

stitute the same, and to punish persons committing or suffering nuisances, and to provide the manner of their removal, and to make the cost of such removal a lien upon the property where such nuisance existed; and 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 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.

(26) To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of stock-yards, tanneries, slaughter houses, wash houses and laundries and all other offensive trades, occupations or businesses.

(27) To regulate the plumbing, drainage and sewerage of buildings and the use of steam boilers and steam generators; to provide for the registration of plumbers and stationary engineers; to create the offices and define the duties of plumbing inspector and boiler inspector.

(28) To compel all persons erecting and maintaining privies, septic tanks or cesspools within one hundred feet of any street in which a sewer has or may hereafter be constructed, to connect the same therewith; provided, that in cases where blocks are more than two hundred feet in width, this authority shall extend to the center of the block.

(29) To regulate the construction, care, use and management of hotels, tenement houses, lodging houses and cellars in the City of Beaverton for the better protection of the lives and health of the inmates dwelling therein, and of others.

(30) To regulate and provide for and determine the number and size of places of entrance and exit from all theatres, public halls, places of amusement, churches and other buildings used for public gatherings and the modes of hanging doors thereat.

(31) To prevent and prohibit the erection of dangerous and unsafe buildings, and to cause the removal or tearing down of the same wherever situated.

(32) To prevent the erection or moving of buildings within the City limits which shall be dangerous to the passers-by or to the adjacent property or an obstruction to passers-by, the Council shall have the power to cause the same to be removed or made safe at the expense of the property upon five days' notice to the owner thereof or his agent, and to determine by resolution when the same is dangerous. Such expense shall be made a lien upon the property. 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.

(33) To define the fire limits and to prohibit the erection or repair of wooden buildings within the fire limits; to regulate the height, construction, inspection and repair of all private and public buildings within the City; and to create the office and define the duties of building inspector; to establish sidewalk districts and to determine the character of sidewalks in any of said districts and to specify the time at the expiration of which all sidewalks shall be of a specified character.

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

(35) To regulate or prevent the storage, manufacture and sale of dangerous, explosive, or combustible materials, including gunpowder, dynamite, giant powder, calcium carbide, nitro-glycerine, oil and gas, and to provide for the inspection of the same; to prevent by all proper means all risks of injury or damage by fire arising from negligence or otherwise.

(36) To regulate the transportation of gunpowder, dynamite, nitro-glycerine and other combustibles and explosives through the streets of the City.

(37) To regulate and prohibit the use of all guns, pistols and firearms, missile weapons, fireworks, firecrackers, bombs and detonators of all descriptions.

(38) To regulate and prevent public criers, advertising notices, steam whistles, the ringing of bells, and playing of bands.

(39) To regulate, prevent and prohibit the erection, maintenance or display of signboards and billboards, and of signs, posters or other advertisements, or advertising matter which is offensive, improper, unsightly, indecent, lascivious or obscene upon, along or near the sidewalks, streets or public places.

(40) To regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the street or from houses or other buildings.

(41) To regulate or to prohibit the driving of horses, cattle, sheep, hogs and other animals and livestock through the streets.

(42) To restrain and regulate the keeping of all domestic animals and to prevent any and all domestic animals from running at large within the City or any part thereof, and to punish those who allow animals so to run; to provide for the impounding of the same and also to provide for the sale of such animals upon five days' notice.

(43) 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 impounding 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.

(44) To require all railways and railroads to provide proper fenders and other safety appliances and the latest and most approved machinery and methods for their cars and tracks and the operation thereof for the protection of human life and the lessening of danger thereto and to enforce such regulations by such fines and penalties as may be prescribed by ordinance.

#### (Criminal And Police Powers)

(45) To provide for the punishment by fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment not exceeding two years, or both, of any person or persons who may injure, deface, interfere with or destroy any of the property belonging to the City or in which the City has any interest, right or estate, and to provide that the Municipal Court of (or) the Circuit Court of the State of Oregon for the County of Washington shall have jurisdiction to enforce such punishment or punishments.

(46) To regulate and restrain bartenders, saloon keepers, dealers in and manufacturers of spirituous, vinous, fermented or malt liquors, barrooms, drinking shops or places where spirituous, vinous, fermented or malt liquors are kept for sale or in any manner disposed of, and the sale and disposal thereof; all offensive and dangerous trades, employments or business; and for the purpose of this Charter to define and declare who is a bartender, saloon keeper or dealer in spirituous, vinous, fermented or malt liquors, and what is a barroom, drinking shop or place where fermented or malt liquors are kept for sale or disposed of and what are offensive or dangerous trades, employments or businesses. No provision of the law concerning the sale or disposition of any spirituous, vinous, fermented or malt liquors in Washington County shall apply to the sale or disposition of the same in the City of Beaverton. No license shall be granted to any person or persons to vend, deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists or to grocers, who may be authorized to sell such liquors not to be used or drunk upon the premises) within two hundred (200) feet, measured on street lines, of any block on which a public school building is situated within the City of Beaverton.

(47) To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets, to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress opium smoking and houses and places kept therefor and to punish any keeper of such house or place, or person who smokes opium therein or frequents the same; to regulate the sale of cigarettes, cigars and tobacco and to prohibit the sale of the same to minors.

(48) To prevent the sale, circulation and disposition of obscene literature, including books, papers, prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of such literature, books, papers, prints, pictures and the like, and to define and declare from time to time what literature, books, papers, prints, pictures and the like are obscene within the purposes and province of this provision.

(49) To prevent trespassing and punish trespassers upon real and personal property.

(50) To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

(51) To prevent, restrain and disperse any riot or riotous assemblage, and to restrain and punish any person taking part therein.

(52) To define what constitutes vagrancy, and provide for the support, restraint, punishment and employment of vagrants and paupers.

(53) To prohibit persons from roaming the streets at unreasonable hours.

(54) To prohibit the carrying of dangerous weapons in a concealed manner.

(55) To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any society that shall have officially aided in such conviction.

(56) To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

(57) To establish, change, discontinue or re-establish city jails, prisons, police stations, work houses and houses of detention, punishment and confinement.

#### (Streets)

(58) 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 the streets, highways, alleys, sidewalks, public thoroughfares, public places and parks of the City; to regulate the use of streets, roads, highways and public places for foot passengers, animals, bicycles, automobiles and vehicles of all description.

(59) To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions upon five days' notice.

(60) To regulate the use of the streets and sidewalks for the use of signs, sign posts, awning posts and bicycle racks.

(61) To control and limit traffic on the streets, avenues and elsewhere.

(62) To prescribe the width of tires of all vehicles, and the weight to be carried thereby.

(63) To regulate the use of sidewalks; prevent the extension of building fronts and house fronts over the street line, and to prohibit the build-

ing and use of barred wire fences; to regulate the limits within which it shall be unlawful to erect steps, porches, bay windows or structural ornaments to houses fronting on any of the streets, lanes or alleys of the City.

(64) To prohibit the planting, growing and use of trees such as may be detrimental to the sewers or to the use of the sewers, or pavements or sidewalks, and to cause such last-mentioned trees to be cut down or removed.

(65) To set apart as a boulevard or boulevards any street or streets, or portion of a street or streets, over which there is no existing franchise for any street or other railroad.

(66) To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to cause or change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Recorder to the recording officer of the County, who shall record the same in the Record of Plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.

(67) To regulate the numbering of houses and lots on the streets and avenues and the naming of streets and avenues.

(68) To provide a series of conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing their construction by others upon such terms and conditions as the Council may impose, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.

#### (Commerce)

(69) To prescribe rates to be charged for transportation of passengers or property within the limits of the City by means of vehicles of every description.

(70) To provide for the establishment of market houses, vendors stands and places, and to regulate the location and management thereof.

(71) To provide a standard of weights and measures and to authorize inspection of weights, measures, food and fuel; to regulate the size and weight of bread, and other food products and fuel, and to prevent the sale of adulterated, unhealthful and unwholesome food, and to provide for the seizure and forfeiture of bread, other food products and fuel offered or sold or sold contrary to said regulations.

#### \*29. Fines And Imprisonment For Violation Of Ordinances:

The Council has authority to provide for the punishment of a violation of any ordinance of the City by a fine not exceeding Fifty Dollars, (\$50.00), or by imprisonment or by both, as may hereafter be provided by ordinance, and for working any person sentenced to such confinement during the term thereof, and to provide for the punishment of any such person who shall refuse to work when ordered.

#### \*30. Enumeration Of Powers Not A Limitation:

The foregoing or other enumeration of particular powers granted to the Council in this Charter shall not be construed to impair any general grant of power herein contained nor to limit any such general grant to powers of the same class or classes as those so enumerated.

### ARTICLE II. MEETINGS AND ORDINANCES.

#### \*31. Organization Of Council.

#### \*32. The Calendar.

#### \*33. Aye And Nay Vote.

#### \*34. Privilege In Debate.

#### \*35. Right Of Council To Control Its Members.

#### \*36. Meetings—Public—Records.

#### \*37. Quorum.

#### \*38. Manner Of Transacting Legislative And Judicial Business.

#### \*39. Ordinance To Contain But One Subject.

#### \*40. Enacting Clause.

#### \*41. Manner Of Passing Ordinances.

#### \*42. Date Ordinances Passed By Council Take Effect.

#### \*43. Date Initiative And Referendum Measures Take Effect.

#### \*44. Manner Of Amending And Repealing Ordinances.

#### \*45. Attestation Of Ordinances.

#### \*46. Objection To Ordinances.

#### \*47. Existing Ordinances Continued.

#### \*31. Organization Of Council:

At the first regular meeting after election, and as may be necessary thereafter, the Mayor shall appoint committees, heads of committees and in general supervise the organizing of the Council. The Mayor shall preside at all meetings and in his absence or disability the Council will elect a president to act in his place and to perform his duties.

#### \*32. The Calendar:

The Mayor shall cause to be printed for public use and placed with the Recorder for posting in said Recorder's Office at least twenty-four hours before each legislative session a summary of all matters to come before it at the next Regular legislative session. No matter not contained in said summary shall be considered at such session unless a majority of the Aldermen present shall vote to consider the same.

#### \*33. Aye And Nay Vote:

Upon the request of the Mayor, the ayes and nays shall be taken and recorded upon any action, ordinance or resolution.

#### \*34. Privilege In Debate:

A member of the Council for words uttered in debate therein shall not be questioned in any other place.

#### \*35. Right Of Council To Control Its Members:

The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and may compel the attendance of members.

#### \*36. Meetings—Public—Records:

All meetings of the Council and all committee meetings of the Council shall be public. It shall hold one regular legislative meeting each month and such other meetings as may be called. The Council shall keep a Journal of its proceedings which shall be a public record.

#### \*37. Quorum:

A majority of the Council shall constitute a quorum to transact business, but a smaller number may meet and adjourn from time to time, and compel the attendance of absent members in summary manner and under such penalties as the Council may have previously prescribed by ordinance. For the purpose of a quorum, the Mayor shall be considered a member of the Council, and in case of a tie shall have the deciding vote.

#### \*38. Manner Of Transacting Legislative And Judicial Business:

In the transaction of legislative business or judicial business the Council shall act only by ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every member when present must vote, and every action of the Council, except a motion to adjourn, or action to compel the attendance of absent members, shall require the affirmative vote of a majority of the members present and in case of the vote, the Mayor shall cast the deciding vote. A refusal of a member to vote shall be deemed and will constitute a violation of his oath of office and such member may be expelled from the office of Alderman. A two-thirds (2/3) vote of the members present at the time of refusal, will be necessary to expel said member. Provided, however, that nothing contained herein shall prevent an action to remove said Alderman on the grounds of mal- or misfeasance or delinquency in office.

#### \*39. Ordinance To Contain But One Subject:

No ordinance, except one making an appropriation, shall contain more than one general subject. Ordinances making appropriations shall be confined to the subject of appropriations.

#### \*40. Enacting Clause:

The enacting clause of all ordinances shall be in the words, "BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEAVERTON".

#### \*41. Manner Of Passing Ordinances:

Every ordinance other than emergency ordinances, shall have three public readings not more than two of which shall be at the same regular legislative session, one reading to be by title only. At least one week shall elapse between the introduction and final passage of any ordinance, and no ordinance shall be amended within one week of its final passage, except in case of an emergency ordinance. An emergency ordinance may be enacted upon the day of its introduction, providing that it shall contain the statement that an emergency exists, and specify with distinctness the facts and reasons constituting such emergency. A two-thirds vote of all members of the Council present and of not less than four (4) members shall be required to pass an emergency ordinance.

#### \*42. Date Ordinance Passed By Council Take Effect:

Ordinances (a) making appropriations and the annual tax levy, (b) relative to local improvements and assessments therefor, and (c) emergency ordinances, shall take effect immediately upon their passage. All other ordinances enacted by the Council shall take effect thirty days after their passage, unless a later date is fixed therein, in which event they shall take effect at such later date, subject to the referendum and subject to the provisions of section 46 of this Charter.

#### \*43. Date Initiative And Referendum Measures Take Effect:

Ordinances or other measures adopted by the electors of the City under the initiative, or approved by the electors of the City when submitted under the referendum, shall take effect at the time fixed therein; but if no time is designated therein, at the date of the adoption.

#### \*44. Manner Of Amending And Repealing Ordinances:

Amendments or repeals of ordinances, or sections thereof, shall also be by ordinance.

#### \*45. Attestation Of Ordinances:

An ordinance when passed by the Council shall be signed by the Mayor, or in his absence by the one acting in his place, and attested by the Recorder, and shall be carefully filed and preserved and a record made thereon in a book kept for that purpose, marked "ORDINANCE RECORD".

#### \*46. Objections To Ordinances:

At any time within ten days after the passage of any ordinance which shall not take effect immediately, any member of the Council may file in writing objections to said ordinance, said objections to be clearly and concisely written without repetition. Said objections shall be heard and considered and voted upon by the Council at its next regular meeting. If a majority vote to sustain such objections the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance. If a majority shall vote not to sustain such objections the same shall have no effect on the ordinance. The Objections together with the vote thereon shall be preserved on record.

#### \*47. Existing Ordinances Continued:

All existing ordinances of the Town of Beaverton in force when this Charter takes effect and not inconsistent herewith, shall be and remain in full force until repealed or until they expire by limitation.

### ARTICLE III. EXECUTIVE AND ADMINISTRATIVE POWERS.

#### \*48. The Departments—Distribution Of Work.

#### \*49. Assignment Of Department To Aldermen.

#### \*50. Authority Of Aldermen Over His Department.

#### \*51. Council To Assign Work To Subordinates.

#### \*52. Administrative Code.

#### \*48. Departments—Distribution Of Work:

The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among seven (7) departments, as follows:

#### (a) Department Of Roads And Highways.

#### (b) Department Of Ways And Means.

#### (c) Department Of Public Safety And Health.

#### (d) Department Of Public Utilities.

#### (e) Department Of Public Improvement.

#### (f) Department Of Public Affairs.

#### (g) Department Of Water Works And Supply.

The distribution of the work among the Council shall be made and may be changed from time to time by the Mayor by order which shall be filed and preserved. The names of the departments may be changed in like manner.

#### \*49. Assignment Of Department To Alderman:

At the first regular meeting after an election of any Alderman, and the adoption of this Charter, the Mayor shall designate one member to be in charge of one or more departments, who shall thereafter be designated as the Alderman in charge of said department, which designation may be changed and transfers of Aldermen from one department to another be made, whenever it appears that the public service will be benefited thereby. A record of said assignments and reports from each department shall be preserved.

#### \*50. Authority Of Alderman Over His Department:

The Alderman in charge of each department shall have the supervision and control of all the affairs and property which belong to his department, subject to the provisions of this Charter and to such regulations as may be prescribed by the Council.

#### \*51. Council To Assign Work To Subordinates:

The Council shall prescribe the powers and duties of officers and employees, may assign particular officers to one or more of the departments and may require an officer or employee to perform duties in two or more departments. The Council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the city.

#### \*52. Administrative Code:

A rule of procedure and code providing for the powers and duties of the different departments and for their organization shall be compiled by the Aldermen as soon as possible after the adoption of this Charter. Said code shall provide for a uniform manner of purchasing supplies and material, the letting of bids of construction and for improvements of any kind, and said code shall provide for the employment of expert technical assistance in the supervision of specifications and construction. Record of time at all times. All stores and supplies of the City shall be properly housed at all times and a perpetual inventory kept showing the additions and depletions thereof. Authority is hereby given by this Charter that whenever, in the opinion of the majority of the members of the Council, a general technical and business supervision is necessary at all times over the affairs of the City, then said Council by a majority vote, may by ordinance or resolution employ a person duly qualified to fill such position. Such person shall at all times be responsible to the City Council and may at any time be removed for cause. The salary of said person shall be set by ordinance.

### ARTICLE IV. THE MAYOR.

#### \*53. His Duties—Annual Message.

#### \*54. Institution Of Suits To Cancel Franchises; Investigation Of Franchises.

#### \*55. Investigation Of Offices.

#### \*56. Suspensions From Duty Pending Investigations.

#### \*57. Be Notified Of Violation Of Contracts.

#### \*58. Mayor To Approve Undertakings.

#### \*59. Ordinance To Be Approved By Mayor.

#### \*60. Ordinance Approved.

#### \*61. Ordinance Not Approved By Mayor.

#### \*62. Ordinance Passed Over Veto Of Mayor.

#### \*63. Mayor To Hold Court When Necessary.

#### \*64. Mayor To Sign All Warrants—Bonds.

#### \*53. His Duties—Annual Message:

The Mayor shall exercise a careful supervision over the general affairs of the city and its subordinate offices. It shall be his duty from time to time to make such recommendations to the Council as he may consider to be for the welfare of the City. On or before the second Monday of January in each year, he must communicate, by message to the Council a general statement of the conditions and affairs of the city and submit therewith the annual budget of current expenses of the city.

#### \*54. Institution Of Suits To Cancel Franchises; Investigation Of Franchises:

The Mayor may on his own motion, and must upon a resolution passed by the Council directing him to do so, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney upon his demand must institute and prosecute the suits or actions required to enforce the provisions of this section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in each of his annual reports or messages.

#### \*55. Investigation Of Offices.

The Mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department of the City or of any employee, and the official acts and conduct of any official or employee in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officers, or employee. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as he may deem necessary and to compel the production of books, papers and other evidence. Willful false swearing in such investigations and examinations shall be perjury and punishable as such. The expense of any such investigation shall be paid out of the General Fund in the same manner as other claims against the city are paid. The result of all such examinations and investigations shall be reported to the Council and such report be filed with the Recorder.

#### \*56. Suspensions From Duty Pending Investigation:

The Mayor shall have the power to suspend, pending an official investigation, any officer of the City, except Aldermen, for any official default or willful neglect of duty, or official misconduct.

#### \*57. Be Notified Of Violation Of Contracts:

It shall be the duty of every officer and person in the employ or service of the City, when it shall come to his knowledge that any contract or agreement with the City, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated, forthwith to report to the Mayor all the facts and information within his possession concerning such matter. A willful failure so to do shall be sufficient cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so and such certificate shall be evidence in exoneration from a charge of neglect of duty in that behalf.

#### \*58. Mayor To Approve Undertakings:

The Mayor shall take and approve all official undertakings which the ordinances of the Town may require any official to give, and shall perform such other duties and exercise such other authority as may be prescribed by this act, any City ordinance, any law of the State of Oregon or any law of the United States.

#### \*59. Ordinance To Be Approved By Mayor:

No ordinance passed by the Council shall take effect and be in full force until approved by the Mayor, except