be safely invested, and how much shall be retained for the immediate needs, demands and exigencies of said fund. Such investment shall be made: (1) In interest bearing bonds of the United States, or in any bond lawfully issued by any State, county, city or other municipal corporation; (2) loans secured by mortgage upon real estate within the county wherein such city is located, which loans shall not be in excess of fifty per centum of the appraised value of such real estate; (3) in interest bearing deposits at not less than three per cent with banks or trust companies of Louisville, said deposits to be secured to the full amount with interest, by securities mentioned in classes (1) and (2) of this section. All bonds, mortgages and other securities shall be deposited with and remain in the custody of the treasurer of said board, who shall collect all interest due thereon and all the income therefrom, as the same shall become due and payable.

5. **Sinking fund to be provided.** The board of trustees of such teachers' annuity fund shall establish a sinking fund; to the credit of which shall be put and deposited all gifts, grants, devises and bequests, and the unexpended balance remaining at the expiration of each fiscal year. And such sinking fund shall be and remain a permanent fund, and no part thereof shall be expended except the interest and income thereof and therefrom; *Provided, however,* that one half of the amount added to such sinking fund during any year may be used, if necessary, during the year immediately following.

6. **Annuity fund—manner of distribution.** Said teachers' annuity fund shall be used and devoted in the manner and for the purposes following: First. The maximum annuity to be paid any teacher shall be four hundred (\$400) dollars per annum, which amount shall be based upon a service of forty (40) years as such teacher, and every annuitant and beneficiary of said fund shall be entitled to and shall receive such percentage of said sum of four hundred (\$400) dollars as the number of years teaching of said pensioner and beneficiary shall bear to

the term of forty years; subject, however, to all the provisions of this act. Second. Any aged, infirm, diseased or disabled teacher, who is now or hereafter may be, teaching in the public schools of such city, having served in the schools of said city as such teacher for not less than twenty (20) years, and who shall have been relieved from service as such teacher by the Board of Education upon the ground of his or her infirmity, disease or disability, shall be entitled to receive a disability annuity; *Provided*, said Board of Trustees shall find that he or she is entitled to the same by reason of such age, disease, infirmity or disability, and after such applicant for annuity shall have been examined by a physician selected for such purpose by said Board of Trustees, the examination fee or charge of such physician to be paid by the applicant. Third. Any teacher who is now or hereafter may be teaching in public schools of such city, and shall have taught for not less than thirty (30) years, may be granted an annuity upon application to said Board of Trustees, or may be granted annuity by such board without such application and shall thereafter receive an annuity during the remainder of his or her life, subject, however, to all the conditions in this act; *Provided, however*, that such annuitant shall have paid into said fund, by way of assessment or otherwise, not less than the whole of the amount to which he or she shall be entitled per annum as an annuitant. And in order to make up such amount, the Board of Trustees may order the treasurer to deduct one-fifth thereof in each of the first five years from the amount of such annuity. If at any time there should not be sufficient money in or to the credit of said teachers' annuity fund to pay all claims against it in full, then and in such event, an equal percentage shall be paid upon all such claims to the full extent of the funds on hand, until such annuity fund shall be sufficient to pay all claims against it in full.

7. **Teachers entitled to annuity fund.** In computing years of services as provided in the act, the Board of Trustees shall not include service as a public school teacher rendered outside of such city, *provided, however*, that any teacher may be given a leave of absence for study, professional improvement or temporary disability, not exceeding one year at any one time, and shall be regarded as a teacher and entitled to the benefits of this act; *Provided*, that during such absence he or she continues to

pay into such fund the amount of assessment payable by such teacher the last year preceding such leave of absence.

8. **Annuity fund to be discontinued.** After any teacher shall have been granted an annuity by reason of injury, disability or disease, the Board of Trustees shall have the right at any time to cause such teacher again to be brought before such board and examined by its physician, and also to examine other witnesses, for the purpose of ascertaining whether said injury, disability or disease shall still continue and whether such teacher shall remain on the roll as an annuitant. Such teacher shall be entitled to notice and to be present at the hearing of any such evidence; shall be permitted to propound any question pertinent or relevant to such matter, and shall also have the right to introduce evidence upon his or her own behalf. Such teacher and all witnesses shall be examined under oath, and any member of such Board of Trustees is hereby authorized and empowered to administer such oath. The decision of such Board of Trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be reviewable by any court or other authority; *Provided, however*, that every teacher receiving annuity shall report to the superintendent of public schools of such city whenever required so to do. And said superintendent may assign such teacher to such service or employment as may be within his or her power to perform, in judgment of such superintendent of public schools and of the examining physician employed by the said Board of Trustees. And during the time of such employment such teacher shall receive the regular salary therefor, which shall be credited to and deducted from the amount payable to such teacher from said annuity fund. And should any teacher who is receiving an annuity recover from his or her injury, disease, or disability, and again be fit for regular duty, then such teacher may again be regularly employed, and during the time of such employment, he or she shall cease to be entitled to any payment out of said annuity fund because of the injury, disease or disability on account of which such teacher was originally retired.

9. **Teacher may retire on length of service without examination.** Any teacher applying for an annuity by reason of length of time of service as in this act provided, shall be granted an annuity and retired without medical examination, nor need he

or she be under any physical disability, and from the time of such granting of annuity and retirement such teacher shall not be required to render further services as such teacher nor shall he or she be deprived of the benefits herein provided, except for any cause contained in Section 16 of this act.

10. **Service before passage of act may be counted.** In computing time under the provisions of this act, such time shall include services rendered before, as well as after, the taking effect of this act.

11. **Trustees—power to make rules and by-laws.** The board of trustees shall have power and authority to make all necessary by-laws providing for the manner of the election of such trustees, to be elected as in this act provided, the counting and canvassing of the votes for the same, their meetings for the collection of all moneys and other property coming or belonging to said fund, and all other matters connected with the care, preservation and disbursement of the same, and the proper execution of the purposes and provisions of this act. And any annuity authorized by the board under this law shall be subject to reduction by said Board of Trustees whenever in its judgment the condition of the annuity fund, the financial or other conditions of the annuitant or any other circumstances render such reduction advisable, proper or necessary, and any annuity so reduced may thereafter be restored or increased, as such board may deem best.

12. **Annuity fund—one-half may be returned if teacher ceases to teach.** Any teacher who shall cease to teach in the public school of such city before receiving any benefit from the fund, shall be entitled to the return of one-half of the amount, without interest, which shall have been paid into said annuity fund by such teacher; *Provided, however,* should such teacher thereafter again teach in the public schools of such city, he or she shall refund to said annuity the amount so returned to such teacher within one year from the date of his or her return to service in the schools. And should any teacher die before receiving any of the benefits or pensions by this act provided, the Board of Trustees shall pay to such teachers' heirs or estate, or either or any of them, as it shall see fit, one-half the amount, without interest, which shall have been paid into said annuity fund by said teacher.

13. **Annuities to be paid by treasurer—time of payment.** All annuities herein provided for shall be paid to the treasurer of the Board of Education at his office at such times and in such installments as the trustees may determine, provided that not less than one-third of each annuity or percentage thereof shall be paid before December fifteen, and the balance not later than June the first of each scholastic year. *Provided, further,* that no annuity of any kind whatsoever provided for in this act shall be payable prior to October the first, one thousand nine hundred and fifteen; but simple interest at six per cent per annum shall, until said date, run on any annuity beginning with the first of June of the scholastic year in which the right thereto may accrue.

14. **Annuities not subject to debt.** All annuities granted and payable out of said teachers' annuity fund shall be and are exempt from seizure or levy upon attachment, execution, supplemental process, and all other process, whether mesne or final; and such annuities or any payment of the same shall not be subject to sale, assignment or transfer by any beneficiary, and such transfer shall be absolutely void.

15. **Annuity fund may be discontinued for certain causes.** Whenever any person who shall have received any benefit from said fund shall be convicted of any felony, or of any misdemeanor for which he or she be adjudged to be imprisoned, or shall fail to report for examination for duty as required herein, unless excused by the Board of Trustees of such city, or shall disobey the requirements of said Board of Trustees in respect to said examination for duty, or shall fail to perform such duty as may be required of him or her if found able to perform such duty, then such board shall order that the annuity allowed and paid to him or her shall cease until the further order of such board.

16. **Teacher—definition of term.** The term teacher as used in this act shall mean and include any principal, assistant principal, supervisor, assistant supervisor, person in charge of any special department of instruction, and any teacher or instructor regularly employed as such by the Board of Education of such city.

17. **Date when annuity may be applied for.** Annuities may be applied for under this act on or after December 1, 1912, by

any teacher who, after the approval of this act, shall be in the employ of said Board of Education and be entitled to an annuity under the terms of this act.

18. **Repealing clause.** The general school laws of this State, and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city. (*Act of March 19, 1912.*)

SUBDIVISION XXVII.

Revenue and Taxation.

(a) General provisions. 2979.
(b) Assessments. 2985.

(c) Collection and payment of taxes.
2997.

(a) General Provisions.

§ 2979. **Taxes already levied or imposed.** All taxes already levied or imposed under existing laws, and not yet paid, remain payable, unless the contrary be hereinafter provided.

§ 2980. **Ad valorem license and franchise taxes—Council to provide for.** Each city shall raise a revenue from ad valorem taxes, and from a tax based on income, licenses and franchises, and to that end the General Council of each city is hereby authorized and empowered to provide each year, by ordinance, for the

§ 2979. **Existing laws not repealed.** In *Long v. City of Louisville*, 97 Ky. 364; 30 S. W. 987; it was held that neither the new constitution nor the charter for first class cities released any taxes theretofore assessed, and that such taxes might be collected in the manner provided before the adoption of Constitution and charter.

§ 2980. (1) **Authority conferred on Legislature.** The Legislature can delegate its sovereign power of taxation to local municipal governments, either with or without restriction or limitation. *Bradley v. McAtee*, 7 Bush, 667.

(2) Legislature determines what are proper subjects of general or local taxation, and it is not within the province of the courts to abridge this prerogative, nor to refuse to carry out the legislative will on account of doubt as to the policy of the enactment. *Broadway Baptist Church v. McAtee*, 8 Bush, 508.

(3) **Choses in action—money, debts—assessment.** Authority "to cause to be assessed at its cash value such real and personal estate and slaves within the city as the said council may designate." did not authorize the city council to assess money, debts, and choses in action. *Louisville v. Henning*, 1 Bush, 381; see *Johnson v. Lexington*, 14 B. M. 521; *Covington v. Powell*, 2 Met. 227; *Trigg v. Glasgow*, 2 Bush, 594; compare *Newport v. Ringo*, 87 Ky. 635; 10 S. W. 2.

A partnership is a distant entity and its property is subject to taxation at the place where it conducts its business. *City of Louisville v. Tatum, Embry & Co.*, 111 Ky. 747; 64 S. W. 836.

Situs of property for taxation held by trustee. *City of Lexington v. Fishback*, 109 Ky. 770; *Board of Council v. Fidelity Trust Co.*, 111 Ky. 676; 64 S. W. 470. But see *Higgins*

assessment of all real and personal estate within the corporate limits thereof, subject to taxation for State purposes, and may levy an ad valorem tax on the same not exceeding the rate and limits prescribed in the Constitution; and for school purposes, not exceeding fifty cents on each one hundred dollars of taxable property therein; and may impose license fees on stock used for breeding purposes, and on franchises, trades, occupations

v. Commonwealth, 103 S. W. 306; 126 Ky. 211.

Taxation of notes, bonds, money of non-residents. Callahan v. Singer Sewing Machine Co., 92 S. W. 581; 29 R. 123; Com. v. Dunn & Co., 102 S. W. 859; 126 Ky. 108; 10 L. R. A. (N. S.) 920.

Property located permanently in other States. Union Refrigerator Transit Co. v. Ky. 199 U. S. 194; 26 S. Ct. 26; Com. v. West India Oil Co., 138 Ky. 831; 129 S. W. 301; Com. v. Peebles, 134 Ky. 127; 119 S. W. 774; 23 L. R. A. (N. S.) 1130; Selliger v. Ky. 213 U. S. 209; Com. v. B. F. Avery & Sons, 163 Ky. 828; 174 S. W. 518.

Situs of intangible property generally. Ewald's Ex'r v. City of Louisville, 168 Ky. 72; 159 Ky. 325; Com. v. Ky. Distilleries, etc., Co., 143 Ky. 314; 136 S. W. 1032; Bell's Trustee v. City of Lexington, 120 Ky. 199; 85 S. W. 108; 203 U. S. 323; Com. v. Haggin, 30 K. L. R. 788; Hillman Land Co. v. Com., 148 Ky. 331; 146 S. W. 776; Com. v. N. W. Life Ins. Co., 32 K. L. R. 796; S. W. 233.

Situs of intangible property of corporations. Inter-Southern Life Ins. Co. v. Milliken, 149 Ky. 16; 149 S. W. 875; Milliken v. Sou. Nat. Life Ins. Co., 155 Ky. 529; 159 S. W. 1141; City of Covington v. Standard Oil Co., 187 Ky. 837; 127 S. W. 480.

Property held and used for a public purpose. Board of Councilmen etc., v. Commonwealth, 29 R. 699; 94 S. W. 648; but see City of Louisville v. McAtee, 91 S. W. 698; 26 R. 425; 1 L. R. A. (N. S.) 766.

(4) **Discretion of council as to amount of tax.** While the Legislature may confide to the general council a discretion as to the amount of tax to be imposed, it can not confer upon the collector or other city offi-

cer such power. Louisville v. Murphy, 86 Ky. 53; 9 R. 310.

(5) **Equality and uniformity.** When the subjects of taxation have been determined then the constitutional limitation requiring equality and uniformity in its imposition upon such subjects applies, and the courts must see that this limitation is not disregarded. Broadway Baptist Church v. McAtee, 8 Bush, 508.

(6) **Exemption—special license or tax.** Payment of a tax or license of \$25 on each car employed by the street railway company to the city, as required by the contract between it and the city, in which certain franchises are secured to it, does not exonerate it from an ad valorem tax on its property, horses, stables, etc., which are assessable for municipal purposes. Lou. City Ry. Co. v. Louisville, 4 Bush, 478.

Hospital—Adjunct to medical school. Under section 170 of the Constitution exempting "institutions of purely public charity," from taxation, a hospital which is an adjunct to a medical school is subject to taxation, although patients who are not able to pay for treatment therein are admitted free for the purpose of the education of the students of the medical school in their profession. Wathen etc., v. City of Louisville, 27 R. 635; 85 S. W. 1195.

Charitable institutions.—An institution owned and operated by certain physicians as an adjunct to a medical and dental college for private gain, is not exempt from taxation as a purely public charity. Gray Street Infirmary v. City of Louisville, 23 R. 1274; 65 S. W. 119; 55 L. R. A. 270.

Institutions of education—physical culture. Under Constitution, section 170, the property of an incorporated gymnasium association in which a

and professions; and may provide for taxation, for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises in lieu of an ad valorem tax thereon; *Provided*, such General Council shall not be authorized to omit the imposition of an ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

Said council shall provide for the collection of all taxes imposed hereunder.

All taxes and license fees shall be levied or imposed by ordi-

teacher in physical culture is constantly employed to instruct the members, and maintained by the payment of monthly dues by the members and from which no one derives any pecuniary benefit, is an institution of education in the meaning of the law and exempt from taxation. *German Gymnastic Association, etc., v. City of Louisville*, 117 Ky. 958; 65 L. R. A. 120.

Education.—Where an institution is organized, not for gain, but that persons may be educated in pharmacy and its income is devoted solely to the cause of education, it is exempt from taxation under Const. Sec. 170. *Louisville College of Pharmacy v. City of Louisville*, 26 R. 825; 82 S. W. 610.

House of worship. Lot adjoining and used in connection therewith—Under Constitution, section 170, a lot 100 feet wide by 200 feet deep on which a house of worship was erected in March, 1891, is exempt from taxation.

Taxes prior to the adoption of the Constitution of 1891—*Hewitt Act of 1886.*—Under the *Hewitt Act of 1886*, exempting from taxation “churches and all property devoted to charitable purposes,” a lot in a city leased to a church in 1890 for the purposes of a mission church, is exempt from taxation for the year 1890, although the church thereon was not erected until 1891.

Title to the lot.—The fact that the church has possession and use of the church building and lot, exempts it from taxation, although the legal

title is in the lessor. *City of Louisville v. Werne*, 25 R. 2196; 80 S. W. 224. See also *Calvary Baptist Church v. Milliken*, 148 Ky. 580; 147 S. W. 12.

Young Men’s Christian Association.—The property, not exceeding one-half acre, belonging to a Y. M. C. A. and used by it in the conduct of its work, and also that rented out for the purpose of raising revenue for aid in the maintenance of the institution, as well as that taken in payment of donations to the institution and held pending a sale, is exempt from taxation under section 170 of the Constitution, both on the ground that it is a place actually used for religious worship and that the institution is one of purely public charity. *Com. v. Young Men’s Christian Association*, 116 Ky. 711; 76 S. W. 522.

The Wharf property of the city of Louisville is exempt from taxation under Const. Sec. 170. *Com. v. City of Louisville*, 119 S. W. 161; 133 Ky. 849.

The Water Works property of the city is public property used for public purposes and is exempt from taxation under Const. Sec. 170, *Ryan v. City of Louisville*, 118 S. W. 992; 133 Ky. 714.

Wills—Taxation. By the will of W. F. Norton, deceased, certain real estate was bequeathed to his executors for the benefit of the Baptist Orphans’ Home, to be held by them for five years, during which time it should be converted into money and the proceeds paid to said home. **Held**,

nance, and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purposes than that for which it was collected.

All ad valorem taxes shall be collected by the Tax Receiver, and all license taxes, including all taxes on personal property, tangible and intangible, based on income, licenses and franchises, in lieu of an ad valorem tax thereon, shall be collected by the secretary and treasurer of the Commissioners of the Sinking Fund: *Provided*, That all taxes so collected by said secretary and treasurer in lieu of ad valorem taxes on personalty shall be paid by him monthly to the City Treasurer, who shall receipt to him therefor, and the said secretary and treasurer shall furnish monthly to the City Comptroller a statement showing what persons, firms or corporations have, during the previous month, paid such taxes, the amount paid by each, and the total amount paid by him to the City Treasurer.

that said home by the terms of its charter, under Sec. 170 of the Constitution is a purely public charity, and not employed for gain, and while the beneficiary is not given the immediate care and control of the fund it is the equitable owner thereof, and, under the statute, it is exempt from taxation in the hands of the executors. *Norton, etc., v. City of Louisville*, 26 R. 846. See also notes to Sec. 170 Constitution.

(7) **License Tax—ad valorem tax.** Under present Constitution all property must be assessed alike—property can not be classified for taxation—a license tax may be imposed in addition to an ad valorem tax, but not as a substitute for it. *Levi v. City of Louisville*, 97 Ky. 394; 30 S. W. 973; and see *Con.*, Secs. 174, 181; and as to imposition of license tax, *Bitzer v. Thompson*, 105 Ky. 514; 49 S. W. 199; *Figg v. Thompson*, 105 Ky. 509; 49 S. W. 202; *Schuster & Co. v. City of Louisville*, 124 Ky. 189; 89 S. W. 689; holding ordinance imposing license tax in lieu of ad valorem tax unconstitutional.

An ordinance providing for the imposition of license fees on all persons intending to commence the

business of selling, except by sample, is not a violation of the Constitution, Secs. 171 and 181. *City of Louisville v. Sagalowski*, 136 Ky. 324; 124 S. W. 339. A license tax on wagons operated by an express company upheld. *Adams Express Co. v. Boldrick*, 141 Ky. 11; 132 S. W. 174.

Under this section the city may require a license of \$100 a year for operating a laundry. *Com. v. Pearl Laundry*, 105 Ky. 259; 49 S. W. 26. See further on this section *City of Louisville v. Button*, 118 Ky. 732; 82 S. W. 293; and see Sec. 4281w Ky. St. which, however, does not apply to cities of the first and second class.

(8) **Person and subject of taxation designated.** When a city is authorized "to levy a tax upon the taxpayers of the city, taxable under the revenue laws of the State," both the person and subject are designated and the tax must be levied of the date and upon the persons and property prescribed by the State revenue laws. *Barret v. Henderson*, 4 Bush, 255.

(9) **Power to impose tax.** A statute providing for the imposition of a tax "as long as needed," to pay a particular debt, authorizes the impo-

Nothing in this section shall be so construed as to deprive the General Council of the power hereby granted to it to provide by ordinance in its discretion for the levy and collection of taxes based on income, license and franchise in addition to ad valorem taxes on the property of any corporation whose franchise is subject to assessment by the City Assessor as set out in section three of this act, which is section one of Section 2984a, Kentucky Statutes, as amended by this act, and the General Council shall have power to levy ad valorem taxes on the property and franchises of railroads as assessed and apportioned by the Railroad Commission and the State Board of Valuation and Assessment: *Provided*, That no corporation, individual, firm, or association, which pays an ad valorem tax and a franchise tax shall also be required to pay a license tax. (*As amended by act of March 18, 1904.*) (See also §§ 3011, 3011a.)

§ 2980a. **Manufacturing establishments may be exempted from taxation.** That the General Council shall have power by ordinance to exempt from municipal taxation, for a period not exceeding five years, manufacturing establishments, as an inducement to their location within the city limits. (*See Con., Sec. 170. This section is an act of March 16, 1898.*)

sition of the tax until the debt is satisfied. *Louisville v. Murphy*, 86 Ky. 53; 5 S. W. 194.

(10) **Powers to tax strictly construed.** Municipal corporations can levy no taxes upon the inhabitants or their property unless the power be plainly given; such power is statutory, and must be strictly pursued. *Kniper v. Louisville*, 7 Bush, 600. *Murray v. Tucker*, 10 Bush, 241; and this though the statute provides that ordinances shall not be void by reason of a failure of the council to follow strictly its delegated powers. *Caldwell v. Rupert*, 10 Bush, 180.

(11) **Purpose for which tax may be laid.** The city had no power to levy a tax for revenue purposes on coal, etc., landed at the wharf, but only to defray expenses of measurement and inspection when required. *Collins v. Louisville*, 2 B. M. 134.

(12) **Real property.** Conditions upon which tax can be imposed. *Courtney v. Louisville*, 12 Bush, 419. See *Con.*, secs. 170, 171 and notes.

(13) **What is a tax.** Assessment to pay for local improvement is not technically a tax. *Johnson v. Louisville*, 11 Bush, 527.

§ 2980a. (1) **Manufacturing establishment—exemption of for five years** must be an inducement to its location. *City of Middlesboro v. Ice Co.*, 108 Ky. 351; 56 S. W. 427. “Exemption”—*Mengel Box Co. v. City of Louisville*, 117 Ky. 735; 79 S. W. 255; *Continental Tob. Co. v. City of Louisville*, 123 Ky. 173; 94 S. W. 11; *City of Louisville v. National Casket Co.*, 100 S. W. 1196; 30 R. 1321.

(2) An electric light company is exempt from taxation as a manufacturing establishment, but its conduits, wires and apparatus used in distributing are not exempt. *Kentucky Electric Co. v. Buechel*, 146 Ky. 660; 143 S. W. 58.

(3) Manufacturing establishment in order to entitle itself to exemption must show something more than moving from one locality in the city to another locality. *L. & N. R. R.*

§ 2981. **Ordinance fixing tax rate—levy to be subdivided.** In the ordinance fixing for any year the tax rate the General Council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a levy for the house of reform, a levy for charitable institutions, a levy for parks, a levy for library purposes, and a levy for general purposes, and a deficit tax. The General Council shall cause the foregoing levies to be made for the purposes stated by an ordinance fixing the tax rate each year. (*This section is an act of March 20, 1900, and is a substitute for the original section, which was amended by acts of March 15, 16, 1898.*)

Co. v. City of Louisville, 143 Ky. 258; 136 S. W. 611; Louisville Car Wheel & Railway Supply Co. v. City of Louisville, 146 Ky. 573; 142 S. W. 1043.

(4) Three manufacturing concerns merged into one not entitled to exemption. Jones Bros., etc. v. City of Louisville, 142 Ky. 759; 135 S. W. 301. See also Victor Cotton Oil Co. v. City of Louisville, 149 Ky. 149; 148 S. W. 10; Standard Tailoring Co. v. City of Louisville, 152 Ky. 504; 153 S. W. 764. Under this section it is held that a school tax of thirty-six cents must be imposed on new concerns as the tax is a State and not a municipal tax. City of Louisville v. Board of Education, 154 Ky. 316; 157 S. W. 379.

(5) Where an existing business is enlarged and transferred to a new plant and put in the name of a corporation it is not a new business. City of Louisville v. New York Baking Co., 151 Ky. 758; 152 S. W. 980.

(6) A manufacturing concern is not exempt from school taxes, and where the Assessor upon demand by the Board of Education and when the assessment was not barred by the statute of limitations, refused to retroactively assesses property of such manufacturing establishment for five years, the time during which such officer refused to act or was delayed by litigation is not to be estimated

in the application of the statute of limitations. North Vernon Lumber Co. v. City of Louisville, 163 Ky. 467; 173 S. W. 1120. An addition of a plant for manufacture of paper boxes by a company manufacturing wooden boxes held not a new business entitling the company to exemption under this section. Mengel Box Co. v. Sea, 167 Ky. 193; 180 S. W. 347. Nor is an old business bought by a new concern or an increase of the articles manufactured such a new business as will entitle the new owner to exemption. Vogt Bros. Machine Co. v. Sea, et. al., 181 Ky. 327; 204 S. W. 76.

(7) **The mere enlargement of a plant** used for manufacturing wooden boxes and the installation of machinery for manufacturing paper boxes does not constitute it a new manufacturing establishment within the meaning of the above section. Mengel Box Co. v. Sea, 167 Ky. 193; 180 S. W. 347. See also McCormick Lumber Co. v. City of Winchester, 155 Ky. 494, and notes under § 170 of the Constitution; also City of Louisville v. Louisville Tin & Stove Co., 170 Ky. 557; 186 S. W. 124.

§ 2981. (1) **Levy for sinking fund** may be omitted in any year by the council, and when so omitted the commissioners of the sinking fund can not compel the council to make the levy. Com. Sinking Fund v. Grainger, 98 Ky. 319; 32 S. W. 954.

§ 2982. **Expenditures—limit of—deficit tax—unexpended balance.** In no fiscal year shall the General Council appropriate or expend, or contract for the expenditure of, more than ninety-five per cent of the estimated revenue of the current year, unless more than that shall be actually collected; and if in any year less than ninety-five per cent of the estimated revenue shall be collected, any deficiency within ninety-five per cent may be provided for in the levy for the next year, and shall be called the "deficit tax." Any unexpended balance of an appropriation in any current fiscal year shall be added by the Comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year when collected shall be passed by the Treasurer to the credit of the same funds for the succeeding year. (*Section as amended by act of March 16, 1898.*)

§ 2983. **Failure to make or making invalid levy ordinance.** If in any year the General Council fail to pass a levy ordinance, or

(2) **Publication of ordinance concerning taxes** a necessary prerequisite to their enforcement, so made by the charter. A publication on Sunday not sufficient. Time of publication. *Ormsby v. Louisville*, 79 Ky. 197.

(3) **Tax levy—purpose—designation—street sprinkling** } "general purposes." The levy ordinance for 1904 made no provision for "street sprinkling," notwithstanding the city had set apart \$15,000, derived from the levy for "general purposes," to be used for sprinkling the streets. **Held**, under Con., Sec. 180, and Ky. St., Sec. 2980 and 2891 the attempted deflection of the "general purpose" fund complained of, was illegal and was properly enjoined. *City of Louisville v. Button*, 118 Ky. 732; 82 S. W. 293.

(4) **Distribution—interest on delinquent taxes.** While section 2981 provides that the various named subdivisions of the city government, including the schools, shall receive their proportionate part of the tax bill after it is collected, there is no provision which in terms imports that they shall receive any part of the interest accruing on delinquent taxes. Each must receive that which

the statute gives it, but they have no right to any part of the interest on the delinquency in the absence of an express provision of the law governing the matter. *City of Louisville v. Louisville School Board*, 119 Ky. 574; 84 S. W. 729..

Contemporaneous construction. The contemporaneous construction of legislation for a long period of time by those charged with its enforcement is highly persuasive of the correctness of that interpretation. *Id.*

(5) **Exemption from taxation.** Ownership of all the stock in a water company by the city does not exempt the property of the water company from taxation by the State and county. *Bell v. City of Louisville*, 106 S. W. 862; 32 R. 699.

(6) **The levy of a deficit tax** is left to the sound discretion of the general council. *McDonald v. City of Louisville*, 113 Ky. 425; 68 S. W. 413.

§ 2982. **Unexpended balance—can not be expended by Board of Public Safety until it is appropriated by the council.** *Neumeyer v. Krakel*, 110 Ky. 624; 62 S. W. 518. Legislature can not impose taxes for purely local purposes. *McDonald v. City of Louisville*, 113 Ky. 425; 68 S. W. 413.

if the levy ordinance in any year shall be invalid or inoperative, the rate of taxation for that fiscal year shall be the same as it was the year before, item for item.

§ 2984. **Land, improvements and personal property.** For the purpose of assessment, the soil shall be known as "land" and everything attached thereto, or built thereon, shall be known as "improvements," and such "improvements," when owned by the tenant, may be assessed in his name apart from the land. Articles, other than land and improvements, shall be known as "personal property." The Assessor shall assess, at its fair cash value as of the first of September of every year, all the lands, improvements, and personalty subject to an ad valorem tax under this act.

§ 2984a. 1. **Assessment of shares of stock in corporations.** That the shares of stock of every incorporated bank, trust company, guarantee or security company, and the franchise of every incorporated gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair company, and every other like company, corporation, or association, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall hereafter be valued or assessed for city taxes in the manner hereinafter described, by the City Assessor in the cities of the first class, wherein such franchise is exercised, to the extent and in the proportion the same is therein exercised: *Provided, however,* That no assessment for city taxes shall be made by any Assessor or Board of Valuation and Assessment of the franchise of any private business, mercantile or manufacturing corporation, whose property is not devoted to public use, nor upon the shares of stock of any incorporated bank, trust company, guarantee or security company paying an ad valorem tax on its real estate and a license tax in lieu of an ad valorem tax on its personal estate. (*As amended by act of March 18, 1904.*)

§ 2984a. **Validity of this act** upheld in *Murphy v. City of Louisville*, 114 Ky. 762; 71 S. W. 934; *Cov. & C. B. Co. v. City of Cov.*, 28 R. 394; 89 S. W. 296. But as to third class cities it is void. *Henderson Bridge*

Co. v. Alves, 122 Ky. 46; 90 S. W. 995; and in *City of Cov. v. Cov. & Cin. Bridge Co.*, 126 Ky. 163; 103 S. W. 248, it is held that this section was repealed by the general revenue act of 1906.

2. **Reports to be made to Assessor by corporations.** In order to determine the value of the franchises mentioned or referred to in the next preceding section, the corporations, companies and associations therein mentioned or referred to shall each annually, between September first and October first, make and deliver to the Assessor of cities of the first and second class, wherein its franchise is exercised, a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the City Assessor may prescribe, showing the following facts, viz: The name and principal place of business of the corporation, company, or association; the kind of business engaged in, the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a bona fide sale, within twelve months next before the first day of September of the year in which the statement is required to be made; the amount of surplus fund and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amounts of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the first day of September of the year in which the statement is required; the amount and kind of tangible property, and where situated, assessed, or liable to assessment, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and other such facts as the City Assessor may require.

3. **Value of franchise—how determined.** Where the line or lines of any such corporation, company or association extend beyond the limits of the city, the statement shall, in addition to the other facts hereinafter required, show the length of the lines operated, owned, leased or controlled in the city, and the entire lines operated, owned, leased or controlled elsewhere. If the corporation, company or association operates or conducts its business outside of the city as well as in the city, the statement shall show the following facts in addition to the facts hereinabove required: The gross and net income or earnings received on business done in the city, and the entire gross receipts of the corporation, company or association on business done in the city and elsewhere, during the twelve months next before the

first day of September of the year in which the assessment is required to be made. In cases where any of the facts above are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the City Assessor may excuse the officer from answering such questions. From said statement, and from such other evidence as he may have, the City Assessor shall fix the value of the capital stock of the corporation, company or association and from the amount thus fixed shall deduct the assessed value of all its tangible property. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid, if the corporation, company or association does business entirely within the city. (*As amended by acts 1917, p. 56.*)

4. **Corporations doing business beyond the city limits—franchise, how fixed.** If the corporation, company or association does business beyond the city limits as well as in the city, the City Assessor shall fix the value of the capital stock as above provided and will determine from the amounts of the gross receipts of such corporation, company or association on business done in the city and elsewhere, the proportion which the gross receipts from business done in the city, within twelve months next before the first of September of the year in which the assessment is made, bears to the entire gross receipts of the company within said twelve months; the same proportion of the value of the entire capital stock less the assessed value of all its tangible property assessed, or liable to assessment, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in the city. (*As amended by acts 1918, p. 56.*)

5. **Franchise of carriers—how value may be fixed.** If the corporation, company or association be a street railway, telegraph, telephone, express, sleeping, dining, palace or chair car company, the lines of which extend beyond the limits of the city, the City Assessor may also consider the proportion which the length of the lines operated, owned, leased or controlled in the city bears to the total length of the lines owned, leased or controlled in the city and elsewhere in arriving at the proportion of the value of the franchise subject to taxation for city purposes. (*As amended by acts 1917, p. 56.*)

6. **Persons other than corporations—how taxed.** Whenever

any person or association of persons, not being a corporation, nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned and made subject to assessment in the first section of this act, then the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person or association of persons for the purpose of taxation, and all other purposes, under this act, in like manner as if such person or association of persons were a corporation.

7. Assessor to notify corporations of assessment—application for reduction. It shall be the duty of the City Assessor, immediately after fixing such values, to notify the corporations, companies, or associations of the fact; and all such corporations, companies or associations shall have at least ten days from the time of receiving such notice to go before the Board of Equalization of the city and ask a change of the valuation, and may introduce evidence, and the chairman of said board is hereby authorized to summon and swear witnesses, and after hearing such evidence, the said board may change the valuation as it may deem proper, and the action of said board shall be final.

8. Collection of franchise tax—when due. The City Assessor shall make out and authenticate the tax bills on the assessments of franchises as provided in this act, as well as on all assessments hereafter made by the Board of Valuation and Assessment, which shall have the same effect as tax bills made out and authenticated by him on assessments of other property, and shall list the same with the Tax Receiver for collection, and said tax bills shall be due and payable at the same time, subject to the same discounts and penalties, and be collectible by distraint, garnishment and suit, as now provided by law, with respect to other tax bills due the city.

9. Penalty against corporation failing to report. Any corporation or officer thereof wilfully failing or refusing to make reports as required by this act shall be deemed guilty of a misdemeanor, and for each offense shall be fined one hundred dollars, and five dollars for each day the same is not made after October first of each year, to be recovered by indictment or civil

action, in the name of the city, in the Circuit Court of the county in which such city is situated.

10. **Stockholders not required to list stock if corporation pays tax.** The individual stockholders of the corporation, which is by this act required to report and pay city taxes upon the corporate franchise, shall not be required to list their shares in such corporation so long as the corporation pays the city taxes on the corporate property and franchises as herein provided.

11. **Receiver or assignee to report for corporation.** Should any corporation required to make the report, as hereinbefore provided, be in the hands of or under the control of a receiver, or other person, it shall be the duty of such receiver or other person to make the return and valuations as required by this act.

12. **Assessor may fix values if corporation fails to report.** Should any corporation, company or association fail to make the report as required herein on or before the first day of October of each year, the City Assessor shall proceed to ascertain the facts and values as required by this act, in such manner and by such means as he deems proper, at the cost of the corporation, company or association failing to make the report, and shall fix the value of the corporate franchise liable for taxation, as provided in this act, and the corporation, company or association shall be taxed accordingly.

13. **Railroad exempt from this section.** This act shall not apply to railroad or other corporations required by law to be assessed by the Railroad Commission. (*This section is an act of March 19, 1898; the numbers of the subsections are the numbers of the sections of the act.*)

§ 2984b. **Time of payment—lien.** That the revenue derived from taxes based on income, licenses and franchises in lieu of an ad valorem tax, shall be paid at such time in the fiscal year, and apportioned and distributed, as may be fixed by ordinance of the General Council, for the same purposes as the revenue derived from the ad valorem tax. In default of the payment of such license taxes at the time fixed by ordinance, a penalty of five per cent shall be added thereto and interest on the amount of such license taxes shall be computed and paid by the delinquent from that date at the rate of six per cent per annum until paid.

A lien prior and superior to all others, except State taxes, whether acquired before or after the maturity of such license taxes, shall exist in favor of the city from and after the date such license taxes become due and payable, for the amount thereof, and such penalty and interest, upon all the property, real and personal, of such delinquent, which lien shall be enforceable, by suit in the name of the city in the Circuit Court, and in such suit a personal judgment may also be obtained against such delinquent for the amount of such license tax, penalty, interest and costs of suit. (*Act of 1904.*)

(b) Assessments.

§ 2985. **Assessor to return five assessment books.** In making the assessments and lists provided for herein, the Assessor shall, before the tenth day of November in each year, or as soon thereafter as practicable, make and return not less than five assessment books, and shall cause to be entered therein, as near as may be in alphabetical order, the names of all persons who are the owners or holders of lands, improvements or personal property, and opposite the name of each person, owner or holder, the number and block of each of his lots, according to the maps in the Assessor's office; and the aggregate value of each parcel of land and the value per front foot, when such parcel fronts on a public way; the value of the improvements and the assessed value of the personal property.

§ 2986. **Lots designated by numbers—mistake—additional assessments.** Any lot of land which is not now designated by a number in the Assessor's maps, and any lot of land which is not so designated, but is hereafter subdivided, shall be designated by said Assessor by an appropriate serial number, and shall by such number be designated in the assessment books. No mistake in, or omission of, the right name of the owner or holder of lands

§ 2985. **Assessment and taxation—** property and persons liable. *City v. Sonne*, 148 Ky. 394; 146 S. W. 739.

This section held constitutional. *Wooley v. City of Louisville*, 24 R. 1357, 71 S. W. 893. The city in which the land lay may assess it for taxation under the facts stated. *Kentucky Lands Investment Co. v. Fitch*, 144 Ky. 273; 137 S. W. 1040.

§ 2986. **Mistake in name.** Where property was assessed as required by above section a mistake in the name of the person does not violate the assessment, and an owner of property can not complain because his interest in such property was not ascertained before judgment against him on a tax bill, because he knew what interest he owned and no claim is

or improvements liable to be assessed under the provisions of this act shall impair any assessment thereof, if such land be designated in said books by its corresponding number and block on said map; or if such improvement be there designated by the number and block of the land on which it rests; or if such lands and improvement be otherwise fully identified in said books. The General Council may provide for additional assessment maps whenever necessary.

§ 2987. **Assessor to view property before assessing it.** The Assessor shall, before assessing any land or improvement, view the same, by himself or an assistant; and before assessing goods and chattels, go upon the premises where the same or the greater part thereof may be found. His failure so to do shall not invalidate the assessment.

§ 2988. **Owners and fiduciaries to return lists—proceedings in case of failure.** Every person owning or holding taxable property, in his own right, or as a fiduciary, guardian or agent, shall return to the Assessor, or his assistant, a true list of such property, real and personal, upon blanks therefor prepared by the Assessor, in the form prescribed by ordinance, together with the value of all personalty, and make oath before said Assessor or one of his assistants. Should the Assessor conclude that in any list so filed the taxpayer has either omitted to list any of his property subject to taxation, or has valued any so listed too low, the Assessor may assess the property so omitted, or raise the valuation of the property which he considers to be assessed too low, and shall thereupon send notice through the mail to the owner or holder either that he has assessed the property omitted, or raised the valuation of the property assessed too low, as the case may be.

Any person thus notified may, within fifteen days after the mailing of a notice to him, file in the Assessor's office a complaint either that the property which the Assessor has thus assessed is

made that he tendered or offered to pay the amount he actually owed. *Joyes v. City of Louisville*, 26 R. 713; 82 S. W. 432; *Wooley v. City of Louisville*, 24 R. 1357; 71 S. W. 893; *City v. Sonne*, 148 Ky. 394; 146 S. W. 739. Under Secs. 2986, 2991, 2997 to 3009 limitation does not com-

mence to run until after the correction where the property was assessed in the name of another than the owner. *City of Louisville v. Louisville Courier-Journal Co.*, 27 R. 263; 84 S. W. 773; see also 140 Ky. 664; 131 S. W. 509.

not subject to assessment, or that the valuation which the Assessor has thus put upon his property is too high, as the case may be. If any person files such a complaint within said time the assessment shall not become binding nor shall any bill be issued thereon until it be passed upon by the Board of Equalization, as other such matters are passed upon by said board.

In case of the failure of any one to return a list of his property as hereinabove, true in quantity and value, under oath, said Assessor may, according to the best information he can obtain, assess the lands, improvements and personal property.

The city court shall, at the instance of the Assessor, by rule or process of contempt, enforce upon delinquents the return, under oath, of the list above required. (*Amended October, 1917, Legislature.*)

§ 2989. **Duty of Assessor to examine records and make inquiries.** The Assessor shall make diligent search among the conveyances and probated wills recorded in the County Clerk's office, and among the confirmations of sales in the courts from day to day; and shall also, by personal inquiry in his yearly rounds, seek to learn about every death among the owners of lands or improvements in said city, by which the same may devolve upon others.

§ 2990. **Heirs, devisees and joint owners, how assessed—future estate—lien—purchasers.** He is directed not to assess any property in such a name as "A B's heirs," or "A B's devisees," or "A B's executors," or the like; but he may assess lands or improvements thus: As "A B's unknown heirs" or "unknown devisees," or the like, when the name cannot be obtained after diligent inquiries have been made. When the joint owners are more than three in number, three of the names, with the addition "and others" shall suffice; and where remainders, and reversions of future estates are outstanding, the holder of the particular estate shall be assessed with the words "holder of present estate" added to his name; but whenever the names of all the owners are not given, no lien for the taxes shall arise to the detriment of any purchaser from those not named, unless the assessment, by its own terms, or by reference to the city maps, identifies the lands or improvements therein embraced.

§ 2990. See *Fenley v. City of Louisville*, 119 Ky. 569; 84 S. W. 582. City of Louisville v. Sonne, 148 Ky. 394; 146 S. W. 739.

§ 2991. **Assessment in wrong name—failure to assess—retrospective assessment.** Whenever, by any complaint of the party assessed or otherwise it appears that any property has been assessed in a name other than that of the owner or holder, the City Assessor shall, after notice, through the mail to the owner or holder, at the time of the notice, make the correction, whether for the current, or preceding year, in his books, and certify such correction to the Tax Receiver; and to the corrected assessment and to the retrospective assessment hereinafter authorized, the remedies of Sections 2997 and 3009, both inclusive, shall attach, beginning with the first of May after the correction of retrospective assessments is certified to the receiver. When any lands or improvements, or personal property, shall not be assessed in any one year, they may, when the omission is discovered, be assessed retrospectively for that year at any time not later than five years thereafter; but the lien thereby accruing to the city shall not prejudice the right of purchasers acquired in the meantime; and for any damage arising to the city by the loss of lien, the Assessor guilty of the omission, together

§ 2991. **Assessment in wrong name.** Above section does not apply after the assessment has been made and no complaint made. *Joyes v. City of Louisville*, 26 R. 713; 82 S. W. 432; *City v. Louisville Courier-Journal Co.*, 27 R. 263; 84 S. W. 773; 140 Ky. 664; 131 S. W. 509; *City of Louisville v. Sonne*, 148 Ky. 394; 146 S. W. 739.

(2) **Retrospective assessments.** Where property taxable in a city is not assessed there during the period prescribed by statute for making the assessment, the assessor is authorized, independently of statute, to assess it retrospectively at any time before the right to assess and collect taxes is barred by the statute of limitations. *Botto's Ex'r. v. City of Louisville*, 79 S. W. 241; 117 Ky. 798; see *Com. v. Nute*, 115 Ky. 239; 72 S. W. 1090.

Retrospective assessment of personalty. Even before the amendment of 1906 the city of Louisville had the right to retrospectively assess personal property that had been omitted from assessment. *Hegan v.*

City of Louisville, 106 S. W. 805; 32 R. 668; 1082; 107 S. W. 809.

Retrospective assessment—notice. Although a person retrospective assessed alleges that he had no notice of the assessment, this is not sufficient ground to enjoin the collection of the tax. The statute does not require that the notice be received, only that it be sent. It is the duty of a person objecting to a retrospective assessment and who has not received the notice required by law to make known his objection as soon as he learns that the retrospective assessment has been made. *Id.*

Injunction against collection of tax under retrospective assessment. In seeking to enjoin a retrospective assessment the plaintiff should allege in his petition that he did not have the property which was assessed to him retrospectively in addition to that which had been included in his original assessment. *Id.* See further on this section *City of Louisville v. Louisville Courier-Journal Co.*, 140 Ky. 664; 131 S. W. 509; *N. Vernon Lumber Co.*, 163 Ky. 467; 177 S. W. 1120.

with his bondsmen, shall be liable. Any person thus retrospectively assessed may, within thirty days after the mailing of a notice thereof to him, file in the Assessor's office the complaint provided for in the next section. If he does so, the assessment shall not become binding, nor shall any bill be issued thereupon until it be passed on as in the next section provided. (*Section as amended by act of March 21, 1906.*)

§ 2992. **Assessment books to remain open—correction of errors.** The assessment books in the section named shall remain open in the Assessor's office from the fifteenth to the thirtieth of November, and any one who thinks that his personal property, lands or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value, may, before the last named day, file with the Assessor his complaint, specifically describing the property claimed to be assessed beyond its value and the alleged excess. The Board of Equalization shall investigate all complaints duly filed and shall, according to the justice of the case, approve, reduce or raise the assessment. When any complaint is heard by the Board of Equalization, whether the same is filed under this section or any other section of the Kentucky Statutes, the burden of proof shall be upon the person complaining to show that his property has been assessed beyond its value, or that he did not own the property sought to be assessed on the assessing date involved, as the case may be.

If the board be of the opinion, on investigation, that any assessment is too low, it shall thereupon notify the taxpayer, through the mail, stating the value which, in its judgment, shall be put upon the property involved and fix a day for such a taxpayer to appear before it, not earlier than five days, exclusive of Sundays and holidays, after the mailing of such notice. If the taxpayer should appear he shall be given an opportunity to show why the value suggested by the board is not correct, and the board shall thereupon fix the assessment of such property. If such taxpayer does not appear before the board at the time set, the board shall fix what, in its judgment, is the proper value of the property involved.

In all cases the action of the board shall be final. (*As amended by acts 1917.*)

§ 2993. **Board of Equalization—number of vacancies—power.** The Board of Equalization shall consist of three citizens of the city, to be elected annually in September by the Board of Aldermen. They may be removed by the General Council. Vacancies caused by such removal, or by death, resignation or departure from the city, shall also be filled by the Board of Aldermen. The General Council may compensate the members of said board out of the treasury at a rate not exceeding ten dollars to each for each day's service. Two members shall make a quorum. If two or all of the members of the board fail to attend, the Mayor may, by writing, under his hand, appoint others to take their places for the time being. The board, when made up in whole or in part of such appointees, may reduce or increase assessments, as provided for in the next preceding section.

The chairman of the board is hereby authorized to summon and swear witnesses, and to hear such evidence as may be competent with reference to any matters pertaining to the assessment of property.

The Board of Equalization, after convening in November, shall close its session during the month of December following. (*Approved May 2, 1917.*)

§ 2994. **Failure to elect board—complaint of taxpayer—proceedings.** If in any year a legal board of equalization is not elected, or fails to meet, or fails otherwise to perform any essential act, or if, in any year, the assessment books should not remain open for the requisite time, the tax bill shall not thereby become void; but when any taxpayer, in such a case, complains of the assessment upon him, such a board shall then be chosen in the manner indicated, or the board theretofore chosen shall meet, as the case may be, and hear all complaint in the manner stated; and the collection of tax bills from those so complaining shall be suspended till the board has heard and disposed of their complaints.

§ 2993. **Board of Equalization—Appointment.** Board appointed by the Mayor without consent of council was invalid; so if the board was not appointed at the proper time. *Slaughter v. Louisville*, 89 Ky. 112; 8 S. W. 917; and see *Wooley v. City*, 114 Ky. 556; 71 S. W. 893.

§ 2994. **Levy and assessment of taxes—**An objection that the board of aldermen did not elect a board of equalization by vote viva voce held unavailing to defendant. *Woolley v. City of Louisville*, 71 S. W. 893; 114 Ky. 556.

§ 2995. **Board to keep journal—place and time of meetings.** The Board of Equalization shall keep a full and true journal of its proceedings, which is to be preserved as part of the city records. The board shall hold its meetings at the Assessor's office. It may be reconvened by the Mayor, from time to time, to pass on the complaints of those retrospectively assessed.

§ 2996. **Tax bills—when to be listed with Tax Receiver when payable—evidence.** The Assessor shall, during the month of December in each year, or as soon as the rates for the coming year are fixed, begin to make out the tax bills according to the provisions of the ordinances of the city levying taxes for the corresponding year, or according to the levy provided for in Section 2981,* as the case may be, and shall list such bills for collection with the Tax Receiver by the third day of January following, or as soon thereafter as practicable; said tax bills shall be payable on the third day of January, and due on the first day of May in the year for which made out. The taxes on personal property may be included with those on some one parcel of land and improvements. Each bill shall be authenticated by the Assessor by his signature, or a stamped fac simile thereof, and when so authenticated, it shall be prima facie proof that all steps have been taken to make it a binding tax bill for the amounts and purposes, and against the person and property therein named or described; and this rule of evidence shall apply to the tax bills of eighteen hundred and eighty-five and eighteen hundred and eighty-six that have been so authenticated under the ordinance of the General Council.

§ 2995. **Meeting of tax commissioners—notice of sittings.** A failure of the board of tax commissioners to meet at stated time invalidated the tax levy for that year. A notice signed by the assessor alone was not a compliance with the law, which required notice by the board of tax-commissioners. *Slaughter v. Louisville*, 89 Ky. 112; 8 S. W. 920. See changes made by the present law.

§ 2996. **Tax bills—prima facie evidence.** Section of city charter making "tax bill" prima facie evidence of valid assessment, etc., is valid. *City of Louisville v. Johnson*, 95 Ky. 254; 24 S. W. 875; *Wooley v. City*, 114 Ky. 556; 71 S. W. 893.

*In Acts 1891, '92, and '93, this reference is to sec. 213 of that act; evidently this is a mistake.—Ed. See also as to burden of proof, *Albin Co. v. City of Louisville*, 25 R. 2055; 79 S. W. 274; *City of Louisville v. Louisville Courier-Journal Co.*, 140 Ky. 664; 131 S. W. 509; *Bell's Trustee v. City of Lexington*, 120 Ky. 199; 85 S. W. 1081; *Security Trust & Safety Vault Co. v. City of Lexington*, 203 S. W. 323.

The limitation upon tax bills does not begin to run until the first day of May when the taxes are due. *North Vernon Lumber Co. v. City of Louisville*, 163 Ky. 467; 177 S. W. 1120.

(c) Collection and payment of taxes.

§ 2997. **Tax bills listed with receiver—discounts for prompt payment.** The Assessor shall make out the tax bills, and shall list such bills for collection with the Tax Receiver by the third day of January following, or as soon thereafter as practicable; and such taxes shall then be payable at the Tax Receiver's office. Those paid in January or the first ten working days in February shall be reduced by a discount of three per cent, and those paid in the rest of February by two per cent, and those paid in March by one per cent.

§ 2998. **Remedies for collection of taxes—interest—penalties.** Within a reasonable time after the tax bills for the year have been listed with the Tax Receiver, he shall, by himself, deputy, or employes, mail to every person against whom any tax bill has been listed, to the guardians and committees of infants and lunatics, and to the agents of absent property owners, whose address is unknown to him, a postpaid notice, directed to the best of his knowledge, giving a brief description of the property taxed, stating the number and amount of the bill, or bills listed against the taxpayer addressed, the date of their maturity, and the penalties imposed for nonpayment; but the failure of the Tax Receiver to send such notice, or of the taxpayer to receive

§ 2997. See cases cited under 2986, and also *City of Louisville v. Becker*, 139 Ky. 17; 129 S. W. 311; holding that one voluntarily paying taxes illegally assessed before they are due so as to secure a rebate, can not recover. Under sections 2986, 2991, 2997, 3009, limitation against an action for the collection of taxes does not commence to run till after the correction, where the property was assessed in the name of another than the owner. *City of Louisville v. Louisville Courier-Journal Co.*, 27 R. 263; 84 S. W. 773.

Discount provided by this section held valid and not violative of constitution section 171 or 180. *Board of Education v. Sea*, 167 Ky. 772; 181 S. W. 670.

§ 2998. (1) **Collection of taxes by action—defenses.** *Fonda v. City*, 20 R. 1652; 49 S. W. 785; *Reed v. City*, 22 R. 1636; 61 S. W. 11; *Walston v. City*, 23 R. 1852; 66 S. W. 385; for

full discussion see *Woolley v. City*, 114 Ky. 556; 71 S. W. 893.

(2) **Mode of enforcement.** The Legislature, having the power to enforce the tax, can not be restricted in its mode of collection; but it can not extort from the property owners under the guise of taxation more than the value of the property subjected directly to the tax. *Broadway Baptist Church v. McAtee*, 8 Bush, 508.

(3) **Rate of interest.**—Section 2998, Kentucky Statutes, fixes the rate of interest that must be paid on uncollected tax bills. *Joyes v. City of Louisville*, 26 R. 713; 82 S. W. 432.

The provision of this section being the amended act of March, 1906, providing that delinquent taxes shall bear interest after the first year of their delinquency at the rate of one per cent per month, held constitutional. *Specht v. City of Louisville*, 135 Ky. 548; 122 S. W. 846. The in-

it, shall not invalidate the tax, nor the interest, or penalties provided by this act, nor any subsequent proceeding for the collection of either. All of the tax bills uncollected, in whole or in part, on the first day of May, succeeding the day on which they were listed with the Tax Receiver for collection, shall be due, and thereafter shall bear interest at the rate of one-half ($\frac{1}{2}$) of one per cent (1 per cent) for every month or fraction of a month from said first day of May, until paid, or until the property of the delinquent has been sold for the tax, as hereinafter provided. Upon the first day of July succeeding the day on which the tax bills were listed with the Tax Receiver for collection there shall be added to all tax bills then unpaid a penalty of ten per cent (10 per cent) on the face of the bill, which shall be in addition to the interest above provided for.

Tax bills assessed against an administrator, executor, or trustee, shall be a charge against the whole succession of trust estates, and may be enforced accordingly, aside, in either case, from the other remedies hereinafter given.

§ 2999. **Who to be liable for taxes.** Every guardian, committee, trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any County Clerk's office therein, who has the management of any lands or improvements in the city, and every agent of a non-resident of Kentucky owning property in the city, who collects the rent thereof, or the husbands of women owning such lands or improvements, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall before the first of July of each year pay out of the net income of such lands and improvements, the city tax assessed upon the same in the preceding year, with accrued interest, before applying such income to the wants of, or paying it over to his beneficiaries or employer, any instructions of the latter notwithstanding and, in default thereof, he shall be liable for such tax

terest and penalties provided for by the corresponding section in the old act were not remitted by the act of 1910, p. 208. *Louisville Car Wheel & Ry. Supply Co. v. City of Louisville*, 146 Ky. 573, 142 S. W. 1043. See further on this section *City of*

Louisville v. Louisville School Board, 119 Ky. 574; 84 S. W. 729.

(4) **The discount allowed** by the charter of the city for payment of taxes before they become due applies only to the levy for school purposes. *Board of Education v. Sea*, 167 Ky. 772; 181 S. W. 670.

to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings in any court of competent jurisdiction in which it shall not be an answer that the city has a security in its lien upon the lands and improvements, and right to sell same for taxes.

§ 3000. **Tax Receiver—report.** The Tax Receiver shall, as early in the month of July as is practicable, make a list of all the tax bills remaining wholly or in part unpaid on the first of July. He shall at once file the list with the City Comptroller. For reporting falsely, he shall answer to the person aggrieved for all costs, penalties and damages caused thereby; but neither a false report, or a failure to report, shall invalidate subsequent proceedings under this act.

§ 3001. **Collection—interest—penalty — lien—sale.** Immediately upon the filing of these lists, the Tax Receiver or one of his deputies, shall distrain the goods and chattels owned by, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon same, except that for State taxes, and may proceed to sell the title of such person in so much thereof as will pay the tax due with penalties, interest and costs. If there be no personal property reasonably available, out of which said bills can be collected by such distraint, the Tax Receiver shall sell any real estate belonging to such delinquent taxpayer, or enough thereof to pay the taxes due, with interest, penalties and costs, except that where there are bona fide mortgages or vendor's liens of record on real estate, only liens now given by law shall be enforced by such sale. No warrant shall be required for such distraint or sale of either personal or real property, but the tax bill, unpaid in whole or in part, shall give sufficient power for such distraint and sales, and all subsequent proceedings thereunder. He shall thus in each case make out of the property of the person assessed, the amount of the tax bill, or the unpaid part thereof, together with interest at the rate of one-half ($1\frac{1}{2}$) of one per cent (1 per cent) per month, or fraction of a month,

§ 3001. **Penalty for non-payment on the day.** The exaction of ten per cent for non-payment of the assessed tax within a prescribed time is not a penalty for enforcing which an indict-

ment or other judicial process is necessary, but is only a provisional and valid increase, pro rata, of the assessment. *Lou. City Ry. Co. v. Louisville*, 4 Bush 478.

from the first day of May last past, and ten per cent (10 per cent) on the face of the bill. Said tax bills shall have the force and effect of an execution issued upon a judgment against the delinquent, in addition to the tax lien now provided by law. The city shall have a lien on personal property as provided in case of real property, for its taxes. A sale of personalty under such tax bills shall be for cash, and levy, advertisement, sale and delivery to purchaser shall be made in like manner as of goods levied upon under execution on replevin bond. When such tax bills are against a married woman, they may be also levied upon such goods of her husband, not exempt from levy under a like tax bill against himself, and found on any of the lands or improvements for which the married woman is assessed. A sale of real property under such bills shall be for cash, and in such cases the Tax Receiver shall sell at public auction so much of the property of the delinquent as shall pay the taxes due, with penalties, interest and costs, in the same manner that property is sold under execution, except that the sale shall be had at the door of the City Hall of the city in which the land lies, and need not be appraised or levied on. Such sale shall be advertised by posting for fifteen (15) days before the sale, a written or printed notice at the City Hall door, and by publication once a week for four (4) weeks prior to the day of sale, in the newspaper published in the English language, selected by the General Council, to print its proceedings and ordinances; and the Tax Receiver shall, not less than fifteen (15) days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of the sale; and in order to cover the cost of such advertisement and notification the Tax Receiver shall have two dollars (\$2.00) for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the city, and money so received shall be paid by the Tax Receiver into the City Treasury; but the failure of the Tax Receiver to send, or of the taxpayer to receive the mail notice of sale herein required, shall not invalidate the sale of any subsequent proceedings thereunder.

§ 3002. **Purchase by city—redemption.** If at any sale for taxes of real property, no one will bid for or purchase the prop-

erty offered for sale, at the amount of the tax, the charges due, and the cost of sale, including the cost of advertising, it shall be the duty of the Tax Receiver to purchase same for the city, for the amount of the tax due, with interest and penalties and costs of sale thereon. The owner of the real estate so sold, his heirs, representatives, assigns, shall have the same right to redeem such real estate from the purchaser thereof at any time within two years from the day of sale, as is provided by law in the sale of real estate under execution, by paying to the Tax Receiver the amount of the purchase price at said sale, with interest thereon at the rate of one per cent (1 per cent) per month, or fraction thereof, from the day of sale; and in case the land is not redeemed before the first day of April succeeding the sale, by paying a further penalty of five per cent (5 per cent) upon the purchase price. During the two years allowed for redemption, and until redemption, the land so sold shall be assessed for subsequent tax levies, in the name of the delinquent owner. During that time, there shall be no sale of the land for the collection of such later tax bills, but the delinquent shall be required to pay said bills, with interest and penalties as above provided, upon the redemption of the land, in addition to the payment of the purchase price, with interest and penalties as hereinabove required. All moneys paid in redemption of land sold for city taxes, shall be paid to the Tax Receiver of the city, who shall account for such moneys in the same manner and to the same officer as is required of him in the regular collection of taxes; except that, when the purchaser at a tax sale is not the city, the Tax Receiver shall pay over to the purchaser upon proper receipt, the amount of the purchase price, with interest and penalties thereon; but all moneys paid by the delinquent at the time of redemption in discharge of the bills against that land which was assessed subsequently to the tax for which the sale was had, shall be accounted for by the Tax Receiver as are other tax collections; and it shall be the duty of the Tax Receiver to promptly notify the purchaser at a tax sale of the redemption of the land purchased by him, by postpaid letter or card. [Provided that infants whose lands have been sold for taxes under the provisions of this act, shall have one year after they become of age within which to redeem said lands, and provided that the same penalty and interest shall be

charged against infants' lands until redeemed, and all other delinquent tax bills with interest and penalties shall be paid upon redemption.] (Language in brackets added by act of 1916.)

§ 3003. Reports—certificate of purchase. The Tax Receiver shall within sixty (60) days after same are made, report the result of all tax sales to the Comptroller, giving the number and amount of the tax bill or bills, for which the sale was had, the date of sale, the amount bid, and the name of the purchaser; and he shall keep such a record in his own office in an appropriate book, in which an alphabetical index shall be kept of the names of the delinquents whose properties have been sold, and said book shall contain a column or space opposite each record of sale, in which shall be entered a record of the redemption of the land, or of its conveyance to the purchaser in case it be not redeemed.

Upon the purchaser of any realty, the Tax Receiver shall deliver to the purchaser, other than the city, upon payment of the price, a certificate in substantially the following form::

"This is to certify that on this day, whose Post Office address is No. Street, City of, State of purchased at a tax sale of the city of the following described real estate in said city:

.....
.....
.....
.....

Said purchaser has paid therefor the sum of \$....., which represents the tax, penalties, interest and costs, on the following tax bills to the date of sale:

Year	No. of Bill	Person Assessed	Face of Bill
.....
.....

Witness my hand and seal this day of, 19...

.....
Tax Receiver of City of"

§ 3003. Lien—personal liability of owner—agent or personal representative. Under sections 3003 and 3005, not only a lien may be enforced, but a personal judgment may be rendered under either section against the owner of property or against the trustee, personal representative or agent in his fiduciary capacity for taxes due the city, and which became due more than five years before the filing of the petition. City of Louisville v. Robinson's Ex'or, 119 Ky. 908; 85 S. W. 172.

The Tax Receiver shall keep a duplicate of such certificates and a record of all proceedings taken by him at such sales. Should any person bid at such sale the amount to be raised, and then fail to pay same, the Tax Receiver shall immediately re-sell said property. No levy or attempted levy upon personalty shall be necessary to validate any sale of realty, whether such realty be sold for taxes on realty, or on personalty, or both.

§ 3004. **Vesting of title—time.** If the land be not redeemed within two years from the date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to State taxes. Thereupon, the Tax Receiver then in office, shall convey the property by deed to the purchaser, who shall then be entitled to possession of the property, and have the right to recover same by suit or motion, as may be found most appropriate: *Provided*, that it shall be the duty of a purchaser, other than the city, to pay all later tax bills, owing to the city, with interest, as provided in Section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the Tax Receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of the sale, and of all prior proceedings and title in the person to whom the deed has been executed.

The City Comptroller may advertise and sell at public auction any lands which were purchased by the city at tax sale, and to which the city has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and manner of sale by ordinance of General Council. No real property thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city longer than five (5) years after being vested with title and unless the same is sold and conveyed by the city within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky.

§ 3005. **Power to enforce collection.** In addition to the powers given to cities of the first class by the foregoing provisions of this act, for the collection of taxes by sale of the delinquent's

§ 3004. The old section was enacted in lieu of Sec. 2779. *City of Louisville v. School Board*, 119 Ky. 575; 84 S. W. 729.

§ 3005. (1) **Action to recover taxes—limitation.** When limitation begins to run against city as to right to maintain suit to recover taxes. City

property under a tax bill, such cities shall have the power to enforce collection of any tax bill due them by all remedies given for the recovery of debt in any court of the Commonwealth otherwise competent for that purpose.

This act shall in no wise invalidate or suspend any suit or action now pending for the enforcement of any tax now due, but said suits and actions may be prosecuted as though this act had not been passed. In addition, all the remedies provided in this act, shall apply to any unpaid tax bills, whether assessed for the year 1910, or any previous year.

All tax bills, for whatever year levied which shall be owing a city of the first class, on June 30, 1910, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this act, both as to interest and penalties (including the penalty of ten per cent (10 per cent) to be added on July first) as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in July, 1910, proceed by sale as herein provided.

(Secs. 2998-3005, inclusive, are a part of an Act of March, 1910.)

Repealing clause. That all other laws, and parts of law, not mentioned in sections one, two and three of this act, and in conflict with the provisions thereof, are hereby repealed. (*This repealing clause applies to Sections 2998-3005, inclusive, and under it all laws in conflict with these sections are repealed.*)

of Louisville v. Johnson, 95 Ky. 254; 24 S. W. 875; see Wooley v. City, 114 Ky. 556; 71 S. W. 893; Com. v. Nute, 115 Ky. 239; and Notes, sec. 2998.

(2) **Power to compromise claims for taxes.** Under Con. Sec. 52, the general council has no power to compromise a claim for taxes after the assessment has been regularly made and the claim has come into the hands of the collecting officer; and especially has the general council no such power after the city attorney has brought suit on the unpaid tax bill, as provided by above section.

The city attorney of a city of the first class has no power to compromise claims for taxes either before or after suit is brought. City of Louis-

ville v. Louisville R. Co., 111 Ky. 1; 63 S. W. 14; 98 Am. St. Rep. 387.

(3) **Sale of real property to pay taxes.** The power to sell real estate for taxes, if not granted in express words in the city charter, must necessarily be implied from the language used. Redemption—conveyance to purchaser, Johnson v. Louisville, 11 Bush, 527.

(4) **Construction of statutes.** Section 3005, will not relieve appellant of the liens in the other actions in which he was made a party because he can not claim both under and against the judgment at the same time, and having made his purchase subject to the lien of the city he can not afterwards claim that he holds free of that lien. Burton v. City of Louisville, 27 R. 514; 86 S. W. 72.

§ 3006. **Realty and leasehold estates—lien—errors not to release.** The fee-simple of all lands in the city, and the full term and renewal of every leasehold carrying with it the value of the

(5) **Statute of limitation.** This action to recover taxes was filed in 1888. The answer was filed in 1891, and an amended petition was filed in 1897. The defendant then filed an answer pleading the statute of limitation as a bar on account of laches in prosecuting the action with diligence. **Held,** that delay in bringing to trial an issue made by the parties does not again set in motion the running of the statute which had been arrested by the filing of the suit. *City of Louisville v. Hornsby's Ex'ors, etc.*, 23 R. 1238; 64 S. W. 996.

(6) **Commencement of action.** Under section 2524, providing that an action shall be deemed to have been commenced at the date of the first summons or process issued in good faith from the court having jurisdiction where the plaintiff did not know that the defendant was a non-resident the action was deemed to have commenced by the filing of the petition and the issual of a summons. *Walston v. City of Louisville*, 23 R. 1852; 66 S. W. 385.

Act providing for interest on taxes not special legislation. The provision allowing interest on past due tax bills is not in violation of the Constitution, as special legislation, although a different rate of interest is provided for in another class of cities and no interest allowed on past due State, county or district tax bills, *Id.*

Appeals. An appellant has a right to have an appeal granted by the clerk of the Appellate Court at any time within two years after the rendition of the judgment, whether or not the appeals granted in the court below have been dismissed.

(7) **Lien for taxes—limitation—purchaser for value.** Where appellant took no step in the prosecution of its action for tax after filing it for more than fifteen years, and in the meantime appellee in good faith became a lender for value and without notice of the pendency of the suit or claim of appellant for taxes, a *lis pendens* did not exist in favor of

the city at the time the interests of appellee intervened. Under the statute providing that limitation shall run against both State and municipal taxation, a city's right to enforce a tax lien may be lost by inexcusable laches. *Siebert v. City of Louisville*, 101 S. W. 325; 125 Ky. 292.

Practice. The rule is that a party claiming the benefit arising from a *lis pendens* must, in order to entitle himself to it against the bona fide purchaser, show that the suit had been prosecuted with reasonable diligence. *City of Louisville v. Burke, etc.*, 27 R. 896; 37 S. W. 269.

The city having failed to make the mortgagee a party to an action for the recovery of taxes for more than five years after the city had instituted the action, the mortgagee can not plead the five years statute of limitation in bar to city's prior lien on the property as to the mortgagee. *Rissberger v. City of Louisville*, 118 S. W. 319.

Statute of limitations does not begin to run until August 20th of the year for which a tax bill is made out. *Chatterson v. City of Louisville*, 145 Ky. 421, 536; 140 S. W. 647.

Reserve Fund of Domestic Life Insurance Company subject to taxation Commonwealth Life Insurance Co. v. *City of Louisville*, 145 Ky. 284; 140 S. W. 306.

Taxes voluntarily paid under mistake of law or fact can not be recovered. *City of Louisville v. Becker*, 139 Ky. 17; 129 S. W. 311.

Revenue Act of 1910 is retroactive and valid. *Louisville Car Wheel & Railway Supply Co. v. City of Louisville*, 146 Ky. 573; 142 S. W. 1043.

In filing a tax suit the City must file a **notice of lis pendens** in the County Clerk's office as required by Sec. 2358a. *Carter v. City of Louisville*, 147 Ky. 791; 145 S. W. 739. See also *City of Louisville v. Sonne*, 148 Ky. 394; 146 S. W. 739; *City of Louisville v. Kohnhorst*, 25 R. 532; 76 S. W. 43.

§ 3006. The lien of the city for taxes not impaired by sale of land

improvements thereon, shall be subject, from and after the first day of September of each year, to a lien for the city tax, to be assessed thereon for the succeeding year, which lien shall be superior to homestead right and to all encumbrances, whether made before or after that date, except State taxes, and shall take precedence of dower, curtesy, remainders, reversions, or future estates; and from the beginning of the action a lien for each tax bill assessed against the same owner or set of joint owners shall also arise upon every piece of land or improvement still owned by him or them, with a view to the sale of less than all the pieces for all tax bills, subject to such marshaling of burdens as against third parties as the rules of equity may require. The court may allow a purchaser or encumbrancer to release any parcel on payment of its tax, with interest and share of costs. The lien herein given for taxes shall attach, though through error in the proceedings for any year the tax bill may be unenforceable, in which case the lien reaching back to the date named shall support the city's claim for the taxes that may be imposed afterward for the year in question by any curative act or acts of the Legislature.

§ 3007. **Collection of taxes due by infants and persons of unsound mind.** The goods of infants, or persons judicially found to be of unsound mind, shall not be distrained for the taxes assessed on their lands or improvements; nor shall their lands, during their disability, be sold for less than two-thirds of their appraised value on any judgment of sale rendered for taxes and costs alone, when those lands or improvements have come to them through descent, distribution or devise, or the gift of settlement of some person then deceased, or have belonged to persons of unsound mind before they became such; nor shall, for taxes chargeable to the owner of the particular estate, the entire estate be sold for taxes and costs alone at less than two-thirds of the appraised value, so as to defeat reversions, remainders or future estates while any future estates are outstanding, unless the reversioners or remaindermen are ascertained and are full of age; nor shall such entire estates be put up to sale, unless the particular estate of the taxpayer had first been put up and has failed to bring the amount of the taxes and costs.

§ 3008. **Unlawful distraints and garnishments—remedies—injunction.** Any court of competent jurisdiction, not inferior to a circuit court, may, in the established modes of proceedings, and upon existing principles of law or equity, give redress against unlawful distraints or garnishments of rents that may be wrongfully made or threatened under color of this act; but no injunction shall be granted in such proceeding, except by the court or its judge, nor otherwise than upon notice to said city, and after a hearing.

§ 3009. **Receiver of court or attorney for city to pay taxes collected to city receiver.** The receiver of the circuit court, and all other ministerial officers in the county, shall pay directly to the tax receiver for the time being, on his own receipt, without the intervention of an attorney, the amounts received by the said city for taxes in any judicial proceeding. Where, from any cause, moneys so recovered have come into the hands of an attorney on behalf of the city, he shall deliver them to such tax receiver.

SUBDIVISION XXVIII.

Sinking Fund and Water Works.

§ 3010. 1. **Sinking fund—commissioners—number and election.** The sinking fund to pay the bonded debt of the city is hereby continued as now established by law, and shall consist of

§ 3010. (1) **Commissioners** — election by council under old charter. *Tillman v. Otter*, 93 Ky. 600; 20 S. W. 1036; 29 L. R. A. 110; as to eligibility of persons who lived in territory annexed to the city, see *Gibson v. Wood*, 105 Ky. 740; 49 S. W. 768.

(2) **Gold bonds.** City may make its bonds payable in gold, although the act authorizing their issue is silent on this subject. *Farson v. Board of Coms.*, 97 Ky. 119; 30 S. W. 17.

(3) **Levy for sinking fund** may be omitted in any year by the council, and when so omitted the commissioners of the sinking fund can not compel the council to make the levy. *Coms. Sinking Fund v. Grainger*, 98 Ky. 319; 32 S. W. 954.

(4) **Sinking fund and redemption.** Act of March 9, 1867, created the

Board of Commissioners of the sinking fund of the city of Louisville, Sec. 3010, provides that the sinking fund of the city of Louisville, to pay the bonded debt of the city, is continued as established by law, and that whenever it is apparent to the board that the revenue and available assets of such sinking fund will be insufficient to pay any future maturing bonds of the city, without unduly impairing the sinking fund, the commissioners shall certify such fact to the general council of said city. **Held**, that the corporation known as the "Commissioners of the Sinking Fund" is in existence. *Woolley v. City of Louisville*, 114 Ky. 556; 71 S. W. 893.

(5) **Taxes payable to sinking fund.** Taxes levied for the benefit of the

the Mayor, the President of the Board of Aldermen for the time being, and three persons to be chosen on joint ballot, as hereinafter directed, and they and their successors in office shall continue to constitute the "commissioners of the sinking fund of the city of Louisville," and by that name shall continue to have corporate powers and existence, may sue and be sued, and do and perform all things necessary to execute the duties required and powers given them by this act.

2. **President — compensation of members — by-laws — employes.** They shall annually elect one of their number president of the board, may fill vacancies, have and use a common seal, or act without such seal. They may allow compensation to each member of said board, other than the salaried officers thereof, for attendance upon the meetings of the board, not exceeding ten dollars for each meeting attended; and they may allow a reasonable compensation to said members for any special services that may be required of them by said board. They may prescribe and enforce such by-laws and rules, not contrary to law, as they may deem necessary for the proper conduct of the business and affairs of said sinking fund. Such by-laws may provide for deductions to be made from the compensation of the officers and employes of the sinking fund for neglect of duty or violation of the by-laws. Such commissioners shall elect and appoint all officers and employes of said sinking fund, and shall prescribe their duties and fix their compensation; and all officers and employes of said sinking fund, except the president, treasurer and secretary shall hold their offices at the pleasure of the board, as prescribed by the by-laws.

sinking fund being in substance levied for the payment of the city's debts, the fact that they were made payable to the sinking fund commission did not affect their validity; the council being required to make a levy to meet the obligations of the city and the form in which the levy was made not being prejudicial to the taxpayer. *Id.*

(6) Where a by-law of the Sinking Fund Commissioners provided that officers and employes shall be elected in June of each year, and enter upon their duties August 1st,

following, and serve until their successors are in like manner qualified, it was held that an employe so appointed was entitled to hold for the full year, but could be removed for cause or by a change of the by-laws. *Meffert v. Brown*, 132 Ky. 201; 116 S. W. 779, 1177.

(7) The City will be enjoined from issuing bonds bearing interest from a date prior to maturity when the debt is to be refunded. *Commissioners, etc., v. Zimmerman*, 101 Ky. 432; 41 S. W. 428.

3. **Commissioners how chosen.** The said commissioners other than the Mayor and President of the Board of Aldermen, shall be chosen for the term of three years and until their successors shall have qualified. The General Council shall on joint ballot, in the month of October of each year, elect a commissioner of the sinking fund to fill the place of the commissioner whose term of service expires that year. In the event the General Council fail to elect in that month, then the election shall be made by the commissioners themselves. If the person elected at any election by the General Council shall fail to qualify within ten days next after his election, he shall be regarded as declining to act, and the commissioners of the sinking fund shall elect a person to fill said vacancy at a regular meeting of said board. Nothing in this act shall in any manner interfere with the term of office of any commissioner now elected by the General Council.

4. **Eligibility of commissioners.** No one who is either Alderman, Councilman, or an officer of said city, county or State, shall be eligible to said office of commissioner to be elected by the General Council, and who does not possess the qualifications required for the office of Councilman in cities of the first class.

5. **Oath commissioners and officers to take.** Each of the commissioners of the sinking fund, and the treasurer and secretary of said commissioners, before entering upon the discharge of the duties of his office, shall make oath well, truly, faithfully and according to law, to discharge the duties of his office, which oath being reduced to writing, shall be signed by the affiant and attested by the officer administering said oath, and delivered, filed and kept as part of the records of the sinking fund.

6. **Removal of commissioners from office.** The said commissioners may be removed from office for malfeasance, or misfeasance, by the Board of Aldermen in the same manner as provided for the removal of executive and ministerial officers of cities of the first class.

7. **Penalty for misappropriation of funds.** Any person having charge, control or possession of said sinking fund, or any part thereof, or any of its property, money, or evidences of property or stock or other valuable thing, who shall wilfully embezzle or misapply the same, or any part thereof, shall be deemed guilty of a felony, and on conviction thereof shall be confined in the peni-

tentiary of this State not less than one or more than twenty (20) years at the discretion of a jury.

8. **Sinking fund—resources of—purposes for which it may be used.** The sinking fund shall be under the control and management of the commissioners of the sinking fund, and shall be held and sacredly used for the payment of the principal and interest of the bonded debt of the city. The General Council shall have no power to pass ordinances to diminish the present resources of the sinking fund as now established until the debts of said city, now or hereafter charged or chargeable upon said fund, are paid, but may pass laws to increase the said resources; and the whole resources of said fund from year to year shall be sacredly set apart and applied to the payment of the interest and principal of the city's debts chargeable on said fund, and to no other use or purpose until the whole of the debts of said city are fully paid and satisfied, including the present and any future indebtedness of said city. Nor shall any other bonds, nor interest thereof, be charged upon said fund, unless provisions are made for the payment thereof at the time of the charge, sufficient, in the opinion of the commissioners, to pay the same.

9. **Sinking fund—purpose for which it may be used—disposition of surplus.** The funds, estate and income belonging now or hereafter to said fund shall be and is vested in and be under the control and management of the board of commissioners for the purposes herein declared; and if injured, withheld or abstracted, said board of commissioners may sue for and recover the same or any part thereof in their corporate name. The said commissioners shall apply said fund to the payment of the city's debt chargeable on the same, when they can do so on fair terms, but whenever there shall be a surplus of said funds which cannot be applied on fair terms to the extinguishment of said liabilities, the said commissioners may invest the same in bonds of said city, or for which it is bound, or bonds of the State of Kentucky, or in United States bonds.

10. **Bonds to be issued when resources of fund insufficient.** Whenever it is apparent to the commissioners of the sinking fund of any city of the first class that the revenue and available assets of said sinking fund will be insufficient to pay when due, any future maturing bonds of said city then issued and chargeable to said sinking fund, without unduly impairing the assets of said

sinking fund, and the said commissioners of the sinking fund shall certify this fact to the General Council of said city, the General Council shall at once provide by ordinance for the refunding of said bonds by the issue of other bonds of said city, bearing such rate of interest and payable at such time and place as may be prescribed by the ordinances, and cause the same to be delivered to the commissioners of the sinking fund, to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds which it is necessary to refund. The certificate of the commissioners of the sinking fund as to the inability of the sinking fund to pay when due any future maturing bonds out of its revenue and available assets, shall be conclusive evidence of the fact recited in said certificate.

11. **Commissioners may borrow money.** The commissioners of the sinking fund of cities of the first class shall have power, whenever they deem it necessary and expedient to do so, to borrow money to pay liabilities of the sinking fund, when the same can not be paid at maturity out of the current income of the sinking fund, to secure the repayment of any money so borrowed: *Provided*, however, they shall not at any time borrow a greater sum than in their judgment can be repaid out of the current income of the sinking fund during the year in which the money is borrowed.

12. **Depository of funds.** The commissioners of the sinking fund shall deposit the funds in their hands as commissioners in some incorporated bank, State or National, located or doing business in said city. The bank selected by the commissioners aforesaid shall give bond with good and sufficient security to secure the said commissioners the payment of all moneys and other things of value deposited by them with such banks; and upon such bond recovery may be had for any breach of the conditions thereof by suit in any court of competent jurisdiction. The moneys or other things of value belonging to the sinking fund, or which may be placed to the credit of the commissioners of the sinking fund, can only be withdrawn upon the order of the treasurer and secretary, approved and certified by the president of the commissioners of the sinking fund.

13. **Water company stock.** There shall be added to the present resources of the sinking fund of said city the stock owned by her in the Louisville Water Company. The commissioners of the

sinking fund shall have the power to purchase from individuals holding the same the certificates of stock held by said individuals in the Louisville Water Company, and when so purchased shall be held by said commissioners as a part of the sinking fund of said city.

14. **South Louisville bonds to be paid.** The sinking fund is hereby charged with the payment of the principal and interest of the fifty thousand dollars of bonds issued by the town of South Louisville, dated the first day of November, 1892, and payable on the first day of November, 1912, at the Fidelity Trust and Safety Vault Company, of Louisville, Kentucky, and the General Council shall make an annual levy, sufficient, in the opinion of the commissioners of the sinking fund, to pay the interest upon said bonds, and to create a fund for the principal thereof, when due, and said sums so levied and collected shall be paid into the sinking fund for the aforesaid purposes.

15. **Commissioners not to speculate in bonds of city.** It shall be unlawful for a commissioner of the sinking fund to trade or speculate in the bonds of a city of the first class, but any commissioner may hold or sell any such bond or bonds as he may own at the time he became a commissioner, and he may purchase such bonds as an investment, having first obtained the consent of the commissioners to do so, by resolution entered upon their record book. If any commissioner shall violate this section, he thereby vacates his office, and it shall be the duty of the other commissioners to elect another person to fill the vacancy.

16. **Secretary and treasurer—bond, term and duties.** The commissioners of the sinking fund, a majority thereof concurring, shall appoint or elect a suitable person who shall act as a treasurer and secretary of the board, and shall be the chief license inspector. He shall execute a bond to the commissioners and their successors, with good and sufficient security, to be approved by them to faithfully perform his duties and faithfully account for all moneys, notes, bonds, stocks or other things of value that may come to his hands or control, and upon such bond recovery may be had for any breach of the conditions thereof. His term of office shall be four years and until his successor is qualified, and all vacancies occurring during the time shall be filled by an appointment of said commissioners. Said treasurer and secretary shall keep a true and correct record of all proceedings

of the board of commissioners, receive and disburse all moneys by order of the board, keep a true and correct account thereof, superintend the issuing of licenses and receive the money therefor, and perform all other acts required of him by said board. He shall account for all moneys, bonds, stocks and other things of value belonging to the sinking fund that may come to his hands or control; and if he shall appropriate to his own use any funds, moneys or other property belonging to said sinking fund, or shall fail or refuse to surrender any books, papers, moneys, bonds, stocks, notes or other thing of value to his successor in office, or to any person legally entitled to receive the same, he shall be deemed guilty of embezzlement and punished as provided by law for said offense.

17. Statements to be made by secretary and treasurer. The commissioners shall require monthly detailed statements from said treasurer and secretary of the condition of said funds; and on or after the first day of January of each year said treasurer and secretary shall furnish to the General Council a full, detailed statement of the said funds, its receipts and disbursements for the preceding year.

18. Bonds hereafter issued—provision as to. All bonds that may hereafter be issued by the said cities of the first class shall be made a charge upon the sinking fund of said city, and said bonds, when issued, shall be placed with and sold by the commissioners of said sinking fund; but no bond or bonds shall be made a charge upon said sinking fund unless provision shall be made for the payment of the interest and principal thereof at the time of said issue.

19. Assistant license inspector may execute warrants. It shall be lawful for warrants issued by the clerk of the police court in cities of the first class for a violation of license ordinances or process in proceedings thereunder, to be executed by an assistant license inspector of said city, and his service thereof shall have the same effect as if done by the bailiff of said court; and it shall be the duty of said clerk to issue such process directed to an assistant license inspector whenever requested by an assistant license inspector to do so. (*Section as amended by act of March 22, 1902; the numbers of the sub-sections are the numbers of sections of act.*)

§ 3011. **Licenses provided for.** Pursuant to the authority conferred by Section 2980 of the Kentucky Statutes, the General Council may by ordinance provide, in addition to *ad valorem* taxation, for licensing any business, trade, calling, occupation or profession, and the using or holding, or exhibiting any animal, article or other thing whether the same were or were not heretofore enumerated in any statute, and may fix in each case a license fee, all such fees to be paid into the sinking fund of such city.

§ 3011. (1) **License tax on attorneys** may be imposed under authority of this section. *Elliott v. City of Louisville*, 101 Ky. 262; 40 S. W. 690; *Woodruff v. City of Louisville*, 6 Ky. Opinions 230; and on vehicles. *Bowser v. Thompson*, 103 Ky. 331; 45 S. W. 73; *City of Henderson v. Lockett*, 157 Ky. 368; 163 S. W. 199; *District of Clifton v. Cummins*, 165 Ky. 526; 177 S. W. 432; on laundries, *Com. v. Pearl Laundry*, 105 Ky. 259; 49 S. W. 26; on claim shavers, *Bitzer v. Thompson*, 105 Ky. 514; 49 S. W. 199; on insurance companies, *Fidelity & C. Co. v. City*, 106 Ky. 207; 50 S. W. 35; *City v. Schnell*, 131 Ky. 104; 114 S. W. 742; but a license tax on contractors was held unconstitutional in *Figg v. Thompson*, 105 Ky. 509; 49 S. W. 202; and see Cons. Sec. 181 and notes. Under an ordinance imposing a license tax on every insurance adjuster all such adjusters whether acting for themselves or as agents for another were subject to the payment of the license tax. *French v. City of Louisville*, 152 Ky. 12; 153 S. W. 42.

(2) *Weimer v. Commissioners of Sinking Fund*, 124 Ky. 377; 99 S. W. 242, construing 3011 as amended by act of 1904, holding Section 2 of said act unconstitutional; the act of 1906 is a substitute of a general authority to impose a license tax for the specific authority as enumerated in previous act.

The Act of March 21, 1906 (Acts 1906, page 310, Chapter 57, Secs. 5, 6) gives the City of Louisville even broader powers than it had before with respect to levying occupation taxes. *City of Louisville v. Roberts & Krieger*, 106 S. W. 1197; 32 R. 182, 823.

Merchant's license authority for. Under this section the city may require a license of those merchants who commence business after assessment day. *City of Louisville v. Roberts & Krieger*, 32 R. 182, 823; 105 S. W. 431; 106 S. W. 1197. See also *City of Louisville v. Sagalowski*, 136 Ky. 324; 124 S. W. 339; 136 Am. St. Rep. 258.

Street car company. *City of Louisville v. Lou. Ry. Co.*, 118 Ky. 534; 81 S. W. 701.

Hotel and Restaurant keepers—licensing. Where a person has paid a license for keeping a hotel he is not subject to an additional license for operating a restaurant in the same building, even though the hotel is operated on the European Plan. *New Galt House Co. v. City of Louisville*, 111 S. W. 351; 129 Ky. 341; 17 L. R. A. (N. S.) 566.

An ordinance requiring each barber shop to pay a license of \$5.00 per year and \$2.00 additional for each chair where more than two chairs are used is a valid occupation tax. *City of Louisville v. Schnell*, 114 S. W. 742; 131 Ky. 104.

An ordinance requiring a license of persons discounting or advancing money on claims can not be enforced against a person who deals only in claims of the city. *City of Louisville v. L. Simons & Co.*, 133 Ky. 782; 119 S. W. 185.

The payment of a pawn-broker's license does not authorize the sale of pistols unless a special license for that purpose be obtained. *Stevens v. City of Louisville*, 135 Ky. 24; 121 S. W. 977.

The validity of the above section was sustained in the case of *Kirch v. City of Louisville*, 125 Ky. 391; 101 S. W. 373.

This act shall in no way affect the validity of any license heretofore issued nor any penalty already incurred under any statute or ordinance requiring a license in such city.

(Section as amended by act of March 21, 1906.)

§ 3012. **License fee to be fixed by ordinance—penalty.** Each ordinance of such city imposing a license shall fix the fee to be paid therefor by the licensee and shall also prescribe a penalty for failing to obtain said license when required so to do: *Provided*, however, that nothing in any section of this act shall in any way affect the statutes and ordinances now in force in regard to liquor licenses. (Section as amended by act of March 21, 1906.)

§ 3013. **License fee to be paid in advance—expiration of license.** All licenses shall be paid for in advance, in the lawful money of the United States. All annual vehicle licenses shall be issued to expire on the first day of May of each year. All annual licenses for dogs shall be made to commence on the first day of July of each year and to expire on the thirtieth day of June of each year. (Section as amended by act of March 22, 1902.)

§ 3014. **License for only one year—place of business—change—liability of agents.** No license shall be issued for a longer period than one year, but may be for a shorter period, if allowed by ordinance. No license shall authorize the conducting of business at more than one place at the same time, but the place at which the business is to be done under the license may, with the consent of the secretary and treasurer of the sinking fund, be changed. The agent or agents of non-resident proprietors shall be civilly responsible for the license tax, and criminally responsible for carrying on business, in like manner as if they were proprietors.

§ 3015. **How license authenticated.** Each license shall be authenticated by the treasurer and secretary of the sinking fund, by his signature, or a stamped *facsimile* thereof.

§ 3016. **Transfer of unexpired license—conditions.** The unexpired term of all licenses (except for the sale of liquor) may be transferred by the holder, with the assent of the sinking fund, on the payment of five per cent on the original cost of license:

§ 3012. Powers to assess occupations not specifically named is given by this section. *City of Lou. v. Roberts*, 32 R. 182; 105 S. W. 431.

§ 3014. Non-resident proprietors. *Loges v. City*, 141 Ky. 367; 132 S. W. 565.

Provided, however, that the original license shall be surrendered or, if lost or destroyed, the person to whom it was issued shall make affidavit that said original license had been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 3017. **Treasurer and secretary to classify subjects of license—appeal—report of sales.** Every business, profession, occupation, calling or subject herein provided to be licensed, where the maximum and minimum sum for the license is herein fixed, the General Council may grade and class the respective subjects of license, and fix the rate of licenses for each grade or class at or within the maximum rates herein provided for such subjects respectively. In granting licenses the treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within ten days, to appeal, in writing, to the commissioners of the sinking fund from the action of the treasurer and secretary and the commissioners shall have power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation is based upon or regulated by the amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the treasurer and secretary of the sinking fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued. (*Section as amended by act of March 14, 1898.*)

§ 3018. **License to specify name and place of business.** Every license shall specify by name the person, firm, or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 3019. **Evidence of person's liability to pay license.** The fact that any person, firm or corporation representing himself or itself as engaged in any business, calling, profession or occupation for the transaction of which a license is required, or that such person exhibited a sign or advertisement indicating such

§ 3017. An ordinance taxing barber Schnell, 131 Ky. 104; 114 S. W. 742. shops upheld. City of Louisville v.

business, calling, profession or occupation shall be conclusive evidence of the liability of such person to pay for a license.

§ 3020. **License to be exhibited by licensee.** Every person, firm, or corporation having a license shall exhibit the same while in force whenever requested to do so by any officer of the license or police department.

§ 3021. **Peddler to carry and exhibit license.** Every peddler, while engaged in peddling, shall carry his or her license and exhibit the same whenever requested to do so by any license or police officer.

§ 3022. **Enforcement of license law and collection.** The enforcement of the license law and collection of the licenses shall remain, as heretofore, under the control of the commissioners of the sinking fund.

§ 3023. **Conviction for carrying on business without license.** The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction.

§ 3024. **Commissioners to pay into treasury at end of fiscal year.** The commissioners of the sinking fund shall, at the end of each fiscal year, pay to the City Treasurer any revenue remaining after paying the current expenses of such year, and the interest accruing in said year, and setting apart for the sinking fund a sum equal to five per cent of the principal of the bonded debt chargeable against the sinking fund.

§ 3024a. 1. **Board of Waterworks—city to control waterworks.** Whenever any city of the first class is the owner (through its commissioners of the sinking fund) of all of the shares of capital stock in any corporation existing under the laws of this Commonwealth, engaged in supplying water to such city and inhabitants thereof, such city shall control, manage and operate the plant of such corporation, including its franchise, and all other property of every kind and description, in the manner hereinafter provided.

2. **Board of Waterworks—appointment.** The Mayor of any

§ 3024a. See *City of Louisville v. Louisville Water Company* charter, Parsons, 150 Ky. 420. See for old etc., Burnett's Code, p. 838.

such city shall appoint, subject to the approval of the Board of Aldermen, four (4) persons, who shall constitute a body corporate and be known as its "Board of Water Works," and the Mayor of such city shall be an ex officio member of said "Board of Water Works." Each appointee shall be at least thirty years of age and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The term of office of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years and one for a term of four years. Thereafter as their terms expire, their successors shall be appointed in the same manner, but for the terms of four years each, and such appointees shall be eligible to succeed themselves. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified. (*Sub-section as amended by act of 1910.*)

3. Oath of office. Each member shall qualify for his office by taking oath before some one authorized to administer the same that he will faithfully perform the duties of a member of the Board of Water Works, which oath of office shall be filed with the Board of Sinking Fund Commissioners.

4. Officers of board. Said board shall annually elect a president, a treasurer, a secretary, and a chief engineer, who shall hold their offices for one year, or until their successors have been duly elected and qualified, and devote all of their time to the duties of their respective offices. No member of said board, except the president, shall receive a salary. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond, with approved surety, in such amount as may be fixed by the board, which bond shall be payable to the Board of Water Works, and obligate the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other things of value which come into their several hands. The combined salaries of the president, treasurer and secretary shall not exceed the sum of \$9,000. The board shall have the authority to appoint such other agents or employes as they may deem necessary or proper,

and to fix the compensation of its officers, agents, or employes: *Provided*, however, that the salary of no officer, agent or employe shall exceed the sum of five thousand dollars per annum.

5. **Powers of board.** Said Board of Waterworks so constituted shall be vested with all the authority, rights, powers and privileges, and exercise all the franchises of the corporation of which such city owns all the stock, as described in the first section of this act; it shall have the possession, control and management of all the property, of every kind and description, real, personal, or mixed, of said corporation; it shall have the authority to contract and be contracted with, to sue and be sued, but all such contracts shall be made and all such suits shall be prosecuted or defended in the name of the corporation in which such city owns all the stock, as above described: *Provided*, however, that nothing in this act shall in any way affect the provisions of sub-section 13 of Section 3010 of the Kentucky Statutes, which adds the stock owned by cities of the first class in its water works company to the resources of the sinking fund of such city.

6. **Water to be furnished city free—exemption from taxation.** Any such city of the first class shall have, through its Board of Water Works, the use, free of charge, of all the water necessary for its fire department, its police department, its public buildings, its school board, and for sprinkling its public highways, including its parks and parkways, and shall in turn exempt all the property, both tangible and intangible, of which it has the control through its Board of Water Works from taxation for municipal purposes, and shall not include any of said property in its assessment for taxation; but nothing herein provided shall affect the right and duty of said Board of Water Works to fix, make and collect reasonable sums or rates for the use or sale of water furnished to any other individual, firm or corporation, whether the same be by assessment or meter measurement in its discretion.

7. **Terms upon which water company may use streets to be fixed.** The General Council of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such Board of Water Works shall exercise its right to cut into the streets, alleys or other public way of the city, and it shall be the duty of the Board of Water Works to observe the same.

8. **Debts to be paid.** All the lawful debts and obligations of any such water works corporation, described in the first section of this act, existing at the time this act shall take effect, and all of the debts and obligations created by said Board of Water Works in the management and operation of said properties and in the performance of its duties herein provided, shall be paid and discharged out of the property and rents, earnings and incomes derived therefrom and coming into the hands of said board, and such city of the first class shall not be liable as a municipal corporation for any such debts or obligations.

9. **Board may borrow money.** Said Board of Water Works shall have the authority to borrow money and execute the necessary writings therefor not to exceed the gross receipts for the current years, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and, in addition thereto, whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such water works corporation or the funding of its floating indebtedness it shall have the authority (the Commissioners of the Sinking Fund of such city having first, by resolution, consented thereto) to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million five hundred thousand (\$1,500,000) dollars, in denominations of one thousand (\$1,000) dollars, each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed 4 per cent per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds, when so issued, shall be placed with and sold by the Commissioners of the Sinking Fund at a price not less than their face value and the proceeds applied by said commissioners to the purpose for which the bonds were issued. It shall be the duty of the said Board of Water Works to provide, at any time any such bonds are issued, for a sinking fund which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said

board with the Commissioners of the Sinking Fund of such city to be invested, managed, controlled and applied by said commissioners for the payment of the interest and principal of the bonds so issued. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand (\$1,500,000) dollars.

10. **Rules and reports of board.** Said Board of Waterworks shall have the authority to establish and enforce such reasonable rules and regulations for its own government, including the signing and execution of the contracts referred to in Section 5 of this act as it may deem expedient: *Provided*, however, that said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver a copy thereof to the General Council of the city, same to be spread upon its minutes. The books and accounts of said board shall at all times be open to inspection and examination by the Mayor of the city and the Commissioners of the sinking fund through their duly appointed agents. (*Act of March 6, 1906, as amended by an act of March 7, 1910.*)

SUBDIVISION XXIX.

Liquor Licenses.*

§ 3025. **One form of license—amount of tax.** There shall be only one form of license for the retailing of liquor. The tax to be paid therefor shall be determined by the General Council, but it shall not be less than one hundred and fifty (\$150) dollars nor more than one thousand (\$1,000) dollars.

§ 3026. **Authorizes sale of vinous, spirituous, or malt liquors.** This license shall authorize the sale of vinous, spirituous or malt liquors, and shall be called the "liquor license."

§ 3027. **Retail and wholesale dealers—who deemed.** Any person who sells liquor in quantities less than five gallons shall be deemed a retailer of liquor; but wholesale liquor dealers may, without being treated as retailers of liquor, sell a case of liquor bottled, and containing not less than two (2) gallons, to non-residents of the city, for consumption outside of the city.

*See Hutchcraft Act of 1916 on the subject of closing saloons on Sundays and election days.

§ 3028. **Druggists and apothecaries—sale as medicine—prescription.** Druggists and apothecaries may, without a license, sell unmixed alcohol or admixtures of wine, alcoholic, spirituous or brewed liquors in the preparation of medicine, or upon the written prescription of a regular practicing physician; but no druggist or apothecary shall sell or keep for sale any preparation or mixtures thereof as a beverage. Said druggists and apothecaries must require a separate written prescription for each sale of liquor by them. Any druggist or apothecary who, by subterfuge or device of any kind—by giving away liquor, or otherwise—seeks to evade the provisions of this act, shall be both fined and imprisoned, as may be prescribed by ordinance.

§ 3029. **License for one year—transfer—surrender—deduction for unexpired term.** A license granted shall be good for only one year, and shall not be transferable without the consent of the license board. Upon the surrender of a license, the board shall make a reasonable allowance for the unexpired term. A license granted shall be good for only one year, and shall not be transferable without the consent of the license board and the payment of five per cent on the original cost of license: *Provided*, however, the original license shall be surrendered, or if lost or destroyed, the person, firm or corporation to whom it was issued shall make affidavit that said original license has been lost or destroyed, and can not be produced. The affidavit shall be filed with the treasurer and secretary of the sinking fund.

§ 3030. **License board—who constitutes—chairman and secretary.** The judge of the City Court, the chairman of the Board of Public Safety, and the president of the Commissioners of the Sinking Fund shall constitute the license board. The judge of

§ 3029. A person whose license has been revoked by the License Board for selling liquor in violation of law can not recover the unearned portion of the license fee. *City of Louisville v. Cain*, 119 S. W. 763; 134 Ky. 76.

§ 3030. Under this section and Sec. 3034 the city is entitled to notice of an appeal by the licenses from an order revoking the license. *Com. v. Campbell*, 128 Ky. 252; 107 S. W. 1061.

§ 3031. Where a bond given by a liquor dealer pursuant to this section does not state the sum to be incurred as a penalty, no recovery can be had upon such bond by the city. *City of Louisville v. Cain*, 134 Ky. 76; 119 S. W. 763. Discretion in the license board to refuse a license can not be arbitrarily exercised. *City of Louisville v. Gagen*, 132 Ky. 502; 116 S. W. 745; see also to liability of city for loss of profits pending appeal, *Gagen v. City of Louisville*, 145 Ky. 3; 139 S. W. 1061.

the City Court shall be the chairman, and the secretary of the sinking fund shall be ex officio secretary.

§ 3031. **Application for license, or for its transfer—how and when made.** Any person desiring to obtain a liquor license, by original application or by transfer, shall file an application for such license before the secretary of said board thirty days before the same may be issued to him. This application shall be sworn to by him, and by two reputable voters of the precinct in which he desires the right to retail liquors. Said application shall show the following facts: That the applicant is of temperate habits and of good moral character; that he is a housekeeper in the city; and he has not within five years kept a disorderly house or been convicted of any crime; and he shall execute and file with the License Board a bond, with good sureties, the owners of property in the city subject to execution worth not less than five hundred dollars, conditioned that he will not violate the requirements of the law.

§ 3032. **Application to be published—remonstrance.** The secretary shall cause to be twice published in the newspaper doing the official printing of the city a list of the applicants for licenses, with the location of the business. Any person desiring to object to the granting of a license to any applicant may file a remonstrance with the secretary of said board within two weeks after said publication and thereafter said application and the remonstrance, and any evidence offered by either party in support thereof, shall be considered by said License Board in open meeting at such time and place as may have been fixed by said board.

§ 3033. **Qualifications of applicant—when license refused.** No license shall be granted to any person who has not the qualifications above described. No license shall be granted to retail liquor in any precinct, if, in the opinion of the board, the retailing of liquor at the place named will be injurious to the people thereof, or if a majority of the voters of the precinct registered at the

§ 3033. **Liquor license — appeal — practice.** The provisions of this statute, sections 3033, 3034, allowing an appeal to the circuit court, are valid, and an appeal may be taken from the judgment of the circuit court to the court of appeals. On the trial of an appeal, in the circuit court no evidence should be heard except that

introduced before the license board. *Thompson v. Koch*, 98 Ky. 400; 33 S. W. 96; *Com. v. Campbell*, 128 Ky. 252; 107 S. W. 797.

The city not liable in damages under supersedeas bond in a liquor license case. *Gagen v. City of Louisville*, 145 Ky. 3; 139 S. W. 1061.

last annual registration remonstrate against the granting of the same. An appeal may be had to the Circuit Court, as provided in the following section.

§ 3034. **When board may revoke license—appeal.** Any license granted by said board may be revoked by it, after an open trial, with due notice to the licensee, whenever, in the judgment of said board, the licensee has conducted a disorderly house, or violated the law with respect to the sale of liquor, and either party who shall feel aggrieved by the decision of the board may have an appeal to the Circuit Court.

§ 3035. **Prepayment of license required.** Every license shall be paid for by the applicant before the license is issued, but after his application has been approved by the board.

§ 3036. **Deposit by applicant—what license shall specify—exhibit of license.** The applicant, before filing his petition with the secretary, shall deposit the sum of five dollars with the City Treasurer, which sum shall be in addition to the amount paid for the license, and he shall obtain from the City Treasurer a receipt

3034. The city of Louisville is entitled to be present by counsel and assist the Commonwealth's Attorney in an appeal from a decision of the License Board revoking a license. *Commonwealth v. Campbell* 128 Ky. 252; 107 S. W. 797; *City v. Cain*, 134 Ky. 76; 119 S. W. 764.

The action of the license board of a city in granting liquor license to one guilty of keeping a disorderly house does not wipe out the offense, and the board may subsequently refuse a license on that ground.

That a saloon-keeper kept a disorderly house by permitting disorderly persons engaged in frauds on election day to assemble about his place of business did not justify a rejection of his subsequent application for a license; the keeping of a disorderly house on one day not being evidence that a disorderly house was kept within the statute. *City of Louisville v. Hendricks*, 116 S. W. 747.

The decision of the License Board denying an application for a liquor license is entitled to great weight, and unless its discretion has been abused, the court on appeal should not reverse it. *City of Louisville v. Gagen*, 132 Ky. 502; 116 S. W. 745. On rehearing, 118 S. W. 947.

Where the applicant for a license had occupied certain premises in the business portion of the city as a saloon for 10 years and the premises had been used for saloon purposes for 50 years, it was an abuse of discretion to deny the petitioner's application for a new license because a church had been constructed in the meantime on the opposite side of the street. *Id.*

License of saloon-keeper may be revoked on account of unlawful act of an agent who violates instructions. *Nadorf Bros. v. City of Louisville*, 144 Ky. 135; 137 S. W. 854.

License Board determines the question of revocation of a license for itself, irrespective of whether the licensee has been convicted or acquitted by a court. *Hayes v. City of Louisville*, 145 Ky. 125; 140 S. W. 47; *Pezold Bros. v. City of Louisville*, 140 Ky. 784; 131 S. W. 802.

§ 3035. The city councils of all cities except the first class have the power to regulate the time and manner of payment of licenses and may provide for other than cash payment. *City of Fulton v. Blythe*, 17 R. 341; 30 S. W. 1018.

therefor, and shall file said receipt with his application. A report showing the sums so received shall be made by the City Treasurer and secretary of the board to the Comptroller. The certificate of "liquor license" shall be kept hung up in some conspicuous place in the room where liquors are sold, at all times plainly exposed to public view. Every license shall specify by name the person, firm, or corporation to whom or to which it shall be issued, and shall designate the particular place at which the business shall be carried on.

§ 3037. **Failure to pay license after application approved.** If an applicant does not pay the requisite sum for his license within ten days after his application has been approved, due notice of which shall have been given him, no license shall thereafter be granted to him on said application.

§ 3037a. (*This section has been transferred and appears as § 2839a.*)

SUBDIVISION XXX.

Sewerage Commission.

§ 3037b. 1. **Sewerage Commission—qualifications—term.** The Mayor of any city of the first class may appoint four persons who, with the Mayor as a member ex officio, shall constitute a sewerage commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years,

§3037b Sub-sec. 1. Act creating Sewer commission valid. *Miller v. City of Louisville*, 30 R. 664; 99 S. W. 284.

Commissioners of Sewerage not civilly liable for death occasioned by negligence of an agent. *Smith v. Commissioners*, 146 Ky. 562; 143 S. W. 3. Status of Sewerage Commission. *City of Louisville v. Frank's Guardian*, 154 Ky. 254; 157 S. W. 24.

The Louisville Commissioners of Sewerage are not answerable for an

injury done to one contractor by the negligence of another contractor for the building of a sewer. *Jones & Co. v. Ferro Concrete Const. Co.*, 154 Ky. 47; 156 S. W. 1060.

§ 3037b. Third person has cause of no action against surety on bond of contractor which indemnified the city against loss or damage sustained by third persons while a sewer was being constructed. *Owens v. Georgia Life Ins. Co.*, 165 Ky. 507; 177 S. W. 294.

but if the work herein provided for is sooner completed, such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

2. **Powers of commissions—officers—salaries.** The persons appointed as provided in the first section shall constitute a body corporate under the name of the Commissioners of Sewerage of Louisville, and shall have a capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by unanimous vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of the majority of the commission. It shall also, by unanimous vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the General Council, not exceeding five thousand dollars per annum. The appointed members of the commission shall each receive a salary, to be fixed by the General Council, not exceeding three thousand dollars per annum for the chairman and fifteen hundred dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding twenty-five hundred dollars per annum.

3. **Map of city.** It shall be the duty of the commission to cause to be made a topographical map of the city and such parts of the county adjoining the same as may be necessary. It shall also employ two skilled consulting engineers who, with the chief engineer of the commission, shall report to the commission several systems, and among them what they consider the best system, for the construction, maintenance and operation of a comprehensive system of sewerage for the city, having in view the growth of the city and the extension of its boundaries, and they shall also report the estimated cost of each system. The commission shall have the power to pay for the making of such map and also to pay to the consulting engineers such reasonable compen-

sation for their services and expenses as the commission may determine.

4. **Bond of certain officers.** The chairman, chief engineer and secretary and treasurer of the commission shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

5. **Report of most desirable system to be made.** When the commission shall have determined what system of sewerage is the most expedient to be adopted, it shall report the same, as well as the other proposed systems, to the Mayor, giving a description of the general plan of each of the various systems of construction proposed, and the probable cost of each. The Mayor shall lay this report before the General Council and the system recommended by the commission shall be adopted and carried out by the commission, unless the system recommended by the commission shall, within thirty days after it has been received by the General Council, be rejected and disapproved by a two-thirds vote of all the members of each board of the General Council, each of said boards sitting separately. If said system so recommended by the commission be so rejected by the General Council, then at any time within thirty days thereafter one or the other of the alternative systems presented as aforesaid to the General Council may be considered by it, and of these systems the one shall finally be adopted which shall be approved by two-thirds vote of all the members of each board of the General Council, each of said boards sitting separately, and if none of the systems so submitted receive the necessary two-thirds vote within thirty days after the one recommended by the commission has been rejected as aforesaid, then said commission, with the approval of the Mayor, shall have the right to choose a system and carry it out. The General Council shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported, in its entirety.

6. **Power of commission.** Said commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following—that is to say:

(1) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of a system of sewerage.

(2) To construct and establish all such local, district, lateral, intercepting, outfall, or other sewers and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which such city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect.

(3) To incorporate with said system of sewerage or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm water sewer and drains, and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge or extend or to condemn, close up, abolish or destroy, in its discretion, any or all of such existing public sewers or drains, or to alter their functions or to increase their burdens, as it may think best.

(4) Besides the chief engineer, the commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(5) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work as it may deem expedient.

(6) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(7) To purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, material and working agencies as it may need for its purposes.

Provided, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

7. **Land may be acquired.** Said commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

8. **Removal of obstructions.** All individuals or corporation having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstruction in, over or upon the public streets, lanes, alleys or highways, which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action and the General Council shall have full power, by ordinance, to prescribe the penalty for such failure.

9. **Contracts—how awarded.** All work done or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder; but the commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the chief engineer, in writing, shall recommend that course. All bids, or parts of bids, for any such work or supplies of materials may be rejected by said commission.

10. **Completed work to be turned over to Board of Public Works.** And when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley or other public way through which said completed work extends, to its original condition as near as practicable, and then notify the Board of Public Works and turn over

said completed portion to such board, and the same shall thereafter be under the exclusive control of said Board of Public Works.

11. **Election to authorize tax—bonds.** In order to provide money for the projection, construction and establishment of said sewerage system, the General Council may adopt an ordinance submitting to the voters of the city, at the November election, 1906, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed four million dollars, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the General Council either prior or subsequent to the selection of the system to be used in the construction of said sewerage system.

12. **Bonds—concerning.** If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold: *Provided*, that no such bonds shall be sold for less than par; and *provided, further*, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the commission in the same depositaries which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

13. **Disbursements—concerning.** All disbursements of the commission, including compensation to its members, or officers, engineers, agents, and others employed by it, shall come out of the proceeds of the sale of the said bonds: *Provided*, however, that the commission shall have the right to borrow enough money

to defray the liabilities incurred by it up to the time it shall receive such proceeds and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1906, the powers herein granted to the said commission shall cease and the said commission shall stand dissolved.

14. **Property of commission to vest in city.** Upon the dissolution of the said commission, as provided in Section 13, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission, and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for. (Section 14 of "An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage," approved February 19, 1906, is hereby amended by adding thereto the following provisions: If there shall be established before the dissolution of the commission, a new commission for the construction of an extension of the comprehensive system of sewers all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, on its dissolution, by operation of law and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the said new commission, and all money then in the hands of the former commission shall on its dissolution be by it turned over to the said new commission to be used first to defray any liabilities which have been incurred by the former commission, and second, the balance to be expended in the projection, construction and establishment of the extension of the sewer system. *Act of March 18, 1912.*)

15. **Board of Public Works—concerning.** Section 2825, Kentucky Statutes, vesting a certain exclusive control in the Board

of Public Works, shall, to the extent that it conflicts with this act, stand repealed: *Provided*, that such exclusive control of the Board of Public Works shall attach and thereafter continue as provided in Section 10 of this act. (*This section is an act of February 19, 1906.*)

The following sub-sections are an act of 1912—416:

16. 1. **Sewerage Commission.** The Mayor of any city of the first class may appoint four persons who, with the Mayor as a member ex officio, shall constitute a Sewerage Commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city and be the owner in his own right of real estate. No officer or employe of the said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. If such work is not completed at the expiration of such term of office, the commission shall be continued by appointments made in the same manner as the original appointment. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

2. **Powers of commission.** The persons appointed as provided in the first section shall constitute a body corporate under the name of the Commissioners of Sewerage of Louisville, and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by unanimous vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of a majority of the commission. It shall also, by unanimous vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the General Council, not exceeding five thousand dollars per annum. The

appointed members of the commission shall each receive a salary, to be fixed by the General Council, not exceeding three thousand dollars per annum for the chairman, and fifteen hundred dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding twentyfive hundred dollars per annum.

3. Duties of commission. It shall be the duty of the commission to make a study of the present and ultimate needs of the city, having in view the growth of the city and the extension of its boundaries, for both sanitary and storm water drainage. After a comprehensive study has been made, the commission shall determine what work should be done to improve the different districts of the city, and shall detail proposed construction of combined sewers, separate sewers and storm drains and improvement of water courses. To aid in the study, the commission may employ such expert advice and consulting engineers as it deems wise, and pay such reasonable compensation for their services and expenses as the commission may determine.

4. Bonds to be executed. The chairman, chief engineer, and secretary and treasurer of the commission shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

5. Report of commission—adoption or rejection. When the commission shall have determined the extension of the sewer system which it deems best fitted to meet the needs of the city and has outlined it in as much detail as is practicable, it shall report the same to the Mayor with a description of the general plan and its probable cost. The Mayor shall lay this report before the General Council and the plan recommended by the commission shall be adopted and carried out by the commission, unless the plan recommended by the commission shall, within thirty days after it has been received by the General Council, be rejected and disapproved by two-thirds vote of all the members of each board. If the General Council rejects the plan recommended by the commission, the council shall return the plan to the commission with their criticism and suggestions. The com-

mission shall thereupon make a further study and thoroughly examine the recommendations of the council and prepare an alternative plan in accordance with what on this further study appears in their judgment to be for the best interest of the city. The commission shall then present the alternative plan to the Mayor to be submitted to the council. At any time within thirty days after the submission of the alternative plan to the Mayor the General Council may consider it, and if it shall receive the two-thirds vote of all the members of each board of the General Council, each of said boards sitting separately, it shall be adopted, but if it fails to receive the necessary two-thirds vote within the said thirty days, then said commission, with the approval of the Mayor, shall have the right to choose a system and carry it out. The General Council shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported in its entirety.

6. **Powers of commission.** Said commission shall have power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say: *First*, To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of an extension of the system of sewerage. *Second*, To construct and establish all such local, district, lateral, intercepting, outfall or other sewers and all such conduits, drains and pumping or other plants, and all such buildings, structures, work, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which said city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect. *Third*, To incorporate with said sewerage extension or otherwise utilize for the purpose of this act, so far as it may deem expedient, any or all public sewers or drains, including storm water sewers, drains, and water courses and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge, extend, or improve, or to condemn, close up, abolish or destroy in its discretion, any or all such existing public sewers, drains or water courses or to alter their functions or to increase their burdens as it may think best. *Fourth*, Besides the chief engineer, the

commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper. *Fifth*, To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management, and conduct of its work as it may deem expedient. *Sixth*, To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act. *Seventh*, To purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes. Provided, that this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

7. Real estate—commission may acquire—condemnation of. Said commission may acquire by gift, purchase, or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

8. Removal of obstructions. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracts, or other physical obstruction in, over or upon the public streets, lanes, alleys, or highways, which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice

§ 7. A judgment condemning an easement was affirmed. *Weiss v. Comrs. of Sewerage of Louisville*, 152 Ky. 552; 153 S. W. 967.

from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action, and the General Council shall have full power, by ordinance, to prescribe the penalty for such failure.

9. **Contract to lowest bidder.** All work done, or supplies or material purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder. All bids or parts of bids, for any such work or supplies, may be rejected by said commission. The commission may, however, with the consent of four of the members, itself do any part or parts of its work under such conditions as it may prescribe by day labor when the chief engineer, in writing, shall recommend that course.

10. **Public ways restored to original condition.** And when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley, or other public way through which said completed work extends, to its original condition as near as practicable, and may then notify the Board of Public Works and turn over said completed portion to such board, and the same shall thereafter be under the exclusive control of said Board of Public Works.

11. **Bond issue—vote upon.** In order to provide money for the projection, construction and establishment of said sewerage system, the General Council may adopt an ordinance submitting to the voters of the city, at the regular city election, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be then issued, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the General Council either prior or subsequent to the selection of the system to be used in the construction of said sewerage system. The total amount of bonds to be issued under this act shall not exceed two million dollars.

12. **Issue and sale of bonds—disposition of proceeds.** If the voters of the city shall determine that such bonds shall be issued they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold. Provided, that no bonds shall be sold for less than par, and provided further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the commission, in the same depositories which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

13. **Disbursements—power to borrow money.** All disbursements of the commission, including compensation to its members, or officers, engineers, agents, and others employed by it shall come out of the proceeds of the sale of the said bonds; Provided, however, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of January following such rejection, the powers herein granted to the said commission shall cease and said commission shall stand dissolved.

14. **Property vests in city upon dissolution of commission.** Upon the dissolution of the said commission as provided in section thirteen, or upon its dissolution growing out of its completion of the work and the consequent expiration of the term of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books, and papers, shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the com-

mission, and second, the balance, if any, to be paid into the hands of the Commissioners of the Sinking Fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for.

15. **Section 2825 repealed in part—act of February 19, 1906, amended.** Section 2825, Kentucky Statutes, vesting a certain exclusive control in the Board of Public Works, shall, to the extent that it conflicts with this act, stand repealed, provided, that such exclusive control of the Board of Public Works shall attach and thereafter continue as provided in Section 10 of this act. Section 14 of "An act to enable cities of the first class to construct a comprehensive system for the disposition of sewerage," approved February 19, 1906, is hereby amended by adding thereto the following provisions: If there shall be established before the dissolution of the commission, a new commission for the construction of an extension of the comprehensive system of sewers, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, on its dissolution, by operation of law and whether acquired by gift, purchase, condemnation or any other method vest in and become the property of the said new commission, and all money then in the hands of the former commission shall on its dissolution be by it turned over to the said new commission to be used first to defray any liabilities which have been incurred by the former commission, and second, the balance to be expended in the projection, construction and establishment of the extension of the sewer system. (*Act of March 18, 1912.*)

SUBDIVISION XXXI.

Tuberculosis Hospital.

§ 3037c. 1. **Board of.** That in counties in this Commonwealth which contain a city of the first class there shall be created a board to be composed of ten persons, which shall be a body politic and corporate, and shall be known as the "Board of Tuberculosis Hospital," and in which name it may sue and be sued.

2. **Mayor to appoint.** The members of said board shall be appointed by the Mayor of the city and shall serve without com-

pensation, and the Mayor shall be ex officio a member of said board, and said members shall be appointed for a term of four years.

3. **Powers of board.** Said board shall have the power to organize and elect officers, rent or purchase, or to erect, and to conduct and maintain a suitable hospital and ground for the treatment of persons afflicted with tuberculosis, and to make all needful rules and regulations, with reference to the admission and discharge of patients and the conduct of the affairs of the hospital, which, in their judgment, seem proper, provided such regulations be not in conflict with the law.

4. **Vacancies in.** The Mayor of the city shall have power to fill any vacancies which may occur in the membership of such board through death, resignation or otherwise, by appointing some other person to fill out the unexpired term of such person as may have retired from the board during the term for which he was appointed.

5. **Tax to support.** For the purpose of meeting the expenses necessary to carry out the purpose of this act, the Fiscal Court of the county and the municipal board of the city in which such board shall exist are authorized, empowered and directed each to levy a tax not to exceed five cents and not less than one-half a cent on the one hundred dollars of taxables in their respective cities and counties, and the sums derived from said taxation are to be paid over to the said board for the purposes herein set forth. (*Subsection as amended by act of 1912.*) (*See City Hospital Commission Act of 1910, § 3037e.*)

6. **Training nurses.** Said Board of Tuberculosis Hospital shall be authorized to provide for the instruction and training of nurses and to issue diplomas to such pupils of good moral character as have attended its courses of instruction and been engaged as nurses in its hospital or under its charge for a period or periods aggregating not less than twenty-four months and who have also passed with credit an examination proving their competency as such trained nurses to the satisfaction of said board. (*This subsection is an act of March 12, 1912.*)

SUBDIVISION XXXII.

Franchises—Sale of.

§ 3037d. 1. **Provision for.** That eighteen months before the expiration of any franchise acquired under, or prior to, the present Constitution, it shall be the duty of the proper legislative body or boards to provide for the sale of a similar franchise to the highest and best bidder, on terms and conditions which shall be fair and reasonable to the public, to the corporation, and to the patrons of the corporation.

Provided, That if there is no public necessity for the kind of public utility in question and, if the municipality shall desire to discontinue entirely the kind of service in question, then this section shall not apply.

2. **City may purchase public utility plant.** If the municipality shall desire to own or operate, on public account, the utility in question, and shall take the steps necessary thereto within two years after the passage of this act, or within two years before the expiration of the franchise, and shall offer to purchase at a fair valuation the plant of the company which is then rendering the service, then the municipality shall be under no obligation, by reason of this act, to sell or renew or to continue the franchise in question.

3. **Value—how fixed.** The fair valuation of the plant shall be determined by three persons; one to be selected by the municipality, one to be selected by the owners of the plant to be valued, and the third to be selected by these two. The plant shall be valued as a going concern, but no allowance shall be made for future growth.

4. **Quality and price of service—deposit and bond of bidder.** The terms and conditions mentioned in section one of this act shall specify the quality of service to be rendered and the price which shall be charged for the service.

Each person desiring to bid for such franchise shall first deposit with the proper officer of the municipality cash or duly certified check, equal to five per cent of the fair estimated cost of the plant required to render the service, which check or cash

shall be forfeited to the municipality in case the bid should be accepted and the bidder should fail, for thirty days after the confirmation of the sale, to pay the price bid and to give a good and sufficient bond, in a sum equal to one-fourth of the fair estimated cost of the plant to be erected. Said bond shall be so conditioned that it shall be enforcible, in case the party giving it shall fail, within a reasonable time, to establish a suitable plant for rendering the service and begin rendering the service in the manner set forth in the said terms and conditions.

5. **Exclusive franchise not to be granted.** No exclusive privilege shall be acquired under this act, nor shall the sale of a franchise to one person or corporation prevent subsequent sale of a similar franchise to another person or corporation.

6. **Applies only to first-class cities.** This act shall apply only to cities of the first class. (*Act of March 22, 1904.*)

SUBDIVISION XXXIII.

Hospital Commission.

§ 3037e. 1. **Hospital Commission created—appointment of members.** The Mayor of any city of the first class may appoint four persons who, with the Mayor as a member ex officio, shall constitute a Hospital Commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

2. **Powers of commission—salaries.** The persons appointed as provided for in the first section and their successors shall constitute a body corporate under the name of the Commissioners

§ 3037e. Hospital Commission. Act 409: 134 S. W. 458; 32 L. R. A. (N. creating Hospital Commission valid. S.) 530.
Render v. City of Louisville, 142 Ky.

of Hospital of _____ (the name of the city in which they are appointed being used to fill the blank), and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Said commission shall elect a chairman from the appointed members. It shall, by unanimous vote, elect a secretary and treasurer, not a member of the commission who shall hold the combined office at the pleasure of a majority of the commission, and receive a salary to be fixed by the commission, not exceeding \$1,800 per annum, to be paid by the commission. It shall, by like vote (but not until nor unless the bonds provided for in Section 10 of this act shall be voted), elect a superintendent of construction. This officer must be a draughtsman, experienced in and familiar with fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the commission, and shall receive as compensation a salary to be fixed and paid by the commission not exceeding \$4,000 per annum. He shall be removable at the pleasure of a majority of the commission. The appointed members of the commission shall receive no compensation, but shall be allowed their expenses of travel when on business of the commission.

3. Duties and powers. It shall be the duty of the commission to make such careful examination of the method of constructing and furnishing public hospitals as may enable it to determine the best plan of erecting and furnishing a public hospital that will fully answer the needs of the city for which it is appointed, taking into consideration its probable growth, including the necessary buildings and their ventilation, heating, lighting and furnishing. The commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor (but no compensation shall be paid any such architects until or unless the bonds provided for in Section 10 of the act shall be voted.)

4. Bonds to be executed. The chairman, superintendent of construction and the secretary and treasurer of the commission shall each give bond, with approved surety in such sum as may

be fixed by the commission, which bond shall be payable to the commission, and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands. The premiums for said bonds shall be paid by the commission.

5. Report to be made. When the commission shall have determined upon a general plan for the construction and furnishing of a public hospital, which, in its judgment, is the most expedient to be determined upon, it shall report the same as well as such other proposed plans as it may deem expedient, to the Mayor, giving a description of the general plan of the construction and furnishing of the hospital and the probable cost of carrying out each plan. The Mayor shall lay this report before the General Council and the plan recommended by the commission shall be adopted and carried out by the commission unless the plan recommended by the commission shall, within thirty days after it has been received by the General Council, be rejected and disapproved by a two-thirds vote of all the members of each board of the General Council, each of said boards sitting separately. If said plan so recommended by the commission be so rejected by the General Council, then at any time within thirty days thereafter one or the other of the alternative plans presented as aforesaid to the General Council may be considered by it, and of these plans the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the General Council, each of said boards sitting separately; and if none of the plans so submitted receives the necessary two-thirds vote within thirty days after the one recommended by the commission has been rejected as aforesaid, then said commission, with the approval of the Mayor, shall have the right to choose a plan and carry it out. The General Council shall have no power to vary any plan proposed and presented by the commission, but in adopting one of those reported must adopt it in its entirety.

6. Powers of commission. Said commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say:

(a) To make all such preliminary investigations and to do

all such preliminary work as should, in its judgment, precede the actual construction of said public hospital.

(b) To determine upon a proper site for such public hospital: *Provided, however,* That where in any such city there is at the time a public hospital, that site as it exists or as enlarged by the acquisition of such adjacent property as may be recommended by the commission, shall be used unless the commission shall unanimously determine that it is unsuitable for the purpose and shall recommend to the Mayor the acquisition of another site. In the event of such recommendation the Mayor shall lay the matter before the General Council, who shall approve or disapprove the recommendation of the commission as to such change of site, and only upon the approval of such change by resolution duly adopted by both boards of the General Council and approved by the Mayor, shall such new site be adopted. In the event a new site is used the proceeds of the sale of the old site shall go to the payment for the new site.

(c) To provide accommodations for patients of the existing public hospital while the new building is in course of erection and furnishing: *Provided, however,* That the General Council may, out of its levy for charitable institutions, assume the whole or part of the expense of providing such temporary accommodations, to the relief of the funds of the commission.

(d) Besides the superintendent of construction the commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensations and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(e) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work and the payment therefor as it may deem expedient.

(f) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(g) To purchase, hire, or otherwise obtain, the use of all such lands, building, machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes: *Provided*, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

7. **Real estate—commission may acquire—condemnation of.** Said commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly within the city where such hospital is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, furnishing, maintaining and operating such public hospital. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

8. **Contracts—bids.** All work to be done, or supplies or materials to be purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract, awarded to the lowest and best bidder, but the commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the superintendent of construction, in writing, shall recommend that course. All bids or parts of bids for any work or supplies or materials, may be rejected by said commission. This section shall not apply to nor be construed so as to limit the power of the commission in the employment of architects, employes, clerks, or agents, nor to the renting of grounds or buildings for the accommodation of patients while the hospital is in course of construction and furnishing.

9. **Bond issue—rate upon.** In order to provide money for the construction and furnishing of the said public hospital the General Council may adopt an ordinance submitting to the voters of the city at the November election, 1910, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed one million dollars; and the ordinance shall also contain the

necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the General Council either prior or subsequent to the selection of the plan to be used in the construction of said public hospital.

10. **Issue and sale of bonds.** If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold: *Provided*, That no such bonds shall be sold for less than par, and *provided further*, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the commission in the same depositories which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned in such manner and accompanied by voucher approved in such manner as may be prescribed by regulations to be adopted by the commission.

11. **Power to borrow money.** All disbursements of the commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of the said bonds; *Provided, however*, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the payment of all money so borrowed; and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1910, the powers herein granted to the said commission shall cease and the said commission shall stand dissolved.

12. **Disposition of property upon dissolution of commission.** Upon the dissolution of the said commission, as provided in Section 11, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the

members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission; and, second, the balance, if any, to be paid into the hands of the Commissioners of the Sinking Fund of such city to be used by them as a sinking fund for the bonds hereinbefore provided for. The commission shall pay out of proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it and the city shall not be liable for any debt which the Hospital Commission may incur, or claim for damages which may be asserted or awarded against said commission.

13. **City Attorney—duty of.** All legal services or advice required by the Hospital Commission shall be rendered by the City Attorney and his assistants without additional compensation.

14. **Sections 2827 and 2861 repealed in part.** Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of first class supervision and control over the construction of all public buildings and public improvements shall, to the extent that it conflicts with this act, stand repealed, and Section 2861, Kentucky Statutes, vesting in the Board of Safety exclusive control of all matters relating to the city hospital shall, to the extent that it conflicts with this act, stand repealed; *Provided*, That after said public hospital shall be constructed and turned over to the city, as provided in Section 12 of this act, then said two sections shall attach and thereafter continue as provided by an act entitled "An Act for the Government of Cities of the First Class." (*Act of March 14, 1910.*)

SUBDIVISION XXXIV.

Plumbing Department and Regulations.

§ 3037f. 1. **Certificates to be obtained by plumbers.** Any person now or hereafter engaged in or working at the business of plumbing in cities of the first class of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing, fixtures or material, shall first secure a certificate in accordance with the provisions of this act.

2. **Examination to be passed.** That within ninety days after this act becomes a law, and thereafter, all persons engaged in or working at the business of plumbing in this State, either as a journeyman or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the Board of Examiners hereinafter provided for, and shall at such time and place as the board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the board may prescribe. The examination shall be of such character as to thoroughly test the applicant's ability both practically and theoretically.

3. **Board of examiners—compensation.** There shall be in every city of the first class in this State a Board of Examiners of Plumbers, consisting of four members, two of whom shall be master plumbers and two journeymen plumbers. Said board shall be appointed by the Mayor and approved by the General Council, or by the board of trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment and thereafter annually before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent of the fees collected for examinations as hereinafter provided for. No person shall be eligible as a member of this board who has not served a

§3037f. Plumbing in large cities has such a relation to public health or safety as to authorize the Legislature to regulate the same by re-

quiring plumbers to undergo an examination. *City of Louisville v. Con- tier*, 177 Ky. 242; 197 S. W. 819.

regular apprenticeship and worked as a practicable journeyman for a period of five years or more.

4. **Members of board.** All members of such board shall be citizens and actual residents of the cities in which they act.

5. **Duties of board.** The Board of Examiners of Plumbers shall within twenty days after their appointment, meet and shall then designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicant, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures, and it shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a certificate of competency. The board shall keep and preserve the record of all persons examined by them and to whom a certificate of qualification has been issued. All certificates of qualification issued under the provisions of this act must be renewed by the holders thereof every five years and said holders of a certificate must be actually engaged in the business of plumbing at the time of making application for renewal of certificate, but upon renewal no examination shall be required. For each certificate or renewal of a certificate the board shall collect five dollars to be paid into the treasury of the city in which said board acts.

6. **Code of rules—duty and powers of board.** The board constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing and drainage in the city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may, from time to time, add to, amend or alter such rules, after the board as aforesaid has prepared its code of rules, or any amendment or alteration thereof. The same shall be communicated to the General Council or Board of Trustees of the city in which the said board is appointed and acts, and within ninety days after the same has been submitted to said General Council or Board of Trustees that body shall, by proper action, either accept said

rules and regulations and incorporate them as part of the municipal laws, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the board. In the event the General Council or Board of Trustees rejects the code of rules or any part thereof as reported by the Board of Plumbing Examiners as herein provided, then the General Council or Board of Trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

7. **Materials—kind that may be used.** The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all materials and fixtures, including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra light lead pipes, bends and traps, and all combination lead and iron or combination lead and brass ferrules, bends or traps; but there shall be employed only the best known methods of joining lead or iron pipes by the use of heavy cast brass ferrules properly wiped with solder to lead.

8. **Chief and deputy inspectors—appointment of—salaries—duties of.** In all cities of the first class there shall be appointed by the Mayor of the same, one chief plumbing inspector and such number of deputy inspectors as the General Council or Board of Trustees of said city may designate, said city plumbing inspector and deputy inspector shall be appointed by the Mayor, and approved by the General Council or Board of Trustees of said city within ninety days after the passage of this law for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the General Council or Board of Trustees. Said inspector shall also have the

deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No persons shall be eligible to the office of plumbing inspector unless he have at least ten years' practical experience in the business of plumbing, and he shall not be connected in any way with any firm or incorporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he resides.

9. **Public and private plumbing to be done in accordance with act.** The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted by the city or board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

10. **Supervision by Board of Health—report to.** The plumbing department of every city of the first class in this State, consisting of the examining board, the chief inspector and his deputies shall be under the supervision of the Board of Health of said city, and the chief inspector shall make a complete report of this department to said Board of Health at the end of each year.

11. **Plumbing—term defined.** By the term of plumbing as in this act used is included all work of every character connected with the installation or repair of any plumbing fixture or material connected with the drainage of buildings or property; likewise all work requiring connection with street sewers or water mains or with plumbing ventilation.

12. **Penalty for violations.** Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under the authority herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars (\$5) or more than fifty dollars (\$50) for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the board as hereinbefore provided.

13. **Repealing clause.** All acts and parts of acts inconsistent with the provisions herein contained are declared to be repealed.

14. **Scope of act.** The operations of this act shall apply only to cities of the first class.

15. **Scope of act.** Nothing in this act shall be construed as involving or affecting any plumbing now installed. (*Act of March 17, 1914.*)

SUBDIVISION XXXV.

Tenement House Law.

ARTICLE I.

General Provisions.

§ 3037g. 1. **Short title.** This act shall be known as the "Tenement House Act."

§ 2. **Definitions.** Certain words and terms in this act are defined for the purposes thereof as follows:

1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person.

2. A "tenement house" is any house or building, or portion thereof, in a city of the first class, which is rented, leased, let or hired out, to be occupied, or is occupied or is intended, arranged or designed to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water closets or privies, or some of them, and includes apartment houses and flat houses in cities of the first class.

3. A "yard" is an open, unoccupied space on the same lot with a tenement house, between the extreme rear enclosing wall of the house and the extreme rear line of the lot.

4. A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court, not extending to a street, alley or yard, is an inner court. A court extending to

§ 3037g. See *Weissinger-Gaulbert Realty Co. v. Tilford, etc.*, Jefferson Circuit Court, No. 65225, construing and upholding the Act of 1910. See also on the general subject the numerous authorities cited in Judge Gordon's opinion in that case.

In *Mullins v. Nordlow*, 170 Ky. 169; 185 S. W. 825; sec. 63 of this act is construed; and the court also holds that the violation of a city ordinance may be made the basis of an action of negligence.

a street only, is a street court. A court extending to a yard or alley only, is a yard court. A court extending through from street to yard or alley, is a through court.

5. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose.

6. A "public hall" is a hall, corridor or passageway not within an apartment.

7. A "stair hall" includes the stairs, stair landing and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. A "basement" is a story partly, but not more than one-half, below the level of the curb, and a "cellar" is a story more than one-half below the level of the curb.

9. An "apartment" is a room or suite of two or more rooms used or intended to be used as the home of one family or household of two or more persons.

10. By a "corner lot," as used in this act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or public alley not less than twenty feet wide measured between the property lines.

11. The word "nuisance," in this act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around or about, a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof; whatever tenement house, or part thereof, is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to the intended or actual use; and whatever renders the air or human food or drink therein unwholesome, are also severally, in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

12. The word "shall" is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this act, as long as it continues to be a tenement house.

13. Wherever the words "charter," "ordinance," "regulations," "department of buildings," "building department," "health department," "department of health," "department, charged with

the enforcement of the act," "city attorney," "corporation counsel," "city treasury," or "fire limits," occur in this act, they shall be construed as if followed by the words "of the city of the first class in which the tenement house is situated." Wherever the words "is occupied" are used in this act, applying to a building, such words shall be construed as if followed by the words "or is intended, arranged or *designated* to be occupied."

14. "The height" of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the facade of the house. Where, however, the curb level is lower or higher than the level of the grade or ground immediately about the walls of a tenement house, the measurements prescribed by this act shall be taken from said grade or ground, instead of from the curb level. Where a street adjacent to or ground immediately surrounding a tenement house varies, the mean average grade of such street or ground shall be regarded as the grade or level within the meaning of this act. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

15. "Supplementary windows" are windows added in addition to those required by the provisions of this act, and which need not, therefore, comply therewith.

16. The words "business purposes" as used in this act shall include all purposes other than living purposes.

17. An "alcove" is a recess connected with or at the side of a larger room. The floor of such alcove shall be counted as a part of the floor area, and its cubic contents as a part of the cubic contents of the room with which it is connected.

18. Where a building is erected or is to be erected on a corner lot, the owner may designate what he intends to regard as the rear of such house or lot, and shall treat the building and lot for all purposes mentioned herein accordingly.

19. An "air intake" is a passageway connecting an inner court with a street, alley, yard or court.

20. A "habitable room" as used in this act is a room which can be used for sleeping or living purposes, and does not include such entry halls, closets, pantries, kitchens, kitchenettes, or store

rooms which by reason of their size or arrangement can not be used for sleeping or living rooms for any considerable period of the day or night.

§ 3. **Buildings converted or altered.** A building, not erected for use as a tenement house, if hereafter converted or altered for such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected; except that the provisions of this act as to the minimum dimensions of courts and yards may be modified where old residences are so converted or altered; but such buildings shall not be occupied as tenement houses without a special permit granted by both the Building and the Health Departments.

§ 4. **Alterations and change in occupancy.** No tenement house hereafter erected shall, at any time, be altered so as to be in violation of any provision of this act. And no tenement house erected prior to the passage of this act shall, at any time, be altered so as to be in violation of those provisions of this act applicable to such tenement house. If any tenement house, or part thereof, is occupied by more families than provided in this act, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the health department may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

§ 5. **Law not to be modified.** No ordinance, regulation or ruling of any municipal body or authority shall repeal, amend, modify, or dispense with any provision of this act: *Provided*, however, that nothing contained in this section or in this act shall impair the right of any city of the first class to pass and enforce any ordinance regulating the subjects of buildings, sanitation, fire protection or inspection, provided such ordinance is not inconsistent with any of the provisions of this act.

§ 6. **Time of compliance.** All improvements, specifically required by this act in or upon tenement houses erected prior to the date of its passage, shall be made before August 1, 1912.

ARTICLE II.

Light and Ventilation.

§ 7. **Percentage of lot to be left vacant.** Of the area of any interior lot on which a tenement house is hereafter erected, there

shall remain unoccupied and open to its full extent in all directions to the sky at least thirty per cent. If the front line of the house is set back from the street, the lot area thus left vacant shall not be counted as a part of the thirty per cent herein provided to be left vacant. Of the area of any corner lot, the streets adjacent to which are twenty or more feet wide, on which a tenement house is hereafter erected, there shall remain unoccupied at least twenty per cent. If a public alley ten feet or more in width, measured between the property lines, lie along a third side, the area of so much of said alley as lies along the width of said lot, may be counted as making up a part of the said twenty per cent to be left vacant. Communication between said vacant space shall be established and maintained with the alley or with the street, as elsewhere provided in this act. Where there is a store in the first story and that story is intended to be or is, occupied for business purposes only of a kind not prohibited by this act, said vacant space may be considered to start from the second story beams, provided that the roof of said store or business portion of the first story is properly drained and finished with concrete or other roofing which can be easily kept clean, and is accessible to the occupants of the upper stories of the building and has free communication with the alley or street as herein elsewhere provided for spaces left vacant at the ground.

§ 8. **Yards.** Where there is a yard behind a tenement house, the depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are three stories in height inclusive of basement, but exclusive of cellar, the yard shall not be less than fifteen feet in depth in every part. Said yard shall be increased one foot for every additional story or fraction thereof; and may be decreased in depth one foot for every story less than three stories in height; but it shall never be less than twelve feet in any part, except that where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that where there is a store on the first story, and that store is, or is intended to be, occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams, provided that the roof of said store is properly

drained and finished with granitoid or some other roofing susceptible of being cleaned and swept and made accessible to a janitor. But where there are no windows, other than water closet, bathroom, or supplementary windows opening upon a yard, such yard may have six feet as its minimum width, which shall be increased one foot for every additional story above three stories and a basement in height that such house is increased. Where there are no windows in the rear of a tenement house, no yard shall be required.

§ 9. **Courts.** In case of any tenement house hereafter erected, the sizes of courts upon which windows required by this act shall open shall be as follows: The width of all inner courts whose walls are not more than three stories in height, inclusive of basement, but exclusive of cellar, shall never be less than ten feet in any part, and the area shall never be less than two hundred square feet and for every additional story, said width shall be increased at least one foot and said area shall be increased at least twenty square feet. The width of all through, yard and street courts shall never be less than the minimum prescribed for inner courts; except that a yard or street court which is less than ten feet in depth may have a width of less than ten feet, provided that such width is never less than one-half the depth of said court. Where, however, an adjoining owner agrees of record to leave open and unoccupied a given space on his property immediately adjoining such court, and to treat such open space in all respects required by this act as a court and as a part of either lot, such space so left vacant and open may be included in determining the size of any court of which it thereby becomes a part. Where any court extends for its full length parallel with, and adjoining a public alley or street, the owner of such court may treat the width of such alley or street as a part of the width of such court as prescribed by this section. But where no windows, other than water closet, bathroom or supplementary windows open upon a through, yard or street court, the minimum width of such court may be four feet. But no court shall be required on that side of a tenement house on which no windows are situated.

§ 10. **Courts open at top.** No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky

unobstructed, except that where there is a store on the first story, and that story is, or is intended to be, occupied for business purposes, of a kind not prohibited by this act, such court may start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid or other roofing susceptible of being cleaned and swept, and made accessible to a janitor.

§ 11. **Air intakes.** Every inner court shall be provided with one or more horizontal air intakes at the bottom. Each such air intake shall always communicate directly with the street, yard or alley, and shall consist of a fireproof passageway not less than thirty-five feet in area of cross-section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than ten per cent. A communication with a street, yard or alley by means of a court of the dimensions prescribed by this act shall be deemed a sufficient compliance with this section.

§ 12. **Angles in courts.** Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet.

§ 13. **Tenements in alleys.** No separate tenement house shall be erected upon any private alley. No separate tenement house shall be erected upon any public alley where there is not left an open space of at least twenty-five feet in width between the tenement house and the opposite property line.

§ 14. **Buildings on same lot with tenement houses.** If any building is hereafter placed on the same lot with a tenement house, there shall always be maintained between the said building an open, unobstructed space extending upwards from the ground and extending across the entire width of the lot. Where either building is fifty feet in height, such open space shall be twenty-four feet from wall to wall; and for every twelve feet of increase, or fraction thereof, in the height of such building, such open space shall be increased two feet in depth throughout the entire width, and for every twelve feet of decrease in the height of such building below fifty feet, the depth of such open space may be decreased two feet. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease

the minimum size of courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition, the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

§ 15. **Rooms lighting of and ventilation of.** In every tenement house hereafter erected, every room, including water closet compartments and bathrooms, shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this act; and such window or windows shall be so located as to properly light all portions of such room, except as otherwise provided in Section 29 of this act.

§ 16. **Windows in rooms.** In every tenement house hereafter erected, the total window area in each room, including water closet compartments and bathrooms, shall be at least one-tenth of the superficial floor area of the room, and the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

§ 17. **Rooms, size of.** In every tenement house hereafter erected all habitable rooms shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area, and each other room shall contain at least eighty-four square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling: *Provided*, however, that an attic room, if habitable, need be nine feet in but one-half of its area, provided there are not less than seven hundred and fifty cubic feet of air space therein.

§ 18. **Alcoves and alcove rooms.** In a tenement house hereafter erected, an alcove in any room shall be separately lighted and ventilated, as provided for rooms in the foregoing sections, and shall not be less than eighty square feet in floor area; except an alcove that has a floor area of not to exceed thirty-five square feet, and that has an unobstructed opening equal in area to twenty per cent of its entire wall surface into an adjoining room;

provided, that in constructing additional habitable rooms by raising or altering existing one story dwellings, the limitation of the floor area of an alcove may be disregarded, provided that such alcove has an unobstructed opening equal to the floor area of such alcove, into an adjoining habitable room. This section shall not be construed as forbidding the erection of portieres or other decorative effects projecting, not more than eighteen inches from the plane wall of a habitable room. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room, so inclosed or subdivided, shall contain a separate window as herein required, and shall have a floor area of not less than eighty square feet, except as heretofore provided in this section.

§ 19. **Chimneys and fireplaces.** In every tenement house hereafter erected, there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, for every apartment, properly connected with one of said chimneys, wherever cooking is done, or is to be done, by coal, gas, wood, or other fuel, except electricity, in said apartment.

§ 20. **Privacy.** In every tenement house hereafter erected, in each apartment of three or more rooms, access to every living room and bedroom, and to at least one water closet compartment, shall be had without passing through any bedroom.

§ 21. **Public halls.** In every tenement house hereafter erected, every public hall shall have, at each story, at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall or boundary is not less than ten feet from said window. Such window shall be so placed at the end of the hall, that light may pass directly to the opposite end of the hall, or else there shall be at the side of the hall at least one such window in every twenty feet in length, or fraction thereof of such hall, except in so much of any public entrance hall as lies between the entrance to the building and the flight of stairs nearest the entrance, provided the entrance door contains not less than five square feet of glazed surface. Any part of a public hall which is shut off from any other part by a door or doors shall be deemed a separate hall within the meaning of this section. But where there is a system of artificial lighting and ventilation,

which is in the opinion of the Health Department adequate to properly light and ventilate said hall, the windows required in this and the two following sections may be omitted.

§ 22. **Windows and skylights for public halls, size of.** One at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres.

§ 23. **Windows for stair halls, size of.** In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at least two and a half feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window. Such window or door shall open upon a street, yard or court whose opposite wall or boundary is not less than four feet from said window or door; or upon a shaft of the minimum area herein provided, to-wit: Where the building is three stories or less in height the area of the shaft shall be at least sixteen square feet, and for each additional story the area shall be increased by four square feet.

ARTICLE III.

Sanitation.

§ 24. **Basement and cellar rooms.** In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes; and no room in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be, in every part, at least four feet and six inches above the curb level of the street in front of such room, when such room or the apartment containing it, is

located in the front part of the building. When, however, such room, or the apartment containing it, is located in the rear of the building, the yard across the entire width of the building shall be excavated so as to extend to a point below the floor level for a distance of at least three feet from the rear wall of the building. All courts upon which such room or apartment opens shall be excavated so as to extend to a point below the floor level of such room or apartment. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard.

3. There shall be appurtenant to such room a separate water closet, constructed and arranged as required by Section 29 of this act.

4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

§ 26. **Cellars, damp-proofing and lighting.** In every tenement house hereafter erected, adequate precautions shall be taken to prevent dampness in all cellars and basements by the use of cement floors throughout, and further by the damp-proofing of the walls and floors throughout whenever the nature of the soil is such as to make such damp-proofing necessary. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

§ 27. **Shafts, courts, areas and yards.** In every tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement or cellar floor level shall extend six inches below the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas and yards shall be properly graded and drained, and all shafts, courts and areas shall be paved.

§ 28. **Water supply.** In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

§ 29. **Water-closet accommodations.** In every tenement house hereafter erected there shall be a separate water closet in a separate compartment within each apartment, except that where there are apartments consisting of only one or two rooms there shall be at least one public water closet for every two apartments. Each such water closet shall be placed in a compartment completely separated from every other water closet, but a bathroom may be in the same compartment and such compartment shall be not less than three feet wide, and shall be enclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening upon a street or alley, or upon a court at least four feet wide, or upon a yard at least six feet wide; except that where there is an adequate system of forced or induced ventilation said compartment may open upon a shaft. When, however, such water closet compartment is lighted and ventilated by a skylight over it, no window shall be necessary, provided that the roof of such skylight contains at least three square feet of glazed surface, and is arranged so as to open readily. Every water closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material, laid as smooth as possible and such water-proofing shall extend at least six inches above the floor except at the door so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water closet fixture shall be enclosed with any woodwork. Nothing in this section in regard to the separation of water closet compartments shall apply to a general toilet room containing several water closets, provided that such water closets are supplementary to the water closet accommodations required by this act. Except as in this section otherwise provided, such water closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

§ 30. **Sewer connection.** Except as hereinafter provided, no tenement house shall be hereafter erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. Except as hereinafter provided, no cesspool or privy vault or similar means of sewerage disposal shall be used in connection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied. *Provided*, however, that a tenement house may be erected on a street where no sewer connection is possible upon a permit issued by both the Building and Health Departments if in their opinion adequate and sanitary means of sewerage disposal are provided by the owner of the lot on which such house is proposed to be erected.

§ 31. **Plumbing.** In every tenement house hereafter erected no plumbing fixtures shall be enclosed with woodwork. All plumbing pipes shall be exposed, when so required by the Health Department. In all tenement houses hereafter erected, where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

ARTICLE IV.

Alterations.

§ 32. **Percentage of lot occupied.** No tenement house shall hereafter be enlarged, or its lot be diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in Section 7 of this act.

§ 33. **Yards.** No tenement house shall hereafter be enlarged, or its lot be diminished so that the yard shall be less in depth than the minimum depths prescribed in Section 8 of this act for tenement houses hereafter erected. The measurements in all cases shall be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky; except that, where there is a store on the first story and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to

start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid, or other roofing, susceptible of being cleaned and swept and made accessible to a janitor.

§ 34. **Light courts in existing buildings.** Any court used or intended to be used to light or ventilate water closet compartments or rooms, and which may be hereafter placed in a tenement house erected prior to the passage of this act, shall not be less in area than sixty-four square feet, nor less than eight feet in its least dimensions, in any part, and such court shall, under no circumstances, be roofed or covered over at the top with a roof or skylight. Every such court shall be provided at the bottom with a horizontal air intake as provided in Section 11 of this act.

§ 35. **Additional rooms and halls.** Any additional room or hall that is hereafter constructed or created in a tenement house shall comply, in all respects, with the provisions of this act relating to new construction, except that such room or hall may be of the same height as the other rooms or hall on the same story of the house.

§ 36. **Rooms, lighting and ventilation of.** No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the Health Department.

§ 37. **Alcoves and alcove rooms.** No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by Section 18 of this act, and have a floor area of not less than eighty square feet, except as otherwise provided by Section 18 of this act.

§ 38. **Skylights.** All new skylights hereafter placed in a tenement house shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the Health Department.

§ 39. **Water closet accommodations.** Every new water-closet hereafter placed in a tenement house, except those provided to replace a defective or antiquated fixture in the same location,

shall comply with the provisions of Section 29 of this act relative to water closets in tenement houses hereafter erected.

ARTICLE V.

Maintenance.

§ 40. **Public halls, lighting of, in the daytime.** In every tenement house where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

§ 41. **Public halls, lighting at night.** In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all the other floors and stair halls of said house from sunset until ten o'clock in the evening.

§ 42. **Water closet in cellars.** No water closet shall be maintained in the cellar of any tenement house without a special permit in writing from the Health Department.

§ 43. **Water closet accommodations.** There shall be provided at least one water closet for every four families in every tenement house existing prior to the passage of this act.

§ 44. **Basement and cellar rooms.** Hereafter in tenement houses erected prior to the passage of this act, no room in the basement or cellar shall be occupied for living purposes without a written permit from the Health Department, and such permit shall be kept readily accessible in the main living room of the apartment containing such room. And no such room shall hereafter be occupied unless all the conditions of this section are complied with; and said written permit shall be issued only when all of the said conditions are complied with, and, if the permit is refused, the reason for such refusal shall be stated by said department in writing, and a copy thereof shall be kept in a proper book in the office of said department, and be accessible to the public, and said conditions are as follows, to-wit:

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage of said room, an open space at least three feet wide in every part, unless such room extends for more than one-half of its height above the curb level. Such space shall be well and effectually drained.

5. At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, of at least twelve square feet in size, clear of the sash frame, and which shall open readily for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the lowest floor shall be water-proof and damp-proof.

7. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation in the opinion of the Health Department.

In case of rooms located in tenement houses erected prior to the passage of this act, which do not comply with all the provisions of subdivisions one, two and four of this section, the Health Department may issue a special permit for occupancy; provided said department shall certify in writing that such rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. The procedure in such cases shall be as follows: Upon receipt of a written request from the owner stating that there are rooms in the basement or cellar which are or have been previously occupied for living purposes, but which do not conform to the requirements of subdivisions one, two and four of this section, and requesting a special permit for the occupancy of such rooms, the said department shall cause an inspection to be made, and a written report filed which shall state the respects in which said rooms do not conform to the requirements of said subdivisions, and whether said rooms have sufficient light

and ventilation, are well drained and dry, and are fit for human habitation. No such special permit, however, shall be issued unless such facts are certified to in writing by said department. Such special permits shall be issued only by the head of the department or his deputy, who may require such improvements or alterations in said rooms, as may be practicable, as a condition precedent to the granting of said special permit. All reports and papers connected therewith shall be deemed public records in the Health Department.

§ 45. **Water closets and public sinks.** In all tenement houses the floor or other surface beneath and around water closets and sinks shall be maintained in good order and repair and, if of wood, shall be kept well painted with light-colored paint.

§ 46. **Cellar walls and ceilings.** The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the Health Department.

§ 47. **Repairs.** Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping onto the ground or causing dampness in the walls, ceilings, yards or areas.

§ 48. **Water supply.** Every tenement house shall have running water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

§ 49. **Cleanliness of buildings.** Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth and garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house

or part thereof shall thoroughly cleanse and keep clean at all times all of the parts, appurtenances and premises of a tenement house in common use among the tenants; and each tenant shall cleanse and keep clean at all times each room and apartment occupied by him, to the satisfaction of the Health Department.

§ 50. **Walls of courts and shafts.** The walls of all yard courts, and inner courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary as may be required by the Health Department.

§ 51. **Walls and ceiling of rooms.** In all tenement houses the Health Department may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such room, and may require this to be renewed as often as may be necessary.

§ 52. **Wall paper.** Except as hereinafter provided, no wall paper shall be placed upon a wall or ceiling of any tenement house, unless all wall paper shall be first removed therefrom, and such wall and ceiling be thoroughly cleaned. But the Health Department may upon application from the owner and after inspection of such house, where such department is convinced that it is not necessary to the sanitary improvement thereof that the foregoing provision be complied with, issue a permit excusing compliance therewith.

§ 53. **Receptacles for ashes, garbage and rubbish.** The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter. Any person placing such ashes, rubbish, garbage, refuse or other matter in the yards, adjoining or connected with or appurtenant to any tenement house, or in any part of such house, except in suitable receptacles provided therefor, and any person wrongfully removing a receptacle so provided, shall be subject to a fine for each offense of not less than five (\$5) dollars, nor more than twenty-five (\$25) dollars.

§ 54. **Prohibited uses.** No horse, cow, calf, sheep, goat or fowls shall be kept in a tenement house, or on the same lot or premises thereof within less than twenty feet of any part or portion of said house and no swine shall be kept in a tenement house,

or on the same lot or premises; and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients, or for the storage or handling of rags, or a place of public assemblage, or as a place of assignation or prostitution.

§ 55. **Combustible materials.** No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article, except under such conditions as may be prescribed by the Health Department, under authority of a written permit issued by said department. No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, or for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

§ 56. **Bakeries and fat boiling.** No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fire-proof throughout.

§ 57. **Other dangerous businesses.** There shall be no transom, window or door opening into a hall from any portion of a tenement house where paint, oil, spirituous or intoxicating liquors or drugs are stored for the purpose of sale or otherwise.

§ 58. **Janitor or housekeeper.** In any tenement house in which the owner thereof does not reside, and where there are ten or more apartments, there shall be a janitor, housekeeper or other responsible person, who shall reside in said house and have charge of the same, if the Health Department shall so require.

§ 59. **Overcrowding.** If a room in a tenement house is overcrowded, the Health Department may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than six hundred cubic feet of air to each adult, and four hundred cubic feet of air to each child under twelve years of age occupying such room.

§ 60. **Infected and uninhabited houses to be vacated.** Whenever it shall be that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the Health Department may issue an order

requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours, nor more than ten days, for reasons to be mentioned in said order. In case such order is not complied with within the time specified, the Health Department may cause said tenement house or part thereof to be vacated. The department, whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

§ 61. **Repairs to buildings, etc.** Whenever any tenement house or any building, structure, excavation, business pursuit, matter or thing, in or about a tenement house, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is in the opinion of the Health Department, in a condition dangerous or detrimental to life or health, the Health Department may declare that the same, to the extent it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The Health Department may order or cause any tenement house or part thereof or any excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot on which it is situated to be purified, cleaned, disinfected, removed, altered, repaired, or improved. If any order of the department is not complied with within five days after the service thereof, or within such time as the department may designate, then such order may be executed by said department through its officers, agents, employes or contractors.

§ 62. **Fire escapes and fireproofing of buildings.** Every tenement house hereafter erected over two stories and a basement in height, and every building hereafter altered for use as a tenement house, over two stories and a basement in height, shall be equipped and kept equipped with such fire escapes for each floor as shall be deemed adequate by the Building Department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escapes. Every tenement house hereafter erected, over three stories and a basement in height and every non-fire-

proof building hereafter altered for use as a tenement house over three stories and a basement in height shall be of fireproof construction.

§ 63. **Fireproofing, scuttles, bulkheads, ladders and stairs.** All scuttles and bulkheads and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall be at any time locked with a key, but either may be fastened on the inside by sliding bolts or hooks.

ARTICLE VI.

Improvements.

§ 64. **Rooms, lighting and ventilation of.** No room in a tenement house existing prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window, opening into an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions. Said sash windows shall be a vertically sliding pulley hung sash not less than three feet by five feet between stop beads; both halves shall be so made as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible, it shall be in line with windows in outer rooms opening on the street or yard so as to afford a maximum of light and ventilation. In the case of rooms located in apartments that extend through from the street to the yard, thus insuring through ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, but do not comply with all the provisions of this section, the Health Department when satisfied that no material improvement in the light and ventilation of such rooms can be had that would warrant the providing of new windows of the size and kind specified, may

permit the occupancy of such rooms for living purposes in certain cases, provided such improvements or alterations as may be practicable and as are required by said department are made by the owner, and said certain cases are as follows:

1. Where there is an existing window or window opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

2. Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

3. Where rooms located on the top floor open upon a court of less size than twenty square feet or closed at the top, but such rooms have sufficient light and ventilation.

4. Where owing to the size of partitions, arrangement of rooms, location of fixed closets or stairs, or the interposition of air shafts, it is impracticable to provide a window of the required size, and a window as large as practicable is provided.

§ 65. **Public halls, lighting of.** In every tenement house whenever a public hall on any floor is not light enough in the daytime to permit a person to read common news-print of a newspaper in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms, shall be removed, and ground glass, or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door, shall be substituted; or said public hall may be lighted by a window or windows at the end thereof with the plane of each window at right angles to the axis of the said hall, said window or windows opening upon the street or upon a yard or court.

§ 66. **Public halls, lighting and ventilation of.** In all tenement houses erected prior to the passage of this act, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the Health Department, which may order such improvements and alterations in said houses as in its judgment may be necessary to accomplish this result. All new skylights hereafter placed in such houses shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by said department.

§ 67. **Public sinks.** In all tenement houses erected prior to the passage of this act, the woodwork inclosing sinks located in the public halls or stairs, shall be removed and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink or sinks shall be put in good order and repair and, if of wood, shall be well painted with light-colored paint.

§ 68. **Water closets.** In all tenement houses erected prior to the passage of this act, the woodwork inclosing all water closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair, and if of wood, shall be well painted with light-colored paint.

§ 69. **Privy vaults, school sinks and water closets.** In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewerage, shall, within two years from the passage and approval of this act, be completely removed and the place where they were located disinfected under the direction of the Health Department. Such appliances shall be replaced by individual water closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water closet shall be located in a compartment completely separated from every other water closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street or yard or on a court. The floors of the water closet compartments shall be water proof as provided in Section 29 of this act. Where water closets are placed in the yard, to replace school sinks or privy vaults, long hopper closets may be used; but all traps, flush tanks and pipes shall be protected against the action of frost. In such cases, the structure containing the water closets shall not exceed ten feet in height; such structure shall be provided with a ventilating skylight in the roof of an adequate size, and each water closet shall be located in a compartment completely separated from every other water closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one

water closet for every four families or less in every tenement house existing on the day this act takes effect. Except as in this section otherwise provided, such water closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

§ 70. **Basements and cellars.** The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when so required by the Health Department, except where such ceiling is already well sheathed with matched boards, or well covered with a metal ceiling, or where the first floor above the cellar is constructed of iron beams and fireproof filling.

§ 71. **Shafts and courts.** In every tenement house there shall be at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned out; provided, that where there is already a window or door in a tenement house, giving proper access to such shaft or court, such window or door shall be deemed sufficient.

ARTICLE VII.

Requirements and Remedies.

§ 72. **Permit to commence building.** Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect, shall submit to the Inspector of Buildings and to the Health Department, a detailed statement in writing verified by the affidavit of the person making the statement, of the specifications for the light and ventilation and sanitation of such tenement house or building, and also a full and complete copy of the plans of such house or building and of the proposed work, and a correct plat, by dimensions, of the lot occupied or to be occupied. Such statement shall give in full the name and residence, by street and number, if any, of the owner or owners of such tenement house or building. If such construction, alteration or con-

version is proposed to be made by any other person than the owner of the land in fee, such statement shall also contain the full name and residence, by street and number, if any, of such other person, whether he be owner, lessee or agent. Said affidavit shall allege that said specifications and plans are true, and contain a correct description of such tenement house, buliding, structure, lot and proposed work. The statements and affidavit herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, for the purpose of this act, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any affidavit provided for in this act shall be deemed such, and punished as such under the laws of the Commonwealth. Such specifications, plans, affidavits and statements shall be filed in the said departments and shall be deemed public records, and no such specifications, plans, affidavits or statements shall be removed from said departments. The said departments shall cause all such plans, statements, affidavits and specifications to be examined, and if they conform to the provisions of this act relative to the light, ventilation and sanitation of tenement houses, they shall be approved by the Health Department, and a written certificate to that effect shall be issued to the person submitting the same. Compliance with the provisions of this act, other than those relating to light, ventilation and sanitation, shall be under the supervision of the Department of Building, and if such plans, statements, affidavits and specifications conform to the provisions of this act in such other respects they shall also be approved by said Building Department and a written certificate to that effect issued to the person submitting the same. The respective departments may, from time to time, approve changes in any plans and specifications previously approved by them, provided the plans and specifications when so changed shall be in conformity with the law. The construction, alteration or conversion of such tenement house, building or structure, or any part thereof, shall not be commenced until the filing of such plans, affidavits, specifications and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building

or structure, shall be in accordance with such approved specifications and plans. Any permit or approval may be issued by the Health or Building Department, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval shall expire by limitation. Said departments, or either of them, shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans, affidavits or statements submitted or filed for such permit or approval.

§ 73. **Certificate of compliance.** No tenement house hereafter altered or constructed or building altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the Health Department that said building conforms in all respects to the requirements of this act relative to the light, ventilation and sanitation of tenement houses, and until the issuance of a certificate by the Building Department, that said house conforms in all other respects to the requirements of this act.

§ 74. **Penalties and violations.** Except as otherwise provided in Section 53 of this act, every person who shall violate or assist in the violation of any provision of this act, shall be fined not less than ten (\$10) dollars nor more than twenty-five (\$25) dollars for each offense, and each and every day after the expiration of the notice prescribed by this act that said violation is allowed to continue shall be considered an additional offense. Such person or persons shall also be liable for all costs, expenses and disbursements paid or incurred by said departments, or by any of the officers thereof, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property, shall subject said property to the fines and penalties herein prescribed upon the institution of the proper proceeding against said property or its owner.

§ 75. **Procedure.** In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure, or upon the lot on which it is situated, either of

said departments or the city attorney or corporation counsel may institute in the name of the city any appropriate civil action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, or to restrain, correct or abate such violation or nuisance, or to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot, or for the imposition or collection of any fine or penalty prescribed by this act.

§ 76. **Registry of owner's name.** Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the Health and Building Departments a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the said departments easily to find him and the property.

§ 77. **Registry of agent's name.** Every owner, agent or lessee of a tenement house shall file in the departments of health and of buildings a notice containing the name and address of an agent, residing in the city wherein the house is located, for the purpose of receiving service of process, in all actions herein provided for, and also a description of the property by street number or otherwise in such a manner as will enable the said departments to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

§ 78. **Service of notice and orders.** Every notice or order issued by the departments in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to such person, if any, whose name has been filed with the departments of health or building in accordance with the provisions of Sections 76 and 77 of this act, at his address as therewith filed, shall be sufficient service thereof.

§ 79. **Indexing names.** The names and addresses filed in accordance with Sections 76 and 77 shall be indexed by the departments of health and of building, in such manner that all of those filed in relation to each tenement house shall be together

and readily ascertainable. The said departments shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to the public inspection during business hours.

§ 80. **Disagreements between departments.** In case of any disagreements between the health and building departments with respect to the construction and enforcement of this act, or any part thereof, the question shall be referred to the Board of Public Safety for final determination.

§ 81. **Fines and recoveries to be paid into city treasury.** All fines and recoveries realized under this act shall be paid to the City Treasurer.

§ 82. **Duty of City Attorney or corporation counsel.** It shall be the duty of the City Attorney or Corporation Counsel and his assistants, to render all legal services that may be required for the enforcement of any or all of the provisions of this act.

§ 83. **Laws repealed.** All statutes of the State and all local ordinances, so far as inconsistent with the provisions of this act, are hereby repealed.

§ 84. **When to take effect.** This act shall take effect from and after its passage. (*Original act effective June 15, 1910. Amended March 19, 1912.*)

BOARD OF CHILDREN'S GUARDIANS.

§ 2008. **Appointment of board in counties having cities of first class, terms of office.** That in all counties of this Commonwealth in which there may be a city of the first class there shall be created a board to be composed of six persons, two of whom shall be colored, which board shall be a body politic and corporate, and shall be known as the Board of Children's Guardians of said county, and in such name sue and be sued. The members of said board shall be appointed by the judge of the city or police court, and shall serve without compensation, and the city or police judge shall be ex-officio member of said board. Two members of such board shall serve one year, when their successors shall be appointed, who shall serve three years; two members shall serve two years, and their successors shall be appointed, who shall serve three years; and two members shall

serve three years; and their successors shall be appointed who shall serve three years; and annually thereafter there shall be appointed two members, who shall serve three years.

§ 2009. **Powers and duties of board—provision for temporary homes.** Said board shall have the care and supervision of all neglected and dependent children under sixteen years of age in the county for which they were appointed, and shall have the power to take under their care and control, in the manner hereafter specified, any children abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually drunken or unfit parents; children kept in vicious or immoral associations; children known by their language and life to be vicious or incorrigible; all children of parents living together in unlawful cohabitation. Said board shall provide a temporary home, where such children as may be committed to their care may be suitably and comfortably maintained and educated, special attention being given to their moral training. They shall have the power, by leave of the judge of said court, to commit such children to orphan asylums, industrial schools, or State reformatory, or, under the order of any court having jurisdiction, said children may be indentured as apprentices, or may, by the consent of said board filed in the Circuit Court, be adopted without the consent of the parents of said child; or such children may be in any manner disposed of by said board as the said court, upon written petition, shall direct; *Provided*, That in committing children to the Industrial School of Reform, the court shall be governed by the law regulating commitment to that institution in every particular and that law shall not be deemed to be repealed, in any part, by this act; and, *Provided further*, That in all indentures of apprenticeship made under this act special provision shall be made for the moral training of such apprentice, and said board shall have full power, and it shall be its special duty, to enforce such contract, see that the apprentice renders due obedience and service, and that his moral training and industrial education are not neglected, and that he or she is humanely treated and comfortably provided for. For such purposes the board shall at all times retain its

§ 2009. **Powers of Police Judges** under this section are conferred on Juvenile Court by Ky. St., Sec. 331e.

Marlowe v. Com., 142 Ky. 106; 133 S. W. 1137.

powers as guardian of such infant. (See further as to care of children, § 325 Ky. St.)

§ 2010. **Children when taken from parents—petition in Police Court—hearing of petition.** Whenever said board shall have probable cause to believe that any child under sixteen years of age is abandoned, neglected or cruelly treated by its parents or parent, or is habitually sent out or permitted to beg in public places, or who lives by begging, or that the parent of any child is in constant habits of drunkenness or low or gross debauchery, or that the associations of such child are such as tend to its corruption and contamination, or that such child is known by language and life to be vicious or incorrigible, or that the parents of such child are living together in unlawful cohabitation, such board shall file a petition in the city or police court, setting forth such facts in regard to such child, and thereupon the court shall issue a writ for the custody of such child, which shall be served upon the parents or person having actual custody or control of said child; or if such child is under no actual parental custody or control, then upon the child itself, and thereupon said board shall take and keep said child at the temporary home of the said board until the final order of the court upon said petition; or said board may, in its discretion, place said child in the temporary custody of some private individual until such final order of court. Notice of the time of hearing upon said petition shall be served upon the parents or person having the actual control or custody of said child, who shall have the right to call witnesses and be heard as to his or her rights, fitness and ability to care for and educate such child. If the facts set forth in said petition shall be found by the court to be true, and any of the above causes exist, it shall order that said child be committed to the custody of said Board of Children's Guardians, and if the parents of such child are able to maintain and support said child, it shall be the duty of the court to require them to pay board, and the court shall have authority, by attachment or other proceedings, as in cases of contempt, to enforce such payment. (See further as to care of children, Chapter 18, Ky. St.)

§ 2011. **Board not liable for costs or fees—costs to be paid by county.** That in all cases in which said Board of Children's Guardians is interested, or the filing of petitions, reports and proceedings for adopting wards of such board, no fee shall be

taxed against said board by the clerk of the court, or the Sheriff of the county, or any other officer, and said Board of Children's Guardians shall not be liable for the payment of any court costs or witness fees; but all such costs as may be incurred by such board in the discharge of the duties herein enjoined upon it shall be paid by the county wherein such board shall be created out of the fund hereinafter provided for.

§ 2012. **Power of Circuit Court to remove members of board.** The Circuit Court of the county shall have power to remove any or all of said members of said Board of Children's Guardians for any misconduct or neglect of duty, upon a proper showing made in open court, after said member or members shall have been given a full opportunity to be heard in their defense.

§ 2013. **Tax to be levied to meet necessary expenses.** For the purpose of meeting the expenses necessary to carry out the purpose of this act, the Fiscal Court of the county, and the municipal board of the city in which such board shall act, are empowered to levy a tax not to exceed one cent on the one hundred dollars of taxables in their respective cities or counties.

§ 2014. **Duty of County and Prosecuting Attorney.** It shall be the duty of the County Attorney to file all petitions, and to attend to all proceedings instituted by said board, and to prosecute the same to a final issue; and in his absence it shall be the duty of the prosecuting attorney of the city court to do so. (*Act of December 17, 1892.*)

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