

ORDINANCE NO. 15

ORDINANCE RELATIVE TO DOMESTIC ANIMALS

Section 1. Horses and Meat Cattle not to run-at large. Duty of Constable in relation thereto. Be it ordained by the Town Council of the Boro of New Milford, and it is hereby ordained by the uthority of the same, that it shall not be lawful for horses, meat cattle, swine, sheep, geese or other domesticated animals of a mischievous nature to go at large in said Boro; and if any such animals shall be found at large in said Boro, it shall be the duty of the High Constable forthwith to take up and impound the same: or id any of the said animals shall be found in any lot or close, it shall be the duty of the High Constable, at the request of the owner or occupant of said close, to take up and impound the same.

SECTION 2. Notice to be given when cattle are impounded. Sale of cattle impounded etc. and be it further ordained, by the authority aforesaid that when any of the animals shall have been impounded as aforesaid it shall be the duty of the High Constable to give personal notice forthwith to the owner or owners thereof, if known; but if the owner or owners be not known then the said Constable shall give notice by three advertisements in some conspicuous places in said Boro, one of which shall be on the Boro pound; and if the owner or owners of such animals or animal, or some person for him, her or them, shall not within twenty-four hours after such notice by advertisement, pay the fees and charges hereinafter mentioned the Burgess shall issue his warrant to the High Constable for that purpose, in pursuance, whereof such snimal or animals shall be sold at public vendue by said Constable, after seven days notice of such sale by three advertisements upt up as aforesaid, for the payment of such fees and charges; and the surplus, if any, shall be paid to the owner or owners of such animal or animals, if known; but if not known or id said owner shall not apply to said Constable for the same, then such surplus shall be paid to the Treasurer of said Boro, for the use of such owner when called for; and in case of advertisement the said Constabel shall furnish necessary food for such impounded animal or animals.

Section 3 - Penalties

And be it further ordained that the charges shall be as follows, to wit; 25 cents and reasonable compensation for food as aforesaid; and if disputes shall arise as to the amount of food furnished, and the value thereof and of attention bestowed in taking care of said impounded animal or animals, the same shall be referred to the Burgess, whose decision shall be final. The above charges for impounding shall be collected by the High Constable as his fee.

Section 4. - Putting Horses etc.

And be it further ordained, that if any person or persons shall be concerned in putting any stallion or jack to a mare within the Boro, unless the same be done in a Stable or barn with closed doors such person or persons so offending shall each forfeit and pay the sum of ten dollars for each offense, to be recovered, half for the use of the Boro, and remainder to informer as debts of like amount are by law recoverable with cost of suit.

Section 5. - Fowls Not to Run-at large

And be it further ordained, that hereafter that if any turkey, duck, hen or other fowl shall be found in any cellar, barn, outhouse, yard or close in said Boro it shall be lawful for the owner or occupant thereof to kill, take and carry away such turkey, duck, hen or other fowl.

Section 6. - Dogs etc. Proviso.

And be it further ordained, that hereafter on every dog owned or kept by any person within the Boro, a tax of one dollar, and upon every slut so owned or kept in the Boro, as aforesaid, a tax of two dollars shall be paid by the person or persons so owning or keeping said dog or slut; said tax to be inserted in the duplicate of road and boro taxes for each year; provided that if any dog or slut shall be known to be about in the boro, for three weeks for which no owner or claimant can

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Section 6. - Dogs etc Proviso. (cont'd)

be found, it shall be the duty of the High Constable or of any other person to whom said facts are known to kill such dog or slut. That it shall be the duty of collector of dog taxes, in case the owner of any dog in the Boro shall refuse to pay the tax assessed upon the said dog, to forthwith take and kill the said dog.

OBSTRUCTION OF HIGHWAYS

Section 1. Obstruction upon Sidewalks

And be it further ordained, that if any horse team or other teams, or vehicle shall be found standing upon or across any of the sidewalks or crossings, or tied with a line across said sidewalks, or crossings, it shall be the duty of the High Constable or any other person forthwith to seize and remove wuch horse or other abstruction, and to hold the same till the fee of fifth cents, and reasonable charges for care and keeping shall be paid by the owner or person claiming the same.

Section 2. Wood, Bark, Coal, Wagons, Lumber etc. not to be left in Street. Proviso.

And be it further ordained, that if any wood, bark, or coal, or other material fit only for fuel, or any stagecoach, wagon, sleigh or other vdhicles, or any boards or other lumber shall be found and remaining for the space of twenty four hours, after notice by the Gigh Constable, or street Commissioner, to the owner to remove the same if he can be found, and if not, without such notice, or any of the streets, avenues, lanes, or public lands, it shall be the duty of the High Constable, forthwith, and without further warrant than this Ordinance, to take and seize the same for the use of said Boro; and to sell the same after giving at least ten days notice not less than three written notices of the time and place of sale, the same put up ~~in the most public~~ in the most public places in the Borough, and the officers making the seizure, or making the sale, or both, shall receive the fees provided in the fee bill hereinafter provided. Provided however, that if it shall be necessary in the opinion of the

Section 2. (cont'd)

Burgess for any person who is erecting any building to occupy a portion of any street, or if the public grounds for his building material, except the Public Square, he shall not be subject to the penalties herein established, if before using said ground he shall have procured from the Burgess a permit in writing for such purpose. Which permit shall not allow the use of more than one third the width of said street for the purpose mentioned in this proviso.

Section 3. No earth to be thrown upon any street without a permit.

And be it further ordained, that any person wishing to put upon any of the streets, alleys, lanes, or public grounds of the Borough, any earth or stones, shall get a permit from the Street Commissioner, or Town Council for that purpose, which permit shall state where, or in what street, alley, lane, or public grounds the same shall be put; and any person who shall not obtain such permit shall forfeit and pay for each such offense the sum of \$10.00 and costs, to be sued for in the name of the Borough before any Justice of the Peace of Susquehanna County. And it shall be unlawful for any person to dig any ditch, or trench, or make any excavation in any public street, lane or alley of this Borough without first having obtained permission of the Town Council and under such regulations and restrictions as shall be attached to such permission.

Section 4. Offensive matter not to be thrown into the streets.

Be it further ordained, that if any person shall put, place, or throw on any of the avenues, streets, lanes, or alleys or public lands any coal ashes, decayed vegetable matter, or any unhealthy, or offensive animal substance, or filthy material, or any matter or thing having a tendency to deprive the citizen of the safe, free, and full enjoyment of the avenues, streets, lanes, alleys, and public lands, such person on conviction thereof, shall forfeit and pay the sum of five dollars (\$5.00) with costs of suit, for the use of the Boro, provided, that coal ashes may be thrown upon the streets the same as earth is placed thereon as provided in section 3.

INJURIES TO PUBLIC IMPROVEMENTS

Section 1 Injuries to Pound, Fences, Shade Trees etc.

And it further ordained, that if any person shall wantonly injure the Boro Pound, or any of the buildings belonging to said Borough, or any pump, fence, or any of the public improvements thereof, or shall break open said Pound, or shall take any animal impounded therefrom without the consent of the High Constable, or his deputy, he or she so offending shall forfeit and pay the sum of twenty five dollars, together with the damage actually done, with costs of suit to be recovered before the Burgess or any Justice of the Peace, as debts of like amount are recoverable in the name of the Borough, one half thereof for the use of the Boro, and the other half to the use of the High Constable, or any other person who shall prosecute for the same.

Section 2. Injury to Fruit and Shade Trees.

And it be further ordained, that if any person shall voluntarily and wilfully girdle, cut down or destroy, or otherwise injure any fruit, shade, or ornamental tree in said Borough, he, she or they, shall for each offense, on conviction thereof, forfeit and pay a sum not exceeding twenty five dollars, for the use of said Borough.

Section 3. Horses not to be tied to Shade Trees.

And be it further ordained, that if any horse or team be found tied or fastened to any of the ornamental or shade trees in said Borough, it shall be the duty of the High Constable, or any other person to seize and remove such horse or other animal and to hold the same until the fee of one dollar shall be paid by the owner, or person claiming the same, to the officer or person making such seizure, together with reasonable charges for care and keeping.

ORDINANCE NO. 15 (cont'd)

Exhibitions, Amusements, etc.

Section 1. Circuses, Menageries etc., Rates of Licenses, Penalty fro no License

And be it further ordained by the authority aforesaid, that the price for a license for exhibitions within the limits of the borough for any circus, managerie, theatrical performance, wax figures or other exhibitions or stand for the sale of any kind of goods, wares, or merchandise whatsoever that shall be set up or established for the purpose of making and receiving money, shall be as follows, to wit; For each and every circus, or menagerie, for each day that the same shall be opened, a sum of not less than five dollars nor more than twenty-five dollars, in the discretion of the Burgess. And for every other exhibitor or stand as aforesaid, of whatsoever kind or nature, and for each day, a sum of not less than one dollar, nor more than ten dollars, in the discretion of the Burgess, or in his absence, of the Borough Treasurer, and in their absence, of the President of the Board, or two members of the Twon Council. Provided that the Burgess may grant license for one year, for a sum of not less than five dollars, nor more than fifty (\$50.) dollars; said license fees to be paid into the borough treasury, for the use of said borough. Said license to be taken and paid for before the commencement of any exhibition or stand.

Provided that all exhibitions held in the Town Hall, shall be free of license.

And if any person or persons shall set up any such exhibition or stand, without having first obtained a license therefor, such person or persons so offending shall forfeit the sum of twenty dollars to be recovered before any Justice of the Peace of Susquehanna County in the name of the Boro, as debts of like amount are by law recoverable, with costs of suit. Provided, that the use of the public grounds shall not be granted to any circus or menagerie, or similar exhibitions.

Section 2. Ball playing in the streets, Penalty for so doing

And be it further ordained, that no ball playing shall be permitted, or allowed in any of the public streets, lanes or public square, within the limits of the boro under the penalty of a sum not exceeding one dollar for the first offense, and not exceeding ten dollars for each subsequent offense, the one half thereof to be for the use of the Borough and the other half for the use of the person complaining with the costs of suit; and it shall be the duty of the High Constable, and it is hereby

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Exhibitions, Amusements, etc (cont'd)

Section 2. (Cont'd)

enjoined upon him to see that this ordinance be enforced by arresting the offender and taking him or them before the Burgess or Justice of the Peace for trial, as often as he knows of any infraction of this ordinance. Provided, that the school children are allowed to play on the public square with soft ball.

Disorderly Behavior

Section 1. Riotous conduct, Profane Language etc.

And be it further ordained, that it shall be the duty of the High Constable or Constable, without other warrant than the authority herein contained, to arrest and take into custody any person or persons behaving in a riotous or disorderly manner publicly using any indecent, profane or obscene language or indecently exposing himself or her person or taking down or removing any sign, gate or other article, or committing any other wanton depredation or disfiguration upon public or private property or grounds, or making a great or unusual noise to the disturbance of the peaceable citizens. And if such arrest shall be made in the daytime, the said High Constable or Constable shall forthwith take such person, or persons before the Burgess or one of the Justices of the Peace of said Boro, But if such arrest be made in the nighttime, it shall be the duty of the High Constable or Constable to take such person or persons to the lock-up until the succeeding secular morning; and then said High Constable or Constable shall forthwith take him or them before the Burgess or said Justice of the Peace for trial; and if on trial such person or persons shall be convicted of either of the above offenses, such person or persons shall be sentenced to pay a fine for the use of the Borough of not less than one or more than twenty dollars; and in case of neglect or refusal to pay such fine and costs such person or persons shall be committed to the Boro jail for the space of forty eight hours at hard labor. Provided, always that a conviction shall not be necessary to justify such arrest and detention.

ORDINANCE NO. 15 (cont'd)

Disorderly Behavior (cont'd)

Section 2. Drunkenness

And be it further ordained that if any person shall be intoxicated within the boro, or shall be found committing any misdemeanor or using profane or vulgar language, it shall be the duty of the High Constable or Constable to arrest such person and carry him or her to said lock-up and it shall be the duty of the keeper thereof to keep such person in said lock-up till he or she shall become sober, and then to re-deliver said person to said High Constable or Constable, who shall forthwith take him or her before the Burgess or Justice of the Peace, and if upon trial such person shall be found guilty of such offense, he or she shall be fined a sum not exceeding ten dollars, nor less than one dollar, and in default of payment of said fine and costs said person shall be committed to the county jail for a space of forty eight hours at hard labor. Provided, always that a conviction shall not be necessary to justify such arrests and detention.

Section Fast Driving

And be it further ordained, that it shall be the duty of, and it is hereby enjoined upon the High Constable or Constable, without any other warrant than the authority herein contained, to arrest and take into custody any person or persons who shall be found driving or racing wantonly and furiously in any of the streets of said boro, and to forthwith take such person or persons before the Burgess or a Justice of the Peace of said borough for trial; and if on trial such person or persons shall be convicted of either the above offences, such person or persons shall be sentenced to pay a fine of not less than one or more than ten dollars and costs; said person or persons shall be committed to the county jail for the space of forty eight hours at hard labor. Provided, always that a conviction shall not be necessary to such arrest.

ORDINANCE NO. 15 (Cont'd)

Taxes and Accounts

Section 1. Assessment and levying

And be it further ordained, that the Assessor of the Borough shall, on or before the first day of April in each year hereafter, make out in alphabetical order a list of all the taxable inhabitants within the limits of the Borough, and all the property made taxable by the laws of this Commonwealth, together with the valuation of such property as is returned by him as the Assessor of the County tax for said Borough to the Commissioners of Susquehanna County for the assessment of the County taxes for each year. And the said assessor shall deliver the said list and assessment to the Secretary of the Town Council of the Boro. And in case no other Assessor shall be elected, said duties shall be performed ^{by} the Assessor for county rates and levies for said Boro. And the Assessor shall receive the sum of two collars as a compensation for such services.

Section 2. And be it further ordained, that it shall be the duty of the Secretary of the Town Council to preserve a copy of the last adjusted valuation and assessment of the taxable inhabitants of the Boro, in each and every year to make a duplicate of the same, and to apportion upon the value thereof such sum per dollar of said valuation as the Town Council by their resolution shall from year to year direct; and when such duplicate and apportionment shall be so made, the Burgess shall forthwith issue his warrant for the collection of the taxes to the Boro.

Section 3 Collector of Taxes

And be it further ordained, that the Council shall from time to time, and whenever the same may be necessary, appoint a proper person to collect the taxes, rates and levies, assessed by the Council who shall receive for his services such compensation as the Council from time to time by resolution may determine.

ORDINANCE NO.15 (cont'd)

Taxes and Accounts

Section 4. The Collector before entering upon the duties of his appointment shall give a bond with surety and penalty so shall be satisfactory to the President of the Council, and a warrant to confess judgement of said collector, thereon to the Corporation of the Borough of New Milford, conditioned that he will faithfully and diligently collect, and duly pay over to the Treasurer of the Boro of New Milford agreeable, to the provisions of the act of assembly and of this ordinance, the taxes contained in the duplicate and lists to be to him delivered, excepting such allowances as shall be made thereon by the Council.

Section 5. The collector at the time of demanding or receiving any tax, shall produce the duplicate of the tax so demanded or received, and immediately on the receipt thereof, and in the presence of the person paying, write the word "paid" thereon opposite to the same or description of the person or estate by or for whom on which the tax is paid. The collector, shall on the second Monday succeeding his appointment pay over to the treasurer, all sums of money then received by him on account of the said duplicate and on every second Monday thereafter while the duplicate remains in his hands, he shall pay over to the treasurer all sums of money received by him in the preceeding two weeks..

Section 6. When any money shall be paid to the treasurer by the collector, on account of a duplicate of taxes, he shall produce the duplicate and pay over and account for all such sums of money as shall appear by the entries on the duplicate to have been paid. The treasurer shall give a receipt to the collector for all sums of money paid by him into the treasury, and the collector shall deliver the said receipt to the Secretary of the Town Council, whoshall retain and receipt for the same and immediately charge the account of the treasurer and credit the account of the collector with the sum that shall appear by such receipt to have been paid into the treasury. And the collector shall on or before the first day of January,

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succeeding the time of his receiving a duplicate of taxes for collection, pay into the treasury of the Borough the whole amount of the duplicate, excepting such allowance as may be made by the council, otherwise the bond given by him shall be forfeited.

SECTION 8. Time of Levying Taxes

And be it further ordained, that it shall be the duty of the Town Council to levy taxes at their first meeting in each year, but if not done at that time it may be done at any subsequent meeting.

Street Commissioner

Section 1 Duties and Compensations

And be it further ordained, that it shall be the duty of the street commissioner to improve the public streets, lanes, alleys and grounds of the Boro under the general supervision and direction of the Town Council as they shall from time to time direct, and for every day necessarily employed by said street commissioner he shall be allowed such sum as shall be agreed upon at the time of his appointment. And that the street commissioner be required to meet with the Council at every regular monthly meeting, and that he be required to render at each of said meetings, an account of the preceeding month showing how much time he has expended personally, how other work has been laid out on the streets, and what material has been purchased, and of whom, and at what price.

Miscellaneous

Section 1 Firing Guns

And be it further ordained, that if any person shall discharge any musket, rifle, pistol, or other firearms, within the said Boro excepting on the Fourth of July, or upon permission obtained of the Burgess, he or she, on conviction thereof before the Burgess, shall pay a fine of one dollar, with costs of suit, for the use of the Boro for each offense.

ORDINANCE NO. 15 (cont'd)

Provided, that any person may make use of firearms in killing any animal mentioned in Section 5, of the ordinance relative to domestic animals, when found trespassing upon his premises, or in destroying squirrels, or norms upon his premises.

Section 2. Fireworks

And be it further ordained, that if any person shall light, burn, or throw any fire crackers, rockets, fire-balls, or any fire works, in any of the public streets, lanes, or alleys, within said Boro excepting on the Fourth of July, and then only upon the square or green, such person so offending shall pay a fine of one dollar with costs of suit for each offence and in default of payment be committed by the Burgess or Justice of Peace before whom he or she shall be convicted to the common jail for twenty-four hours at hard labor. And it shall be the duty of the High Constable to enforce the ordinance by arresting the offender and taking him or them before the Burgess or Justice of the Peace for trial sherever he knows of the offense.

Section 3. Treasurer's Commission

And be it further ordained, that the compensation to be received by the Treasurer, on all money received, and on all moneys paid on orders, shall be fixed at the first meeting in January of each year for the ensuing year; but if not done at that time, it may be done at any subsequent meeting. Provided, that on failure to fix said commission at any stated meeting in the year the Treasurer's compensation for that year shall be the same as for the year last fixed by the council.

ORDINANCE NO. 15 (cont'd)

Section 4. High Constable Fee Bill

And be it further ordained, that the High Constable's fees shall be:

For impounding horses, mules, meat cattle, and swine, each	.25
Sheep, geese, and other mischievous animals	.10
Personal notice in all cases	.10
Notices by advertisement, each	.25
Seizing and detaining horses or obstructions, under Section 1 Obstruction to Highways	.25
Seizing every stage and four-horse wagon or other vehicle	.25
Seizing other vehicle	.25
Seizing one thousand shingles	.10
Seizing every one hundred feet sawed stuff etc.	.10
Seizing every load of stone, barrel of salt, flour, lime, potash, fish, cider or other valuable thing	.10
Seizing plow, harrow, or scraper	.10
Seizing every article not enumerated	.10

Fees for selling and articles in possession of any of these ordinances, same as are allowed Township Constables in such cases.

Section 5. Bridges

And be it further ordained, that it shall not be lawful for persons to congregate upon the footwalks and bridges across the streams in the Boro. And any person or persons found standing or otherwise obstructin the travel across the same shall be subject to a fine of not less than twenty-five cents for each offence.

Section 6 Suits, How Brought

And be it further ordained, that all suits for the recovery of fines, penalties, etc., shall be brought in the name of the Boro before the Burgess or some Justice of the Peace of Susquehanna County.

Section 7. Meetings

And be it further ordained, that the times of Stated Meetings of the Town Council, shall be by them fixed by resolution, at the first regular meeting of each year, and that special meetings of said Council may be held on the call of the President or of at least three members of said Council, each member to be notified of the time of the same, by the President.

Section 8. Rules etc.

And be it further ordained, that the deliberations of the Council shall be controlled and governed by the parliamentary rules governing other legislative bodies, and the following shall be the order of business at all stated meetings; 1st reading of minutes; 2nd Report of special committees; 3rd report of standing committees; 4th petitions, communications, etc. 5th bills and orders; 6th unfinished business; 7th new business.

Section 9. Yeas and Nays

And be it further ordained, that at the request of three members of the Council, the yeas and nays on any question shall be recorded.

Sidewalks

Section 1.

Be it ordained by and on behalf of the Town Council of New Milford Borough and it is hereby ordained by authority of the same, that it shall be the duty of the owner or owners, to curb, grade, pave, build and keep in repair, the side or foot walks respectively fronting on his, her or their lot or lots of ground in said Borough of material and dimensions as follows to wit; the same shall be constructed five (5) feet in width of stone or concrete.

Section 2.

That if any owner or owners of lot or lots as aforesaid shall not within thirty (30) days after the service of the notice hereinafter provided for that purpose; previous to and within two weeks complete the same, grade, curb, pave, gutter, build and repair the side and foot walks as aforesaid, the Borough Council of said Borough, shall cause the same to be done, and collect the cost of such work and material with twenty per cent advances thereon as provided by the general Borough Law of 1851 and its supplements.

Section 8. Rules etc.

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Section 2.

That if any owner or owners of lot or lots as aforesaid shall not within thirty (30) days after the service of the notice hereinafter provided for that purpose; previous to and within two weeks complete the same, grade, curv, pave, gutter, build and repair the side and foot walks as aforesaid, the Borough Council of said Borough, shall cause the same to be done, and collect the cost of such work and material with twenty per cent advances thereon as provided by the general Borough Law of 1851 and its supplements.

ORDINANCE NO. 15 (cont'd)

Section 3

The form of the notice to be given to the owner, or owners of a lot or lots for the purpose aforesaid shall be as follows:

New Milford, Pa.

19__

To _____

You are hereby notified that you are required to build _____ of sufficient height to prevent washing or overflowing by water from the gutter or street on grade with the connecting walks; of the width of _____ feet in front of your lot on _____ Street, in the Boro of New Milford, said lot now being occupied by _____ (or unoccupied as the case maybe) within thirty (30) days from the date of the service of this notice upon you _____. If you fail to comply with this notice within the time above stated, the Town Council of said Boro will cause the same to be done, and collect the price of the same together with 20 per centum advance thereto agreeable to the Act Of Assembly in such cases made and provided. Witness my hand seal of the said Borough, the day and year aforesaid.
)seal) _____ Sec'y

"iding bicycles etc. on Borough Sidewalks

And be it further ordained, that no person or persons shall be permitted or allowed to ride upon bicycles, velocipedes, handsleds, or any other conveyance on the sidewalks of this Borough under penalty of a fine of not less than fifty cents for the first offence not exceeding five dollars for each subsequent offence. And it shall be the duty of the H gh Constable and it is hereby enjoined upon him to see that this ordinance be enforced by arresting the offenders, and taking them before the Burgess or Justice of the Peace for trial, as often as any infraction of this ordinance is known to him. Provided, that this ordinance shall not be construed to prohibit the drawing or pushing by hand, sleds, carriages, and other vdhicles, for the conveyance of invalids, infants or children.

Cleaning Snow From Sidewalks

And be further ordained, that the owner or occupants of any lot situated on any public street within the Borough of New Milford, shall be and are hereby required, to keep the sidewalks abutting on such lot cleaned from snow, and, in case of default in so doing within 24 hours, the Street Commissioner is hereby authorized and required to remove snow from said sidewalks and to charge the expenses for such work, to the ownerof said lot or lots, and to render an account thereof to the Borough Council, which amount shall be collected by the Boro of said property owner or owners, by any Justice of the Peace in Susquehanna County, together with \$1.00 as a penalty for each offence, and further, it shall be the duty of the Street Commissioner, to keep clear