

the same may be imprisoned one day for each \$2.00 of said fine and costs, or kept at hard labor for one day for each \$2.00 of said fine and costs, if he fail or refuse to pay the same.

Section 43. To regulate the practice and other proceedings of the recorder's Court.

Section 44. To control and regulate the lighting and heating of all halls or other buildings where public meetings or gatherings are held or permitted and provide and enforce regulations in regards to the means of ingress and egress to such halls or other buildings, and to close or abate such buildings when they are deemed unsafe.

Section 45. To regulate and prohibit the erection of hitching racks on certain streets in the city, and to protect the public from injury from runaways by punishing persons who negligently leave horses or other animals in the streets without being securely fastened and provide the place, manner and position for parking automobiles.

Section 46. To appropriate money to pay debts, liabilities, and expenditures of the city, or any portion or item thereof from any funds applicable thereto.

Section 47. To provide for the collection of an attorney fee of \$5.00 from persons convicted of breaches of city ordinances which shall be taxed as costs in the case, and collected by the recorder and paid into the treasury.

Section 48. To tax dogs and regulate their running at large within the city limits, and to provide for the impounding, sale and killing of the same; and to define what shall constitute a running at large, and to determine what dogs shall be dangerous to run at large and provide for the extermination of the same.

Section 49. To prohibit officers of the city from purchasing demands against the city, or orders drawn on the treasury thereof, for a less amount than that expressed on the face of such demand or order.

Section 50. To provide, by ordinance, for the punishment by fine or imprisonment, or both, any person or persons who shall keep any hog or hogs within the city limits or shall suffer any poultry to run at large and define what shall be deemed a running at large within the meaning of this section.

Section 51. To provide for the erection of a city hall, or the purchase of a suitable building for the same and to provide for the erection or purchase of suitable buildings for city jail, and any other public buildings for the use of the city or public, and also to provide for the construction of work houses, houses of correction or pest houses, either within or without the city limits and to provide for the government and management of the same.

Section 52. To punish by fine and imprisonment, or both any person who, owning, controlling or being in possession of any house or building, room or rooms therein, uses the same or any part thereof, or knowingly permits the same to be used or any part thereof, as a bawdy house or house of ill fame or prostitution, or a gaming house, or for a model artist exhibition or other show of an immoral nature.

Section 53. To authorize, by ordinance, the owner or owners of any lot or parcel of land abutting upon any street in said city, to plant or set out ornamental or shade trees or shrubbery in such street or streets along the edge of the sidewalk adjacent to such lot or parcel of land and to determine the width of the parking along any street and to establish and provide shade tree lines on said street or parking providing for the protection and care of such parking and shade trees and to provide a penalty for the injury or destruction of the same; and also to pass ordinances providing for punishment by fine or imprisonment, or both, of any person who injures any such tree or shrubbery or any tree or shrubbery planted or growing in any street, alley, or place in said city, or cause, suffer, or allow any animal in his or her possession or control to do so.

Section 54. To locate and construct any ditch, or pipe for the conduct of water, and any drain, sewer, or culvert that may be necessary or convenient for the purpose of examining, locating or surveying the line of said ditch canal, pipes, drain, sewer, or culvert, doing no unnecessary damage thereby, and to appropriate and divert from its natural course and channel, for the purpose of drainage or flushing any drain, sewer or culvert, any spring or stream of water.

Section 55. To establish and regulate the fees and compensation of all officers of the city, except when otherwise provided by law.

Section 56. To exercise all such power and authority as may be given to the council by this act, and such additional power and authority as may be necessary and proper to carry into effect the provisions of this act, and to pass all ordinances or resolutions necessary and proper to carry into effect the provisions of this act, and provide for the punishment of any violation of any ordinance passed pursuant to this act.

Section 57. To regulate by ordinance the manner and requirements for putting in and establishing plumbing apparatus and electric light wiring.

Section 58. To provide for the establishment, support and maintenance of a cemetery; to

render financial aid to the support of agricultural fairs, provided however, that no financial aid shall be extended to any agricultural fair until the question of extending aid and the amount thereof shall be submitted to the voters of the City, and adopted by a majority of all votes cast thereon at an election called for that purpose.

Section 59. The council shall receive bids from the banks of the City for the purpose of securing interest on City funds; the bank bidding the highest rate of interest on daily balances, computed monthly, and giving a corporate surety bond, or other bond satisfactory to the council shall be the city depository bank; the bond shall be in such sum as the council may by ordinance or resolution require, and shall serve to relieve the City Treasurer's bond only in the event of the failure of the bank so bonded.

Section 60. The power of authority given the council by Sections 1 to 59 inclusive can only be enforced or exercised by ordinance unless otherwise provided; and a majority of the members of the council may pass any ordinance, not repugnant to the laws of the United States or this State, necessary or convenient for carrying such power or authority or any part thereof into effect.

Limitation of Power

Section 61. The Council shall not have power:

(1). To authorize or make any contract for continuous service for a longer period than five (5) years, but the payment of a debt may be limited in time not to exceed twenty (20) years.

(2). To grant a franchise, even after a referendum, for a longer period than twenty-five (25) years.

CHAPTER VII.

POWERS AND DUTIES OF THE RECORDER.

Section 1. The Recorder shall be the judicial officer of the City; shall hold a court, to be called the recorder's court, and shall have full and exclusive jurisdiction of all violations of city ordinances and of all actions to recover in favor of the city upon bail or other bonds where the amount thereof, exclusive of interest and costs does not exceed \$250.00, with full power to enforce any judgment he may render, in the same manner as a judgment of the Circuit Court, except that such judgment shall not be a lien upon real property until a transcript thereof, certified to by him, shall have been filed in the office of the County Clerk; whereupon such judgment shall be entered by the Clerk in the same manner and with like effect as a judgment in the circuit court.

Section 2. The Recorder shall also be ex-officio justice of the peace within said city, with like authority and jurisdiction as other justices of the peace, and take and administer oaths.

Section 3. All civil and criminal proceedings before the city recorder, as such, shall be governed and regulated by the laws of the State of Oregon in relation to justices of the peace, except that all proceedings for or on account of the violation of any city ordinance shall be without a jury, and there shall be no appeal from the Recorder's Court in cases of conviction and sentence for violation of city ordinances.

Section 4. The recorder shall be ex-officio clerk of the city council, and shall keep a record of all their proceedings and present all ordinances passed by the council to the mayor for his signatures, and perform such other duties as the council may require of him as such clerk.

Section 5. All fines collected by him, and all moneys coming into his hands as such recorder, he shall forthwith turn over to the city treasurer and take his receipt therefor, and shall make a monthly report thereof in writing to the city council; he shall record in a book to be kept for that purpose all ordinances which are finally adopted and all resolutions passed by the council, and such record, when signed by the recorder, with date when such ordinance became operative shall be competent evidence of the adoption of such ordinance or resolution and prima facie evidence in any court; he must keep full and accurate accounts showing all moneys received and disbursed by the city, and all warrants or orders drawn and the dates and amounts of each and of those redeemed their numbers, date of redemption, and amount paid for redemption; he shall keep in proper books for that purpose, a tabulated and alphabetical list of all road, poll taxes and all assessments for municipal taxes, or betterment assessments for improvements, showing the names of persons liable to pay the same, whether or not they have been paid, and the property assessed if any.

Section 6. Absence of the recorder from the city for a period of more than 15 days without the consent of the council, or carelessness or inattention to his duties, shall be sufficient cause to authorize the council to declare his office vacant. The mayor may appoint a recorder pro-tempore to hold the recorder's court and transact any other business or duties required during the recorder's absence, during which period the acting recorder shall receive the salary of the officer.

Section 7. In pleading any ordinance in the City of Nyssa, it shall be sufficient to state the

title of such ordinance, and the date when it was signed by the mayor or became operative, whereupon the court shall take judicial knowledge of its contents.

Section 8. Whenever the marshal or any police officer of the city turns over to the recorder and cash bail taken by him for the appearance of any person charged with an offense, the recorder shall thereupon take the affidavit of such officer as to the person and offense charged, and if such person does not appear and answer such charge during that day, the recorder shall declare such cash bail forfeited for the use and benefit of the city; and he shall make a record of the matter on the records of said court and forthwith pay the sum forfeited to the city treasurer, and shall enter the fact of such payment, and a copy of the treasurer's receipt, below or on the margin of his record of such proceedings. If the person so charged with an offense appears for trial during that day, the recorder shall hold such cash so deposited to answer any fine and costs that may be assessed against the defendant after the determination of his case.

CHAPTER VIII.

Duties of the Treasurer

Section 1. The treasurer shall receive and safely keep all the funds and moneys belonging to the city, and shall pay out the same only upon warrants drawn upon him by the mayor and attested by the recorder, and no claim against the city shall be paid until audited and allowed by the city council.

Section 2. The Treasurer shall keep an account with the general fund, and a separate account with each special fund, and when an order is drawn upon one fund it cannot be paid out of another.

The City Treasurer shall deposit all funds belonging to the City in such local bank as may be designated the City Depository, by the City Council.

Section 3. He shall make a written report to the City once every three months showing all receipts and disbursements during that time, and the fourth report of any year shall be an annual report, and cover all receipts and disbursements for the entire year; and said fourth report shall be accompanied by a correct statement of all outstanding indebtedness of the City, including interest on unpaid warrants.

Section 4. The Council shall have the full power and authority to provide for such other and further duties by such Treasurer as they may deem expedient and for the welfare of the City.

CHAPTER IX.

Powers and Duties of the Marshal

Section 1. The Marshal shall be the conservator of the peace, and, in addition to the authority vested in him by the charter and ordinances of the City of Nyssa, shall have authority and jurisdiction of a constable, including the right to serve and search under and by authority of any search warrant legally issued and placed in his hands for service, within the city limits and shall discharge the same according to the statutes of the State. He shall arrest all persons guilty of a breach of the peace or violation of any city ordinance, and take them before the recorder for trial. The marshal shall be ex-officio chief of police. The said marshal or any police officer of the city, shall have the power and authority at any time to enter any room, building, or other place in said city where he has reasonable grounds to believe that the criminal laws of the State of Oregon or the ordinances of said city are being violated, and on view arrest any and all persons whom he has reasonable grounds to believe guilty of violation of said laws or ordinances, and hold them in custody for examination or trial, as provided in this chapter. He shall keep a correct record of all arrests made by him or any policeman, showing the name of persons arrested, by whom arrested, the time when and cause of complaint upon which arrest was made, and shall submit at the first regular meeting of the council in each month, in writing, a full report; he shall attend all meetings of the council and perform the duties of sergeant-at-arms to said body.

Section 2. The marshal shall, on arresting any person in the night time, commit such person to the city prison for the night, or may accept cash bail from such person, conditioned for his appearance before the recorder of the city the following day, to answer any charge preferred against him by the marshal, policeman or other person. Such marshal shall take all persons so arrested, the next morning, before the recorder for further proceedings against them; but if cash bail has been accepted for the appearance of any such person, the officer taking it shall the next morning make a report of the facts and deliver the money so taken as bail to said recorder, and such marshal shall make affidavit for a warrant against any and all persons so arrested, or against any person whom there is probable cause to believe has violated any ordinance of the city whenever requested so to do by either the recorder or the mayor of the city.

Section 3. The council shall have the power and authority by ordinance or otherwise, to prescribe such other and further duties for the

marshal and other police officers of the city as it shall deem advisable, not inconsistent with this act.

CHAPTER X.

Duties of the City Attorney

The city attorney shall attend to all actions, suits and proceedings in which the city is legally interested, and attend to the prosecution of all persons charged with the violation of a city ordinance; he shall give his advice and opinion, in writing, concerning any matter of which the city or council, when so required by the mayor or council or any committee of the council; he shall prepare for execution, all contracts in which the city is a party; and he shall attend the meetings of the council; he shall receive from the City of Nyssa a salary, not to exceed \$600.00 per annum, payable monthly; he may appoint a deputy to hold during his pleasure, who may act in the absence of the City Attorney, but no additional compensation shall be allowed by the city therefor.

CHAPTER XI.

Duties of City Engineer

Section 1. The engineer shall make all surveys and estimates of the city works which may be required of him by the street commissioner or the council, and shall perform such other duties as may be prescribed by ordinance. His compensation for service shall be fixed and regulated by the council. The city engineer shall prepare maps, plats and profiles of such streets, alleys, sewer lines and other work as may be ordered by the city council and file the same with the city recorder.

CHAPTER XII.

Duties of Other Officers When Appointed

By the Council

Water Superintendent

Section 1. It shall be the duty of the Water Superintendent to have the general oversight and control of the water department of the city under the direction of the Council and the laying of water pipes; and he shall perform such other duties as may be prescribed by ordinance.

Fire Department

Section 2. It shall be the duty of the Chief of the Fire department to have the control and disposition of all firemen either voluntary or paid, and the control and management and disposition of all men in case of fire, and all machinery of the department; and he shall perform such other duties as may be prescribed by ordinance.

City Health Officer

Section 3. The City Health Officer shall have control and jurisdiction of all questions relating to the public health, quarantines of all contagious and infectious diseases, all sanitary regulations, birth and death records, and shall have the sanitary supervision of all public buildings in the city, and he shall determine when any sanitary condition becomes a public nuisance and he shall perform such other duties as shall be prescribed by ordinance.

Street Superintendent

Section 4. The Street Superintendent, shall have charge of all the streets, alleys and parks of the city, and it shall be his duty to see that they are kept clean and in good condition, and he shall perform such other duties as shall be prescribed by ordinance.

CHAPTER XIII.

TAXES

The Council of the City of Nyssa has full power and authority within the city of Nyssa.

General Levy of Thirty Mills

Section 1. To levy taxes for general municipal purposes not to exceed thirty mills on the dollar per annum, upon all property, both real and personal, which is taxable by law for state and county purposes.

Special Levy of Twenty Mills

Section 2. To levy a special tax not exceeding twenty mills on the dollar per annum upon all the property assessed by authority of Section 1, for any specific object, including special road taxes, sinking fund taxes, interest fund tax, library tax, or any other specific purpose within the powers of this Municipal Corporation, including the payment of any debt but the ordinance providing therefor must specify the object and purpose thereof.

The City May be Bonded

Section 3. To provide for the issuance of negotiable coupon bonds of the city, for any specific purpose, and to designate the manner and time for the payment thereof and the interest thereon.

How the City May Be Bonded

Section 4. Whenever the city of Nyssa shall contemplate the issuance of negotiable coupon bonds for any public purpose under this charter, except for public improvements where the costs thereof is to be assessed to the property specially benefited the Council shall by ordinance or resolution direct the manner in which the estimate of the cost of the proposed public improvement shall be ascertained and such estimate shall be filed with the Recorder before any bonded indebtedness shall be incurred for such purpose. Thereupon the Council shall cause the question of the creation of such indebtedness by the issue of the negotiable coupon bonds of the city, to be submitted to a vote of the electors of the city at any regular election for municipal officers, or at a special election to be called by the Council for such purpose. Such