

LEGAL NOTICE

RESOLUTION  
Number Eight (8)

Introduced by Councilman BOSWELL.  
Read the 5th day of June, 1933.

WHEREAS, the new Charter is completed and ready to be and should be referred to the people of the Town of Beaverton for their adoption or rejection, and

WHEREAS, an election has been called for July 21st., 1933, by the State, NOW, THEREFORE, BE IT RESOLVED

That the said new Charter entitled, "An Act to incorporate the Town of Beaverton in Washington County, Oregon", passed by the legislative assembly of the State of Oregon, February 10th., 1893, as subsequently amended by the People of the Town of Beaverton, to change the name of said "Town of Beaverton" to the "City of Beaverton", and to provide a Charter for said "The City of Beaverton", be by ordinance referred to the People of the Town of Beaverton at a special election called on the 21st day of July, 1933.

Adopted June 5th., 1933 by the Council.

Yeas, Barnes, Bishop, Boswell, Fordney, Livermore, Koshland.  
Nays, None.

Approved by the Mayor this 6th day of June, 1933.

EARL E. FISHER  
Mayor.

Attest: LEWIS SMITH  
Recorder.



Ordinance No. 145.

An Ordinance Referring to the Legal Voters of the Town of Beaverton, "Charter amendments to the Charter of the Town of Beaverton and providing a Charter for The City of Beaverton", calling a special election, naming a ballot title and declaring an emergency.

THE PEOPLE OF THE TOWN OF BEAVERTON DO ORDAIN as follows:  
Section 1. The following proposed amendments to the Charter of the Town of Beaverton and providing a Charter for "The City of Beaverton" is hereby proposed for submission to the legal voters of said Town of Beaverton at a special election to be held in said Town as in this ordinance provided.

CHARTER AMENDMENTS AND CHARTER SUBMITTED TO THE VOTERS BY THE COUNCIL.

AN ACT

THE CHARTER OF THE CITY OF BEAVERTON  
AN ACT

An Act to amend an Act entitled,

"An Act to incorporate the Town of Beaverton in Washington County, Oregon", passed by the legislative assembly of the State of Oregon, February 10th., 1893, as subsequently amended by the People of the Town of Beaverton, to change the name of said "Town of Beaverton" to "The City of Beaverton" and to provide a Charter for said "The City of Beaverton".

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF BEAVERTON, WASHINGTON COUNTY, OREGON, AND THE PEOPLE OF THE TOWN OF BEAVERTON DO ORDAIN AS FOLLOWS:

That and act entitled, "An Act to incorporate the Town of Beaverton, Washington County, Oregon," passed by the legislative assembly of the State of Oregon, February 10th., 1893, as amended subsequently by the legal voters of the Town of Beaverton, Washington County, Oregon, be and the same is hereby amended as hereinafter set forth and shall, after the adoption of this act read as follows:

CHAPTER I.

CORPORATE EXISTENCE AND POWERS.

- \*1. Definitions.
- \*2. Continuation Of Corporate Powers And Grant Of Powers.
- \*3. Grant Of General Powers.
- \*4. Continuation Of Property Rights.
- \*5. Legal Proceedings.
- \*6. Continuation Of Contract Liability.
- \*7. Sales Of Building Leases And Rental Of Property.

\*1. Definitions:

The act above named, with all amendments thereto prior to this date, are hereinafter, when necessary, referred to as the Charter of 1893, and said acts as amended by this measure are hereinafter referred to as "The Charter".

\*2. Continuation Of Corporate Powers And Grant Of Powers.

The municipal corporation now existing and known as The Town of Beaverton shall remain and continue a body politic and corporate by the name of The City of Beaverton and by that name shall have perpetual succession and may sue and be sued, plead and be impleaded in all courts of justice and in all actions, suits or proceedings whatever; may have and use a common seal, and may alter the same at pleasure; may purchase, or acquire by the exercise of the right of eminent domain, receive and hold property, both real and personal, with or without said city for municipal purposes, and shall have the right of possession and control of all public parks, buildings and property and of all tracts of land belonging to said city and other property which has been or may be hereafter dedicated or in any manner whatsoever obtained for public purposes of said city, and may lease, sell or dispose of the same for the benefit of the city; may receive bequests, gifts and donations of all kinds of property in fee simple, in trust or otherwise, for charitable or other purposes, and may do all acts necessary to carry out the purposes of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust, or absolutely, in case such gift, bequest or trust be unconditional.

\*3. Grant Of General Powers.

The City of Beaverton shall be invested within its limits with authority to perform all public and private services, including those of an educational or recreative character as well as others, and with governmental powers except such as are expressly conferred by law upon other public corporations within such limits and subject to the limitations prescribed by the constitution and laws of the State, and to acquire by purchase or otherwise property without its limits.

\*4. Continuation Of Property Rights:

The City of Beaverton shall continue, under this Charter to have hold and enjoy all property, rights of property and rights of action of every nature and description of the municipality now existing and known as the Town of Beaverton, and is hereby declared to be the successor of the same.

\*5. Legal Proceedings:

Suits, actions and proceedings may be brought in the name of the City of Beaverton for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights or contracts with said city, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said city.

\*6. Continuation Of Contract Liability:

All contracts of every description heretofore duly and legally made and entered into by the said Town of Beaverton shall remain valid and be binding upon this municipality to the extent only that they are now valid and binding upon said Town of Beaverton.

\*7. Sales Of Building Leases And Rental Of Property:

The city may sell any buildings owned by it which may not be needed for public use. Such sale shall be made by the Council in its discretion when thereto authorized by ordinance passed by a vote of at least four-fifths of all the members of the Council and approved by the Mayor, the sales to be made only at public auction or by bid.

The Council may rent any of the City's property not needed for public purposes, for a term not exceeding three years.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts against or connects with a railroad terminal, airway terminal or stage terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation, or distribution, and which does not interfere with full access of the public to the uses provided.

CHAPTER II.

BOUNDARIES AND ANNEXATION OF TERRITORY.

- \*8. City Boundaries.
- \*9. Power to Annex Territory.
- \*10. Annexation, Election and Procedure.
- \*11. Effect On Property Rights; On Liabilities.
- \*12. Amendment Of Boundaries.
- \*13. Liability Of Annexed Territory For Improvements.

\*8. City Boundaries:

Corporate limits of the City of Beaverton shall be the same as those described for the Town of Beaverton, to-wit: Commencing at the southwest corner of lot G, in J. B. Jones addition to Beaverton; thence west on section line to the southwest corner of what is now known as the Meier and Frank land; thence north along the west line of said Meier and Frank land to the southwest corner of lot number twenty (20) in Ladd and Reed's addition to Beaverton; thence west to the southwest corner of lot nineteen (19) in said Ladd and Reed addition to Beaverton; thence north to the north line of lot three (3) in said Ladd and Reed addition to Beaverton; thence to the east line of what is now known as the John Henry homestead; thence north along east line of said John Henry homestead until the main Beaverton ditch is reached; thence following said ditch east by south until the east line of said J. B. Jones addition is reached; thence south along east line of said J. B. Jones addition to the place of beginning, all in Washington County.

\*9. Power To Annex Territory.

The City of Beaverton may annex additional territory contiguous to and adjoining the limits of said city in the following manner, and pursuant to the Oregon Laws of 1931, Chapter 221, and such territory and the inhabitants thereof when so annexed shall become a part of said city and subject to the jurisdiction thereof.

\*10. Annexation, Election and Procedure.

The Common Council of the City of Beaverton may submit the

question of annexation to the electors of any corporation or territory proposed to be annexed to the City of Beaverton and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such election shall give notice thereof, by publication in a newspaper of general circulation in such corporation and in such territory so proposed to be annexed, for the period of four weeks prior to such election; also by posting notices thereof in four public places in such territory for a like period. Such notices shall distinctly state the proposition to be so submitted, and shall designate especially the boundaries of the territory so proposed to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For Annexation", or "Against Annexation", or words equivalent thereto. Such Council shall also designate the place or places at which the polls will be open within such corporation and in such territory so proposed to be annexed, which places shall be those usually used for that purpose, within such corporation and also within such territory, if any such there be. Such Council shall also appoint and designate in such notices the names of the judges and clerks of election. Such Council shall meet on Monday next succeeding the day of such election at one o'clock p.m. and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be first canvassed, and if it shall appear upon such canvass that the majority of all the votes in such territory are in favor of annexation, then the votes cast within such municipal corporation shall be next canvassed; and if a majority thereof are also found to be in favor of such annexation then such Council shall, by an order entered upon their records, declare such annexation, and cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified description of such annexed territory and an abstract of such vote which shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast against annexation. Provided, however, if the owner or owners of all of the territory proposed to be annexed consent in writing to such annexation and file the same with the city Council, at or before the day calling such election, it will not be necessary for the Council of such incorporated city to hold any election in the territory proposed to be annexed, or to post any notices therein, and if it shall appear upon a canvass of the votes within said incorporated city, that a majority thereof be in favor of such annexation, then such Council shall enter upon their records an order declaring such annexation, and cause the clerk or other officer performing the duties of the clerk, to make and submit to the secretary of state, a description of such annexed territory, and an abstract of such vote within such incorporated city, which shall show the whole number of electors voting therein, the number of votes cast therein for annexation, and the number of votes cast against annexation, together with a copy of the written consent of the owner or owners of all the territory to be annexed and a copy of the resolution or other order of said incorporated city declaring that no election be required in such annexed territory. From and after the date of filing of such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation. The judges and clerks, before entering upon the discharge of their duties at such election, shall each take, and subscribe, before an officer authorized to administer the same, an oath, that he will honestly and faithfully discharge his duties as such judge or clerk. In case of the absence, or inability of any judge or clerk, so appointed, to act at such election, then the qualified electors present at the polls, before proceeding to vote, may choose an elector to act in his place from among the number who shall duly qualify as aforesaid before entering upon the discharge of his duties as judge, or clerk at such election.

\*11. Effect On Property Rights; On Liabilities:

In case of a majority of the qualified voters residing in said territory and/or corporation and voting on said question vote in favor of such annexation, such territory shall on the day following the Declaration of Annexation, become a part of the City of Beaverton. All rights and property, both real and personal, then vested in or belonging to any therein existing local municipal corporation or corporations, excepting school districts, or in or to the public of said territory, including all parks, public grounds, buildings and improvements, and all rights or property in public streets or highways (including within the meaning of said word streets any way mentioned in any definition or explanation of said word contained in this Charter) and also including all other rights and property vested in or belonging to said corporation or in or to the public of said territory, of every nature whatever whether of the same or similar general nature as those above, expressly mentioned or differing therefrom in kind, nature, degree or otherwise, shall thereupon become and be rights and property of the City of Beaverton, but all county roads lying within the limits of such annexed territory which have not been laid out or accepted as streets, such as above referred to, by such local municipal corporation or corporations shall remain and be county roads until they are laid out or accepted as such streets by said city, and be under the jurisdiction of the County Court of Washington County, Oregon, and shall be worked, maintained, and improved as county roads outside the limits of said city are worked, maintained and improved. And all debts, liabilities and obligations of such local municipal corporation or corporations shall thereupon become and be liabilities of the City of Beaverton, and the City of Beaverton shall thereupon assume, become liable for, pay, satisfy or discharge all the debts, liabilities and obligations of such local municipal corporation or corporations, and the inhabitants of such annexed territory shall become subject in all respects to the jurisdiction of the authorities of said city, and the jurisdiction of any public authority exercised theretofore in such annexed territory shall, so far as it is in conflict with the corporate authority of said city thereupon cease and determine.

\*12. Amendment Of Boundaries:

The Council shall thereupon, by resolution so alter and amend section 8 of this Charter, and the boundaries of said city as therein prescribed and set out as to include such annexed territory within the boundaries of said City and said section 8 as so amended shall be a part of this Charter and be in full force and effect.

\*13. Liability Of Annexed Territory For Improvements:

Such annexed territory or any portion thereof shall be liable to such part as the Council may apportion upon it, of the costs of any public improvement made by the Council which shall benefit the same.

CHAPTER III.  
GOVERNMENT

ARTICLE I. COUNCIL

- \*14. Powers Of Council In Reference To Charter 1893.
- \*15. Grant Of General Powers.
- \*16. Initiative—Referendum And Recall.
- \*17. Municipal Powers Vested In Council.
- \*18. Elective Officers.
- \*19. Qualification.
- \*20. Prohibited Interests.
- \*21. Interest In City Contracts Prohibited.
- \*22. Oath Of Officers.
- \*23. Vacancies.
- \*24. Manner Of Filling Vacancies.
- \*25. Emergency Fund.
- \*26. Investigations.
- \*27. Saloons, Limited Beverage Places, Churches and Schools.
- \*28. Continuation Of Specific Powers.
- \*29. Fines And Imprisonment For Violation Of Ordinances.
- \*30. Enumeration Of Powers Not A Limitation.

\*14. Powers Of Council In Reference To Charter 1893.

All powers conferred and duties devolved by the Charter of 1893, not repealed or amended by this Charter, shall vest and remain in said Council, and be performed by that body.

\*15. Grant Of General Powers.

The Council shall have and exercise all powers and authority conferred upon the City of Beaverton by this Charter or by general law, except where such power is herein expressly bestowed upon some other officer to the exclusion of the Council.

\*16. Initiative—Referendum And Recall.

The initiative-referendum and recall shall be exercised within the City of Beaverton in the manner provided by the constitution and general laws of the State of Oregon and the ordinances of the City of Beaverton, enacted in pursuance thereof. That ARTICLE XIX of the Charter of 1893 as adopted the 4th day of June, 1932, is hereby retained and made a part of this Charter.

\*17. Municipal Powers Vested In Council.

The power and authority given to the Municipal Corporation of the City of Beaverton, hereby vested in a Council consisting of a Mayor and six Aldermen, subject to the initiative and referendum and other powers reserved to the people by the Constitution of the State of Oregon, as defined and prescribed by the provisions of the Constitution of the State of Oregon and general laws relating thereto, and by the provisions of this Charter and ordinances enacted in pursuance thereof.

\*18. Elective Officers.

There shall be no elective officers of the City of Beaverton other than the Mayor, Recorder, Treasurer and six Aldermen.

\*19. Qualifications.

The Mayor and every Alderman shall be a citizen of the United States and of the State of Oregon, and shall have been a resident of the City of Beaverton for a period of not less than one year immediately preceding the beginning of his term, and shall be a freeholder within the limits of said city. If any Mayor or Alderman shall be chosen without such qualifications or shall cease to have the same, the office shall immediately become vacant.

\*20. Prohibited Interests.

No person appointed or elected to the office of Mayor or Alderman shall be directly or indirectly pecuniarily interested in any public service corporation engaged in business within the City of Beaverton or in or with any person or corporation having contracts with the City of Beaverton. Any person so interested shall be disqualified to hold the office of Mayor or Alderman. If any such officer shall voluntarily become so interested while in office, his office shall at once become vacant. If he shall become so interested otherwise than voluntarily he shall within ninety days divest himself of such interest, and failing to do so his office shall become vacant upon the expiration of the said ninety day period.

\*21. Interest In City Contracts Prohibited.

Any contract with the City of Beaverton, in which any Mayor or Alderman is directly or indirectly pecuniarily interested, shall be wholly void and incapable of ratification, and no recovery shall be had thereon directly or indirectly, or upon quantum meruit, without respect to whether labor, services or material or other thing of value have been received and retained by the City of Beaverton by virtue of any such contract.

\*22. Oath Of Officers.

Every Mayor and Alderman before entering upon the performance of his duties shall take an oath or affirmation that he will support the Constitution of the United States and of the State of Oregon, and will faithfully and honestly discharge his duties; that he is not directly or indirectly pecuniarily interested in any public service corporation engaged in business in the City of Beaverton or in or with any person or corporation having contracts with the City of Beaverton; that he is not a member of any committee of any political party. If such oath or affirmation be false in any particular it shall be deemed a delinquency in office on part of such Alderman.

\*23. Vacancy In Office.

A vacancy shall exist when the Mayor or Alderman fails to qualify by taking the oath on or before time for taking office, dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be of unsound mind, or is judicially convicted of corruption, malfeasance or delinquency in office.

A vacancy shall occur when the Mayor or Alderman shall absent himself from his duties or the City of Beaverton without the consent of the Council expressed by ordinance for more than thirty days in any one year. No act of the Council in which any member participated whose office was vacant at the time, as herein provided, shall be for that reason invalid, unless the vacancy shall have been previously ascertained and declared by act of the Council or judgement of a court.

A vacancy shall occur when an Alderman shall fail to attend two consecutive regular first of the month meetings, said meetings being held upon the first Monday of each month.

A vacancy shall also occur when an Alderman shall fail to attend one of three consecutive meetings held within the month, whether said meetings are "Regular first of the month meetings; regular meeting convened at a later date after adjournment of regular first of month meeting upon call, or a special meeting."

An Alderman shall be deemed absent from the meeting when he fails to answer the roll call.

\*24. Manner Of Filling Vacancies.

If a vacancy occurs in the office of Mayor the Council shall appoint an eligible person to fill such vacancy until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term.

\*25. Emergency Fund.

There shall be annually appropriated and set apart the sum of \$500.00 to be known as the "Emergency Fund of the Council" and the Council may use and expend such fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purpose for which such expenditures were made. No part of such fund shall be used as compensation salary or for the personal benefit of any Alderman.

\*26. Investigations.

The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the city government, and the official acts and conduct of any city officer, employee or agent; and for the purpose of ascertaining facts in connection with such investigation shall have full power to compel the attendance and testimony of witnesses, to administer oaths and to examine such persons as it may deem necessary, and to compel the production of books, documents and other evidence. Willful false swearing in such investigation and examinations shall be perjury and punishable as such, under the laws of the State of Oregon.

\*27. Saloons, Limited Beverage Places, Churches and Schools.

No license shall be granted to any person or persons to vend, deal in or dispose of any alcoholic beverage or drink, who intends to vend, deal in or dispose of same, within 200 feet of any public school or church, measured on street lines of any block on which a school or church is situated within the City of Beaverton.

\*28. Continuation Of Specific Powers.

The powers granted to the Town of Beaverton under the Charter of 1893, where not amended or repealed by this act, shall continue in full force and effect and any and all acts of the city made under the provisions of said Charter are hereby ratified.

The Council has power and authority, subject to any provision, limitations and restrictions in this Charter contained.

(1) To exercise within the limits of the City of Beaverton all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said limits.

(2) To make and enforce within the limits of the City all necessary water, local, police and sanitary laws and regulations.

(3) To provide for the punishment of a violation of any ordinance of the City by a fine or imprisonment not exceeding Fifty Dollars fine or twenty days' imprisonment, or both, or by forfeiture as penalty; and for working any person sentenced to such imprisonment upon any public work or in any public place during the term thereof.

(4) To provide for entering into contracts by the City for a period not exceeding two years, except as in this Charter otherwise provided.

(5) To accept or reject all property, real, personal or mixed, given, conveyed, devised or bequeathed to the City, and to provide for the execution of all trusts if accepted by the city.

(6) To purchase, or acquire by condemnation, such property, real and personal, as may be needed for public use.

(7) To provide for the purchase of property levied upon under execution in favor of the City, but the sum bid on such purchase shall not exceed the amount of the judgement and costs.

(8) To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Beaverton, and to sell and convey the same. But the sum bid by the City on or for any piece or parcel of property, so sold for a delinquent tax or assessment, shall not exceed the amount of the tax, and the necessary costs and expenses on such piece or parcel of property.

(9) To provide for the sale at public auction, after advertising for not less than five days, of all personal property unfit or unnecessary for the use of the City.

(10) To provide for the lease of lands now or hereafter owned by the City, but all leases shall be made at public auction to the responsible bidder offering the highest monthly rent after publication of notice thereof for not less than ten days. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the Council and approved by the Mayor, and no lease shall be made for a longer period than five years, except as herein otherwise provided.

(11) To provide for the location and construction of any ditch, canal, or pipe for the conduct of water, and any drain, sewer or culvert it may deem necessary or convenient, and for such purpose it shall have a right to enter upon any land between the terminal of such ditch, canal or pipe or drain, sewer or culvert, for the purpose of examining, locating and surveying the line of such ditch, canal, pipe, drain or culvert in like manner as provided by the laws of this State for the appropriation of lands or right of way by corporations, and to appropriate and divert from its natural course or channel, for the purpose of drainage or flushing any drain, sewer or culvert, any spring or stream of water and compel the extension of gas, water and sewer connections from the main sewer or pipe to the curb line of the sidewalks of all public streets.

(12) To provide for the opening, laying out, establishing, altering, extending, vacating and closing or for establishing and changing the grades of streets, squares, parks, public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained, or granted for any purpose of public travel by means of any kind of work, improvement or repair mentioned in this Charter, subject to the provisions and limitations contained in this Charter, and in the Constitution of the State of Oregon.

(13) To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with electric, gas, or other lights, by contract or by means of its own plant, subject to the conditions and limitations contained in this Charter, and the Constitution of the State of Oregon.

(14) To provide by ordinance for securing the payment of wages to mechanics and other employees in the service of contractors engaged in doing work of any kind for the City, either by exacting bonds from such contractors or otherwise as may seem most advisable.

(15) To provide for furnishing the City with water, as elsewhere in this Charter provided.

(16) To provide a seal for the City and seals for the several officers thereof and a seal for the municipal court.

(17) To establish and regulate the fees and compensation of all officers of the City, except when expressly provided by this Charter, and for all official services not otherwise provided for in this Charter.

(18) To fix a schedule of fees for establishing grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening of street surfaces, grading streets, laying sidewalks, the erection and inspection of buildings and plumbing fixtures therein.

(19) To fix by ordinance the hours during which all offices and departments shall be kept open for business.

(Finance And Revenue Powers)

(20) To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.

(21) To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from date thereof.

(22) To expend for purposes not in this Charter otherwise authorized during any fiscal year moneys out of the General Fund of this city not exceeding in the aggregate the sum of \$1000.00, no part of which sum shall be expended except by ordinance duly passed by the affirmative vote of the majority of the members of the Council.

(23) Except as otherwise expressly provided in this Charter, the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.

(Powers Relating To Public Health, Welfare And Safety)

(24) To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases therefrom to suitable hospitals provided by the City for that purpose, which hospitals may be within or without said City; and to provide and to regulate such hospitals; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the City.

(25) To prevent and remove nuisances, and to declare what shall con-