Resolution No. 163

BE IT RESOLVED By the City Council of the City of Jacksonville, Jackson County, State of Oregon.

That the following proposed amendments to the charter of said city of Jacksonville be and the same are hereby proposed for submission to the legal voters at a special election to be held as in this resolution hereinafter provided.

CHARTER AMENDMENTS SUBMITTED TO THE VOTERS OF THE CITY OF JACKSONVILLE BY THE CITY COUNCIL OF SAID CITY OF JACKSONVILLE:

AN ACT

To amend Chapter 12, and Section 86 of said Chapter 12 of the Charter of the City of Jacksonville, as adopted by the electors of said city at a special election held therein on the 21st day of June, 1911, and proclaimed adopted by the mayor of said city on the 29th day of June, 1911.

ORDINANCE NO. 164

AN ACT

To Amend Chapter 12 ar… 86 thereof of the Charter … Section … Jacksonville, as adopt… of the city of of said city on the 2… by the voters 1911, at a special … day of June, purpose and pr… election held for that of said city … claimed by the mayor 1911, prov… the 29th day of June, duties … ding for the powers and city … of the Common Council of the … of Jacksonville, and authorizing and empowering the City Council of said city to provide by ordinance for the granting of franchises.

THE PEOPLE OF THE CITY OF JACKSONVILLE DO ORDAIN AS FOLLOWS:

Section 1. That there be, and hereby is, proposed the following amendment to the charter of the City of Jacksonville by amending Chapter 12 of said charter and sub-division 33 of section 86 thereof, which said charter was adopted by the people of the City of Jacksonville at a special election held in said city on the 21st day of June 1911, and proclaimed by the mayor of said city on the 29th day of June, 1911, and which chapter when so amended shall be made to read as follows:

CHAPTER 12.

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 the 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 of transmission of electric current or power of any nature whatever; the … tion of street … structing and the location … the manner … car lines or railways, to regulate … of operating … the same, and of water … the rate of fares thereon; mains … mains and pipes, oil and gas ditches and pipes, sewers, drains and trenches, and the opening of street surfaces.

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

9. To compel the owners of lots adjacent to any street to construct, reconstruct, 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 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 regnlate 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, all model artist exhibitions, and other shows of 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, 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 to electric light and power, water, gas, railroad, and street railroad companies, and other public service corporations; provided, that no franchise shall be granted for a longer period than fifty years, and before any grant or franchise, or right to use any highway' avenue, street, lane, 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 provisions as to rates, fares, and charges, if any. Such ordinance shall require for its passage, the majority vote of all the members of the council, as shown by the Ayes and Nays and the approval of the mayor before it shall be valid for any purpose.

No franchise shall be granted which by its terms shall not go into effect within twelve months 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 for violation of such ordinance 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 disease; 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 in the docket of the city liens and thereafter collected in the manner as assessments for improvements, or may be collected in such other manner as the council may direct.

39. To prohibit the deposit or accumulation of filth, garbage or refuse of any kind in any part of the city and to prohibit the throwing of any filth, garbage, refuse or impurities of any kind into any water or stream, natural or artificial, within the limits of the city or the doing of any other act by which the water supply of the city might be contaminated or the general health of the inhabitants impaired.

40. To determine and prescribe by ordinance the number and size of all places or entrance and exit to and from public halls, churches, theaters, schools and other buildings used for public gatherings; also to prescribe and regulate the size and manner of hanging doors thereto and the manner of lighting and heating said places, entrances and exits.

41. To compel all persons erecting or maintaining privies or cesspolls within one hundred feet of any streets in which a sewer has or may hereafter be constructed to connect the same therewith.

42. To regulate, prevent and prohibit public criers, advertising noises, steam whistles, the ringing of bells and playing of bands.

43. To regulate the rate of speed of all automobiles, trains, cars, locomotives, vehicles and horses; and to punish all persons driving or managing any, such automobile, train, car, locomotive, machine, vehicle, or horse or riding any horse in said city at any greater speed than designated in said ordinance.

44. To require all automobiles, motor bicycles, bicycles, tricycles, motorcycles, engines, cars, locomotives etc., to provide and adopt proper safety appliances, lights and warning signals for the protection of human life and the lessening of danger thereto; and to inforce such regulations by fine and imprisonment or both.

45. To prohibit or regulate the sale and use of bean shooters, sling shots, air guns, pistols, firearms, missle weapons, fireworks, bombs, rockets, firecrackers and detonating works of all descriptions and to prohibit the carrying of deadly weapons in a concealed manner and to define what shall constitute such weapon and carrying.

46. To establish and define the fire limits, and to prohibit and regulate the erection, removal and repair of wooden buildings within the fire limits; to define and establish the class of material of which buildings within the fire limits must be constructed; to regulate the height construction and inspection and repair of all private and public buildings within the city and provide by ordinance regulations in regard to moving the same.

47. To provide for the establishment, equipment and maintenance of a fire department and fire companies, and for their regulation.

48. To provide for the prevention and extinguishment of fires and the preservation of property exposed to danger on account thereof; to construct cisterns and wells for water for the extinguishment of fires, and to prescribe by ordinance such other powers, provisions, rules and regulations as shall be necessary or expedient for the occasion.

49. To require adequate fire escapes, apparatus and appliances for protection against fire to be provided in buildings.

50. To provide the manner and regulate the wiring of houses, buildings and other structures for light, power, telegraph, telephone and any other purposes for which electricity is now or may be hereafter used.

51. To regulate and prohibit the manufacture, storage, sale, transportation and use of gunpowder, blasting powder, dynamite, nitro-glycerine and all other combustible explosive materials.

52. To regulate and prohibit the use, manufacture, transportation and storage of oil, acids, gas, candles, lamps and other lights in stores, shops, stables and other places; to prevent, remove or make secure any fireplace, flue, stove or stove pipe, chimney, oven, boiler, furnace or other apparatus which may be considered by said council as dangerous in causing fires and to make the cost of such removal or securing a lien upon the property whereon or in connection with which the same is located and provide for the manner of collecting the same.

53 To regulate and prohibit the building of party walls, fences and partition.

54. To make secure or remove dangerous, unsafe, insecure and unsightly buildings and to make the cost of such securing and removing a lien upon the premises and providing for the collection thereof.

55. To prevent, restrain, prohibit and regulate the running at large of any and all domestic or other animals, poultry or fowl within the city limits or any part thereof; and to provide punishment for the owners or keepers of such animals, poultry or fowl who allow or permit the same to run at large in violation of any ordinance or regulation for such purpose; and to provide for the impounding and selling of any or all such animals, poultry or fowl found running at large within the city limits and the time and manner of such sale, and the disposition of the proceeds of such sale.

56. To regulate and prohibit the driving or herding of any or all domestic or other animals over, upon or through any of the streets, alleys, avenues, boulevards or other highways of the city.

57. To regulate and prohibit the erection and maintenance of hitching racks, hitching posts and all other hitching fixtures on the streets, curbs, sidewalks and other highways of the city.

58. To provide and regulate the manner and prohibit the hitching or fastening of any domestic or other animals upon the streets, alleys or other highways of the city and to prohibit the leaving of domestic or other animals, with or without carriage or other vehicles attached, in the streets, alleys or other highways of the city, without being securely fastened according to the regulation provided by ordinance and to provide the time that such animals may be so hitched or fastened; and to prohibit the staking or fastening of domestic or other animals upon the streets, alleys or other highways or public grounds of the city for feeding or grazing.

59. To prevent cruelty to animals and to define what shall constitute the same and provide punishment therefor.

60. To regulate and restrain the keeping and running at large of dogs; to punish those persons who allow their dogs to be unlicensed, or to run at large against the regulations established, and to provide for the impoundiug of dogs, and for the killing of the same when kept against such regulations, or on which no license has been obtained or tax paid, as provided by the council.

61. To prohibit the keeping or feeding of any hogs within the city limits or any part thereof.

62. To regulate, remove and prohibit the erection and maintenance of stock-yards, tanneries, slaughter houses, hog pens, wash houses, laundries and all other offensive trades, business or occupations carried on and to provide for their exclusion from the city or any part thereof, and to prohibit their maintenance beyond the city limits when their proximity to the corporate boundaries is such as to be an annoyance or nuisance to those residing within the corporate limits.

63. To prevent, remove and abate nuisances, and to declare what shall constitue the same, and to punish, by fine or imprisonment, or both persons committing or suffering nuisances, and to provide the manner of their removal and to make the costs of such removal a lien upon the property where such nuisance existed. Such liens may, upon the order of the council, be entered in the docket of city liens, and thereafter collected in the same manner as assessments for street improvements, or may be collected in such other manner as the council may direct. Every act or thing done, or anything existing within the city limits, which is or may be declared by the law of this state, or any ordinance of said city to be a nuisance, shall be, and the same is hereby declared to be a nuisance, and shall be considered and treated as such in all actions, suits and proceedings whatsoever, unless such law or ordinance be declared void by a court of competent jurisdiction. To punish by fine or imprisonment, or both, any person or persons who shall cause or continue any nuisance within the city limits, or suffer any nuisance to exist upon any property occupied or controlled by such person or persons within the city, or in any street, alley or public highway contiguous to such property when the owner or occupant of such property is the author or continuer of such nuisance. The powers herein conferred upon council for the abatement or removal of nuisances shall not be held to bar or hinder suits, prosecutions, nor proceedings under the general laws of this state

Section 2. All acts and parts of acts in conflict herein are hereby repealed.

Section 3 That the general annual election to be held in the City of Jacksonville on the first Tuesday in March, 1912, the same being the 5th. day of March, 1912, be and the same is hereby appointed as the time at which the legal voters of said city shall vote upon the said proposed amendment contained and set forth in Section 1 of this ordinance, and the city recorder is hereby instructed and directed at the time of giving notice of such general election to also give notice that the said amendment provided for in this ordinance will be submitted to the said legal voters at said general election.

Section 4. The city recorder is hereby directed to cause to be printed upon the ballot to be used at such general election at which the said proposed amendment shall be presented to the legal voters, the following ballot title:

REFERRED TO THE PEOPLE BY THE CITY COUNCIL.

"An Act to Amend Chapter 12 and Section 86 thereof and Sub-division 33 of said Section 85 of said Chapter 12 of the Charter of the City of Jacksonville, as adopted by the voters of the said city on the 21st day of June, 1911, at a special election held for that purpose and proclaimed by the mayor of said city on the 29th day of June, 1911, prescribing the powers and duties of the common council of the City of Jacksonville, and authorizing and empowering the city council of said city to provide by ordinance for the granting of franchises to electric light and power, water, gas, railroad and street railroad companies and other public service corporations."

Vote:

100. In favor of proposed amendment.

101. Against proposed amendment.

Introduced, read and adopted by the following vote:

Ayes: Britt, Dunford, Fick, Grieve.

Nays: None.

This 8th day of February, A. D. 1912.

Approved this 8th day of February, A. D. 1912.

T. T. SHAW,
Mayor of the City of Jacksonville.

HENRY G. DOX,
Recorder of the City of Jacksonville.

And be it Further Resolved that on the first Tuesday in March, A. D. 1912, the same being the 5th day of March, 1912, and the day and date of the general election to be held in said city, as provided by the charter thereof, the said Ordinance No. 164 herein contained be submitted to the legal voters of the City of Jacksonville for their adoption, approval or rejection, and the city recorder is hereby instructed and directed at the time of giving notice of such general election to also give notice that said Ordinance No. 164 will be submitted to the legal voters at said election.

And Be It Further Resolved That the city recorder is hereby directed to cause to be printed upon the ballot to be used at such general election at which the said proposed amendment shall be presented to the legal voters, the following ballot title:

REFERRED TO THE PEOPLE BY THE CITY COUNCIL.

"An Act to Amend Chapter 12 and Section 86 thereof and Sub-division 33 of of said Section 86 of said Chapter 12 of the Charter of the City of Jacksonville, as adopted by the voters of said city on the 21st. day of June, 1911, at a special election held for that purpose and proclaimed by the mayor of said city on the 29th. day of June, 1911, prescribing the powers and duties of the common council of Jacksonville, and authorizing and empowering the city council of said city to provide by ordinance for the granting of franchises to electric light and power, water, gas, railroad and street railroad companies and other public service corporations."

Adopted by the city council of the City of Jacksonville this 8th. day of February, A. D. 1912, by the following vote!

Ayes: Britt, Dunford, Fick, Grieve.

Nays: None.

Approved by the mayor of the City of Jacksonville this 8th. day of February, A. D. 1912.

T. T. SHAW.
Mayor of the City of Jacksonville.

Attest:

HENRY G. DOX.
Recorder of the City of Jacksonville.

Information on Poultry

Authentic and valuable information about breeding, hatching, raising, feeding and housing poultry is contained in the latest edition of Lilly's Poultry Book—just printed. Send for copy, free.

The Chas. H. Lilly Co., Seattle

LILLY'S POULTRY BOOK