

ORDINANCES

Of the Town of

DUREHAM,

1873.

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*E. M. Shepard
1162 & 1115 ad
Durham nc*

ORDINANCES

AND

RESOLUTIONS

FOR THE GOVERNMENT OF THE

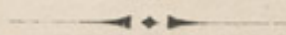
TOWN OF DURHAM.

Published by Order of the Board of Commissioners.

JULIAN S. CARR, Mayor.

COMMISSIONERS :

E. J. PARRISH,	J. F. FREELAND,
J. E. LYON,	J. S. LOCKHART,
W. MANGUM.	



RALEIGH:

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1873.

AN ACT

TO INCORPORATE THE TOWN OF DURHAM, IN THE COUNTY OF ORANGE.

An act of incorporation.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Town of Durham, in the county of Orange, be, and the same is hereby incorporated, by the name and style of "The Town of Durham," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code; *Provided*, That any male citizen residing within the proposed corporation shall be entitled to all the privileges contained in an act to provide for the holding of Municipal elections in North Carolina, ratified 16th day of December, 1868.

Corporate limits.

SEC. 2. That the corporate limits of said Town shall extend one-half mile in all directions from the warehouse of the North Carolina Rail Road in said town.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 10th day of April, 1869.

JO. W. HOLDEN,
Speaker of the House.

TOD. R. CALDWELL,
President of the Senate.

I, Henry J. Menninger, Secretary of State, hereby certify that the foregoing is a true copy of the original Act on file in this office.

H. J. MENNINGER,
Secretary of State

ORDINANCES

FOR THE GOVERNMENT OF THE

TOWN OF DURHAM.

SECTION 1.—*Be it ordained by the Commissioners of the town of Durham, and it is hereby ordained by the authority of the same,* That for offences committed against the ordinances of this town, the Magistrate of Police shall issue a warrant against the offender or delinquent, and shall punish him, her, or them agreeably to the ordinances of said Town.

Magis. of Police
to issue warrant
&c.

SEC. 2. Whenever the Magistrate of Police shall impose a fine and costs upon an offender against any ordinance of the town, such offender shall stand committed to the Guard House until such fine and costs are paid: *Provided, however,* if such offender shall be unable to pay the fine and costs thus imposed, instead of being thus fined, he or she shall be imprisoned in the Guard House, and the costs accruing in such cases shall be paid out of the town treasury.

Provision for
costs.

SEC. 3. That the Town Constable be required to take the following oath before he enters on the discharge of the duties of his office:

Town constable
required to
make oath.

I, A. B., do solemnly swear that I will well and truly, according to my knowledge, power and ability, do and execute all things belonging

Form of oath.

Ordinances.

to the office of Constable of the town of Durham, so long as I shall continue therein.

Substitute for
town constable.

SEC. 4. In case of the absence or disability of the Town Constable to execute any process, the Magistrate of Police may depute and empower any other Constable or person, whose duty it shall be to execute the same, and to make due return thereon.

Constable to re-
port offenders.

SEC. 5. It shall be the duty of the Town Constable to report to the Magistrate of Police the names of all persons who offend, and the offences against the town ordinances, which shall come to his knowledge; and it shall be the duty of said Magistrate forthwith to issue his warrant against such offender.

Town constable
to arrest with-
out a warrant.

SEC. 6. It shall be the duty of the Town Constable to arrest, without warrant, and carry before the Magistrate of Police, all persons who shall, in his sight, violate any of the town ordinances.

Parents and
guardians lia-
ble for costs.

SEC. 7. In all cases where the offender against the town ordinances is under the age of twenty-one years, then his or her guardian or parents shall be held liable for the fine and costs.

Not to shoot
within the lim-
its of the town.

SEC. 8. No person shall discharge or shoot a gun, pistol or fire arms of any description within the limits of the town; and each offender when duly convicted of a violation of this ordinance shall (at the discretion of the Magistrate of Police) pay a fine not exceeding two dollars; *Provided nevertheless,* That this ordinance shall not ex-

to discharging fire-arms by soldiers or militiamen when on parade.

SEC. 9. No person shall leave any firewood, timber, scantlin, brick, stone, sand or dirt, or throw any rubbish or combustible stuff which will operate as a nuisance, on any street, lane, alley or public lot of the town, and suffer it to remain there longer than twelve hours, under a penalty of not exceeding two dollars for each twenty-four hours that such nuisance shall thereafter remain and continue; *Provided, always,* That this ordinance shall not extend to persons who are building.

Not to drop wood, &c., in the streets.

SEC. 10. No person shall ride or drive immoderately through any of the streets, lanes or alleys of the town, under the penalty of one dollar for the first offense, and for every repetition of the offence a sum not exceeding ten dollars nor less than two dollars.

Not to ride or drive immoderately through the streets.

SEC. 10. No person, whatever, shall throw, pitch, or fling stones, bricks, brickbats, or any hard substance, so as to endanger the person or property of any one, within the limits of the town, under the penalty of not exceeding two dollars, or at the discretion of the Magistrate of Police.

Not to throw stones.

SEC. 12. No person, whatever, shall carry fire through any of the lots, streets, lanes or alleys of town, unless the same be securely covered, under a penalty of two dollars for each violation of this ordinance.

Not to carry fire unless covered.

Unloading wag-
ons, &c., on the
Sabbath.

SEC. 13. No merchant, grocer, wagoner, or other person whatever, shall load or unload any wagon or cart, or other conveyance for goods, wares and merchandise, within this town, on the Sabbath, under the penalty of ten dollars for each person so offending.

Misbehaving,
&c., after ten
o'clock at night

SEC. 14. If any person shall be found behaving disorderly in the streets, lanes, or alleys, at any time, or if found in any house of ill-fame, or other suspicious place, after the hour of ten o'clock at night, such person so found shall be apprehended by the Town Constable, and be safely kept until brought before the Magistrate of Police, whose duty it shall be to examine such person, and at his discretion to fine him or her a sum not exceeding ten dollars.

Persons cock-
fighting, &c.

SEC. 15. If any person be found cock-fighting, gaming at cards, or at any other game of hazard, he or she shall be fined not exceeding ten dollars.

Not to exhibit
stud horses or
jacks in town.

SEC. 16. If any person shall hereafter exhibit or show any stud-horse or jackass within the streets, lanes, alleys, or public square of the town, shall, upon conviction before the Magistrate of Police, pay a fine of five dollars; nor shall any person try any mare to any stud-horse or jackass, or permit any stud-horse or jackass to cover a mare within the limits of the town, except in a place hidden from view, under a penalty of ten dollars.

Nor permit
them to mares.

SEC. 17. It shall be the duty of the Magistrate of Police or Town Constable to disperse a

lection or assemblies of persons in the streets, and to quell all rioting, quarreling, loud and profane cursing and swearing, and to suppress all disorderly behavior of every kind by whomsoever done; to effect which purpose, they shall have it in their power to call to their assistance any citizen of the town, who, on refusing to give his assistance, shall be fined not exceeding five dollars, and the Magistrate of Police shall fine, not exceeding ten dollars, or imprison at his discretion, all persons behaving in such riotous and disorderly manner.

SEC. 18. No person shall ride, drive or lead any horse, mare, gelding, mule, or ox, along or upon the side-walks of the town, nor hitch or tie the same thereon, under the penalty of one dollar for each offence.

Not to ride or hitch horses on sidewalks.

SEC. 19. Every chimney shall extend at least three feet above the roof of the house to which it belongs, and the pipe of every stove shall extend at least three feet from the wall or roof of the house in which it is kept; and whosoever shall violate this ordinance by keeping fire in any chimney or stove, not of the dimensions and length aforesaid, after due notice of the requisitions of this ordinance, shall pay a fine of ten dollars for every twenty-four hours that the fire shall be kept or used in such chimney or stove, the case may be.

Chimneys, stoves, &c.

SEC. 20. No house used as a *necessary* shall be within thirty feet of any street or lane of

Necessaries not to be within thirty feet of the street, &c.

SEC. 24. No person whatever shall hitch or tie any horse, mare, gelding, mule, jackass, or ox to any tree, or to the fixtures around any tree planted or standing along by the side-walks of any streets in the town, under the penalty of one dollar for each offence.

Not to hitch horses, &c., to trees in streets.

SEC. 25. No person shall put up or keep a plank kiln, or dry plank or other lumber on any plank kiln within one hundred feet of any house, under a penalty of ten dollars for every such offence.

Plank kiln not to be within 100 feet of any house.

SEC. 26. It shall not be lawful for any person to pen hogs within ten feet of any of the streets, lanes or alleys of the town, or on any of the public lots or other places where the same may operate as a nuisance to any of the good citizens of the town, under the penalty of five dollars, and a further penalty of one dollar for every twenty-four hours they shall remain so penned, after the owner has had due notice thereof.

Hog pen prohibited, &c.

SEC. 27. If any person shall misbehave in the streets or within the limits of the town, at any time, either by using low or profane language, quarreling, being drunk, or in any other manner, it shall be the duty of the Town Constable to arrest such person immediately and to carry him, her or them before the Magistrate of Police, who shall fine not exceeding ten dollars, imprison, or commit such offenders at his discretion.

Persons misbehaving in the street.

SEC. 28. If any person shall permit a drunken person to lie in his piazza or on his steps, he shall

Persons forbidden to allow drunken men to lie on steps.

be fined a sum not exceeding five dollars, nor less than two dollars.

Filthy cellars,
&c.

SEC. 29. If any person or persons shall keep or suffer to be kept any lot, or house, or cellar, within the corporation of Durham, to him or her belonging or in possession, in such a condition as to be a nuisance, and after due notice shall fail or refuse to abate said nuisance, he or she shall pay the sum of five dollars, and the further sum of three dollars for every twenty-four hours such nuisance shall be suffered to remain.

Not to throw
any nuisance
into the streets.

SEC. 30. If any person shall throw any thing in any of the streets or lots of the town which may operate as a nuisance, he or she shall pay a fine of two dollars.

Town constable
to remove car-
rion.

SEC. 31. The Town Constable shall be required to remove carrion or other nuisances from the streets, and shall be paid therefor.

Fires prohib-
ed.

SEC. 32. If any owner, or occupant of any building within this town, shall build, or allow to be built, any fires within forty feet of said building, he, she or they shall be liable to pay a fine not exceeding five dollars; and if any person shall throw fire-balls within the town, he, she or they shall pay a fine of not exceeding five dollars and costs.

Proud bitches
not to run at
large.

SEC. 33. A fine of not less than five nor more than ten dollars shall be imposed upon any person who shall allow a proud bitch to run at in town, and the further sum of ten dollars every day thereafter that said bitch runs at

Provided, That if the owner of said bitch is unknown to the Town Constable, it shall be his duty to destroy her immediately; *Provided further*, That if the owner of said proud bitch lives without the corporation, the Town Constable is hereby required either to destroy or remove her at his discretion.

SEC. 34. The Town Clerk shall be annually allowed the sum of twenty-five dollars as a compensation for his services in preserving the books, papers, records, and journals, and for making a record of the proceedings and acts of the Board of Commissioners. Clerk's salary,

SEC. 35. The Town Treasurer shall be annually allowed one per cent. on the amount of his receipts of the town funds, and one on the amount of his disbursements of the same. Treasurer's allowance.

SEC. 36. The Town Constable shall be allowed annually the further sum of ten dollars for his *ex-officio* services in furnishing light, fire, and attending on the Board of Commissioners at their sessions. Allowances to town constable.

SEC. 37. Any citizen of the town of Durham, who shall fail to give in his or her list of taxables within the proper time, to the persons appointed by the Board of Commissioners, shall be required to pay a double tax, and the Town Constable is hereby directed to collect the same. Double taxes.

SEC. 38. The highest legal tax shall always be by successful applicants to the Commission- Tax on retailers of liquors.
a recommendation to the County Commis-

sioners for license to retail spirituous liquors, before the certificate of recommendation shall be given to them. The above tax to be paid to the Town Constable, and the certificate of recommendation to be given by the Magistrate of Police, upon the applicant's presenting to him the Town Constable's receipt for the payment of the tax.

Shows, circuses
&c.

SEC. 39. The proprietors of circuses shall be required to pay a tax of fifteen dollars; all theatrical performers and dancers, a tax of five dollars; all jugglers and sleight of hand performers, a tax of five dollars to the town, before they are permitted to exhibit within the limits of the corporation; and for concerts, lectures, and all other exhibitions, when the object is to make money, a tax of two dollars shall be paid; and the Town Constable is hereby authorized and required to collect the same.

Tax on peddlers

SEC. 40. All peddlers offering for sale, within the limits of this town, goods or other articles not manufactured in this State, shall be required to pay an annual tax of ten dollars into the town treasury; and the Constable is hereby required to collect the same and pay it over to the Town Treasurer.

Exposure of
person on the
streets.

SEC. 41. Any person making an indecent exposure of their person upon any of the streets, lanes or alleys, or upon any of the public or private lots of the town, shall be fined not less

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one dollar nor more than five for such offence, at the discretion of the Magistrate of Police.

SEC. 41. All laws or ordinances in conflict with the above are hereby repealed. Conflicting laws repealed.

RESOLUTIONS.

1. *Resolved*, That any member of the Board of Commissioners who shall absent himself from the meetings of the Board, shall pay a fine of fifty cents, unless a reasonable excuse be offered.

Absent Commissioners
fined.

2. *Resolved*, That when any member of the Board of Town Commissioners is appointed on a committee by the Magistrate of Police, and refuses or neglects to attend to the business of such committee, he shall be fined not less than one nor more than five dollars, unless a reasonable excuse be offered.

Commissioners failing to
act as a Committee.

3. *Resolved*, That the Magistrate of Police shall be allowed fifty cents for each case investigated, and fifty cents for each summons or warrant issued, which shall be collected out of the party arrested; but in case the party is unable to pay such cost, the town shall pay one-half of the above fees.

Fees of Magistrate of Police.

4. *Resolved*, That the Town Constable shall act also as Street Overseer and Police for the town, subject to such directions as may be prescribed by the Board of Commissioners for said town, and he shall be required to give Bond in the sum of one thousand dollars.

Town Constable as street
overseer, &c.

Resolved, That the fees of the Town Con-

Fees of Town
Constable.

stable for arresting each offender, shall be one dollar, and he shall be allowed 20 cents for each witness he may summon, when the case is investigated by the Magistrate of Police; he shall be allowed further fifty cents a day for feeding offenders in the Guard House, or twenty-five cents for a single meal; and for his services as Police and Street Overseer he shall be paid a salary to be fixed by the Board of Commissioners.