

the term of said court; provided, however, that if any witness resides in Jackson County, Oregon, and without the city limits of the City of Jacksonville, and his testimony in any cause shall be deemed by the recorder as appertaining to the issue, and his oral examination important and necessary, such witness may be by proper subpoena, signed by said recorder, compelled to attend the place of trial, provided that upon the attendance of such witness, he shall be allowed as witness fees, the sum of \$1.50 per day, together with mileage fees amounting to 19 cents per mile for each mile necessarily traveled by said witness in going and returning from said place of trial. Before any witness shall be allowed to give testimony before said recorder's court, he shall first be required to take an oath or affirmation such as is administered in the Circuit Court for Jackson County, Oregon, and which said oath shall be administered by the recorder.

#### CHAPTER VII.

##### The Treasurer—His Powers and Duties.

Section 51. The treasurer must receive and safely keep all moneys and funds that come to the city, either from taxation or otherwise, and shall pay the same out only upon warrants drawn upon him by the mayor and attested by the recorder, and to do and perform all other acts as are prescribed for him by the city council. He shall pay no claim against the city until the same shall have been audited and allowed by the city council.

Section 52. The treasurer shall keep an account with the general fund, and a separate account with each special fund, and when an order is drawn upon one fund it cannot be paid out of another fund.

Section 53. He must on the first day of January, July and October of each year, and at such other times as he shall be directed so to do by the council, make out and present to the mayor a full and complete statement of the receipts and expenditures of the preceding year and said report made on the first day of January of each year shall be accompanied by a statement of the outstanding indebtedness of the city, including interest on unpaid warrants.

Section 54. The council shall have full power and authority to provide for such other and further duties by such officer as they may deem expedient for the welfare of the city.

#### CHAPTER VIII.

##### The Marshal—His Powers and Duties.

Section 55. The city marshal shall be the conservator of the peace within the limits of the City of Jacksonville. In addition to the duties prescribed by the council, he must execute and return all process issued by the recorder or any justice of the peace within said city, or any part of the State of Oregon. He must attend upon the recorder's court regularly.

Section 56. He may appoint one or more deputies with the advice and consent of the mayor.

Section 57. It shall be the duty of the city marshal, or one of his deputies, on view or information, to arrest any person charged or known to have violated any of the criminal laws of the State of Oregon, or any of the ordinances of the city, and shall hold such person in custody and promptly take him before the recorder or any justice of the peace, until such recorder or justice of the peace shall determine whether such person shall be released or committed for trial in due form of law.

Section 58. The city marshal or any of his deputies on-arresting any person in the night time, shall commit such person to the city prison for the night, or he may accept cash bail from such person, conditioned for his appearance before the recorder of the city the following day to answer to any charge preferred against him by such marshal or deputy, or other person. Said marshal shall take all persons so arrested the next morning before the recorder for further proceedings against him; but if cash bail has been accepted for the appearance of any such person, the officer taking it shall the next day make a report of the facts and deliver the money, so taken as bail, to said recorder, and said police officer shall make affidavit for a warrant against any and all persons so arrested, or against any person whom there is probable grounds to believe has violated any ordinance of the city, whenever requested so to do by either the recorder or mayor of the city.

Section 59. It shall be unlawful for any police officer of said city to permit the escape of, or take cash bail from, any person found or charged with committing a felony.

Section 60. The city marshal or any police officer of said city, shall have power and authority at any time to enter any room, building, or other place in said city where he has reasonable grounds for believing that the criminal laws of the State of Oregon or the ordinances of said city are being violated, and on view arrest therein any and all persons whom he has reasonable grounds to believe guilty of violating said laws or ordinances, and hold them in custody for examination or trial, as provided in this chapter.

Section 61. If the city marshal or any police officer of the city neglects to comply with any of the requirements of this charter, or ordinances of the city made in pursuance thereof, or is absent from the city for a period of more than twenty-four hours, without the consent of the council or mayor, or is careless or inattentive to his duties or disobedient to the lawful orders and directions of said council and mayor or recorder, the same shall be sufficient cause to authorize the council to declare his office vacant.

Section 62. The council shall have the power and authority, by ordinance or otherwise, to prescribe such other and further duties for the marshal and other police officers of the city as it shall deem advisable, not inconsistent with the provisions of this charter.

Section 63. The marshal shall attend the meetings of the council and perform the duty of sergeant-at-arms for said body, watch over, care for and preserve the city property, and perform such other duties as may be imposed upon him by the mayor or the city council.

#### CHAPTER IX.

##### Bond of Recorder, Marshal, Treasurer and Street Commissioner.

Section 64. The recorder, treasurer, marshal and street commissioner shall before entering upon the duties of their respective offices, each execute a bond to said city in such penal sum as the council may by ordinance prescribe, conditioned for the faithful performance of his duties, and such bond shall be approved by the council before said officer enters upon the discharge of his duties. The bonds when approved by the council shall be filed with the recorder, except the bond of the recorder, which shall be filed with the treasurer. Appointive and subordinate officers may also be required by ordinance to file a like bond to the city.

#### CHAPTER X.

##### Taxation.

Section 65. The council shall provide by ordinance a system for the assessment, levy and collection of all taxes necessary to meet the expenditures of the municipal government, which said system shall conform as nearly as may be to the laws of this state. There shall be annually levied on all the property in the city taxable for county and state purposes, a city tax, not to exceed three per centum of the value of the property, for city purposes, and such further amount as may be necessary to pay any judgment existing against the city; but any license exacted and collected by the city upon any place, person, pursuit, occupation or calling, and the property connected with the place, person, pursuit, occupation or calling licensed shall not be considered contrary to or in conflict with the provisions of this section.

#### CHAPTER XI.

##### Bonds and Indebtedness.

Section 66. The council of the City of Jacksonville shall have the power to borrow money on the faith of the city, and to that end to provide for the issuance of bonds by the city for any specific purpose, and designate the manner and time of payment thereof and the interest thereon; provided, that the amount of said bonds shall not at any time exceed the sum of \$100,000.00, and that the rate of interest on such bonds shall not exceed six per centum per annum; and provided further, that the total indebtedness of the city shall not aggregate \$125,000.00, and that before the issuance of any of the bonds aforesaid or any part thereof, the question of issuing the same or any part thereof, shall be submitted to the qualified bond voters of said town at a regular town election, or at a special election held therefor, which special election shall be conducted in the same manner as a regular election and election under the initiative herein provided for; provided, that the notice of said election, general or special, shall contain a statement of the object of the proposed issue, and the estimated cost of each and every of the said objects.

Section 67. If a majority of the legal voters of said town shall be in favor of the issue of said bonds, they shall be issued, or such part thereof as shall be authorized at said election, by the city council of said town.

Section 68. That said bonds as aforesaid shall be in denominations of

not less than \$100 and not more than \$1000, as the council may elect, and shall be signed by the mayor and recorder with the name of their office affixed and under the seal of the City of Jacksonville with interest coupons attached thereto, with the signature of the mayor engraved thereon. Said bonds shall be made payable within 20 years, interest payable annually or semi-annually and shall not be sold for less than their par value, nor otherwise than for cash paid down at the time of sale, nor draw a greater rate of interest than this chapter provides.

Section 69. Before disposing of any of the bonds provided for in this chapter the council shall require the recorder to advertise for thirty days, in at least one newspaper in this state, designating such newspaper or newspapers, for sealed proposals to purchase said bonds or any part thereof, which said advertisement shall contain and state the amount of bonds to be sold, the time the same will become due, the date at which proposals will be opened and considered, and that the bonds are issued and disposed of under this chapter.

Section 70. At the time specified in the notice provided for in the preceding subdivision of this section the council shall proceed to open all proposals received for the purchase of the bonds offered and to be disposed of, and shall sell the said bonds to the person or persons making the best offer or offers therefor; provided the council shall have authority to reject any and all bids and proposals.

Section 71. The council shall at the same time the tax for general tax is levied in each year after the issuance of any such bonds, levy and collect a special tax on taxable property within said town sufficient to raise money to pay the interest on all bonds issued hereunder, and to provide a sinking fund with which to pay the principal of said bonds at maturity. Said tax may be included in the other taxes on the town considered a part thereof, for the purpose of levying and collecting the same; and as fast as the taxes are collected, its proportion to the other taxes collected with it or included in the sum collected, shall be set apart from other taxes as a special fund for the purpose, and to be used in the manner and for the purpose hereinbefore provided, and shall not be used for any other purpose than that for which the same was levied and collected.

Section 72. The money belonging to the sinking fund provided for by the preceding subdivision of this chapter may be by the city invested from time to time in interest bearing bonds of the United States or of this state, or of municipal corporations therein, or may be used in purchasing any out standing bonds or warrants of the City of Jacksonville until disposed of under this chapter.

Section 73. In the event that said council shall deem it for the best interest of said city, the said council is hereby authorized to issue the bonds of said city to refund any outstanding indebtedness at a lower rate of interest than the warrant now bears, but for all other purposes said bond issue shall only be authorized by a majority vote of the qualified bond voters.

Section 74. That in determining the indebtedness of said city the total amount of all warrants and bonds, and the accumulated interest thereon, shall be held to constitute the total indebtedness.

Section 75. Should the city council deem it for the best interest of the city, the city council is hereby authorized to issue the bonds of the city to refund any outstanding indebtedness at a lower rate of interest than the warrant now bears, but for all other purposes said bond issue shall only be authorized by a majority vote of the qualified bond voters.

#### CHAPTER XII.

##### Powers and Duties of Council.

Section 76. The city council shall have the power and authority, within the limits of the City of Jacksonville, to enact all ordinances and adopt all resolutions as shall be needful or requisite to maintain, establish and promote the peace, good order, health, cleanliness, government, ornament, prosperity and general welfare and safety of the city and its inhabitants, and to protect the property and person of its inhabitants and to exercise, within the limits of the city, all the powers commonly known as police powers, to the same extent as the State of Oregon has or could exercise said powers within said limits; provided, however, that said city council shall not have the right to license or permit by ordinance or otherwise any act in conflict with the general laws of the State of Oregon, now in force and effect or any law of the State of Oregon that shall hereafter be enacted, and if, in the construction of this charter, a conflict should arise in the operation of the criminal law of the State of Oregon, with the police regulations of the city, the general statutes of Oregon shall have precedence and shall be superior to the ordinances of the city in the administration of the criminal law, and all ordinances of said city shall be subject to the above restrictions and in conformity therewith.

Section 77. The city council of the City of Jacksonville shall have power and authority:

1. To assess, levy and collect all taxes within the corporate limits of the City of Jacksonville necessary to meet the expenditures of the city government, upon all property made taxable by the laws of the State of Oregon.

2. To borrow money, incur indebtedness, issue warrants and negotiable bonds in the manner and to the extent in this charter provided and not otherwise.

3. Except as otherwise provided in this charter, or in the constitution or laws of the State of Oregon, to regulate and control for any and every purpose, the use of streets, highways, alleys, sidewalks, footways, public thoroughfares, public places and parks of the city.

4. To provide for the survey and plat of the blocks and streets of the city, and for marking the boundary lines of such streets, blocks and lots and to provide for the survey and permanent marking of the boundary lines of the corporation.

5. To provide for the naming and numbering of streets and the numbering of houses and to compel the owner or owners of houses to number them in accordance with the regulations prescribed therefor by ordinance.

6. To control, regulate, prevent and prohibit the construction or maintenance of awnings, bill boards, posters, advertising signs, sign posts, hitching posts, awning posts, bicycle racks and all other obstructions within the streets or upon the sidewalks and to compel the removal of such obstructions or anything that is so constructed and maintained in violation of any ordinance or regulation in regard thereto and to make the cost of such removal a lien upon the property immediately in front of which the same is maintained or constructed; to make all needful or expedient regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use.

7. To regulate, control and prohibit the erection and maintenance of all telegraph, telephone, electric light or power lines, wires, cables, poles and posts, conduits and all electric and other apparatus for the carrying or transmission of electric current or power of any nature whatever; the manner of constructing and the location of street car lines or railways, the manner of operating the same, and to regulate the rates of fare thereon; of water mains and pipes, oil and gas mains and pipes, sewers, drains and ditches, and the opening of street surfaces.

8. To regulate, control and prohibit the planting of trees and shrubbery along the streets and sidewalks.

9. To compel the owners of lots adjacent to any street to construct, re-construct, repair and re-repair sidewalks adjacent and contiguous to said lots in the manner prescribed herein and by ordinance and in default of the owner to comply therewith to have the same constructed and make the cost thereof a lien upon the adjacent and contiguous lot and to provide for the collection of the same by the sale of said lot or lots and everything necessary and requisite to carry into effect this power.

10. To provide and establish a road district, which shall be of the same extent and be embraced within the corporate limits of the city.

11. To divide the city into wards and change the same at will; provided, a change in the wards of the city shall not be made oftener than once in two years.

12. To open, vacate, alter, grade and improve streets as herein provided.

13. To exercise the right of eminent domain for all municipal purposes and to provide the procedure therein.

14. To provide a municipal court, to be called the Recorder's Court, and to regulate the practice and proceedings of the same.

15. To establish a police force, which shall be under the superintendence of the city marshal.

16. To license, tax and regulate auctioneers, hawkers and peddlers, brokers and pawnbrokers, or to prohibit any or all of such occupations within the city.

17. To license and tax the selling of goods by sample, and such other branches of business and professions as in the judgment of the

council ought to be licensed and taxed.

18. To provide water for the use of the inhabitants of the city and to that end to own, buy, sell, lease or contract for water to be furnished by third persons to the city or to the inhabitants thereof and to control and regulate the use and rate thereof; to own, buy, lease, or contract for property within or without the city for such purposes; to construct, maintain and own, manage, operate a complete system of water works, with all the necessary implements and appliances for the supply of water to the city and citizens of the City of Jacksonville and vicinity, to be constructed in such time and manner as shall seem to the council most practicable, or as shall be determined by a vote of the electors of said city upon referendum of such measures or upon the initiative petition and the water to be taken therefor may be taken from any stream, spring, well or wells, cistern or cisterns and for this purpose to condemn private property in the same manner that private corporations may do so under the general laws of the State of Oregon.

19. To provide electric, gas or other lights for said city and for its inhabitants, and to that end to own, buy, sell, lease or contract for property, or contract with third persons to furnish the same to said city or its inhabitants, and to regulate and control the price and the use thereof; provided, that no purchase of any public utility or no sale or lease of any such property described in this or the preceding section shall be without the consent of at least three-fourths of the entire council. Said contract, purchase or lease shall be made by ordinance and shall not become binding or operative until the eleventh day after its passage.

20. To prevent and restrain riot, noise, disorderly conduct, and disorderly assemblages.

21. To regulate and prohibit the passage of any steam, traction, or other engine, motor or machinery upon the streets or any bicycle, motorcycle, tricycle or similar vehicle, upon the sidewalks.

22. To license, tax and regulate barrooms, saloons, billiard rooms, bowling alleys, or any place where spirituous, malt or vinous liquors are sold or offered for sale; provided, that the council may refuse any particular person a liquor license, and may restrict the number of licenses granted.

23. To prohibit any person from selling or giving away any malt, spirituous or vinous liquor to any person under the age of twenty-one years, and to prevent the owner or keeper of any place where such liquors are sold or kept for sale from permitting any person under the age of twenty-one years to come into or remain in any such place; provided, that no license for the sale of any liquor as a beverage shall ever be issued to any person who shall have been previously convicted of wilfully and knowingly selling any intoxicating liquor to any minor knowing him to be such.

24. To prohibit the selling or giving of any intoxicating liquor to any drunken person, or any person in the habit of becoming intoxicated, and to define who is such person, and to designate who are such persons.

25. To restrain or prohibit the smoking of opium, or the running of opium houses or places for smoking opium; to define what is an opium house or place for smoking opium; and to punish the proprietors and keepers thereof; and opium smokers and frequenters of such houses.

26. To suppress, restrain or prohibit bawdy and assignation houses, houses of ill-fame and prostitution, gaming and gambling houses, gaming and gambling, all model artist exhibitions, and other shows of an immoral nature, and to define and declare by ordinance what shall constitute the same; to punish by fine or imprisonment or both, any person who, owning, controlling or being in possession of any house or rooms therein, uses the same or any part thereof, or knowingly permits the same or any part thereof to be used as a bawdy or assignation house, or house of ill-fame or prostitution, a gaming or gambling house, or for a model artist exhibition, or other show of an immoral character; to punish, fine, fine and imprisonment, or both, any and all persons who occupy, visit or resort to such house or houses, and to punish by fine and imprisonment, or both, any persons or person who engage in gaming or gambling, as the same is defined by ordinance; to punish by fine or imprisonment, or both, any person or persons who loiter about or inhabit or frequent any house of ill-fame or ill-repute, or live with a prostitute or woman of ill-repute, as the same may be defined by ordinance. Common reputation shall be competent evidence and proof of the character of such house.

27. To define vagrancy, and to provide for the punishment, support, restraint and employment of vagrants and paupers, and to provide a work house and place of detention for the keeping of vagrants and vicious persons, and to provide rules and regulations for the government thereof.

28. To take, purchase, hold and sell real estate when sold for any assessment for municipal purposes, either general or special.

29. To license, tax and regulate dance houses, theatrical exhibitions and other shows and amusements and prohibit the same when indecent or liable to excite lust, and to define what shall constitute such exhibitions and amusements.

30. To provide for the collection and disbursement of all money to which the city is or may become entitled by law, or which may be assessed, levied or authorized to be collected for city purposes within the city.

31. To provide for the erection, control, and repair of such buildings as may be necessary for city purposes, within or without the city.

32. To provide punishment by fine, imprisonment and hard labor for the violation of any city ordinance, but no fine shall exceed the sum of \$50 and no term of imprisonment or hard labor shall exceed twenty days; and, where fine and costs are imposed the person adjudged to pay the same may be imprisoned one day for each \$2.50 fine and costs, or kept at hard labor one day for each \$2.50 of said fine and costs, if he fail or refuse to pay the same.

33. To provide by ordinance for the granting of franchises; provided, that no franchise be granted for a longer period than twenty years and before any grant, or any franchise or right to use any highway, avenue, street, lane, or alley, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions, including all provisions as to rates, fares, charges, if any, which proposed ordinance shall be published in full at the expense of the applicant for the franchise, at least twice in a newspaper published in said city. Such publication shall take place and be completed not less than twenty nor more than ninety days before the final passage of such ordinance, and such ordinance shall require for its passage the affirmative vote of at least three-fourths of all the members of the council, as shown by "yeas" and "nays," and the approval of the mayor, before it shall be valid for any purpose; but if the same is vetoed by the mayor it shall not become operative unless passed by a unanimous vote of the councilmen. No amendments to any franchise after publication shall be valid unless the ordinance, as amended, shall be republished in like manner and for like time as the original. No franchise shall be granted or put on its final passage within sixty days of its introduction, and no franchise shall be granted which by its terms will not go into effect within one year after its passage. The council is hereby granted power to impose by ordinance other conditions and regulations for the granting of franchises and to revoke the same violation of such ordinances or regulations.

34. Whenever herein any right or authority is given said city council to regulate or prohibit any act, such provision shall include the right to punish all persons guilty of any violation of the ordinance regulating or prohibiting said act or acts.

##### Health, Safety, Welfare.

35. To make regulations to prevent the introduction of contagious, infectious or other diseases into the city and to remove and quarantine persons afflicted with such diseases; to establish, provide, regulate and maintain hospitals within or without the city limits and for this purpose to purchase, lease or otherwise acquire property within or without the city.

36. To appoint and constitute a board of health and define their duties and to prescribe sanitary regulations for the city.

37. To regulate the plumbing, drainage and sewerage of buildings and property and to appoint an officer or committee for the supervision and inspection of such work, and to prohibit the maintenance and provide for the removal of any such plumbage, drainage, sewerage that is not constructed or maintained according to the regulations provided by ordinance and to make the cost of such removal a lien upon the property upon which the same is found or fixed and to provide by ordinance for the collection of the same.

38. To fill up or drain any lots, blocks, or parcels of land where any stagnant water stands, and to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Such liens may, upon the order of the council, be entered