

Section 46. He shall keep, in proper books for that purpose, a list of all road poll taxes and all assessments for municipal taxes, or betterment assessments for improvements, showing the names of persons liable to pay the same, whether or not they have been paid, and the property assessed, if any.

Section 47. The recorder shall be the judicial officer of the city, and shall have exclusive jurisdiction of all violations of city ordinances. He shall by virtue of his office be ex-officio justice of the peace within the justice district of Jacksonville, and shall perform the duties of such justice of the peace during a vacancy in said office or the disability or absence of any incumbent thereof.

Section 48. All civil and criminal proceedings before the recorder, as such, shall be governed and regulated by the laws of the State of Oregon in relation to justices of the peace, except that in all proceedings for or on account of the violation of a city ordinance, the trial shall be without a jury.

Section 49. All fines collected by the city recorder, and all other moneys coming into his hands as such recorder, he shall forthwith turn over to the city treasurer and take his receipt therefor, and shall make a monthly report thereof in writing to the city council.

Section 50. He shall issue all licenses when directed so to do by the city council. He shall draw all orders for the payment of money after the same has been ordered by the city council, sign the same and present the same to the mayor for his signature.

Section 51. He shall record, in a book to be kept for that purpose, all ordinances which are finally adopted, and all resolutions passed by the council; and such record, when signed by the recorder, with the date when such ordinance became operative, shall be competent evidence of such ordinance or resolution.

Section 52. In pleading any ordinance of the City of Jacksonville, it shall be sufficient to state the number of such ordinance and the date when it was signed by the mayor or became operative, whereupon the court shall take judicial knowledge of the same.

Section 53. Absence of the recorder from the city for a period of more than one week, without the consent of the council, or carelessness or inattention to his duties or disobedience to a proper order of said council shall be sufficient cause to authorize the council to declare his office vacant. The mayor may appoint a recorder pro tempore to hold the recorder's court and transact any other duties required during the absence of the recorder, during which period the acting recorder shall receive the salary of the office.

Section 54. Whenever any police or officer turns over to the recorder any cash bail taken by him for the appearance of any person charged with an offense, the recorder shall thereupon take the affidavit of said officer as to the person and offense charged, and if any such person does not appear and answer such charge during that day, the recorder shall declare such cash bail forfeited for the use and benefit of the city, and shall thereupon make a record of the matter on the records of said court, and forthwith pay the sum forfeited to the city treasurer, and shall enter the fact of such payment and a copy of the treasurer's receipt below on the margin of his record of such proceedings. If the person so charged with an offense appears for trial during the day, the recorder shall hold such cash so deposited to answer any fine and costs that may be assessed against the defendant after the determination of his case.

Section 55. In all trials before the city recorder for violation of any city ordinance, the recorder shall have power to cause to be subpoenaed by the city marshal any witness or witnesses within the city limits, but none of said witnesses shall be allowed any witness fees for attending upon 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 5 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.

Section 56. The city recorder shall be the legal custodian of all records, documents and files of the city and he shall keep the same in a safe and secure place and the same shall be public records accessible to public inspection every day between the hours of 8 o'clock A. M. and 6 o'clock P. M. except holidays.

Section 57. The City Recorder upon demand and tender of the fees, to be hereafter provided by ordinance, shall furnish to any person a certified copy or copies of any public record or part thereof and such certified copy shall be admitted as evidence in all courts and shall be of the same force and effect as the original thereof.

#### CHAPTER VII.

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

Section 58. 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 59. 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 60. 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 61. 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 62. 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 63. He may appoint one or more deputies with the advice and consent of the mayor.

Section 64. 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 65. 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 66. 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 67. 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 68. If the city marshal or any police officer of the city neglects to comply with any of the requirements of this charter, or ordinances or resolutions 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 order and directions of said council and mayor or recorder, the city council shall declare said office vacant and proceed to elect a successor thereto.

Section 69. 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 70. 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 71. 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 72. 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.

Section 73. All taxes levied by the Town of Jacksonville shall be collected and become the property of the City of Jacksonville.

#### CHAPTER XI.

##### Bonds and Indebtedness.

Section 74. The Council of the City of Jacksonville shall have power to borrow money on the faith of the City and to that end to provide for the issuance of bonds of the City for any purpose and shall 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 seventy-five thousand dollars (75,000), and that the rate of interest on such bonds shall not exceed six per centum (6 per centum) per annum, and provided further that the total indebtedness of the City shall not exceed one hundred thousand dollars (\$100,000) at any time, and provided further that before issuing any of the bonds aforesaid or any part thereof, the question of the issuance of the same or any part thereof shall be submitted to the qualified bond voters of said City at a regular city election or at a special city election held therefor, which special city election shall be conducted in the same manner as a regular election, and that notice of said election, whether general or special, shall contain a statement of the amount of bonds proposed to be issued and the purpose and object for which the same shall be issued and the estimated cost of each and every of said objects for which the said bonds are to be issued, but inasmuch as heretofore at an election held by said city the legal voters of said city authorized the issuance of thirty thousand dollars (30,000) of bonds for the purpose of constructing a system of water works to supply the said city and the inhabitants thereof with water, and an agreement has been entered into for the sale of said bonds when the legality of the same shall have been approved by the attorneys for the buyers of said bonds, this section shall not be deemed to apply to the bonds so authorized, and the Council of the City of Jacksonville is hereby authorized and empowered to issue said thirty thousand dollars (30,000) of bonds for the purpose of constructing the said system of water works to supply the said city and the inhabitants thereof with water, and is further authorized to deliver said thirty thousand dollars (30,000) in bonds to the buyers thereof upon the receipt of the purchase price of the same, and said thirty thousand dollars (30,000) of bonds so issued shall be deemed an indebtedness of the City of Jacksonville within the meaning of Section 13 of this ordinance, and said thirty thousand dollars (30,000) of bonds and each thereof is hereby legalized and the same shall remain and be an indebtedness of the City of Jacksonville until the same shall have been legally paid and satisfied.

Section 75. If a majority of the legal voters of said city shall be in favor of the issuance of said bonds, they shall be issued, or such part thereof as shall be authorized at said election, by the city council of said city.

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 76. The city council are hereby authorized and empowered, without the necessity of submitting the question of the issuance of the same to the bond voters, to issue \$15,000 additional of bonds for the purpose of constructing or continuing the construction of a water works system to supply the city of Jacksonville and the inhabitants thereof with water.

Section 77. The city council may provide by ordinance or resolution the manner of selling any bonds issued under the provisions of this charter.

Section 78. A qualified bond voter within the meaning of this chapter is a person who shall, in addition to the qualifications of a general elector as in this charter provided, be a tax payer upon real estate situated within the corporate limits of the City of Jacksonville.

Section 79. 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 80. 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 outstanding bonds or warrants of the City of Jacksonville until disposed of under this chapter.

Section 81. 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 82. 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 83. All claims or demands against the city shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such claim or

demand, the recorder shall draw a warrant upon the treasurer for the sum, which said warrant shall be countersigned by the mayor and shall specify for what purpose the same is drawn.

Section 84. No order for the payment of money shall be passed at any other than at a regular meeting, and no such order shall have validity or effect unless passed by the votes of at least three councilmen.

#### CHAPTER XII.

##### Powers and Duties of Council.

Section 85. 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 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 in 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 86. 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.

19a. The council shall have the power to fix the maximum rate for gas or other lights, and water rates, and said city shall never deprive itself of the right through its council of regulating and adjusting any such rates so that the same shall be reasonable for the services rendered at least once in a period of two years.

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