

THE PROPOSED NEW CITY CHARTER.

WHICH WILL BE SUBMITTED TO A VOTE OF THE PEOPLE.

We give below the proposed city charter for the information of our readers:

AN ACT.

To incorporate Tillamook City, and to provide a Charter therefor, and as a substitute for an Act entitled "An Act to Incorporate the City of Tillamook, in Tillamook County, State of Oregon, and to repeal all Acts or parts of Acts in conflict herewith, filed in the office of the Secretary of State, February 13, 1893; and as a substitute for an Act entitled "An Act to amend Sections 2, 3, 4 and 6, of Article II, and Section 2 of Article III, and Section 1 of Article IV, of an Act entitled "An Act to Incorporate the City of Tillamook City, in Tillamook County, State of Oregon, and to repeal all Acts or parts of Acts in conflict herewith, filed in the office of the Secretary of State, February 13, 1893, approved February 13, 1901," and as a substitute for an Act entitled "An Act to amend an Act, entitled "An Act to incorporate the City of Tillamook City, in Tillamook County, State of Oregon, and to repeal all Acts and parts of Acts in conflict herewith," filed in the office of the Secretary of State, February 13, 1893, approved February 13, 1901," by the addition thereto of Chapter VIII, Article XI, containing Sections 1 to 3, inclusive, providing for the application of the initiative and referendum principle to said City Charter, and authorizing the said City to create an indebtedness for water works, light plants and sewerage purposes, and to levy a tax to pay the same, and the interest thereon," filed in the office of the Secretary of State February 11, 1901, as a substitute for an Act entitled "An Act to create a Water Commission for Tillamook City, Oregon, to prescribe its powers and duties and the method of its perpetuation, and declaring an emergency," filed in the office of the Secretary of State, February 22, 1903; and to abolish the present water commission for Tillamook City.

SECTION 1.—The inhabitants of that part of Tillamook County, Oregon, within the limits of the next section herein prescribed, are hereby constituted and declared to be a municipal corporation by the name and style of "Tillamook City," and by such name shall have perpetual succession, and shall have power and authority to sue and be sued, plead and be impeached, in all courts of justice, and in all actions, suits or proceedings whatever, and to do all things provided for in this article, and in this charter; may purchase, hold and receive property, both real and personal, within and without said city, for public buildings, public works, and city improvements, and may and shall have the right of possession and control of all public parks, except "Stilwell Children's Play Grounds," public works, public levees, all streets and highways, alleys and wharves, and shall have the right of eminent domain for all public and municipal purposes, both within the corporate limits, and outside the corporate limits by the same procedure provided by Chapter II, Title XII, for other corporations, and all tracts of land lying within said limits which have been or may be hereafter dedicated, or in what manner soever obtained for public purposes; and may own and shall have possession and control of all sewers, water works and independent of the present "Water Commission of Tillamook City," and to take immediate possession of the present water system of said city, and all property and records pertaining to said water system, over from the "Water Commission of Tillamook City"; and all powers and authority of said Commission shall immediately cease under the adoption of this charter; and to create a Public Works Commission and Police, Fire and License Commission, and to create special committees, as elsewhere herein provided, and to prescribe their powers and duties; and the sole right to construct and maintain the same, both within and without the corporate boundaries; and the right to regulate and control all public service corporations within said limits, and to regulate the manner and kind of their apparatus, and to regulate their rates for service, and to grant franchises, provided that no franchise shall be granted for a longer period than twenty-five years; and provided further that no exclusive franchise shall be granted and never for a less sum than one-half of one per cent, of the gross receipts annually of the business for which the franchise is granted; and may lease, sell, or dispose of all public property for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for parks, burial purposes, workhouses, houses of correction and a hospital for the reception and care of persons afflicted with contagious diseases, and for the purpose of maintaining water works, crematories, and for such purposes as may be deemed necessary for the carrying on of the city government; to levy and collect taxes for general municipal purposes, for roads and streets, for public librar-

shall have such other powers as may be elsewhere provided for in this charter or subsequent enactments. This act shall be a full and complete substitute for the charter of Tillamook City previous to the adoption of this act, and all amendments to said previous charter, including as well, and as a substitute for the amendment or supplement thereto, of an act to create a water commission for Tillamook City, etc., filed in the office of the Secretary of State February 22, 1903, the territory within the corporate limits of said city as incorporated hereby, or as may hereafter be extended, shall be a road district, independent of the jurisdiction of the county and county court of Tillamook County, Oregon, and all county roads and highways within said corporate limits shall be, and are hereby declared to be streets, and within the exclusive jurisdiction of said city; and no voting precinct for state and county elections shall ever be created partly within and partly without said city.

SECTION 2.—The boundaries of the corporate limits of said city of Tillamook City are as follows, to-wit: Commencing 20 chains south of the north east corner of section 25, township 1 south, range 10 west, Willamette Meridian, thence west 50 chains; thence south 60 chains; thence east 50 chains; thence north 60 chains; thence west 40 chains to the place of commencement.

ARTICLE II. Distribution of the powers of government.

SECTION 1.—The powers of the government of Tillamook City shall be divided into three departments, to-wit: the executive, including the administrative, the legislative and the judicial.

ARTICLE III. Executive Department.

SECTION 1.—The executive power of this city shall be vested in a mayor, who shall hold his office for the term of one year or till his successor is elected and qualified, and any person to be qualified or eligible to the office of mayor must be a white male citizen of the United States and a resident of said city, and a qualified elector therein, and a taxpayer on real property within said city.

SECTION 2.—The mayor shall be elected by the qualified electors of said city at a special election called for that purpose, or at the general city election held at the times as elsewhere provided for in this charter. The person receiving the highest number of votes shall be declared elected. In case of a tie the incoming clerk shall elect after they are qualified.

SECTION 3.—In case of the removal of the mayor from office, or his death, resignation or inability to act, his duties shall devolve upon the chairman of the council until such disability is removed or another mayor is elected to fill the unexpired term, as the case may be.

SECTION 4.—The mayor, in case the police judge of said city is removed from office, dies, resigns, or is unable to discharge the duties of his office, or for any reason fails to perform all the duties of said police judge.

SECTION 5.—The mayor shall appoint a city clerk and all committees and commissions that are provided for in this charter, or may be hereafter provided for or created, and shall have power and authority, and it is hereby made his duty to remove said city clerk or any number of, or the whole of any committee or commission for incompetency, malfeasance, inactivity, or any other cause, or for any reason detrimental to the best interest of said city; and after having received notice of such removal said city clerk, or any such member of any such committee or commission shall have no further authority to act.

SECTION 6.—The mayor may in any case of emergency, or riot, appoint as may special police officers as he deems necessary, but for no longer time than necessary, and in no event for a longer time than fill the next meeting of the council, at which meeting he shall report his appointments and give the reasons therefor, whereupon the council shall determine whether they are further employed or not.

SECTION 7.—The mayor shall take care that all ordinances shall be faithfully executed, and all officers and commissions faithfully perform their duties.

SECTION 8.—He shall from time to time give to the council information touching the condition of the city, and recommend such ordinances and regulations as he shall judge proper.

SECTION 9.—He may require in writing information from any officer or commission as to their departments and duties.

SECTION 10.—Every ordinance passed by the council, before it can go into effect, must be presented to the mayor for his approval, or veto. If he approves it, he shall sign the ordinance with the date of his approval, thereupon it is in effect; if he vetoes it, he shall indorse his reasons and return it to the council at its next meeting, and the council may by a four-fifths veto of all the members pass the ordinance notwithstanding such veto.

SECTION 11.—If a vacancy occur in the council, the mayor shall appoint at the next regular meeting of the council, his successor to serve until his successor is elected and qualified.

SECTION 12.—The mayor shall preside over all meetings of the council.

SECTION 13.—The mayor shall sign all contracts of the city, and all warrants, bonds and other documents on behalf of the city, to be attested by the city clerk.

SECTION 14.—He shall issue all notices of city elections, attested by the city clerk.

SECTION 15.—All commissions issued by him shall also be signed by him, attested by the city clerk.

SECTION 16.—In case of a tie vote in the deliberations of the council, the mayor shall cast the deciding vote.

of the city are hereby vested in a council, and they shall have the power to pass any ordinance within the scope, power and authority of the city.

SECTION 2.—The style of every ordinance shall be "Tillamook City does ordain as follows:"

SECTION 3.—The number of councilmen shall be one for every ward, but never less than five.

SECTION 4.—The councilmen shall be elected from their respective wards.

SECTION 5.—They shall hold office for one year, or until their successor is elected and qualified.

SECTION 6.—No person shall ever be eligible to the office of councilman, except a white male person, over the age of twenty-one years, and who has been a resident of the city and ward for thirty days next preceding the election and is a taxpayer in said city.

SECTION 7.—There shall be a regular session of the council held on the first and third Mondays of each month.

SECTION 8.—The council shall determine and adopt its own rules of proceeding.

SECTION 9.—A majority of all of the members shall constitute a quorum.

SECTION 10.—Any member can call for the "Yea's" and "Nays" on any measure voted upon; and the "Yea's" and "Nays" shall always be taken when any money is to be appropriated or any franchise is being granted.

SECTION 11.—Every ordinance shall be read three times before passage; by a two-thirds vote of the council, it may be read by its title the first and second time, but on the third time and on its final passage, its reading by sections shall never be dispensed with, nor ever passed to the third reading, and final passage on the date of its introduction, and then only at a regular meeting.

SECTION 12.—All ordinances must be numbered, and recorded at length in a book of ordinances to be kept for that purpose, and must be indexed by number and titles; and any ordinance may be amended, revised or repealed by reference to its number.

SECTION 13.—No member of the council shall receive any compensation for his services, and shall never be financially interested, directly or indirectly, in any contract with the city, or in any public works of the city.

SECTION 14.—Any time the mayor is absent or for any cause is unable to preside over the meetings of the council, the members present may select a chairman to preside from themselves, and to act as chairman of the council.

ARTICLE V. ADMINISTRATIVE DEPARTMENT.

SECTION 1.—There shall be appointed by the mayor a city clerk, who shall hold office for one year unless sooner removed by the mayor, or until his successor is appointed and qualified.

SECTION 2.—The duties of the city clerk shall be to keep the minutes of the council; number, record and index all ordinances; to keep the books of the city, and shall be the custodian of all records of the city; to keep the records of the police commission; all fines and forfeitures, and license fees and all other fees and moneys due the city, and to immediately pay the same over to the treasurer, taking his receipt therefor; to act as the clerk of all boards, commissions and committees of the city, and shall perform such other duties as may be prescribed for him by the mayor.

SECTION 3.—Said clerk shall be a male resident of said city for more than thirty days next preceding his appointment, and over the age of twenty-one years.

SECTION 4.—The mayor shall fix the manner and amount of his compensation and shall audit the same, and he shall be paid by warrant and not otherwise, and shall not hold any moneys for more than ten days.

SECTION 5.—He shall give a surety bond or bonds from time to time as may be required by the mayor, and in the amounts required by the mayor, in some approved surety company, the premiums to be paid by the city.

TREASURER.

SECTION 6.—There shall be elected at the general city election a treasurer who shall hold office for one year, or until his successor is elected and qualified.

SECTION 7.—The treasurer shall receive no compensation.

SECTION 8.—He shall give a bond in such sum as the council may prescribe in some state licensed surety company, the premium for which shall be paid by the city.

SECTION 9.—He shall be the custodian of all city funds; and keep the different funds separate, and shall keep a record of all warrants presented and all warrants paid or canceled, and return the same thereafter to the city clerk, taking his receipt therefor.

Commission shall have charge and control of the city water works and system, and shall keep the same in repair, purchasing the necessary materials, extend mains, fix, regulate and change water rates and tolls, employ necessary labor, and all employees connected therewith, except its accountant who shall be the city clerk, who shall also act as its clerk, and keep all of its records, and who shall collect all water bills. It shall audit all claims against the water works, which shall be paid by warrant, out of the Water Fund, by the council.

SECTION 13.—They shall receive no compensation.

SECTION 14.—Said Commission shall have charge of and supervision of all streets and alleys, sidewalks, sewers, wharves, landings and parks except "Stilwell Children's Play Grounds," and all other public works in the city, and shall regulate the use thereof, and superintend the laying out, opening, widening, vacating, building and improvement thereof, and employ all necessary labor and foremen, and purchase any necessary materials; and shall audit the account for the same in the same manner as provided for water works system in Section 11 of this article, which shall be paid out of the street fund, unless ordered paid by the abutting property by the council. They may adopt any reasonable rules and regulations, not inconsistent with any provisions of this charter.

SECTION 15.—They shall perform such other duties as may be required of them by the mayor, and shall make reports in writing when required by the mayor, to him, and shall keep a strict account of all property coming into their hands, belonging to the city and used in public works, so that an accurate estimate of construction, repairs, betterments, additions and cost of maintenance can be always ascertained.

SECTION 16.—The chief of police shall perform such duties as may be required of him by the police and license commission, and shall faithfully obey their orders and see that their orders, regulations, and all ordinances are not in any manner violated, and shall have command of all police officers. He shall be peace officer, with the same powers as any other peace officer of the city, and serve all processes and summonses, and all other papers to be served, and be ex-officio constable within the city.

SECTION 17.—They shall have control of and power to license, regulate and control saloons and the sale of intoxicating liquors and all other licensed trades, soft drink establishments, cigar stores, billiard, pool and bowling alley halls, and shall vigorously prosecute any violation of any license or ordinance, or ordinances, and of those in any class required to procure a license, who fail to do so; they shall appoint a chief of police and prescribe his duties, unless expressly prescribed by this charter, and shall appoint and control all other police officers (chief to appoint subordinates) and night watchmen, and as many, and for any length of time, not exceeding one year, as may be necessary, and shall prescribe their compensation, with the approval of the mayor as to the amount thereof. They shall have power to remove the chief of police and all other police officers and night watchmen. They shall see that all licenses are paid. The city clerk shall be the clerk of this commission. They shall receive no compensation.

SECTION 18.—They shall perform such other duties as may be required of them by the mayor.

SECTION 19.—They shall have the discretion to say to whom any license may be issued, and to limit the number of saloons, and to fix their location in the city, and to issue a license to the proprietor thereof.

SECTION 20.—No saloon shall ever be licensed except for one year, and at one thousand dollars (\$1,000) per annum, payable in cash in advance, and upon the licensee paying into the hands of the city treasurer the sum of five hundred dollars (\$500) as a cash bond for the observance of any and all regulations of the commission and of the charter touching saloons and the sale of intoxicating liquors.

SECTION 21.—All violations of the regulations or any provisions of this charter by saloon proprietors or their agents, or employees, shall be reported by the commission to the police judge, who shall impose a fine and costs and disbursements upon them, upon such report, and the city clerk shall draw his warrant on the treasurer for the amount thereof against said five hundred dollars (\$500), including said costs and disbursements, and the treasurer shall immediately pay out the amount of said five hundred dollars (\$500) the amount of said warrant into the general fund of the city, and such saloon shall thereupon be closed by said commission, until said five hundred dollars (\$500) is made whole again, and for the fourth violation such person shall be fined and forfeit all of said five hundred dollars (\$500), and his license shall be forfeited, and such person shall never again be permitted to procure a saloon license in said city.

Every person securing a saloon license shall agree to the terms of this charter and any and all regulations of the commission regulating saloons, and the sale of intoxicating liquors, and agree to not contest any fine that may be imposed thereunder, or this charter, nor any regulations of the commission, and if he does so, that he shall forfeit the whole of said five hundred dollars (\$500), and the contesting thereof shall forfeit the whole thereof of itself as well as forfeit forever said license and the right to obtain any other license again.

SECTION 22.—All saloon license and licenses for the sale of intoxicating liquors shall be issued in duplicate, each of which shall be considered original, one to be retained by the licensee and one by the city clerk, and shall have printed on the back thereof all of Section 20 of this Article and an agreement by the licensee to all of the terms of said Section 20, and shall be signed by the commission and said licensee, attested by the city clerk.

SECTION 23.—Upon application, the commission must license saloons or bars for the sale of intoxicating liquors at the least one for every five hundred population of the city or fraction over five hundred thereof. To ascertain the population for the purposes of this Section the commission shall take the total number of voters who voted at the last preceding city election, and multiply this number by five, and the product shall be considered the population. This requirement shall never be construed to be a limitation of the number of saloons or bars, but be the minimum to be licensed in the event the local option law does not apply to the city.

SECTION 24.—All saloons and bars shall close and remain closed on week days between the hours of 1 o'clock a. m. and 6 o'clock a. m., except Saturdays, when they shall close at the 12 o'clock midnight, Saturday, and remain closed till Monday mornings at 6 o'clock. When closed all curtains and blinds shall be drawn, and lights kept lighted in tenight-time within, and all inside rooms so arranged and kept opened and lighted in the night time so that a plain view of the whole interior can be plainly seen from the streets, and so that the officers of the city can at any time inspect the same.

SECTION 25.—Two members of either of said commissions shall constitute a quorum.

CHIEF OF POLICE

SECTION 26.—The chief of police shall perform such duties as may be required of him by the police and license commission, and shall faithfully obey their orders and see that their orders, regulations, and all ordinances are not in any manner violated, and shall have command of all police officers. He shall be peace officer, with the same powers as any other peace officer of the city, and serve all processes and summonses, and all other papers to be served, and be ex-officio constable within the city.

ARTICLE VI. POLICE AND LICENSE COMMISSIONS.

SECTION 1.—The mayor shall appoint a "Police and License Commission," consisting of three white male persons over the age of twenty-one years, who are citizens, residents and taxpayers of Tillamook City and who shall not at the same time hold any state or county office, to hold office for the same length of time, to be appointed at the same time and manner, subject to removal in the same manner as the "Public Works Commission," provided for in this article, and may be a councilman or not, in the discretion of the mayor.

SECTION 2.—He shall be judge of the police court, and shall preside over said court.

SECTION 3.—The police court shall have jurisdiction of all violations of ordinances, and any regulations of the police and license commission, and of any penal provisions of this Charter or its subsequent amendments, and shall have the civil and criminal jurisdiction of a justice of the peace and committing magistrate within the corporate limits of this city.

SECTION 4.—He shall have the same fees of a justice of the peace in all cases coming before him under his jurisdiction as a justice of the peace; as police judge of the police court he shall receive such compensation as may be prescribed by the council, whether fees or salary or both, and the council shall fix his compensation as the police judge of said police court.

CITY ATTORNEY

SECTION 5.—The mayor shall appoint a city attorney to serve one year unless sooner removed by the mayor; he must attend to all actions, suits or proceedings in which the city is interested or a party; attend to the prosecution by the city; prepare all contracts, bonds and other instruments for the city, give his advice when required by the mayor, council, commissions or other officers of the city; draft all ordinances ordered by the council, mayor or commissions; he shall receive such compensation as the council may fix, either in fees, or salary, or both, except for any special service his compensation shall be fixed by contract between him and the council, or some duly authorized committee of the council.

CITY SURVEYOR

SECTION 6.—The mayor shall appoint a city surveyor, who shall serve one year, unless sooner removed by the mayor. He shall be a competent surveyor and civil engineer; he shall make all plans, specifications and estimates of aliecity work which may be required of him by the mayor, council or "public works commission," he shall perform such other duties as may be required of him; he may have one or more deputies, with the sanction of the mayor, their compensation to be fixed by the council.

SECTION 7.—He must be prompt and expedite all work required of him with dispatch and accuracy.

ARTICLE VII

SECTION 1.—The present officers shall serve until the next general city election, and the present recorder shall perform the duties of police judge and city clerk until such time. Provided, however, that the present mayor shall immediately after the adoption of this charter appoint the "Public Works Commission" and said Police and License Commission, and the Public Works Commission shall immediately assume charge of the water system of the city.

SECTION 2.—All officers of the city shall subscribe the following oath: "I do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, and that I will faithfully discharge the duties of my office according to the best of my ability."

SECTION 3.—The mayor, police, judge and city clerk shall have power to administer oaths and affirmations.

ARTICLE VIII. STREETS

SECTION 1.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 2.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 3.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

SECTION 4.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 5.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 6.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

SECTION 7.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 8.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 9.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

SECTION 10.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 11.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 12.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

SECTION 13.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 14.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 15.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

SECTION 16.—The council may widen, lay out, extend, plank, replank, grave, regrave, pave and repave, or in any other manner build or improve streets; streets shall include sidewalks and cross-walks.

SECTION 17.—The council may charge the cost thereof to the adjacent property or property benefited, and assess the said property therefor, which shall be a first lien thereon, having priority over all other liens.

SECTION 18.—For the improvement of streets, and intersections thereof, the cost shall be assessed to the adjacent property and property benefited as follows: Each lot, or fraction thereof, shall be assessed for the full amount of the improvement upon the one-half of the street in front of the same, and also for an equal proportion of the cost of the improvement of the intersection of the street intersections and crosswalks bounding the block. Provided, that the land adjacent to the street to be improv-

LEGISLATIVE DEPARTMENT. SECTION 1.—The legislative powers