

1883

Act to Confer a City Government upon Cheney

Washington (State). Legislative Assembly.

**An Act
To Confer a City Government
upon Cheney**

**LIBRARY
STATE NORMAL SCHOOL
CHENEY, WASH.**

To confer a City Government upon Cheney.

CHAPTER I.

of the Boundaries and Incorporation of the City

Section 1. Be it enacted by the Legislative Assembly of the Territory of Washington: That the inhabitants of Cheney, Spokane county, Washington Territory, and their successors within the limits hereinafter prescribed, are hereby constituted and declared to be a city corporation by the name and style of Cheney and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits, or proceedings whatever, and may purchase, condemn, hold, and receive property both real and personal within said city for public buildings, public works and city improvements; and may lease, sell, or otherwise dispose of the same for the benefit of the city; and may purchase, hold, and receive property both real and personal beyond the limits of the city, to be used for any of the following: For a city park, or parks, or for burial purposes or for the establishment and maintenance of a hospital, for the reception and treatment of persons afflicted with contagious or other diseases; or for work houses and for houses of correction; for the erection of waterworks to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city, and they shall have and use a common seal; and they may alter or break the same and make a new one at pleasure.

Sec. 2. The corporate limits of Cheney shall be as follows: Beginning at the southeast corner of section numbered thirteen (13) in township numbered twenty-three (23) north, of range numbered forty-one (41) E. W. M., running thence north to the northeast corner of the southeast quarter of section numbered twelve in said township and range one and one-half miles; thence West one mile to the northwest corner of the southwest quarter of said section twelve; thence south one mile to the northwest corner of the

southwest quarter of said section thirteen; thence west one quarter of one mile; thence south one-half mile to the section line between sections fourteen and twenty-three of said township and range; thence east on said section line one and one-quarter miles to the place of beginning, comprising all of said section numbered thirteen, the south half of said section twelve, and the east half of the southeast quarter of said section fourteen, all in Spokane county and Territory of Washington.

Sec. 3. The corporate limits aforesaid shall not be so construed as to include any road district, nor shall the county commissioners of the county within which said city is embraced have any authority or control over road taxes collected therein; and all funds arising from any road tax within said limits shall accrue to the said city. So much of any public highways as lie within said corporate limits shall be kept in repair by the said city. But by ordinance any highway or part thereof may be vacated, and the same be made to conform to opened and established streets.

CHAPTER II.

Sec. 1. The power and authority given to the said municipal corporation by this act shall be vested in a mayor and common council, together with such other officers as are in this act constituted, or may be created under its authority.

Sec. 2. The common council shall consist of five persons, who shall be elected in the manner hereinafter provided.

Sec. 3. There shall also be other officers of said municipal corporation, viz: A committing magistrate, a marshal, a clerk, an attorney, a treasurer, a street commissioner and an assessor and collector, each of whom and excepting the marshal and assessor and collector shall be appointed by the common council, at the time and in the manner hereinafter provided. The marshal and

assessor and collector shall be elected in the manner hereinafter provided.

Sec. 4. No person is eligible to any office in said municipal corporation who, at the time of his election or appointment, is not an elector according to the laws of Washington Territory, and who has not resided in the city for six months next immediately preceding said election or appointment.

CHAPTER III.

Of Elections and Appointments

Section 1. The annual municipal election of officers required to be elected under this act shall be held on the first Monday of June of each and every year.

Sec. 2. No person is entitled to vote at any municipal election, either annual or special, who is not a qualified elector in Washington Territory and who shall not have resided in said city for six months next preceding the day of election.

Sec. 3. At all elections for city officers the vote shall be by ballot, at the place designated by the common council.

Sec. 4. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in the city, and by publication in some newspaper published in said city, of such municipal election, the officers to be elected, and the place designated for holding the election.

Sec. 5. All elections shall commence at ten o'clock A. M., and continue until five o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters of the city then present may elect another in his place, and if any clerk of election fails to attend at the proper time the judges of election may appoint another in his place.

Sec. 6. Judges and clerks of election must possess the qualifications of voters. A failure to give the notice required by section 4, shall not invalidate any election otherwise legal.

Sec. 7. On the first regular meeting of the council, next after such elections, the returns thereof shall be canvassed by the city council and the written statement of such canvass shall be made by the clerk and signed by the presiding officer of the council and attested by, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given for any person for any office, and the names of persons elected and to what office. The person given the highest number of votes for any office for which an election is authorized herein, shall be declared elected to such office.

Sec. 8. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to the person so elected.

Sec. 9. A certificate is prima facie evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor, and its own members. A contested election for any other office must be determined according to the laws of the territory regulating proceedings in contested elections for county officers.

Sec. 10. The term of office of any person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly if his successor be then elected and qualified.

Sec. 11. Any person elected to any office as aforesaid must qualify on or before the tenth day after the canvass of the vote as aforesaid. The qualifications of officers aforesaid shall be by taking the oath of office hereafter prescribed, and giving such

official bond for the faithful performance of his duties as may be required, and filing the same with the clerk, who shall file his bond and oath of office with the mayor, who shall be the custodian thereof.

Sec. 12. All officers elected under this act, before entering upon the duties of their office, must take and file a copy in the manner hereinbefore provided, an oath of office to the following effect:

"I, A. B., do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of this territory, 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."

Sec. 13. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

Sec. 14. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of council, from the city for a period of sixty days. The office of marshal and committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the council, for the period of twenty days. The office of the councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained, or when he shall remove from

or cease to be a resident of the ward for which elected.

Sec. 15. A vacancy in any office or any office filled by a person holding over after his regular term of office have expired, shall be filled by the council at regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

Sec. 16. An officer appointed to fill a vacancy must, within five days after being notified of appointment by the clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER IV.

Section 1. The City council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

Sec. 2. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members within convenient reach.

Sec. 3. 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.

Sec. 4. The council may adopt rules for the government of the conduct of its members and its proceedings. It must cause a journal of its proceedings to be kept and on the call of any one of its members must cause the yeas and nays to be taken and entered in 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 four members. Its deliberation and proceedings must be public.

Sec. 5. The council may punish any person for disorderly or improper conduct at any meeting, or any member for refusing or neglecting to attend any regular meeting, without sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

Sec. 6. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in cases of a tie, when he may give the casting vote; he shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

Sec. 7. On the tenth day next following the annual municipal election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

Sec. 8. 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. 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.

Sec. 9. The style of every ordinance shall be, "The city of Cheney does ordain as follows."

CHAPTER V.

Sec. 1. The city government of Cheney within its incorporated limits has power and authority --

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal within the city which is by law taxable for territorial and county purposes.

2. To make regulations for prevention of accidents by fire; to organize and establish a fire department; to provide fire engines and other apparatus and a sufficient supply of water.

3. To purchase or condemn, and enter upon and take any lands within or without the corporate limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this sub-division, and all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power, in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city or the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

4. To provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor.

5. To provide for cleaning, opening, graveling, improving and repairing of streets and highways and alleys, and for the prevention and removal of all obstructions therefrom, or from any crossing or sidewalk; also to regulate cellar-ways, and cellar-lights on sidewalks within the city, and to provide for cleaning the streets, also for constructing sewers and cleaning and repairing the same.

6. To construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any streets, highways, or alleys therein, at the cost and the expense of the owners of the lots and parcels of land fronting on such street, highway or alley. But unless the owners of more than one half of the property fronting upon the proposed improvements upon such street, highway or alley, shall have petitioned the council to make the same, such improvement shall not be made.

7. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council, with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done by the city at the expense of the owner, and the amount collected by action, in the name of the city, in any court having jurisdiction.

8. To prescribe by an ordinance the mode by which the charge on the respective owners of lots or lands shall be determined for the purposes authorized by this act. Such charges may be collected by civil action in the name of the city. In such proceedings it shall be sufficient to declare generally for work and labor

done and materials furnished on the particular lot, parcel of land, street, highway or alley. If the court trying the same shall be satisfied that the work has been done, or the materials furnished, which, according to the true intent and meaning of this act, would be properly chargeable to the owner of the lot of land, through, or by which, the street, highway or alley improved or repaired may pass, judgment shall be rendered for the value of the work or materials performed or furnished on such lot of land, notwithstanding any informality or defect in the proceedings of the officers of this city. In such actions the city shall be entitled to recover in addition to the amount, interest thereon at ten per cent, per annum, from the time said work was done or materials furnished, together with five per cent per annum, to defray the expenses of collection, which shall be included in the judgment rendered.

9. To provide for the survey of the blocks and the streets of the city, for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, change, extend, vacate and establish streets, highways, and such real estate as may be necessary for such purposes, and to authorize or forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place, upon which the track is proposed to be located and laid down, has been ascertained and compensated.

10. To erect and maintain water-works within or without the city or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water; but no such works shall be erected by the city, until a majority of the voters

of the city, at a general or special election, assent thereto.

11. To make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases therefrom, to suitable hospitals provided by the city for that purpose, to provide for the restraint and employment of vagrants, to restrain and punish any disturbance, or any unlawful or indecent practice, and to define what shall constitute the same.

12. To prevent domestic and other animals from running at large, and license, tax, regulate and restrain the keeping of dogs, within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings or may authorize their destruction.

13. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license and tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all such callings, trades and employment as the public good may require to be licensed and regulated, as are not prohibited by law.

14. To establish and maintain a day and night police, or either of them, and to provide for the erection or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants, within the city limits; to summon aid, and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders.

15. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated;

to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitroglycerine or other explosives, and to provide or license magazines for the same, and to prevent, by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the use of guns, pistols and fire-arms, fire crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter-houses, wash houses and public laundries, and to provide for their exclusion from the city, or from any part thereof; and to regulate and prohibit the driving of loose stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed to connect the same therewith; 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 lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other purposes; to regulate and prohibit

the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging; to regulate the numbering of houses and lots on the streets and avenues, and the naming of streets and avenues; to provide for cleaning and sprinkling of the streets, and to punish those who shall refuse so to do; to prohibit persons from roaming the streets at unreasonable hours.

16. To license, tax, regulate and restrain bar-rooms, drinking shops, or saloons, tippling houses, billiard tables, pool tables, pigeon hole, Jenny Lind and other gaming tables kept for hire, and bowling alleys: Provided, that no law or part thereof authorizing any tribunal or officer of Spokane county to grant licence for any of the privileges enumerated in this subdivision shall apply to persons within the city limits of Cheney, and all such license paid to the city shall be at the same rate and in lieu of the license required by the general law of the Territory for such houses, business, or privilege: And provided further, That no license shall be granted except upon the following conditions, viz: The person wishing to apply for license to sell spirituous or malt liquors shall accompany his petition with a bond to the said city, in the sum of one thousand dollars; with two or more sureties, to be approved by the common council, conditioned that he will keep an orderly house and comply with all the requirements of this act and of the ordinances of said city and the laws of the Territory. No license shall be granted for less than six months nor more than one year; nor shall any license to sell spirituous or malt liquors be granted to any minor under the age of twenty-one years; nor to any person who shall permit women or girls, other than members of his family, to frequent his place of business either as customers,

servants, waiters, waitresses, dancers, singers, actors or musicians or for purpose of attracting custom: Provided further, Nor shall any person sell spirituous or malt liquors to any minor, nor shall such person holding such license, allow or permit his place of business to be frequented or visited by women or girls other than members of his family; and upon doing any of the things herein prohibited such license may be by the common council revoked: And provided, that the revocation of the license shall not in any manner relieve the person to whom the same was granted from any penalty prescribed by ordinance for violation of this act, or any statute of Washington Territory: And provided, That one-third of the liquor or beer licence shall be paid by the city treasurer on receipt thereof to the county treasurer of Spokane county for the general county fund.

17. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to indulge in the habit of smoking opium, and to provide by an ordinance for the summary closing of such places, houses or rooms.

18. To regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

19. To establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

20. To levy and collect a special tax not to exceed one per centum in any one year, upon all the property assessed by authority of subdivision one of this section, for any purpose within the authority of the corporation, including the payment of any existing debt; but the ordinance providing therefor must specify the object thereof and the estimated amount therefor, and the indebtedness of

the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said sum of five thousand dollars shall be invalid and void.

21. To adopt proper ordinances for carrying into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding one hundred dollars or imprisonment for not more than thirty days or both, or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being accepted as an equivalent for two dollars in payment of such fine and costs.

22. To establish and regulate the fees and compensation of all its officers, except when otherwise provided; and such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States, or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER VI.

Section 1. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in June, to communicate by message of the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make special communications to the council from time to time as he may think proper and useful.

Sec. 2. The mayor shall take and approve all official bonds, which the ordinances of this city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor, and when he approves such bonds he must immediately file the same with the clerk, except as hereinbefore provided.

Sec. 3. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

Sec. 4. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval, if he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, four members of the council vote therefor, it shall nevertheless become a law.

Sec. 5. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their own members, who shall be the acting mayor, and perform all the duties of said office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VII.

The Powers and Duties of Other Officers of the Corporation.

Sec.1. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council.

Sec. 2. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings and to file and keep all

papers and books of the city council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

Sec. 3. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same shall be paid or any part thereof.

Sec. 4. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

Sec. 5. The clerk must keep proper books of account showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the city finances.

Sec. 6. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor attested by the clerk.

Sec. 7. 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.

Sec. 8. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the city.

Sec. 9. The assessor must annually make a correct list of all the property subject to taxation by the city, with the valuation thereof, and certify and return the same to the clerk.

Sec. 10. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous they must correct it; the party applying for such correction may be examined as a witness in relation to the matter, if he desires it or the council require it.

Sec. 11. The assessment of property must be made in the manner prescribed by law for assessing property for territorial and county taxes; but the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment, and return thereof, and of applying to the council for a revision thereof must be prescribed by ordinance.

Sec. 12. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

Sec. 13. The marshal is a peace officer and must execute all process issued by the committing magistrate of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the courts of said committing magistrate and the meetings of the council. He has power by and with the approval of the council to appoint one or more deputies, who shall possess the same power, He shall make arrests for breach of the peace, or for commission of a crime or misdemeanor within the city limits with or without a warrant, as a peace officer may do under the laws of the territory. He shall exercise a vigilant control over the peace and quiet of the city, and is keeper of the city jail or house of correction, unless otherwise provided by ordinance.

Sec. 14. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, each month, to the city council, or whensoever demanded by said council.

Sec. 15. The committing magistrate of the city shall, before exercising any of the functions of his office, give such a bond to the city in such sum and conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by the authority of this act, and he must pay to the treasurer monthly all city moneys and fines by him collected, and take duplicate receipts therefor, one of which he must file with the clerk.

Sec. 16. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

Sec. 17. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

Sec. 18. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER VIII

Ordinances

Sec. 1. All ordinances and resolutions, or orders for the appropriation or payment of money shall require, for their passage and adoption, the concurrence of a majority of all the members of the council. No ordinance shall refer to more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended, unless the new ordinance contains the entire ordinance or section revised or amended, and the

ordinance or section so amended shall be repealed.

Sec. 2. All ordinances, after their approval, shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the presiding officer, and the clerk; all those of a general and permanent nature, and those imposing fines, penalty or forfeiture, shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made; all such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER IX.

of the Collection of Delinquent Taxes.

Sec. 1. The assessor shall, when directed by the common council, make out a list of all persons within the city, liable to pay a road tax, and return such list to the council; said list of names shall be given to the collector, and he shall at once proceed to collect such road poll tax, together with the municipal tax levied for the year, from each person upon said list. The collector shall place upon his list the names of all persons found within the city, liable to pay such road poll tax, who shall fail to produce a receipt for the payment of a road poll tax for the current year, and shall demand the amount due from each person named upon the list. All penalties and fines prescribed by the laws of the territory for the enforcement and collection of road taxes, shall apply to the collection of such taxes within said city limits.

Sec. 2. Whenever any general or special tax has been levied as provided and authorized by this act every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected.

Sec. 3. The council must provide by ordinance within what time all municipal taxes, whether general or special, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

Sec. 4. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant, directed to the county treasurer or collector of delinquent county and territorial taxes, authorizing the collection of the delinquent taxes upon such roll, in the manner provided by law for the collection of delinquent territorial and county taxes, and thereafter all proceedings for the collection of such delinquent taxes shall be as regulated and prescribed in the laws of the territory relating to the collection of delinquent taxes.

CHAPTER X.

Miscellaneous Provisions.

Sec. 1. The city 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 clerk or some other person in behalf of the city thereunto duly authorized, but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

Sec. 2. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by ordinance; and an ordinance, making an appropriation of money, must not contain a provision upon any other subject and if it does such ordinance as to such provisions shall be void.

Sec. 3. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

Sec. 4. The fiscal year of the city shall commence on the first day of July, and end on the last day of June of each year.

Sec. 5. In any action, suit or proceedings in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceedings thereon, such assessment, levy, consequent proceedings and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceedings, matter or thing is, by this act committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reversed or called in question elsewhere.

Sec. 6. The mayor and councilmen shall not receive any compensation for their official services.

Sec. 7. No street, highway or alley shall be extended, widened, altered or vacated, except on petition to the city council, signed by a majority of the resident owners of the real estate within the block or blocks in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

Sec. 8. When the grade of any street, highway or alley shall have been established by authority of the city, and any person or persons have built or made improvements on such street, highway or alley, and the city shall afterward change the established grade or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage; and when the parties interested are unable to agree with the city

council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appraised by the mayor, one by the owner or owners of the property, and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties according to the best of their ability; they shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment; they shall assess the damage sustained over and above the additional value of the property, by reason of the change or improvement; they shall sign their report and deliver the same to the clerk of the district court, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final and the city shall pay the amount so assessed, and the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said district court shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term; the party claiming damages shall be the plaintiff, and the city shall be the defendant; the usual pleadings in a civil action may be filed or such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions; the costs to be taxed against the city, when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

Sec. 9. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the

property benefited thereby, the appraisalment of damages to be paid to the owners of the property condemned shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment, after ten days' notice so to do, which notice shall be given in the manner to be prescribed in the ordinance, providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn, and shall report within the time and in the manner prescribed for appraisements in the preceding section; this award shall be final unless appeal is made within twenty days from the time of the return thereof to the district court. Any person aggrieved by the award, may, upon filing a precipe therefor, have the case docketed for trial at the next term of court; when the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair charges upon property, the city shall be plaintiff and the owner of the property defendant; the issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: Provided, That all costs taxed against the city, and all costs of the appraisalment and other proceedings under this section, shall be added to the gross amount to be collected from the several property holders, in the same proportion as said gross amount, and said judgment and costs shall be a lien upon the property therewith charged.

Sec. 10. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property; and when such owners and the city and council are unable to agree as to

the amount of such compensation, the same shall be determined in the manner provided by the general law of this territory, relating to the mode of proceeding to appropriate lands by private corporations.

Sec. 11. This charter shall go into effect upon its approval by the governor, and the following named persons are hereby constituted the officers of said city until the general election as hereinbefore provided. Mayor--D. F. Percival; councilmen--T. M. Calloway, L. Walter, J. S. Mount, W. W. Griswold, J. H. Hughes; Marshal--A. H. Gallow; Collector--J. W. Still; Assessor--T. T. Clark.

Approved Nov. 28th, 1883.

LIBRARY
STATE NORMAL SCHOOL
CHENEY, WASH.