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THE STATE OF OREGON

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# THE SPECIAL LAWS

ENACTED BY

THE TWENTY-FIRST REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY

1901

BEGUN ON THE FOURTEENTH DAY OF JANUARY AND ENDED ON THE  
TWENTY-THIRD DAY OF FEBRUARY, 1901



SALEM, OREGON  
W. H. LEEDS, STATE PRINTER  
1901



## AN ACT.

(S. B. 193.)

To incorporate the City of Grass Valley, in Sherman County, Oregon, and to provide a charter therefor, and define its powers.

*Be it enacted by the Legislative Assembly of the State of Oregon:*

## CHAPTER I.

## OF THE BOUNDARIES AND INCORPORATION.

Section 1. The inhabitants of the City of Grass Valley, Sherman County, Oregon, and their successors within the limits hereinafter prescribed, are hereby created and established a body corporate, and are constituted and declared to be a municipal corporation, by the name and style of "The City of Grass Valley," and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all suits, actions and proceedings whatsoever; may purchase, hold and receive property, both real and personal, within the said city for public works and for city improvements; may lease, sell and dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the city limits, to be used for cemeteries for burial purposes, for the establishment of hospitals for the reception of persons affected with contagious diseases, for the construction and maintenance of gas works and electric lights, for the erection and maintenance of a water system and water works to supply the city with water, or for any other useful or beneficial purpose, and may control, lease, sell or dispose of the same for the benefit of the city; and shall use and have a common seal, and may alter and break the same, or make a new one at pleasure.

## CORPORATE LIMITS.

Section 2. The corporate limits of the City of Grass Valley are as follows: Beginning at a point in the center of the west boundary line of section thirty-five in township two south of range sixteen east of the Willamette Meridian; and running thence west two hundred and eighty feet, thence north eighty rods, thence east two hundred and eighty feet, thence north two hundred and forty rods, thence east one hundred and sixty rods, thence south three hundred and twenty rods, thence west one hundred and sixty rods to the place of beginning.

## CHAPTER II.

## FOR THE GOVERNMENT OF THE CITY.

Section 3. The power and authority given to the municipal corporation of the City of Grass Valley by this act is vested in a mayor and a common council, and their successors in office, to be exercised in the manner hereinafter prescribed.

Section 4. The mayor shall be elected for two years, and shall hold his office until his successor shall be elected and qualified.

Section 5. Said city shall be represented by six councilmen until such time as it shall be divided into wards, as hereinafter provided for; and the members of the common council shall be elected for two years, and shall hold their offices until their successors shall be elected and qualified.

Section 6. There shall be elected, as hereinafter provided, a city treasurer, who shall be an officer of the municipal corporation, and shall be elected for two years by the qualified voters at large of this corporation, and he shall hold his office until his successor shall be elected and qualified.

Section 7. There shall be appointed by the common council of this corporation a recorder and a marshal, who shall each be officers of the corporation, and who shall hold their offices for one year, unless sooner removed for cause.

Section 8. No person is eligible for the office of mayor, treasurer or councilman who at the time of his election or appointment is not a qualified elector of this state, and who has not resided in the City of Grass Valley for one year next preceding such election or appointment.

Section 9. In addition to the qualifications prescribed in section 8, to be eligible to the office of mayor or councilman, a person must own taxable real property within the city limits to the amount of not less than \$250.

Section 10. The common council may, by ordinance, whenever it shall deem necessary, divide the City of Grass Valley into wards, the boundaries thereof to be described in such ordinance with common certainty, and each of said wards when so established shall be entitled to equal representation on the common council, and shall constitute a separate election precinct of said city for the holding of all municipal elections; and such division of the City of Grass Valley into wards shall be as effectual to all intents and purposes as if the same had been made by a direct act of the Legislature. After such division of the city into wards, the coun-

cilmen shall be elected by the qualified voters in the respective wards which they represent and in which such councilmen actually reside.

## CHAPTER III.

## OF ELECTIONS.

Section 11. There shall be a general city election in the City of Grass Valley on the first Monday in April, 1901, and on the first Monday in April annually thereafter.

Section 12. At the general election held on the first Monday in April, 1901, there shall be elected by the qualified voters at large of the City of Grass Valley one mayor, one treasurer and six councilmen, three of said councilmen to serve for two years and three to serve for one year; and thereafter there shall be elected annually at each general city election three councilmen to serve for a term of two years. Provided, that after the city shall have been divided into wards, as aforesaid, each ward shall be entitled to elect annually an equal number of councilmen to serve for a term of two years.

Section 13. The mayor, treasurer and members of the common council shall be elected by the qualified voters of the city or ward, as the case may be, at the general city election next preceding the expiration of the term of the then incumbents of the office.

Section 14. The council shall designate one or more places in each ward for holding the election therein, and shall appoint three judges and two clerks of election for each polling place. Provided, that until the division of the city into wards, said city shall constitute and be deemed one ward for municipal election purposes.

Section 15. The recorder, under the direction of the common council, shall give ten days' notice of each municipal election, by posting printed or written notices in three public places in each ward of said city, particularly describing the time of said election, the officers to be elected, the place of holding same and the names of the judges and clerks appointed to conduct said election.

Section 16. No person is qualified to vote at an election under this act who is not a qualified elector under the laws of the State of Oregon, and who has not been a resident of the City of Grass Valley for ninety days next preceding the election, and who shall have refused or neglected, after proper demand, to pay any city fine or tax legally assessed against him, any poll tax or lien of

any kind legally imposed on him or his property by the proper municipal authorities; and the council may prescribe such oath as it may deem proper to ascertain such fact.

Section 17. The mayor and treasurer shall each be elected by the qualified voters at large of the city and councilmen in like manner until after the division of the city into wards, when said councilmen shall be elected by the qualified voters of the ward from which they are chosen.

Section 18. All elections shall be held from 9 o'clock in the morning until 12 o'clock at noon, and from 1 o'clock in the afternoon until 6 o'clock in the evening of the same day. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk of election fails to attend and serve at the proper time, the judges of election may appoint another to serve in his place.

Section 19. Judges and clerks of election must possess the qualification of voters, but a mistake or error in this respect, or a failure to give the notice required by section 15, shall not invalidate any election otherwise legal.

Section 20. On or before the third day after the election, the returns thereof from each ward must be filed with the recorder, and the common council shall meet within one week of said election and canvass the returns thereof, and shall declare the result as it appears from such returns, and the city recorder shall forthwith give notice to the officers so declared of their respective elections. Immediately after the election of any officer, the recorder must make and sign a certificate of election of such officer, and must deliver the same to such officer on demand; and a person shall be deemed elected to an office when so declared by the common council after canvassing the returns. In like manner, when any officer shall be appointed under this act, the recorder shall make and deliver to him on demand a certificate of his appointment.

Section 21. A certificate of election is primary evidence of the facts therein stated, but the council is the judge of the qualifications and election of mayor and its own members, and in case of a contest between two persons claiming to be elected thereto, must determine the same, subject, however, to the review of any court of competent jurisdiction.

Section 22. A contested election for any office other than that of mayor or councilman must be determined according to the laws of the state regulating proceedings in contested elections in county offices.

Section 24. The term of office of every person elected to office under this act shall commence on the second Monday in April next after his election, and terminate accordingly, except as otherwise provided in this act; and by such time such person must qualify therefor, by taking and filing the oath of office and giving such official undertaking as may be required by this act for the faithful performance of his duties, and in default thereof he shall be deemed to have declined, and the office be considered vacant.

Section 25. All officers elected or appointed under this act must, before entering upon the duties of their office, take and file with the recorder an oath of office to the following effect: "I ..... do solemnly swear (or affirm) that I will support the constitution of the United States and of this state, and that I will, to the best of my ability, faithfully perform the duties of the office of ..... during my continuance therein. So help me God." If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalties of perjury."

Section 26. All laws of this state regulating and governing general elections and proceedings and matters incidental thereto shall apply to and govern all elections under this act, except as herein otherwise provided.

#### CHAPTER IV.

##### APPOINTIVE OFFICERS—VACANCIES IN OFFICE.

Section 27. The common council, unless otherwise provided in this act, shall, at their first regular meeting in April in each and every year, or as soon thereafter as may be necessary, appoint a recorder, marshal and city attorney, who shall each hold said office for one year from and after their appointment, unless sooner removed for cause. The appointment of such officers shall be by ballot, and shall require the concurrence of a majority of all the members of the common council elect. The compensation to be paid such officers shall be determined by the council at the time of their appointment, and same shall be made a matter of record.

Section 28. An office shall be deemed vacant upon the death or resignation of the incumbent, or upon such incumbent ceasing to possess the qualification of an elector. The office of mayor, recorder, marshal and treasurer shall be deemed vacant whenever the incumbent thereof shall be absent for the period of thirty days; provided, that the common council may grant to the recorder or mayor leave of absence, not to exceed sixty days. The office of

councilmen shall be deemed vacant whenever any incumbent thereof shall cease to be a resident of the ward which he represents, or shall fail to attend four consecutive regular meetings of the council, unless absent on leave of the council first obtained; but a change of the boundaries of any ward shall not be deemed to change the residence of any councilman so as to create or cause a vacancy in such office.

Section 29. A vacancy in any office, caused by the failure of any person elected to qualify therefor, as prescribed in section 24, or made by or consequent upon the judgment of any court, or consequent upon a failure to elect or qualify, or in any of the cases specified in section 28, must be filled as follows:

1. In the office of councilman or treasurer, by the appointment of the council, to continue until the second Monday in April after the next general city election, and if the term of such office does not then expire, the remainder thereof shall be filled by the election at such general election.

2. In the office of recorder, marshal and city attorney, by the appointment of the council, to continue until the second Monday in April after the next general city election.

3. In the office of mayor, by the appointment of the council, to continue until the second Monday in April after the next general city election, and if the term of such office does not then expire, the remainder thereof shall be filled by the election at such general election.

Section 30. An officer appointed to fill a vacancy, or otherwise, must within five days from the date of such appointment qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be declared vacant.

## CHAPTER V.

### OF THE ORGANIZATION AND POWER OF THE COUNCIL.

Section 31. The council must provide for the time and place of its regular meetings, but said council must hold a regular meeting at least once a month, and the mayor may call special meetings by notice to each one of the members, to be delivered personally or left at their usual place of abode. A majority of the council may in like manner call special meetings by giving notice to the mayor and members. At such special meetings no other business shall be transacted except such as is designated in the call. In case they so determine, the members present at any stated meeting may adjourn to any special time they may designate, and all busi-

ness transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

Section 32. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

Section 33. The council may adopt rules for the government of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any two of its members must cause the yeas and nays to be taken and entered on its journal upon any question before it, but upon a question to adjourn the yeas and nays shall not be taken unless upon the call of three members. Its deliberations and proceedings must be public.

Section 34. The council may punish any member for disorderly and improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-thirds vote expel a member, and may declare by ordinance for what offenses city officers may be impeached; but the council shall be and is constituted a court to try all cases of impeachment, and may provide the manner of conducting trials of same.

Section 35. The mayor is ex officio the presiding officer of the council, and presides over its deliberations when in session. He is not entitled to vote, except in case of a tie vote of members of the council. He also has authority to preserve order, enforce the rules of council and determine the order of business, subject to such rules and to an appeal to the council. If the mayor shall be absent from any meeting of the council, that body must appoint one of their own members to act as mayor during the meeting or until the mayor attends, and such member shall have the same power and be subject to the same restrictions during the time of his appointment as the mayor has or is by this act. The recorder is ex officio clerk of the council, and shall keep accurate minutes of all proceedings of the council. If the recorder shall be absent from any meeting of the council, that body must appoint one of their own members to act as recorder during the meeting, or until the recorder attends, and such member shall have the same power to take part in the deliberations and proceedings of the council, and vote upon any measure during the time of his appointment, as other members of the council.

Section 36. On the second Monday of April next following any general city election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof is necessary.



Section 37. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof within the meaning of this act, and not otherwise unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance or the appointment or removal of an officer; and in either of which cases the concurrence of a majority of the whole number constituting the council as then provided by law shall be sufficient for the lawful passage of any act or ordinance, and not otherwise.

Section 38. The council has power and authority within the City of Grass Valley:

1. To make by-laws and ordinances not repugnant to the laws of this state or the United States.

2. To assess, levy and collect taxes for general municipal purposes on all property, both real and personal, within the city limits, which is taxable by law for state or county purposes, said taxes shall not exceed three mills on the dollar per annum.

3. To prevent, remove and abate nuisances by general ordinance, to define what shall constitute any nuisance, and to make the expense of abating or removing such nuisance a lien upon the property where such nuisance exists, when the owner or occupant thereof is the author or continuer of such nuisance; to provide for the filling or draining of any lots or blocks wherever stagnant water stands, and to make the cost thereof a lien upon the property, but in such case the same must be reported to the council, and the necessity of the same declared by them; and if after five days' notice thereof, or such notice as may in the judgment of the council be reasonable under all circumstances of the particular case, so to be given to the owner or owners of such lot or tract, or his agent or agents, such owner or owners fail or refuse to fill up or drain the same, then the work of filling or draining such lot or lots or blocks, or tract or tracts, must be let to the lowest bidder, and the cost thereof made a lien upon such lots or blocks or tracts, and collected in like manner as street improvements, as hereinafter provided in this act.

4. To make regulations to prevent the introduction of contagious and other diseases in the city, or to remove persons afflicted with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city; to regulate the plumbing and draining of buildings and to provide for the registra-

tion of plumbers; to appoint an officer to supervise and inspect all such plumbing and draining, with such powers as may be deemed expedient by the common council, to fix the compensation of such officer and to prescribe his tenure of office; to make effectual such regulations as the common council may deem it expedient to pass, by providing penalties for the breach of any of the provisions thereof; to make such sanitary regulations as to the common council may seem proper.

5. To license, tax, regulate and restrain theatrical shows and other exhibitions and amusements.

6. To license, tax and regulate auctioneers, brokers, drummers, hawkers, peddlers, pawnbrokers, itinerant vendors of drugs, patent medicines and other nostrums, hotel, tavern and boarding-house keepers and runners, junk dealers, dealers in second-hand articles of merchandise, the keeping of billiard tables, bowling alleys and shooting galleries, and for the purpose of this act to define and declare what constitutes any of such professions, callings and employments.

7. To suppress dancehouses where dancing is permitted or carried on independent of or connected in any manner with any other business, and declare by general ordinance what shall constitute the same; also to punish by fine or imprisonment, or both, any person owning or controlling any house or building who uses the same or knowingly permits it to be used as a public dance-house.

8. To suppress and restrain and prohibit bawdy and assignation-houses, houses of ill-fame and prostitution, gaming and gambling-houses, gaming and gambling, or model artist exhibitions, and other shows of an immoral nature, and to define and declare by ordinance what shall constitute the same; to punish by fine or imprisonment, or both, any person who, owning, controlling or being in possession of any house or building, or room or rooms therein, uses the same or any part thereof, or knowingly permits the same or any part thereof to be used as a bawdy or assignation-house, or house of ill-fame or prostitution, a gaming or gambling-house, or for a model artist exhibition, or other shows of an immoral nature; to punish by fine or imprisonment, or both, any and all persons who occupy, visit or resort to such house or houses, and to punish by fine or imprisonment, or both, any person or persons who engage in gaming or gambling as the same may be defined by ordinance.

9. To tax, license, regulate, restrain and prohibit the sale of spirituous, vinous, fermented or malt liquors, bars, barrooms,

drinking shops and tippling-houses, billiard tables, pool tables, pigeon-hole tables, or any table where balls and cues are used, bowling alleys and shooting galleries. Provided, that each applicant, at the time of making application to the council for a license to engage in any of the lines of business hereinbefore mentioned, shall present to said council a bond in the sum of \$1,000 with two or more sureties, to be approved by the council, conditioned that he will keep an orderly house and comply with all the requirements of this act and of any ordinance in this behalf passed, and shall pay the fee required therefor, and pay to the city treasurer such sum as may by ordinance be required. Provided further, that no license for the sale of spirituous, vinous, fermented or malt liquors shall be issued for a sum less than is or may be prescribed by the general laws of the state for the license of the sale of spirituous, vinous, fermented or malt liquors in force at the time of issuance of such license; to provide by general ordinance for the punishment by fine or imprisonment, or both, of any person who shall sell, give away or in any manner dispose of spirituous, vinous, fermented or malt liquor within the corporate limits, without having first obtained a license therefor from the city, as hereinbefore provided, by an ordinance for the punishment by fine or imprisonment, or both, of any person who shall sell, give away, or in any manner dispose of any spirituous, vinous, fermented or malt liquor to any common drunkard or intoxicated person, to any woman or girl, or to any minor, or to any Indian, or who shall permit or allow any woman or girl or minor to frequent, visit or loiter around the place where such spirituous, vinous, fermented or malt liquors are sold or kept for sale, either as guest, servant, waiter, waitress, dancer, singer, actor or musician.

10. To prevent, prohibit and suppress the keeping of places, houses or rooms where either males or females, adults or minors are permitted to or do indulge in the smoking of opium, and to provide by ordinance for the summary closing of such houses, places or rooms, and the punishment by fine or imprisonment, or both, of the person or persons occupying or keeping such houses, rooms or places for such purposes.

11. To define what shall constitute vagrancy, and provide for the support, restraint, punishment and employment of vagrants and paupers; to prevent the sale, circulation, distribution 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 any such literature, and to define and declare from time to time what, if any, books, papers,

prints, pictures and the like are obscene within the purpose and province of this provision.

12. To provide and maintain either a day or night police, or both.

13. To provide for the prevention and removal of any and all obstructions from the public highways, streets, cross and side-walks, alleys, gutters and sewers, and to provide for the construction, cleaning and repairing of the same, and to compel owners, agents and occupants of lands abutting on streets and alleys to remove obstructions, clean and repair such streets or alleys in front of and abutting upon such property, and to punish such persons as shall refuse so to do.

14. To regulate the speed upon railroads within the corporate limits, and to prevent fast and furious riding or driving upon the streets and alleys therein, and to define what shall constitute the same; to regulate the running or driving of any bicycle, tricycle, or other similar wheeled vehicles; to prescribe the width of tires of all drays, trucks, carts and other vehicles and the weight to be carried thereby, for the preservation of streets and highways.

15. To appropriate money to pay the debts, liabilities and expenditures of the city, or any portion or item thereof, from any fund applicable thereto, and to borrow money on the faith of the city.

16. To compel all prisoners who shall be convicted of a criminal offense under any of the ordinances of said city, and shall be adjudged to pay a fine, or a fine and costs, or shall be imprisoned for such offense, to labor one day for every \$2 of such fine, or fine and costs, upon the streets or other public works of said city, under such officer as the common council may prescribe; and the common council may provide such fetters or manacles as may be necessary to secure the person of such criminal during his term of labor, and may provide for the punishment of any person sentenced to such imprisonment who shall refuse to work when ordered, as herein provided.

17. To establish and keep in repair a jail for the said city. Provided, that until such jail shall be established and built, the recorder of said city may commit to the county jail of Sherman County any person guilty of a violation of any ordinance of said city, and it shall be the duty of the keeper of such jail to receive any such persons and keep them safely, according to the terms of such commitment, and the legal fees of such keeper shall be paid by the said city.

18. To provide for the collection of an attorney fee of \$5

from persons convicted of breaches of city ordinances, which shall be taxed as costs in the case, and collected by the recorder, and paid over to the treasurer of the city.

19. To prevent, restrain and punish, by fine or imprisonment, or both fine and costs and imprisonment, intoxication, fighting and quarreling, assault, assault and battery, and any riot, noises and disturbances, or any disorderly assemblages in any street, house or place within the corporate limits, and any and all unlawful and indecent practices, vulgar, indecent, obscene, abusive and profane language, and to define what shall constitute the same.

20. To suppress all unnecessary whistling of locomotives and engines at machine shops and factories and elsewhere, and to provide for the punishment by fine or imprisonment, or both, of any person or persons doing or causing the same to be done.

21. To license, tax, regulate, restrain and prohibit by general ordinance all car, stage, hotel and other runners within the city limits, and to provide for the punishment by fine or imprisonment, or both, of any person or persons who shall violate any of the provisions of such ordinance.

22. To provide for measuring and weighing hay and wood, and all other commodities bought or sold, or offered for sale, within the city limits.

23. To regulate the transportation of gunpowder, dynamite, nitro-glycerine and other combustibles through the streets of the city; to regulate the storage of blasting and gunpowder, giant-powder, dynamite, nitro-glycerine, coal oil, tar, pitch, resin and all other explosive and combustible materials, and the use of candles, coal oil, gas, electric and other lights and lamps in streets, alleys, stores, shops and other places; to suppress, remove and secure any stove, fireplace, chimney, oven, burner or other apparatus which may be dangerous in causing fires, and to prevent by all possible and proper means danger or risk of injury or damage by fire arising from carelessness, negligence or otherwise.

24. To provide for the establishment of market-houses and places, and regulate the location and management of market-houses and places, of slaughter-houses, and to suppress and prohibit the slaughtering of animals within the city limits.

25. To tax, regulate, restrain, prohibit and prevent the running at large within the city limits of horses, mules, cattle, swine, sheep, poultry, geese, ducks, goats and all other animals, whether domestic or otherwise, and all fowls and poultry of every kind; and to authorize the restraining and sale of the same, and to impose penalties on the owners of such animals and fowls and

poultry for the violation of such ordinance, or any ordinance in relation thereto; to regulate, prohibit and restrain the driving of stock through the streets; and generally to do all things requisite and necessary to effectuate this provision.

26. 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.

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

28. To impose, collect and appropriate fines, forfeitures and penalties for the breach of any ordinance; but no fines imposed shall exceed \$100, and the imprisonment shall in no case be imposed for a longer term than fifty days. Provided, however, that in all cases where a fine shall be imposed for any violation of a city ordinance or of any provision of this act, it shall be lawful to tax the costs of such case, or a portion thereof, against the person so violating such ordinance or provision, in addition to such fine; and wherever authority is given by this act to the city council to provide for the punishment by fine or imprisonment, or both, of any person violating any of the city ordinances or any provision of this act, such authority is hereby deemed to include the power to provide for the taxing of the costs against all or any person or persons found guilty of violating any such ordinance or provision of this act; and such person may be imprisoned until such fine and costs shall be paid, at the rate of \$2 for each and every day so imprisoned.

29. To lay out, establish, vacate, widen, open and extend the streets or parts of streets, alleys or parts of alleys, in said city; and to lay out, establish, erect, construct and maintain any and all public works, parks or grounds that may be deemed necessary or convenient for the welfare of the inhabitants thereof.

30. To provide for the survey of the blocks, streets and alleys of the city, and for making and establishing the boundaries of such blocks, streets and alleys, and for the naming of such streets and alleys.

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

32. To regulate and prohibit the carrying of deadly or dangerous weapons in a concealed manner, and to define by ordinance what shall be deemed a dangerous or deadly weapon, and what shall constitute carrying in a concealed manner.

33. To regulate and prohibit the use of guns, pistols and fire-arms, firecrackers, bombs and detonating works of all descriptions.

34. To purchase, take and hold real property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Grass Valley, and to sell and dispose of same; to purchase, take and hold real estate for the use of a cemetery, either within or without the corporate limits, or for a public park or parks, either within or without the corporate limits, and to survey, lay out and prepare the same for use as a cemetery, and to sell and dispose of such real estate and of such burial lots in such cemetery.

35. By ordinance to tax, license, curtail and regulate wash-houses, slaughter-houses and public laundries; to define in such ordinance what shall constitute the same; to provide therein for the exclusion of the same from the city limits or any part thereof, and to provide for the punishment by fine or imprisonment, or both, of any person who shall violate any of the provisions of such ordinance.

36. To protect the public from injury by runaways, by punishing any person who negligently leaves a horse, horses or any other animals, with or without carriages or vehicles attached, in the streets or alleys without being securely fastened; to prevent cruelty to animals, and to define what shall constitute the same, and to provide punishment therefor.

37. To compel, by order or resolution duly made and entered on its journal, all persons erecting or maintaining privies or cesspools within the limits of three blocks of any street in which a sewer has been or may be hereafter constructed to connect the same therewith, and to determine the manner in which said connection shall be made.

38. To regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers, and the erection of gas and other lights.

39. To permit, allow and regulate the laying down of tracks for street-cars and railroads upon such street or streets as the council may designate; to regulate and prevent public criers and advertising noises in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets or from houses and other buildings; to prevent the exhibition of deformed or crippled persons, and to prohibit such persons from begging on the streets or public places; and to establish from time to time such police stations as may be

necessary. To regulate the numbering of buildings, houses and lots on the streets and avenues; to provide for the cleaning and sprinkling of streets, and to prohibit persons from roving the streets at unreasonable hours; to regulate the use of streets and sidewalks for the use of signs, sign-posts, awning posts, telegraph posts, electric-light and telephone posts, and other purposes; to allow, authorize, provide for and regulate the erection, maintenance and removal of telegraph, telephone, electric-light, electric railway and other poles, wires and cables, and the laying and use of underground conduits or subways for the same in, under, upon or over the streets, alleys or public parks and public grounds of said city, and in, under, over and upon any lands owned or under the control of the city, whether they be within the limits of the said city or not; and to require all such wires and cables to be laid in such conduits or subways when reasonably practicable. The provisions herein shall be carried into effect by ordinance or ordinances for the punishment by fine or imprisonment, or both, of any person who may violate any of the provisions thereof.

40. To license all such lawful trades and employments as in the judgment of the council the public good may require to be licensed and regulated.

41. To prevent the removal and erection of buildings and the erection of awnings within the city limits which shall be dangerous to passers-by or to adjacent property, or an obstruction to public travel; and in case any building or awning or any public street shall become dangerous to passers-by, the council shall have power to cause the same to be removed or made safe at the expense of the property and the owner thereof, upon five days' notice to the owner thereof or agent thereof, and to determine by resolution when the same is dangerous. Such expense shall be made a lien upon the property, and shall be collected in the same manner as for street improvements.

42. To regulate the use of sidewalks, and to prevent the extension of building fronts and house fronts within the street line; but no authority shall be given to place or continue any encroachment or obstruction upon any street or sidewalk except for temporary use or occupation thereof during the erection or repairing of a building upon the adjacent lots, or the display of goods by the occupant of the adjoining building.

43. To license, tax and regulate livery or boarding stables, hacks, cabs, hackneys, carriages, wagons, carts, trucks, drays or other vehicles used for the transportation of persons or passengers, or goods, wares and merchandise, earth, rock, ballast, build-



ing material or other articles within the limits of the city, either in whole or in part, for hire, and to prescribe the rates to be charged for transportation.

44. To establish fire limits, and to prohibit the erection or repair of wooden buildings within such fire limits, and to restrict and limit the height of buildings within such limits; to provide for and determine the number and size of places of entrance and exit from all public halls, churches and other buildings used for public gatherings, and the modes of hanging doors thereat, and to regulate the plumbing and sewerage of all buildings within the city, and to require adequate fire escapes, apparatus and appliances for protection against fire to be provided in such buildings.

45. To lay out and establish cistern districts; to provide water for cisterns in the districts laid out and established; to appoint fire wardens; to appoint property guards, prescribe their duties and provide for their compensation; and by ordinance to compel any person present to aid in the extinguishment of fire and the preservation of property exposed to danger in the time of fire, and by ordinance to exercise such powers as may be necessary on such occasions.

46. To provide for the making, cleaning and repairing of sidewalks at the expense of or by the owners of adjacent lots; but the streets at the several crossings shall be graded, planked or otherwise improved and kept in repair, and the crosswalks at street crossings built and kept in repair, at the cost and expense of the city, and such cost and expense shall be paid out of the general fund.

47. To prohibit the giving or selling of intoxicating liquors to common drunkards, to provide punishment therefor, and to define by ordinance what shall constitute a common drunkard, and by resolution to declare who are common drunkards.

48. To provide by ordinance for the punishment by fine or imprisonment, or both, of any person or persons who shall cause or continue any nuisance within the city limits, or suffer any nuisance to exist upon any property occupied or controlled by such person or persons within the city, or in any street or alley contiguous to such property, where the owner or occupant of such property is the author or continuer of such nuisance; to define what shall constitute a nuisance within the meaning of this section or of such ordinance.

49. To provide by ordinance for the punishment by fine or imprisonment, or both, of 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 to define what shall be deemed a running at large, within the meaning of this section or such ordinance.

50. To provide for the punishment of any person or persons who shall sell or offer for sale any unwholesome or adulterated provisions, or unwholesome or diseased meats, and to define what shall constitute such unwholesome or adulterated provisions, or unwholesome or diseased meats.

51. To prevent and punish trespassers upon real and personal property within the city limits.

52. To provide for the erection of a city hall, or the purchase of a suitable building for same; and to provide for the erection or purchase of suitable buildings for city jail, houses of correction, workhouses, and any other public buildings, and for the government and management of the same, both within and without the limits of the city.

53. To locate and construct 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 lands between the termini of any ditch, canal or pipe, drain, sewer or culvert for the purpose of examining, locating or surveying the line of said ditch, canal, pipe, 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.

54. To provide the city with good and wholesome water, and to provide for lighting the city with gas, electricity or other light, and for the erection or purchase of such works, within or without the city limits, as may be necessary or convenient therefor; to provide a fund for constructing and defraying the expenses of the same. Provided, that the council may grant the privilege or franchise of such water, and of lighting the streets, to any private corporation, person, persons or company of persons, upon such terms and conditions as may be just, but shall not in any instance make such grant exclusive. The council shall have power and authority, and is hereby authorized, to issue negotiable, interest-bearing bonds of the city to an amount or sum not exceeding the sum of \$10,000, for the purpose of purchasing, erecting, maintaining and operating a system of water works, and for the purpose of purchasing, building, constructing and maintaining a system of electric lights, and the balance, if any there remains, of any such sum shall be applied to the construction, building and maintenance of a sewerage system.

55. The council shall not hereafter create any debt or liability which, singly or in the aggregate, shall exceed the sum of \$1,000, except the bonded indebtedness of \$10,000 provided for in the preceding paragraph.

56. To employ an attorney or surveyor, when deemed necessary, and to elect a city attorney and surveyor as permanent officers, if deemed necessary; and to provide for the compensation of such officers.

57. To construct or purchase, keep, conduct and maintain water works of a character and capacity sufficient to furnish the city and the inhabitants thereof with an abundance of good, pure and wholesome water for all uses and purposes necessary for the comfort, convenience and well-being of the same, and to that end to acquire, by purchase or otherwise, and own and possess, such real and personal property within and without the limits of the city, as may be deemed necessary and convenient; and for such purpose to issue and dispose of the bonds of the city of the denomination of from \$100 to \$1,000, as the purchaser may desire, with interest coupons attached thereto, the par value of which shall not exceed \$10,000, signed by the mayor and countersigned by the recorder, whereby the city shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of the said bonds, at the expiration of such time as the council shall prescribe, not exceeding fifteen years, the sum named therein in gold coin of the United States, together with the interest thereon in like gold coin, at such rate of interest as the council may determine, not to exceed the rate of 7 per cent. per annum, payable half-yearly, as provided in such coupons. Provided, however, that if the city shall have been bonded for electric light works, and such bonded indebtedness then remain unpaid, the city shall not issue water bonds the par value of which, with the par value of such electric light bonds remaining so unpaid, shall exceed the sum of \$10,000; to employ, hire and discharge from time to time all such agents, workmen, laborers and servants as may be necessary or convenient in the conduct and management of said water works; to make all needed rules and regulations for the conduct and management of the same by the city and the inhabitants thereof; to establish the rates for the use and consumption of water by the city and the inhabitants thereof, including the public living along the line or in the vicinity of the works without the city, and to shut off the water from any house or tenement or place for which the water rate is not duly paid, or when any rule or regulation

is disregarded or disobeyed. All moneys collected from water rates shall be kept separate from all other funds, and shall be known as the water fund, and shall only be used to pay the costs incurred by the city in operating such water works and extending and improving the same, and to pay the semi-annual interest on the bonds issued under this act; and all the surplus collected from water rates shall go to create a sinking fund with which to pay the principal on such bonds at maturity.

58. To construct or purchase, keep, conduct and maintain electric light works of a character and capacity sufficient to furnish the city and the inhabitants thereof with such lights, and to that end to acquire, by purchase or otherwise, and own and possess, such real and personal property, within and without the limits of the city, as may be deemed necessary and convenient; and for such purpose to issue and dispose of the bonds of the city of the denomination of from \$100 to \$1,000, as the purchaser may desire, with interest coupons attached thereto, the par value of which shall not exceed \$10,000, signed by the mayor and countersigned by the recorder, whereby the city shall be held and considered in substance and effect to undertake and promise, in consideration of the premises, to pay to the bearer of each of the said bonds, at the expiration of such time as the council shall prescribe, not exceeding fifteen years, the sum named therein in gold coin of the United States, together with interest thereon in like gold coin at such rate of interest as the council may determine, not to exceed the rate of 7 per cent. per annum, payable half-yearly, as provided in such coupons. Provided, however, that if the city shall have been bonded for water works, and such bonded indebtedness then remain unpaid, the city shall not issue electric light bonds the par value of which, with the par value of such water bonds remaining so unpaid, shall exceed the sum of \$10,000; to employ, hire and discharge from time to time all such agents, workmen, laborers and servants as it may deem necessary and convenient in the conduct and management of the same by the city and the inhabitants thereof; to establish rates for the use of such lights by the city and the inhabitants thereof, including the people living along the line or in the vicinity of the works without the city, and to provide for the payment of electric light rates monthly in advance, and to shut off such light from any house, building or tenement or place for which the said light rate is not paid, or when any rule is disregarded or disobeyed. All moneys collected from the said light rates shall be kept separate from all other funds, and shall be known as the electric light fund, and

shall only be used by the city to pay the costs incurred in operating such electric light works, and in extending and improving the same, and to pay the semi-annual interest on the bonds issued under this act; and all the surplus collected from electric light rates shall go to create a sinking fund with which to pay the principal on such bonds at maturity.

59. To establish, fix, regulate and control the rate and price for the use of water, gas or electric lights within the limits of the city.

60. 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 39. The power and authority given the council by section 38 can only be enforced or exercised by ordinance, unless otherwise expressly 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.

Section 40. The style of every ordinance shall be: "The City of Grass Valley does ordain as follows."

## CHAPTER VI.

### OF THE MAYOR—HIS POWERS AND DUTIES.

Section 41. The mayor is the executive of the municipal corporation, and must exercise careful supervision over its general affairs and subordinate officers. It is his duty annually, at the regular meeting of the council appointed by this act, to communicate by message to the council a general statement of the condition and affairs of the municipal corporation, and recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council from time to time as he may think proper and useful.

Section 42. The mayor shall take and approve all official undertakings which the ordinances of the city may require (except as in this act otherwise provided) any officer to give as security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract; and when he approves such undertaking he must file

the same immediately with the recorder, except the undertaking of the recorder, of which the mayor shall be the custodian.

Section 43. He shall perform such other duty and exercise such other authority as shall be prescribed by this act or by any city ordinance or any law of the United States or of this state.

Section 44. No ordinance passed by the council shall go into force or be of any effect until approved by the mayor, except as provided by sections 46 and 47 of this act.

Section 45. Upon the passage of any ordinance, the enrolled copy thereof, attested by the recorder, shall be submitted to the mayor by the recorder; and if the mayor approve of the same, he shall write upon it "Approved," with the date thereof, and sign it with his name of office; and at the expiration of seven days after such approval, if not otherwise provided in such ordinance, the same shall become a law and be of force and effect.

Section 46. If the mayor does not approve an ordinance so submitted, he must, within five days from the receipt thereof, return the same to the recorder, with his reasons for not approving it; and if the mayor does not so return it, such ordinance shall become a law as if he had approved it, and shall be of full force and effect at the expiration of twelve days from and after its submission to the mayor, unless otherwise expressly provided in said ordinance.

Section 47. Upon the first meeting of the council after the return of an ordinance from the mayor, not approved, the recorder shall deliver the same to the council, with the message of the mayor, which must be read; and said ordinance shall then be put upon its passage again, and if two-thirds of the members constituting the council as then provided by law vote in the affirmative it shall become a law without the approval of the mayor, and not otherwise.

## CHAPTER VII.

### OF THE POWERS AND DUTIES OF OFFICERS OF THE CORPORATION.

Section 48. Recorder. The recorder is the judicial officer of the corporation, and shall hold a court therein at such place as the council shall provide, which shall be known as the recorder's court. He is also ex officio clerk of the council, and with him must be filed all claims and accounts against the city. He shall keep accurate minutes of all proceedings of the council, and a correct record of the judicial business by him transacted. It is his duty to file every paper presented to him officially, and

to take charge of and safely keep all the papers and records of the corporation. All demands and accounts against the city shall be presented to the recorder, with the necessary evidence therefor and in support thereof; he shall report them to the council with all convenient speed, together with any suggestions or explanations which he may deem proper or pertinent. All such demands or accounts shall lie over from the meeting at which they are presented until the next regular meeting, when the council shall by vote direct whether the same shall be paid, either in whole or in part, as they may deem it just and legal. Provided, the same be for corporate purposes and none other. And, provided, further, that any such demand or account may be ordered paid by the council at the same meeting at which it is presented, if a two-thirds majority of the council shall vote in favor thereof. When the council orders any demand or account to be paid, the recorder must draw a warrant on the treasurer for the amount ordered paid. He must keep books of account, showing therein all sums appropriated, the date thereof, the date and amounts of all orders and warrants drawn upon the treasurer, and to whom payable, and all such other matters and things as may be prescribed by ordinance or be proper and necessary to a correct understanding of the city finances. He shall make out and report to the council a quarterly statement of all moneys received or collected by him for the city, and all licenses issued, and all warrants drawn on the treasurer. He must issue licenses authorized by city ordinance, upon delivery to him of the receipt of the treasurer for the amount of the money for such license. Provided, that in such cases as the council by the provisions of this act or of any ordinance is or shall be required to make special order, license shall be issued only upon such order. The recorder's name of office, whether acting as recorder or as clerk of the council, is "Recorder of the City of Grass Valley."

Section 49. He shall have jurisdiction of all crimes and offenses defined and made punishable by any ordinance of the city, and of actions brought to recover or enforce any forfeiture or penalty declared or given by such ordinance. He shall have authority to issue process for the arrest of persons accused of any offense against the ordinance or laws of the city, and may commit such persons to imprisonment, or admit them to bail pending trial; to issue subpoenas to compel witnesses to appear and testify on the trial of any case before him, and to compel obedience thereto; to issue any and all process necessary to carry into effect the judgment or sentence of the recorder's court. He has the authority and jurisdiction of a justice of the peace for the County

of Sherman, within the limits of the City of Grass Valley, in both civil and criminal matters, and in all proceedings in his court shall be governed and regulated by the general laws of this state applicable to justices of the peace and justice courts, except that the accused shall not have the right of trial by jury, unless he demand the same before any witness is sworn on the trial of the cause and pay the jury fee for one day, and give security for the payment of all costs in such sum as may be designated by the recorder, not exceeding \$50, with one or more sureties, who shall justify in the sum of \$100, over and above all debts and liabilities, exclusive of property exempt from execution, or in lieu thereof deposit with the recorder as security for the costs such sum as he may designate, not exceeding \$50.

Section 50. All fines imposed by said recorder and all penalties recovered before him for the violation of a city ordinance shall, when received or collected, forthwith be paid by him to the city treasurer, who shall give him duplicate receipts therefor, one of which shall be filed in the recorder's office. All fines and penalties for the violation of state laws shall be disposed of by said recorder as provided by the general laws of the state.

Section 51. The recorder is authorized to administer any oath authorized or required to be taken by any law of this state or by any city ordinance.

Section 52. The council shall, by ordinance, regulate the manner of compensating the recorder for his services as such, and as clerk of the council. The office of recorder shall be deemed vacant whenever the incumbent shall be absent from the city for a period of more than thirty days without the consent of the council first had and obtained; or whenever the person elected or appointed shall fail to qualify as in this act provided. In the absence of the recorder, the mayor may preside over the recorder's court in all matters relating to a violation of any city ordinance. There shall be no right of appeal from the decision of the recorder for a violation of any ordinance of the city unless the sentence be for imprisonment for ten days or more, or the payment of a fine exceeding \$20; but in such case the defendant may appeal to the circuit court upon giving an undertaking, with the sureties to be approved by the recorder, conditioned to pay all costs, and that the defendant will render himself in execution of any judgment that may be rendered, and satisfy any judgment that may be affirmed on the appeal, and not otherwise. The notice of appeal shall be served on the mayor, recorder or city attorney within thirty days from the date of the judgment or decision appealed from, and the mode of procedure on such appeal shall be sub-



stantially the same as that prescribed by the state law regulating appeals from judgments or decisions of justices of the peace.

Section 53. The city attorney must attend to all actions, suits or proceedings in which the city is legally interested, and attend to the prosecution of all persons charged with the violation of a city ordinance or regulation; he shall prepare for execution all contracts, bonds or other instruments to which the city is a party; he shall give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or council or any committee of the council; he shall draft and prepare all ordinances.

Section 54. The marshal shall be the conservator of the peace, and, in addition to the authority vested in him by the ordinances of the City of Grass Valley, shall have authority and jurisdiction of a constable within the city limits, and shall discharge the same according to the statutes of the state. He shall arrest all persons guilty of breach of the peace or violation of any city ordinance, and take them before the recorder for trial. He shall collect all fines and taxes, and shall pay all moneys collected over to the city treasurer, taking his duplicate receipt therefor, one of which shall be filed with the recorder. The marshal shall, ex officio, be chief of police. He shall keep a correct record of all arrests made by him or any policeman, showing the names 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.

Section 55. It shall be the duty of the marshal to supervise all city property, and to prevent the loss and destruction thereof; to attend all the meetings of the council, perform the duties of sergeant-at-arms to said body, and to perform such other duties as may be imposed upon him by ordinance, and to make a quarterly report to the council of all business by him transacted, and a statement of all public moneys received by him during said time, and the disposition made thereof.

Section 56. The marshal shall be ex officio superintendent of the streets and poundmaster; and shall have such other powers as shall be provided by ordinance. As superintendent of the streets, he shall keep himself informed of the condition of all public streets, alleys, public squares, highways, bridges, culverts, sewers, drains, street lamp, parks and grounds, and shall have the supervision of all work done for the construction, improvement, and repair thereof, whether such work is done by contract, or by or at the expense of the owners of the adjacent property. He shall see that

the provisions of all laws, ordinances and regulations relating to the public streets and property herein designated are strictly enforced, and no claim for work as herein specified shall be allowed or paid out of the city treasury without the certificate of the superintendent of streets, that the work has been done to his satisfaction. Provided, that any contractor feeling himself aggrieved by the determination of the superintendent of streets may appeal to the council.

Section 57. The marshal, as superintendent of streets, shall keep proper record of all matter relating to the business of such office. He may appoint one or more deputies, who shall have the power and perform any and all the duties of the superintendent of streets, under his direction, except the acceptance and approval of work done.

#### TREASURER.

Section 58. The treasurer shall receive and keep the funds and moneys of the city, and pay out the same upon a warrant signed by the mayor and attested by the recorder; and no claim against the city shall be paid until audited and allowed by the common council.

Section 59. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

Section 60. The treasurer must make a report of the receipts and expenditures for the quarters ending the last day of March, June, September and December, and file the same with the recorder within five days from the expiration of such quarters respectively, which reports may be published by the recorder, as may be prescribed by ordinance.

Section 61. The treasurer shall at all times keep his books open to the inspection of the council, and at the expiration of his office shall turn over to his successor all moneys, books and papers in his hands belonging to his said office; and the council may prescribe such additional rules and regulations for the treasurer, not inconsistent with this act, as they may see fit.

#### CHAPTER VIII.

##### OF OPENING, LAYING OUT AND WIDENING STREETS AND ALLEYS.

Section 62. The common council of the City of Grass Valley has power and authority within the city, whenever it deems it expedient, to open, lay out, establish and widen streets, alleys and

footways, and to appropriate private property for that purpose, and condemn private property for public purposes.

Section 63. Whenever the council shall deem it expedient to lay out and establish or widen a street or alley, it shall have power to employ a competent surveyor, and shall direct such surveyor to survey such new street or alley or such widened street or alley, as the case may be, and to mark the boundaries thereof, and to make a plat of the survey of such street or alley, and a written report containing a full and perfect description of such street or alley, and the boundaries thereof, and of the portion of each lot, tract or part of either to be appropriated for such street or alley; which report when so made, if satisfactory to the council, shall be adopted by an ordinance embodying such report. Said surveyor shall make such survey, plat and report, and shall file such plat and report with the recorder within twenty days from the time the same is ordered unless the council grant further time.

Section 64. Thereafter, and within sixty days from the adoption of such report, the council shall appoint three disinterested resident freeholders of the City of Grass Valley, no kin to any owner or person interested in any property to be appropriated, possessing the qualifications of jurors of the circuit court of the County of Sherman, to view such proposed street, and make an assessment of damages and benefits, as provided in the next following section of this act; and shall assign a day and place for them to meet, and shall cause a notice to be given by publication at least once each week for four consecutive weeks in some newspaper of general circulation published in the City of Grass Valley, of the appointment of such viewers, with their names and the time and place appointed for them to meet, and specifying with convenient certainty the boundaries and termini of the proposed street or alley to be laid out, established or widened, as the case may be, and the boundaries and description of the private property to be appropriated for such purpose, and especially notifying all persons claiming damages by reason of the appropriation of any such property to file their claims for such damages with the recorder before the time so appointed for the meeting of such viewers; and the recorder shall send by mail, postpaid, a copy of such notice to each of the property-owners whose property is proposed to be appropriated, or to the agent of such owner, when such owner or agent, as such, and the postoffice address of either is known to him, and if such postoffice address be not known, then direct to such owner at Grass Valley, Oregon.

Section 65. The recorder of the city shall immediately, and at least five days before the day assigned for such meeting, cause

such viewers to be notified of their appointment, and of the time and place of such meeting; and such viewers shall meet at the time and place designated, and take an oath faithfully to discharge the duties assigned them, and shall then, on any other day to which they may adjourn, not exceeding one week, proceed to view the proposed street or alley, and to assess and determine how much less valuable, if any, any lands, tenements, hereditaments or premises, or any part thereof, through or over which or any part of which such street or alley is to be laid out, established or widened, will be rendered by the laying out, establishing or widening of such street or alley; and if the several parties have different estates or interests in any lots, tracts or parts thereof, or any improvements thereon, the damages which each of such persons will respectively sustain, according to the rules of law in suits of partition; and shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of such street or alley so to be laid out, established or widened, as the case may be, to the respective owners, lessees and other persons interested in any lands, tenements, hereditaments, and premises any part of which is required for the opening, laying out, establishing or widening of any such street or alley, in excess of the damage which any owner, lessee or other person interested will sustain by reason of the opening, laying out, establishing or widening of any street or alley; and of the value of the benefit and advantage of such street or alley to the respective owners, lessees or other persons interested in any lands, tenements, hereditaments and premises along the line of said street or streets to be opened, laid out, widened, established or extended, or any street or streets connected therewith and running in the same general direction, not required for the opening, laying out, establishing or widening any such street or alley but fronting or to front thereon, or being at or within half the distance of the next street or alley thereto on each side thereof. Provided, the distance to which assessment shall extend shall not exceed two hundred and fifty feet from the boundary line of the street or alley so to be opened, laid out, established or widened,—and which the said viewers shall deem to be benefited by such street or alley in respect to the respective estate and interest of said owners, lessees and other persons respectively so interested in any lands, tenements, hereditaments and premises; and shall thereupon, at their earliest convenience, report such assessments to the council. If such report shall appear to the council to be in all respects reasonable and just, the council may, by ordinance, adopt such report; and thereafter the excess of the respective sums of benefits over

damages so assessed by the said viewers upon the owners, lessees or other parties in interest in the lands, tenements and premises deemed by the said viewers to be benefited by the opening, laying out or widening of any street or alley under the provisions of this act shall, when docketed, as in this section below provided, be a lien or charge upon the estate and interest of the respective owners, lessees and parties interested in such lands, tenements and premises, for and on account of which the said respective sums shall be assessed by the said viewers upon the said respective owners, lessees or other parties interested therein; and shall, as soon as appropriation mentioned in section 66 of this act shall have been made, be entered on the docket of city liens in like manner as assessments for street improvements in said City of Grass Valley; and the said owners, lessees and other persons interested as aforesaid shall moreover be respectively and severally liable to pay such excess; and in case no appeal or other proceedings in court be taken as to any such assessments of benefits or damages, the said excess so assessed shall be paid to the treasurer of the City of Grass Valley within ten days from the time of entering the same on the docket of city liens, or the same shall be deemed delinquent, and thereupon, whenever the council so order, shall be collected in like manner as provided for by the collection of delinquent assessments for street improvements by this act. All moneys arising from such assessments of benefits shall be kept in a separate fund, and be applicable to the satisfaction of the excess of damages over benefits assessed to the owners and other persons interested in property taken or damaged in excess of benefits for the purpose of laying out, establishing or widening the streets or alleys, in the manner in which such benefits are assessed. The liability to pay a tax, except the benefits provided in this act, to satisfy any such assessment of damages shall not disqualify any person from serving as such viewer. Any person failing to file the claim for damages, as mentioned in section 63 of this act, with the recorder before the time appointed by the council for the meeting of the viewers, shall be deemed to have waived all right to the same, and such person shall not be heard as questioning the award and report of such viewers in any court of justice, either on appeal or otherwise.

Section 66. If it shall appear to the council that the damages assessed are unreasonable or that the benefits assessed are insufficient in any respect, the council may set aside such report and order another view, under the same regulations as provided in the case of the first view. The viewers shall receive as compensation

for their services the same fees as referees in courts of record, to be paid by the city.

Section 67. If no further view be ordered, the council shall, at the expiration of the time hereinafter limited for appeal if no appeal be taken, or immediately after judgment is rendered if an appeal be taken, make an appropriation for the amount of damage, or damages and costs, as the case may be, assessed by such viewers or by the jury on appeal against the city; and shall order warrants drawn on the treasurer, payable out of a fund to be provided for that purpose, for the amount of damage or damages and costs assessed to the owner or owners or other parties interested in each lot, tract or part thereof, or of the improvements thereon, in favor of the owner or owners or other persons in interest; and as soon thereafter as the full amount of such appropriation shall be in the city treasury subject to such warrants, and the warrants therefor drawn ready for delivery to the parties entitled to the same, such property shall be deemed appropriated for the purpose of such street or alley, and not otherwise. Provided, that no process of any court shall issue to compel any appropriation for damages or the issuing of warrants for the same; and that unless said appropriation shall be so made and said warrants so drawn and ready for delivery, and the full amount of such appropriation shall be in the city treasury subject to the payment of said warrants within six months after the termination of the time limited for appeal or the rendition of judgment or decree on appeal, and within one year from the time of the adoption of the report of the viewers, or within three months after the passage of this act, all acts and proceedings under such survey and view shall be null and void.

Section 68. The owner or owners of any lot, tract or part thereof sought to be appropriated as aforesaid, or the improvement thereon, or any person having an interest therein, or any person against whom an assessment of benefits has been made, excepting as otherwise provided in this act, may appeal to the circuit court of the State of Oregon for the County of Sherman from such report and assessments of damages and benefits. Any number of persons may join in such appeal, and the only question to be determined by such appeal shall be the question of excess of damages over benefits, and the excess of benefits over damages suffered and received by each person joining in such appeal, when the same shall be tried and determined in the same manner as appeals from the assessments of damages in laying out a highway by the county court.

Section 69. An appeal shall be taken by serving a notice of appeal upon the mayor, recorder or attorney of the city, and

filing an undertaking, with one or more sureties, who shall justify in the same manner as bail upon arrest in a civil action, conditioned that appellant will pay all costs and disbursements that may be awarded against them on appeal, not exceeding \$300, together with the proof of service of such notice, in the office of the clerk of the circuit court of said county, within twenty days from the adoption of the report of the viewers of the council.

Section 70. If the appellant, or any of them, fail to recover greater damages or to secure a more favorable assessment of benefits, as the case may be, than were assessed by the viewers, judgment shall be rendered against each of them, and their sureties on appeal bond, for their proportion of the costs of such appeal, to be paid pro rata, according to the amount of damages and benefits assessed, and in all cases against the appellant appealing from an assessment of benefits, for the amount of benefits assessed by the jury against them; and against the city for the damages assessed to the owner or other persons interested in any lands, tenements and premises, and for the costs of such appeal that are not adjudged against the appellant.

Section 71. The same fees and costs shall be taxed and paid upon such appeal as are allowed in other sections.

Section 72. The power and authority granted to the council by this act is granted to the municipal corporation of the City of Grass Valley, to be exercised according to the provisions of the act creating such corporation, unless otherwise specially provided therein. The power to approve and adopt the survey of any street or any alley, or to appropriate money as herein granted, must be exercised by ordinance, and not otherwise.

Section 73. The council may provide by ordinance any regulations as to the manner of opening, laying out, establishing and widening streets and alleys not in conflict with this act, and may provide by ordinance anything convenient and necessary for the effectual carrying out of the spirit and intention of this act.

Section 74. In all actions, suits and proceedings concerning the opening, laying out, establishing or widening of any street or alley under the provisions of this act, all proceedings had for that purpose shall be deemed to have been regularly and legally taken until the contrary is shown.

## CHAPTER IX.

### OF STREETS—THEIR GRADE AND IMPROVEMENT.

Section 75. The council has power and is authorized, whenever it deems it expedient, to establish or alter the grade and to

improve any street or part thereof, or any alley or footway now or hereafter laid out or established within the corporate limits of the city. The power and authority to improve a street includes the power and authority to improve the sidewalks and pavements, and to determine and provide for everything convenient and necessary concerning such improvements.

Section 76. No improvement or alteration or establishment of any grade mentioned in section 75 can be undertaken or made without seven days' notice thereof being first given by one publication in a newspaper published in the City of Grass Valley, or by posting notices for said time in three public places in said city.

Section 77. Such notice must be given by the recorder, by order of the council, and must specify with convenient certainty the streets or part thereof proposed to be improved, or of which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made.

Section 78. The council, at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvement, as hereinafter provided. Two or more streets, being practically extensions of each other, or running in the same general direction, and being in effect an extension of such street, and accommodating the same line of travel, shall be for the purpose of this act construed to be one street.

Section 79. In the case of a notice to establish grade or alteration thereof, the council, within the time limited by section 76, may establish the same by ordinance, as proposed in the notice.

Section 80. In case the notice be for the improvement of a street, or part thereof, the council may proceed to ascertain and determine the probable cost of making such improvement, and assess upon each lot, tract or part thereof liable therefor its proportionate share of such costs.

Section 81. When the probable cost of improvement has been ascertained and determined, and the proportionate share thereof of each lot, tract or part thereof has been assessed as provided in section 80, the council must declare the same by ordinance, and direct the recorder to enter a statement thereof in the docket of city liens, as provided in the next section.

Section 82. The docket of city liens is a book in which must be entered, in pursuance of section 81, the following matter in relation to assessments for the improvements of streets:

1. The number or the letter of lot assessed, and the number or letter of the block in which it is situated, or a true descrip-



tion of the tract assessed, and if a separate assessment is made upon a part of a lot or tract, a particular designation of such part.

2. The name of the owner thereof, or that the owner is unknown.

3. The sum assessed upon such lot, tract or part thereof, and the date of entry. Provided, that a failure to enter the name of the owner thereof, or a mistake in the name of the owner in such entry, or the entry of a name other than that of the true owner in such lien docket, shall not render void nor vitiate such assessment, nor in any way affect the lien of the city on the property described in such lien docket, if such property is correctly entered and described.

Section 83. The docket of city liens is a public writing, and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof; and from the date of the entry therein of an assessment upon a lot, tract or part thereof, the sum so entered is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatsoever. A sum of money assessed for the improvement of a street cannot be collected until, by order of the council, two weeks' notice thereof is given by the recorder, by publication at least once each week for two successive weeks in some newspaper of general circulation published in the City of Grass Valley, and it shall be the duty of the recorder to send a notice of such assessment by mail, when the postoffice address of the owner or agent is known.

Section 84. If, within twenty days from the first publication of the notice prescribed in section 83, the sum assessed upon any lot, tract or part thereof is not wholly paid to the city treasurer, and a duplicate receipt therefor filed with the recorder, the council may thereafter order a warrant for the collection of the same to be issued by the recorder, directed to the marshal or other persons authorized to collect taxes due the city.

Section 85. Such warrant must require the person to whom it is directed to forthwith levy upon the lot, tract or part thereof upon which the assessment is unpaid, and sell the same in the manner provided by law, and return the proceeds of such sale to the city treasurer and the warrant to the recorder, with his doings indorsed thereon, together with the receipt of the treasurer for the proceeds of such sale as paid to him.

Section 86. Such warrant shall, for the purpose of making the sale of said real property on which assessments are delinquent and unpaid, be deemed and held as of the force and effect of an

execution against said real property for the amount of said assessment, interest and costs, and shall be executed in like manner, except as in this chapter otherwise specially provided.

Section 87. The marshal or other officer shall, within sixty days from the receipt of said warrant, sell the property therein described. Such sale shall be at public auction to the highest bidder, for cash in hand, and shall take place at the front door of the building in which the city council holds its sessions. The marshal shall give notice of said sales, by publishing a notice thereof once a week for three consecutive weeks in any newspaper published in the City of Grass Valley. And also by posting a similar notice in three public places within said city; such notice shall contain a description of the parcel or parcels of land to be sold, and upon which such assessments are delinquent, with the amount of the assessment due upon each tract of land, interest and costs to date of sale, including costs of advertisement, together with the name of the owner or reputed owner thereof, or the words "Owner unknown," as the same may appear in said docket of city liens, and shall also specify the time and place of the sale, and that the parcel or parcels of land therein described will be sold to satisfy the assessment, interest and costs due upon each.

Section 88. All of said sales shall be made between the hours of 9 o'clock A. M. and 4 o'clock P. M., and each tract or parcel shall be sold separately. If there be no bidder for any tract or parcel described in said warrant at a sum sufficient to pay the assessments thereon, with interest and costs, the marshal, if so directed by the council, shall strike the same off to the City of Grass Valley, for the whole amount of said assessment, with interest and costs to the date of sale.

Section 89. The marshal shall, immediately after having sold any real property by virtue of such warrant, or of any warrant for the collection of delinquent taxes, make a certificate of sale of the property so sold, setting forth therein the object for which the sale was made, a description of the property sold, a statement of the amount it sold for, of the improvement for which the assessment was made, the year in which the tax was levied, the amount of such tax or assessment, the name of the purchaser, and that the sale is made subject to redemption within three years from the date of the certificate, and then deliver such certificate to the purchaser. The owner, or his successor in interest, or any person having a lien by judgment, decree or mortgage on any property so sold, may redeem the same upon the conditions provided in the next section.

Section 90. Redemption of any real property sold for delinquent assessments or taxes under the provisions of preceding sections, or other sections of this charter, may be made by paying to the recorder for the purchaser, at any time within three years from the date of the certificate of sale, the purchase price and 25 per cent. additional, together with 10 per cent. interest per annum upon the purchase price from the date of such certificate, and the amount of any taxes paid thereon by the purchaser, and interest thereon from the date of their payment. Such redemption shall discharge the property so sold from the effect of such sale; and if made by a lien creditor, the amount paid for the redemption shall be thereafter deemed a part of his judgment, decree or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

Section 91. After the expiration of three years from the date of such certificate, if no redemption shall have been made, the marshal shall execute to the purchaser, his heirs or assigns, a deed of conveyance, containing a description of the property sold, a statement of the amount bid, of the improvement for which the assessment was made, of the year in which the tax was levied, that the assessment or tax was unpaid at the time of the sale, and that no redemption has been made; and the effect of such deed shall be to convey to the grantee therein named the legal and equitable title in fee simple to the real property in such deed described; and such deed shall be prima facie evidence of title in such grantee, and that all proceedings and acts necessary to make such deed in all respects good and valid have been had and done, and such prima facie evidence shall not be disputed, overcome or rebutted, or the effect thereof avoided, except by satisfactory proof of either: (1) Fraud in making the assessment, or in the assessment or collection of the tax; (2) payment of the assessment or tax before sale, or redemption after sale; (3) that payment or redemption was prevented by fraud of the purchaser; (4) that the property was sold for an assessment or tax for which neither said property nor the owner thereof at the time of sale was liable, and that no part of the assessment or tax was assessed or levied upon the property sold.

Section 92. Each lot, tract, or part thereof, within the limits of a proposed street improvement shall be liable for the full cost of making the same upon the half of the street in front of and abutting upon it; but when the land adjacent to said street to be improved shall not be laid off into blocks, then the cost of improvement shall be assessed to the owner or owners of the tract of land

lying within one hundred feet of such improvement, except that in case where a bridge or elevated roadway shall be included in such improvements the council may prescribe any other method of assessment which they may deem equitable, upon giving notice of their intention so to do, in the same manner that notice is required by section 76.

Section 93. The intersection of all streets shall be improved at the expense of the city.

Section 94. A sale of real property under the provisions of this chapter conveys to the purchaser, subject to redemption as herein provided, all the estate or interest therein of the owner, whether known or unknown, together with all the rights and appurtenances thereunto belonging.

Section 95. When an assessment upon any lot, tract or part thereof becomes delinquent, any person having a lien thereon by judgment, decree or mortgage may, at any time before the sale of such lot, tract or part thereof, pay the same and such payment discharges the property from the effect of the assessment; and the amount of such delinquent taxes, and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien creditor's judgment, decree or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

Section 96. The council must provide by ordinance for the time and manner of doing the work on any proposed improvement, subject only to the following restrictions, viz.: After proper notice, the work must be let to the lowest responsible bidder, for either the whole work necessary to complete the proposed improvement, or for such subdivision thereof as will not materially conflict with the completion of the remaining portion; but no bid for a fractional part of any class of work chargeable to the blocks or lots, or tracts on either side of the street, from one cross-street to the other, shall be received, except that sidewalks may be let separately, as the council may direct. The council shall provide for the rejection of any and all bids when deemed unreasonable, and that the bid of any person who has before bid or contracted for such work and been delinquent therein shall not be received. The council shall provide for taking security, by good and sufficient bonds, for the faithful performance of any contract let under its authority, and to secure laborers, material-men and sub-contractors their just claims under said contracts, and also the faithful maintenance and guarantee of such work for five years, or such other time as the council may prescribe; and the

provisions thereof shall be enforced by an action in the name of the City of Grass Valley.

Section 97. If upon the completion of any improvement it is found the sum assessed therefor upon any lot, tract or part thereof is not sufficient to defray the cost thereof, the council must ascertain the deficit, and declare the same by ordinance; when so declared, the recorder must enter the sum of the deficit in the docket of city liens, in a column reserved for the purpose in the original entry, with the date thereof; and such deficit shall thereafter be a lien upon such lot, tract or part thereof, in like manner and with like effect as in case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed.

Section 98. If upon the completion of any improvement it is found that the sum assessed therefor upon any lot, tract or part thereof is more than sufficient to pay the cost thereof, the council must ascertain and declare the surplus, in like manner as in the case of the deficit. When so declared, it must be entered, as in case of a deficit, in the docket of city liens. Thereafter the person who paid such surplus, or his legal representative, is entitled to repayment of the same by warrant on the city treasury.

Section 99. All money paid or collected upon assessments for the improvement of streets shall be kept as a separate fund, and in nowise used for any other purpose whatever.

Section 100. The proceedings authorized by this chapter for the establishment or alteration of a grade or the improvement of a street or any part thereof may be taken or had without giving the notice prescribed in section 76, whenever the owner or owners of two-thirds of the adjacent property shall, in writing, petition the council therefor; and whenever any street or part thereof shall be in such condition as to become unsafe and dangerous to persons or teams on or along or over the same, the council may declare the same by resolution, and may thereupon cause the improvement of such street to be made without any petition therefor, upon giving two weeks' notice thereof, by publication at least once each week for two successive weeks in some newspaper of general circulation published in the City of Grass Valley.

Section 101. The council is authorized to repair any street or part thereof whenever it deems it expedient, and to declare by ordinance, before doing the same, whether the cost thereof shall be assessed upon the adjacent property, or to be paid out of the general fund of the city.

Section 102. If the council declares that a proposed repair shall be made at the cost of the adjacent property, thereafter the

proposed repair is to be deemed an improvement, and shall be made accordingly; but if it declares that the cost of the same shall be paid out of the general fund, such repairs may be made as the ordinance may provide, and be paid for accordingly.

Section 103. The cost of establishing or altering the grade of any street or part thereof shall be paid out of the general fund of the city.

Section 104. Whenever any lot, tract or part thereof sold under the provisions of this chapter shall bring more than the assessment thereon, with costs and charges of collection, the surplus must be paid to the treasurer, and the officer executing the warrant must take a separate receipt for such surplus and file it with the recorder on the return of the warrant. At any time thereafter, the owner, or his legal representative, is entitled to a warrant upon the treasurer for such surplus. Provided, Whenever any lot, tract or part thereof sold under the provisions of this chapter shall bring less than the assessment thereon, the common council shall supply the deficiency out of the general fund, if in the opinion of the council such improvement is necessary.

Section 105. The return of the officer executing the warrant must specify the amount for which each lot, tract or part thereof sold, and the name of the purchaser.

Section 106. Whenever the grade of any street has been established, the council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property, according to such grade, at the expense and cost of such owner; but the authority mentioned in this section cannot be granted after notice has been given by the council of intention to improve the street in front of such property. In giving such authority, the council may impose such terms and conditions thereon as may be necessary to secure the deposit of excavations upon any part of such street as may require to be filled up.

Section 107. Whenever any lot, tract or part thereof is sold for a delinquent assessment for a street improvement, and afterwards sold for a deficit in such assessment, as in this act provided; to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such sale, is to be deemed an owner within the meaning of this act.

Section 108. In making a deed for real property sold for a delinquent assessment for the improvement of a street, it is not necessary to recite or set forth the proceedings prior to the sale; it is sufficient if it substantially appears from such deed that the property was sold by virtue of a warrant from the City of Grass

Valley, and the date thereof for a delinquent assessment or tax, and the amount thereof, and interest and costs, together with the date of the sale, and the amount bid thereat by the purchaser.

Section 109. Real property, when sold for or to satisfy a delinquent assessment or tax, must be sold for United States gold or silver coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this act provided, must pay or offer to pay the sum necessary therefor in such coin, and not otherwise.

Section 110. The recorder shall, upon receiving and filing the duplicate receipt provided in section 84, immediately cancel said lien upon said docket of city liens, by entering upon the face thereof an entry of satisfaction, signed by himself in his official capacity.

#### SEWERS.

Section 111. The council shall have the power to lay down all necessary sewers and drains, and repair and relay the same, and cause the cost thereof to be assessed on the property directly benefited by such drain or sewer, but the mode of apportioning estimated costs of improvement of streets prescribed in Section 92, of Chapter IX, of this act, shall not apply to the construction of such sewers and drains; and when the council shall direct the same to be assessed on the property directly benefited, such expense shall in every other respect be assessed and collected in the same manner as is provided in the case of street improvements. Provided, the council may appoint any city officer to estimate the proportionate share of the cost of such sewer or drain to be assessed to the property benefited thereby. And provided, further, that the council may at its discretion appoint three disinterested persons, residents of the city, to estimate the proportionate share of the costs of such sewer or drains to be assessed to the several owners of the property benefited thereby; and in the construction of any sewer or drain the city shall have the right to use and divert from their natural course any and all creeks or streams running through the city into such sewer or drain, but before such sewer or drain is laid notice shall be given as required in section 76, in the case of street improvement.

Section 112. Any sewer or drain laid in the intersection of any streets shall be constructed and maintained at the expense of the city.

## CHAPTER X.

## OF THE CITY REVENUES.

Section 113. All moneys paid for license and collected as fines, as well as all moneys collected by taxation, shall form the general fund of the city, except as in this act otherwise specially provided.

Section 114. No person paying a license to the City of Grass Valley in order to carry on any business or avocation within the city limits for which a license is required by this act, or by any ordinance, shall be required to pay a license tax to the county authorities of the County of Sherman, Oregon, for the same purpose; and the city council shall have exclusive control of all licenses, and no part of the income derived therefrom shall go to the said county.

Section 115. No member of the city council or other officer of the city shall be interested in any manner in any contract or work the expenses of which are to be paid out of the city treasury.

Section 116. Whenever any person holding any office created by this act, or established by ordinance, shall neglect or refuse to pay over any moneys belonging to the city at the time fixed by ordinance for the payment thereof, his office shall be declared vacant by the council, and some qualified person to serve therein be appointed, as provided in Section 29, of Chapter IV, of this act.

Section 117. No money shall be drawn from the treasury but in pursuance of an appropriation for that purpose, made by ordinance by the council at a regular meeting thereof, and a warrant signed by the mayor and recorder; and an ordinance making an appropriation of money must not contain a provision on any other subject, and, if it does, such ordinance as to such provision shall be void, and not otherwise.

Section 118. All taxes hereafter levied by the common council shall be levied upon the property in said city assessable, and upon the valuation of such property as shown by the assessment roll last compiled by the county assessor of Sherman County, Oregon.

Section 119. Each year, before making any levy for taxes, it shall be the duty of the recorder, under the direction of the common council of said city, to make application in writing, under the seal of the city, to the clerk of the county court of Sherman County, Oregon, for a certificate, under the seal of said county court, showing the aggregate valuation of the assessable property in said city, which certificate, upon such application, it is hereby made



the duty of said clerk of said court to furnish to the recorder of said city.

Section 120. It shall be the duty of the recorder, under the direction of the common council, on or before the first day in February in each year, to notify in writing, under the seal of said city, the clerk of the county court of Sherman County, Oregon, of the rate of per cent. of the tax levy made by said city.

Section 121. It is hereby provided that all such taxes so levied shall be collected by the same officer, in the same manner, and at the same time as taxes for county purposes are collected by the County of Sherman. It shall be the duty of the tax collector of said county to pay to the county treasurer of said county, as often as once each week, all taxes so collected for said city, and to furnish the recorder of said city a receipt for each of such amounts by him so paid to said treasurer of said county. It shall be the duty of the treasurer of said city, from time to time, under the directions of the common council, to make demands in writing of the treasurer of Sherman County, Oregon, for any amount to which at the time said city may be entitled, the said city treasurer giving the county treasurer his receipt for any moneys received thereon.

## CHAPTER XI.

### OF THE POLICE FORCE.

Section 122. The council has power to appoint such number of policemen as they may see fit, and provide for the compensation, and to make all necessary and convenient rules and regulations for the organization and conduct of the force; for the care and management of the city prison; for receiving and hearing complaints against any member of the force; for the removal or suspension of any member of said force, and for the forfeiture of all or any portion of the wages that may be due any member of such force on account of any misconduct or negligence in the discharge of his duties. Provided, that the marshal shall be ex officio chief of police, and have direction over all policemen while they are on duty.

Section 123. The policemen shall possess the same power and authority as the marshal in making arrests and preventing breaches of the peace. They must exercise a vigilant control over the peace and quiet of the city, and every policeman shall, before entering upon the discharge of his duties, take and subscribe an oath that he will faithfully perform the duties for which he is appointed.

## CHAPTER XII.

## OF THE FIRE DEPARTMENT.

Section 124. It shall be the duty of the council to provide for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, and for the election of officers required for such purpose.

Section 125. The council shall supervise and control the Grass Valley fire department, and shall by ordinance declare what companies compose the same, a maximum and minimum membership thereof, and the officers of each company and their respective duties, and their mode of election and their term of office.

Section 126. The council may by ordinance provide for the election of a chief and assistant by the active members of the fire department, having such qualifications as the council may prescribe, and it shall prescribe who shall act as chief in the absence of the duly elected chief and assistant.

Section 127. The chief shall, in all cases of fire, have absolute control and command of the water works, and of all the engines, hose, hook and ladder, and all apparatus belonging to the fire department. He shall, at all times, in conjunction with the committee on fire and water, have control and keep in repair all engines, trucks, hose, carriages, hooks and ladders belonging to the department, and also public cisterns and fire-plugs, and it shall be the duty of the council to prescribe by ordinance all rules and regulations in relation to repairs and improvements, as may seem best. It shall be his duty, should an emergency occur during a conflagration which in his judgment requires the removal of any building or buildings by use of gunpowder or other means for the purpose of extinguishing said conflagration and preventing the spreading thereof, to cause the removal to be made. He shall have power to suspend any company, or any officer thereof, for disobedience of orders or neglect of duty until a meeting of the council and action thereon. He shall report to the council all fires that may take place in the city, with the causes thereof, as well as can be ascertained, and the number and description of buildings destroyed or injured, together with the names of the owners or occupants thereof, and also the estimated loss, and such information as he may deem necessary, proper or pertinent; and he shall make reports, at such times as the council may appoint, on the condition of the fire department and the property belonging thereto. The chief shall act as fire warden, and perform such other duties as the council may by ordinance prescribe.

Section 128. It shall be the duty of the assistant to assist the chief in the performance of his duties, and whenever the chief shall be absent from the city, or prevented from attending to the duties of his office, he shall perform all the duties and shall possess all the rights and powers of the chief during such absence or disability.

Section 129. The council may by ordinance provide such compensation for the chief and assistant as may be just and reasonable.

Section 130. It shall be the duty of the council to appropriate from time to time such sums of money as may be necessary to keep the present apparatus of the fire department in perfect working order, and add thereto engines, hose, hose carriages, hook and ladder trucks, and other necessary apparatus whenever the same may be required. It may also, as soon as it may deem expedient, appropriate such sums of money as may be necessary to build and furnish additional engine-houses for the accommodation of said department.

Section 131. The City of Grass Valley is not bound by any contract or in any way liable thereon unless the same is authorized by a city ordinance, and made in writing, and by order of the council, signed by the mayor or some other officer of the city in behalf of the city; but an ordinance may authorize any officer or agent of the city, without a contract in writing, for the payment of any sum of money not exceeding \$100.

Section 132. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

Section 133. The council shall by ordinance fix the compensation and fees of all officers. Provided, that when the recorder and marshal are performing the functions of justice of the peace and constable, respectively, they shall receive from Sherman County for such services the fees allowed by law to those officers. Provided, further, that the mayor and councilmen shall not receive for their services any compensation for attending any meeting of the council. Provided, however, that the council may compensate any of its members in any just and reasonable amount, not to exceed \$1.50 per day, for actual time necessarily spent in service of the city upon any committee.

Section 134. The council shall, by ordinance, fix the amount of the official undertaking of each and every officer of the city who may be required by this act, or by ordinance, to execute and file an official undertaking. Provided, that there be not less than two sureties upon each and every such undertaking.

Section 135. In any action, suit, or proceeding in any court concerning any assessment of property or levy of taxes authorized by this act, or the collection of such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is done, by this act committed or left to the discretion or judgment of the council, such discretion or judgment of the council, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

Section 136. The style of every warrant for the collection of delinquent assessments or taxes, issued by virtue of any provision of this act or any ordinance, shall be "In the name of the City of Grass Valley."

Section 137. The council, at its convenience, after this act takes effect, may from time to time provide for the codifying and publishing, in book or pamphlet form, of all city ordinances of a general character then in full force.

Section 138. The City of Grass Valley shall not be liable for any loss or injury to person or property growing out of any casualty or accident happening to such person or property on account of the condition of any street, sidewalks or public ground therein, unless the same is caused by the gross negligence of said city officials; and this section does not exonerate any officer of the City of Grass Valley, or any other person, from such liability where such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or persons by law, or by the gross negligence or willful misconduct of such officer or person in any other respect.

Section 139. The fiscal year of the city shall commence on the first day of January, and end on the last day of December, of each year.

Section 140. At the close of each fiscal year, the common council shall cause to be published in some newspaper published within the city a full, complete and detailed statement of all moneys received and expended by the city government during the preceding year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

Section 141. When two or more persons shall have the highest and an equal number of votes for any office provided for by this act, the same shall be decided between them by lot.

Section 142. All general or special assessments or taxes levied or created under this act shall bear legal interest from the time they become due.

Section 143. The council has power and is hereby authorized, whenever it deems it expedient, to order the building or repairing of any sidewalk, or any street or alley, or public highway, or any part thereof, within the limits of the city, without first establishing the grade or ordering such street, or alley, or public highway, improved. Provided, that personal notice only of said order to build such sidewalks shall be required, and that said notice shall be served on the owner of abutting property, or their agents, by the superintendent of streets. If, within twenty days from the service of such order, the property-owner does not comply with the provisions of said order, then the superintendent of streets shall cause said sidewalk to be built, and the cost thereof shall constitute a lien upon the abutting property, and shall be collected in like manner as assessments for street improvements.

Section 144. That, to enable the city authorities to better enforce the provisions of this act and of any ordinance, and capture and punish offenders against any of the ordinances of said city, the jurisdiction for the capture and arrest and bringing within the corporate limits for trial any offender against such ordinance is hereby extended to the marshal, or any policeman, to go beyond the boundaries of the corporation a distance not exceeding one mile; and the limits of one mile in each direction are hereby extended by this act for police regulations only, and the marshal or any policeman is hereby authorized to arrest said offender or offenders within said limits.

Section 145. The territory within the limits of the City of Grass Valley, as in this act constituted, is hereby excepted out of the jurisdiction of the county court of Sherman County upon the following subjects, to-wit: To divide the same or any part thereof into road districts, or to appoint supervisors of road districts or any part, or to lay out or open the streets or highways thereof, or work upon the same; and also, in cases where the city is authorized by this act to require a license for any trade, pursuit or object, no additional license shall be exacted by Sherman County. Provided, however, that the superintendent of streets shall work the county road tax due from the inhabitants of the city on the streets, alleys and bridges thereof, after the manner prescribed by general law for road supervisors, and he shall have the same power and authority to enforce the payment of such road tax in work or money as provided in such general law for road supervisors; but all suits, actions or proceedings concerning road work or road and poll taxes shall be prosecuted in the name of the City of Grass Valley; said city shall be entitled to the distribution of any road

fund of said county, as if the same was a road district of said county. The superintendent of streets shall apply the labor assessed and apportioned to the improvements, construction and repair of the public highways, streets and crosswalks of said city, under the provisions of this act, and as directed by the common council. Provided, however, that in case a greater sum is raised than is necessary to keep the streets of said city in proper condition, it shall be lawful for the common council to appropriate out of the street fund, which fund shall be kept separate, such sum as they may deem proper to aid in repairing the county roads leading into said city, or for other public purposes beneficial to the inhabitants thereof. It shall be the duty of said superintendent of streets to make a report to the common council of said city monthly, showing all moneys coming into his hands during the past month, from what sources received, and all moneys expended by him, for what purposes expended, and to whom paid, and of all work done upon the streets, ways, cross and sidewalks or other improvements, by whom such labor was performed, and the number of days' labor performed by each person performing labor.

Section 146. All county roads lying within the corporate limits of the City of Grass Valley which have been laid out and established as such and now used by the traveling public, shall be and hereby become streets of said city as fully as if laid out and accepted as streets by the city, and shall be maintained and improved in the same manner as other streets within the city. No new plat of lots and blocks, or of any addition, shall be filed for record, or be recorded, nor shall any street or alley be dedicated, until the same shall have been submitted to the superintendent of streets and common council, and approved by them. All public parks and squares shall be open to the public at all reasonable hours.

Section 147. The council shall have power 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 outer edge of the sidewalks adjacent to such lot or parcel of land; and also to pass ordinances providing for the punishment, by fine or imprisonment, or both, of any person who injures such tree or shrubbery, or any tree or shrubbery planted or growing in any street, alley or public place in said city, or causes, suffers or allows any animal in his or her possession or control to do so.

Section 148. Immediately after the approval by the mayor of an ordinance passed by the council, or, if the mayor fails or

neglects to approve the same, immediately after the expiration of the time allowed herein for approval by the mayor of an ordinance, or immediately after the passage by the council of an ordinance notwithstanding the veto of the mayor, a copy of the same, certified by the recorder, shall be posted in three public places in the city, or shall be published in a newspaper published in said city for such period as the council may in the ordinance direct, not less than seven days; unless otherwise provided therein, all such ordinances shall take effect from and after the completion of such publication, or, in case said ordinance shall be posted as in this section provided, then said ordinance shall take effect seven days after such posting. And in all judicial proceedings, either in the recorder's court of said city or in any court in this state, a copy of such ordinance, certified to by the recorder, shall be competent evidence of the provisions and passage of such ordinance.

Section 149. All the officers of the City of Grass Valley in office at the time this act takes effect shall hold their offices during the respective terms for which they have been elected or appointed.

Section 150. All ordinances, laws, rules and regulations heretofore passed or made by the City of Grass Valley which are in force when this act takes effect, and not inconsistent herewith, shall be and remain in full force and effect after this act takes effect, and thereafter until repealed by the common council. All rights vested or liabilities incurred or obligations entered into under the former incorporation of the City of Grass Valley, or under any ordinance of said city, at the time this act takes effect, shall not hereby be lost, impaired, or in any way discharged or destroyed.

Section 151. All actions and proceedings pending in the recorder's court of the City of Grass Valley when this act takes effect shall thereafter be proceeded with according to the provisions of this act, or any ordinance applicable thereto, and continued in force by this act; and no suit, action, or proceeding now pending in any court shall abate by virtue of this act. No proceedings for the collection of taxes, or for street improvements, and no proceeding under any assessment for street improvements, or other matter or proceedings relating thereto, and no proceeding for the sale of property, shall abate or be affected by this act, but may be determined as though this act had not been passed, or under this act, as the person enforcing the same may determine; and all taxes heretofore levied in favor of said city are hereby legalized and declared to be collectible, if levied upon the same basis as are other similar taxes.

Section 152. The power and authority granted to the common council by this act is granted to the municipal corporation of the City of Grass Valley, to be exercised according to the provisions of this act.

Section 153. All books, papers and records, moneys and accounts now in possession of the officers of the City of Grass Valley, as incorporated under the general laws of this state for the incorporation of cities and towns in the State of Oregon, shall be and the same are hereby transferred to and shall become the property of the City of Grass Valley, as incorporated by this act; and the municipal corporation created by this act shall pay all debts, discharge all liabilities, and execute all the liabilities and trusts of the municipal corporation created by virtue of the general law of this state, and designated as the City of Grass Valley.

Section 154. The present councilmen of the City of Grass Valley shall hold their offices for the terms for which they were elected, respectively, and the incumbents in the offices of mayor, treasurer, recorder, and all other officers who shall be in office when this act shall take effect, shall hold their respective offices until the end of the terms for which they have been elected or appointed, and until their respective successors shall have been elected or appointed and qualified.

Section 155. Inasmuch as the City of Grass Valley is in urgent need of municipal government, the present incorporation thereof under the general law of this state being inadequate, this act shall take effect and be in force from and after its approval by the Governor.

Filed in the office of the Secretary of State, February 27, 1901.