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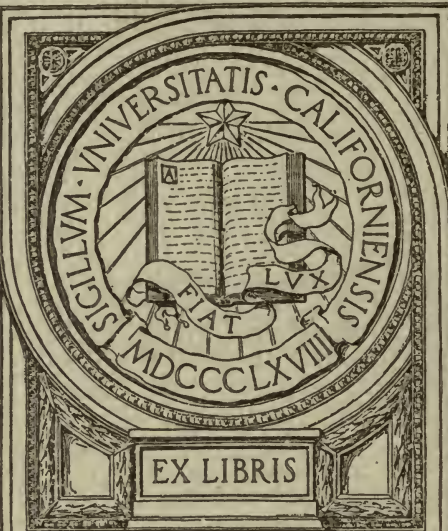
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CHARTER
OF THE
CITY OF PASADENA
CALIFORNIA

PUBLISHED UNDER THE DIRECTION OF THE
COMMISSION OF THE CITY OF PASADENA,
1913

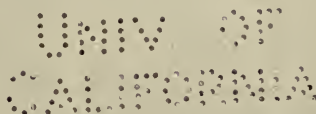


CHARTER
OF THE
CITY OF PASADENA
CALIFORNIA

ADOPTED
January 24, 1901.

AMENDED
February 16, 1905, March 3, 1909 and January 21, 1913.

Also Certain State Laws and Municipal Ordinances
Affecting Administrative Affairs
of the City.



PUBLISHED UNDER THE DIRECTION OF THE
COMMISSION OF THE CITY OF PASADENA

1913

P. R. S. 112-14

CHARTER FOR THE CITY OF PASADENA

ARTICLE 1

BOUNDARIES OF THE CITY AND OF THE WARDS, AND
GENERAL POWERS.

Section 1. The municipal corporation now existing, known as the City of Pasadena, shall continue to be a body corporate and politic, under the name of the City of Pasadena, and with the following boundaries, to-wit:

Beginning at a stone monument in the west bank of the Arroyo Seco, said monument being fifty-three hundred and four and four-tenths (5304.4) feet north 89 degrees 51 minutes west from the north-westerly corner of block marked "T" of the Subdivision of lands belonging to J. H. Painter and B. F. Ball, as per map recorded in Book 4, Page 549 of Miscellaneous Records of Los Angeles County, State of California, said monument being also the north-westerly corner of the City of Pasadena as shown by the City Charter as adopted November 20th, 1900; thence running northerly along the easterly boundary lines of Pasadena Park Tract as shown on map of partition of Pasadena Park Tract, as recorded in Book 1, Page 36, of Licensed Surveys of Los Angeles County, State of California, and Linda Vista Tract, as recorded in Book 29, Pages 97 and 98 of Miscellaneous Records of Los Angeles County, State of California, to a point, said point being an intersection of the easterly line of said Linda Vista Tract with the production westerly of a line which is two hundred (200) feet north of, and parallel with the north line, of Montana Street, as shown on map of Subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in Book 4, Page 549 of Miscellaneous Records of Los Angeles County, State of California; thence easterly and parallel with said northerly line of Montana Street and distant therefrom two hundred (200) feet north to an intersection with the center line of Woodbury Road as shown on map of Subdivision of lands belonging to J. H. Painter and B. F. Ball, as recorded in Book 4, Page 549 of Miscellaneous Records of Los Angeles County; thence southeasterly along the center line of said Woodbury Road to an intersection with the center line of Lake Avenue, as shown on map of Pasadena Highland Tract, as recorded in Book 24, Page 99 of Miscellaneous Records of Los Angeles County, State of California; thence southerly along the said center line of Lake Avenue to an intersection with a line which is two hundred and two (202) feet north of and parallel with the north line of Atchison Street, as shown on map of Pasadena Highland Tract, as recorded in Book 24, Page 99 of Miscellaneous Records of Los Angeles County, State of California; thence east and parallel with the said north line of Atchison Street to the northeast corner of lot numbered Twelve (12) of Block Three (3), of said Pasadena Highland Tract; thence south and parallel with the east line of Luverne Avenue, as shown on map of said Pasadena Highland Tract to an intersection with the center line of Washington Street, as shown on map of said Pasadena Highland Tract; thence westerly along the said center line of Washington Street to an intersection with a line which is a production northerly of the easterly boundary line of the City of Pasadena as shown in the City Charter as adopted November 20th, 1900; thence southerly along the above described line to a point which is six hundred and sixty (660) feet south of the south line of Mountain Street,

as shown on the map of the Subdivision of lands of J. H. Painter and B. F. Ball, as recorded in Book 4, Page 549 of Miscellaneous Records of Los Angeles County, State of California, and six hundred and sixty (660) feet easterly from the east line of Lake Avenue as originally laid out as a fifty (50) foot street; thence running southerly and parallel with the said east line of Lake Avenue to a point in the south line of San Pasqual Street, said point being the northeast corner of lot numbered Twelve (12) of Block "L," of the San Pasqual Tract of Lake Vineyard Land and Water Association lands, as shown on map as recorded in Book 3, Page 315 of Miscellaneous Records of Los Angeles County, State of California; thence running west along the north line of said lot numbered Twelve (12) four hundred and fifty and six-tenths (450.6) feet to a point, said point being one hundred and ninety-three and four-tenths (193.4) feet east from the present southeast corner of Lake Avenue and San Pasqual Street; thence running southeasterly to a point in the south line of California Street, said point being distant four hundred and twenty-four and five-tenths (424.5) feet east of the southeast corner of Lake Avenue and California Street, and also being the northwest corner of lot numbered One (1) of C. K. Meneely's Subdivision, as per map recorded in Book 30, Page 21 of Miscellaneous Records of Los Angeles County, State of California; thence running south 17 degrees 04 minutes east, thirteen hundred and sixty-one (1361) feet along the westerly line of said C. K. Meneely's Subdivision and the easterly line of the Merrill and Leighton Subdivision as per map recorded in Book 22, Page 75 of Miscellaneous Records of Los Angeles County, State of California, and a prolongation thereof to a white oak tree two feet in diameter; thence running south 20 degrees east, three hundred and eighteen (318) feet, more or less, to a point in the south boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands, said point being three hundred and sixteen and eight-tenths (316.8) feet west of the southeast corner of lot numbered Six (6) of Block "R" of San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running along the southerly and easterly boundary line of said San Pasqual Tract of Lake Vineyard Land and Water Association lands as follows, to-wit: West twenty-one hundred and sixty-seven and forty-four hundredths (2167.44) feet, south 10 degrees 45 minutes west twenty-two hundred and six and thirty-eight hundredths (2206.38) feet, south 85 degrees west twenty-five hundred and fifty-four and eighty-six hundredths (2554.86) feet, north 52 degrees 37 minutes west, eight hundred and eighty-five and seventy-two hundredths (885.72) feet to a point on the southeasterly boundary line of lot numbered Twelve (12) of Block "N" of said San Pasqual Tract of Lake Vineyard Land and Water Association lands; thence running south 35 degrees 45 minutes west along the easterly boundary line of said lot numbered Twelve (12) and a prolongation of the said east boundary line ten hundred and twenty-eight and eight-tenths (1028.8) feet, more or less, to an intersection with the south line of Columbia Street extended east, as shown on a map of San Gabriel Orange Grove Association lands as recorded in Book 2, Page 558 of Miscellaneous Records of said Los Angeles County; thence running west along the said south line of Columbia Street, its extension and a prolongation thereof to a point in the west bank of the Arroyo Seco, said point being an intersection of a line which is a prolongation of the said south line of Columbia Street with the westerly line of lot numbered Fifty-nine (59) of a plat of land in the Arroyo Seco (known as Arroyo Wood Lots) as per map recorded in Book 3, Page 282 of Miscellaneous Records of Los Angeles County; thence running northerly along the westerly boundary line of said plat of land in the Arroyo Seco to the northwesterly corner of lot numbered Thirty-three (33) of said plat of land in the Arroyo Seco, as per map recorded in Book 3, Page 281 of Miscellaneous Records

of Los Angeles County; thence running north 24 degrees 12 minutes east three hundred and twenty-four (324) feet to a stake; thence running north 42 degrees 20 minutes east, two hundred and ninety-six and three-tenths (296.3) feet to a stake; thence running north 60 degrees 35 minutes east, five hundred and twelve (512) feet to a stake; thence running north 36 degrees 40 minutes east, two hundred and six and six-tenths (206.6) feet to a stake; thence running north 24 degrees 38 minutes east, one hundred and eighty-six and eight-tenths (186.8) feet; thence running north 60 degrees 38 minutes east, two hundred and forty and five-tenths (240.5) feet to a stake; thence running north 26 degrees 14 minutes east, four hundred and thirty-six and six-tenths (436.6) feet to a stake; thence running north 67 degrees 47 minutes west, three hundred and eighty-one and one-tenth (381.1) feet to a stake; thence running north 36 degrees 44 minutes west, one hundred and thirty-eight and four-tenths (138.4) feet to a stake; thence running north 23 degrees 11 minutes west, one hundred and seventy-eight and one-tenths (178.1) feet to a stake; thence running north 21 degrees 14 minutes east, six hundred and forty-one and seventy-five hundredths (641.75) feet to a stake; thence running north 4 degrees 40 minutes west, three hundred and eighty-nine and three-tenths (389.3) feet to a stake; thence running north 39 degrees 40 minutes west, two hundred and forty-three and four-tenths (243.4) feet to a stake; thence running north 11 degrees 35 minutes west, four hundred and eight (408) feet to a stake; thence running north 17 degrees 15 minutes west, one hundred and six and four-tenths (106.4) feet to a stake; thence running north 41 degrees 37 minutes west, two hundred and twenty-five and five-tenths (225.5) feet to a stake; thence running north 11 degrees 19 minutes west, two hundred and forty-four and six-tenths (244.6) feet to a stake; thence running north 0 degrees 48 minutes west, one hundred and sixty-six and seven-tenths (166.7) feet to a stake; thence running north 21 degrees 41 minutes west, one hundred and seventeen and five-tenths (117.5) feet to a stake; thence running north 59 degrees 17 minutes west, four hundred and forty-two and two-tenths (442.2) feet to a stake; thence running north 25 degrees 44 minutes west, seven hundred and seventy-six and four-tenths (776.4) feet to a stake; thence running north 15 degrees 36 minutes west, eight hundred and fourteen and eight-tenths (814.8) feet to a stake; thence running north 35 degrees 46 minutes west, one hundred and ninety-six and six-tenths (196.6) feet to a stake; thence running north 14 degrees 37 minutes west, seven hundred and eighty-nine and five-tenths (789.5) feet to a stone monument and place of beginning. (Amendment adopted Feb. 20th, 1905).

Section 2. The city shall be divided into six wards described as follows, to-wit:

First Ward. All that portion of the city which lies east of the center line of Raymond Avenue, west of the easterly line of the old city limits, as described in the Charter of the City of Pasadena adopted and ratified November 20, 1900, south of the northerly line of said old city limits and north of the center line of Colorado Street.

Second Ward. All that portion of the city which lies west of the center line of Raymond Avenue, and between the center line of Colorado Street and a prolongation westerly thereof on the south, and the line of the old north city limits as described in the Charter of said city adopted and ratified November 20, 1900, and a prolongation thereof, on the north.

Third Ward. All that portion of the city which lies south of the center line of Colorado Street east of the center line of Raymond Avenue and a prolongation southerly thereof, and west and south-west of a line described as follows, to-wit:

Beginning at the intersection of the center line of Colorado Street and the old east city limits, as described in the Charter of

the City of Pasadena adopted and ratified November 20, 1900; thence south, west and southeasterly along the line of the said old east city limits to the northeasterly corner of lot five (5) Arden Road Tract, as per Map recorded in Book 12, Page 30 of Maps in the office of the County Recorder of Los Angeles County; thence southerly along the easterly line of said lot Five (5) and a prolongation thereof, to the center line of Arden Road; thence southeasterly to the northeasterly corner of lot Twenty-three (23) of said Arden Road Tract; thence southerly along the easterly line of said lot Twenty-three (23) and the prolongation thereof.

Fourth Ward. All that portion of the city which lies south of the center line of Colorado Street and a prolongation westerly thereof, and west of the center line of Raymond Avenue and a prolongation southerly thereof.

Fifth Ward. All that portion of the city which lies north of the old north city limits as described in the Charter of said city adopted and ratified November 20, 1900, and prolongation westerly thereof, and west of the east city limits as described in an amendment to the Charter of the City of Pasadena adopted and ratified February 20, 1905.

Sixth Ward. All that portion of the City of Pasadena lying east of the easterly boundary lines of the first, third and fifth wards, as above described.

The City Council shall have power to change the boundaries of the said wards by ordinance, but the said boundaries shall not be changed oftener than once in three (3) years; provided, however, that when additional territory is annexed to said city the Council may by ordinance determine the ward or wards to which said annexed territory shall belong.

(Sec. 2. Amendment of 1909.)

Original Section. Sec. 2. The city shall be divided into five wards, as follows, to-wit:

The first ward, which shall include all that portion of the city which lies east of the center line of Raymond Avenue and between the center line of Colorado Street and the old north city limits, as described in the Charter of said city, as adopted and ratified November 20th, 1900.

The second ward, which shall include all that portion of the city which lies west of the center line of Raymond Avenue and lying between the center line of Colorado Street, and a prolongation westerly thereof and the old north city limits as described in the Charter of said city, as adopted and ratified November 20th, 1900.

The third ward, which shall include all that portion of the city which lies south of the center line of Colorado Street and east of the center line of Raymond Avenue, and a prolongation southerly thereof to the south city limits.

The fourth ward, which shall include all that portion of the city which lies south of the center line of Colorado Street and a prolongation westerly thereof to the west city limits and west of the center line of Raymond Avenue, and a prolongation southerly thereof to the south city limits.

The fifth ward, which shall include all that portion of the city which lies north of the old city limits as described in the Charter of said city adopted and ratified November 20th, 1900.

The City Council shall have power to change the boundaries of the said wards by ordinance adopted as other ordinances are required to be adopted under this Charter; provided, that the said boundaries shall not be changed oftener than once in three years. (Amendment adopted Feb. 20th, 1905.)

GENERAL POWERS.

Sec. 3. The said city shall continue vested with all the property of every kind now belonging to it and shall have the power:

First. To have perpetual succession.

Second. To have and use a corporate seal and alter it at pleasure.

Third. To sue and be sued in all courts and places and in all actions and proceedings whatever.

Fourth. To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said city and control and dispose of the same for the common benefit.

Fifth. To receive bequests, devises and donations of property of every kind either absolutely or in trust for charitable or other purposes and do all acts necessary to carry out the purpose of such bequests,

devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Sixth. To erect, construct and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, morgues and crematories.

Seventh. To improve and maintain public parks, cemeteries and sewer farms, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof and to discontinue the same.

Eighth. To construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits. (Amendment adopted Feb. 20th, 1905).

Ninth. To construct and maintain gas and electric works for supplying the city and its inhabitants with light, heat and power.

Tenth. To construct and maintain works for supplying the city and its inhabitants with telephonic and telegraphic service.

Eleventh. To construct, maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same.

Twelfth. To provide for the care of the sick and helpless and to make regulations to prevent the spread of epidemic and contagious diseases.

Thirteenth. To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provisions for cleaning and sprinkling the same.

Fourteenth. To construct and maintain sewers, drains and all other works necessary for the disposition of sewage and to construct and maintain garbage crematories and other works for the disposition or destruction of garbage.

Fifteenth. To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county, or otherwise, upon municipal property for all municipal purposes; provided, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interests on any bonds of the said city, or for school purposes, shall not, except as hereinafter provided, exceed one dollar on each hundred dollars' worth of taxable property in the said city, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, re-grading, laying out, opening, widening, extending and improving of rights of way, streets, alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein; for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

(Fifteenth subdivision Amendment of 1909.)

Original Subdivision. Fifteenth. To levy and collect taxes upon property for all municipal purposes; provided, that the tax levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars' worth of taxable property in the said city except as herein provided. And to levy and collect assessments upon property to pay for the grading, regrading, laying out, opening, widening, extending and improving of streets, alleys, sidewalks, crossings and other highways and public squares and places.

Sixteenth. To create, subject to the restrictions and limitations in the Constitution of the State of California and in this Charter hereinafter contained, indebtedness not exceeding in all fifteen per centum of the assessed value of all the real and personal property in the said

city subject to assessment for taxation for municipal purposes, to pay the costs of municipal improvements, the acquisition of public utilities or for any purpose whatever requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

Seventeenth. To levy taxes exceeding the limit permitted in this Charter; provided, that before such levy can be made the proposition to make such levy shall have been first approved by two-thirds of the qualified electors of the city voting at a special election called for that purpose by the City Council.

Eighteenth. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, planing mill, rolling mill, oil well, tank or refinery, foundry, brick yard, slaughterhouse, butcher shop and the keeping of bees, cattle or poultry within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, barrooms, or other places where spirituous, malt, vinous, or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Nineteenth. To create offices other than those established by this Charter or by the general law, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same.

Twentieth. To make, adopt, and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals, and preserve the health of the inhabitants of the city.

Twenty-first. To prescribe the manner in which, the times at which, and the places where elections shall be held in such city, and to appoint the officers to conduct such elections and provide for their compensation.

Twenty-second. To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; provided, however, that such fine shall not exceed the sum of five hundred (\$500.00) dollars and such imprisonment shall not exceed six months.

Twenty-third. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants.

Twenty-fourth. To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government whether such powers are herein expressly enumerated or not.

Twenty-fifth. To join with one or more other municipal or public corporations for the purpose of the acquisition, construction, ownership, operation, control or use, within or without, or partly within and

partly without the city, of public utilities, parks or of works or property for the disposition of garbage, sewage, storm water, or refuse matter, upon such terms and conditions and to the extent provided for by general law or by ordinance, and to incur bonded indebtedness for such purposes; provided that the city shall not so join for any such purpose or purposes without the assent of a majority of the qualified electors of the city voting on the question at a general or special election at which such question may be submitted.

(Twenty-fifth subdivision added by Amendment of 1913.)

ARTICLE 2.

OFFICERS.

Section 1. The elective officers of the city shall be:

Five Commissioners and a

Board of Education, consisting of five members.

The appointive officers of the city shall be:

City Treasurer, who shall be ex-officio Tax and License Collector.

City Clerk.

City Attorney.

Judge of the Police Court.

City Auditor, who shall be ex-officio City Assessor.

City Engineer.

Superintendent of Streets and such other officers as are now or may hereafter be provided for, all subject, however, to the provisions of Article 22.

This Section shall go into effect at once for the purpose of determining the officers to be elected at the general municipal election in April, 1913, and for all purposes upon the election and qualification of the Commissioners provided for in Article 22. With the exception of the officers, boards and bodies succeeded by the Commission, the present officers of the city shall continue until the Commission shall make different provision.

(Sec. 1. Amendment of 1913.)

Section 1 as in force prior to amendment of 1913. Section 1. The officers of the city shall be:

Mayor.

Seven members of the City Council.

City Treasurer, who shall be Ex-officio City Tax and License Collector.

City Clerk.

City Attorney.

Judge of the Police Court.

City Auditor, who shall be Ex-officio City Assessor.

City Engineer.

Superintendent of Streets.

Board of Commissioners, consisting of five members, who shall have control of the Parks, Fire, and Police Departments of the city government.

Board of Water Commissioners, consisting of five members, who shall have control of the Water Department of the city government.

Board of Education, consisting of five members.

Board of Library Trustees, consisting of five members.

Board of Health, consisting of five members. (Section 1 Amendment adopted Feb. 20th, 1905.)

Sec. 2. Every officer provided for in this Charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this Charter, or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

ARTICLE 3.

SALARIES OF OFFICERS.

Section 1. The officers of the city, in this section named, shall receive in full compensation for all services of every kind rendered by them the following salaries, payable in equal monthly installments at the end of each calendar month, viz.:

The Mayor, fifteen hundred dollars per annum.

Section 1b. From and after the first Monday in May, 1909, each

member of the Council shall receive the sum of five dollars for each meeting of the Council which he shall attend, provided, that compensation shall not be paid for more than five meetings each month.

Section 1c. From and after the first Monday in May, 1909, the salary of the City Treasurer and Ex-officio Tax and License Collector shall be twelve hundred dollars per annum.

Section 1d. From and after the first Monday in May, 1909, the salary of the City Clerk shall be fifteen hundred dollars per annum.

(Sections 1B, 1C, 1D, added by Amendment of 1909.)

Sec. 2. The members of the Board of Park, Fire and Police Commissioners, members of the Board of Education, members of the Board of Library Trustees and members of the Board of Health shall serve without compensation. But the members of the Board of Water Commissioners shall receive such compensation as may be hereafter fixed by the Council. (Amendment adopted Feb. 20th, 1905).

[Note: The provisions of article relating to the amount of salaries of the Mayor, members of the Council, Board of Park, Police and Fire Commissioners, Board of Water Commissioners, Board of Education, Board of Health and Board of Library Trustees have been abrogated by Article 22 of this Charter. The provisions of Article 3, relating to salaries of City Treasurer and City Clerk are not abrogated by Article 22 of this Charter, but the commission is thereby authorized and empowered to change salaries fixed in this article.]

Sec. 3. In all cases not otherwise provided for by this Charter, the City Council shall, by ordinance, fix the salaries or other compensation of officers and employes.

Sec. 4. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary payable monthly.

Sec. 5. No officer or employe of the city shall receive or accept any fee, recompense or compensation for the discharge of any duty of his office from any person or corporation other than the city.

ARTICLE 4.

BONDS OF OFFICERS.

Section 1. Officers and employes of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this Charter, or ordinance of the city.

Sec. 2. When the amount of the bond is not fixed by law or by this Charter, it shall be fixed by an ordinance of the City Council.

Sec. 3. Every bond given by any officer or employe must be approved as to form by the City Attorney and all bonds, excepting the bond of the Auditor, must be approved by the Mayor and Auditor. The bond of the Auditor must be approved by the Mayor. The approval of every official bond must be indorsed thereon and signed by the officers approving the same. Upon the approval of a bond it must be recorded in the office of the City Clerk in a book kept for that purpose. After recording, the bond of the Auditor shall be filed and kept in the office of the City Clerk. All other official bonds shall be filed and kept in the office of the Auditor.

Sec. 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz.:

The City Treasurer and Ex-officio City Tax and License Collector in the sum of seventy-five thousand dollars, the City Clerk in the sum of ten thousand dollars, the City Auditor and Ex-officio City Assessor in the sum of ten thousand dollars, the City Engineer in the sum of five thousand dollars, the Superintendent of Streets in the sum of ten thousand dollars.

Sec. 5. The City Council may at any time by ordinance increase the penal sum of any such bonds.

Sec. 6. No city officer, deputy or employe shall be accepted as surety for any other city officer, deputy or employe on any official bond. Every such bond shall contain a condition that the principal will per-

form all official duties, then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this Charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. Such bond must also be executed by two or more sureties, who shall justify in the amount required for said bond; but, when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in Sections Ten Hundred and Fifty-six and Ten Hundred and Fifty-seven of the Code of Civil Procedure of the State of California.

Sec. 7. Every surety upon an official bond, other than such lawfully authorized surety companies, must make an affidavit which shall be indorsed upon such bond, that he is a resident of the County of Los Angeles, and that he is the owner of real estate therein, and that he is worth in property situated in said county, exclusive of incumbrances thereon, double the amount of his undertaking, over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

Sec. 8. The City Council may, by resolution adopted at a regular meeting, require of any officer or employe an additional bond whenever in the opinion of such Council the bond given by such official or emp'oye for any reason becomes insufficient.

Sec. 9. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants or clerks appointed by him, and may exact for his protection bonds from such deputies, assistants and clerks.

Sec. 10. Where not otherwise provided by this Charter, the Council may by ordinance require any officer, deputy, assistant, clerk or employe of the city, or of any of its departments, to give to the city bonds for the faithful performance of official duty, and may fix the amount of such bonds, and prescribe the conditions thereof, but the qualifications of sureties thereto shall be as otherwise prescribed in this article in respect to the official bonds required hereunder.

ARTICLE 5.

EXECUTIVE DEPARTMENT.

Mayor.

[*Note: The powers and duties herein given to the Mayor are by virtue of Section 4, Article 22 hereof vested in the commission. The City Attorney has given it as his opinion that the qualifications required of the Mayor by this article do not apply to the commissioners elected pursuant to Article 22 hereof.*]

Section 1. The chief executive officer of the city shall be designated the Mayor. He shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for two years, and until his successor is elected and has qualified.

Sec. 2. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and

obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcations or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the City Council, in order that the public interests may be protected, and the person in default be proceeded against according to law. He shall, from time to time, give to the City Council information, in writing, relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have the books and records of all public departments pertaining to the finances of the city expeted by a competent person at least once in every year. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted.

Sec. 3. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

Sec. 4. The Mayor, with the approval of the Council, shall appoint all officers of the city whose election or appointment is not otherwise specifically provided for in this Charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor with the approval of the Council shall appoint a suitable person to fill such vacancy, who shall possess the qualifications prescribed for such office and who shall hold office for the remainder of the unexpired term.

Sec. 5. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers elected or appointed. He shall discharge such other duties and do such other things as are required of him by any of the provisions of this Charter.

Sec. 6. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor Pro Tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for that purpose. A member of the Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

City Treasurer, Tax and License Collector.

Sec. 7. The Treasurer shall be Ex-officio Tax and License Collector. He shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

[*Note: Section 1 of Article 2 as amended in 1913 makes the office of City Treasurer appointive, the appointing power being vested in the Commission.*]

Sec. 8. The Treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise, and pay the same out, on demands properly audited, in the manner provided for in this Charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the bonded indebtedness of the

city when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement to the City Council of all his receipts and disbursements during the preceding month, and shall do all things required of him by this Charter and the ordinances of the city.

Sec. 9. The Treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; provided, however, that the Treasurer may deposit city moneys with such banks and upon terms and conditions and subject to and upon requirements, limitations and penalties as provided by an Act of the Legislature approved March 23, 1907, and acts amendatory thereof, (see copy of act page 57) providing for and regulating the deposit of moneys of counties and municipalities of this State with banks and banking corporations.

(Section 9, amendment of 1909.)

Original Section. Sec. 9. As soon as suitable vaults are provided by the city, the Treasurer shall keep therein all moneys belonging to the city, and shall not thereafter under any circumstances deposit with any person, corporation or bank, any of the money of the city, or allow the same, except in the payment of demands against the city, to pass out of his custody. Until such vaults are provided the Treasurer shall not deposit any of the city money with any person or corporation other than National or State banks doing business in the city. The Treasurer shall not under any circumstances loan to any person or corporation whatever any of the money of the city.

Sec. 10. The City Treasurer shall be Ex-officio Tax and License Collector, and as such Tax and License Collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall prepare and sign, and upon countersigning by the Auditor shall issue all city license certificates, and he shall keep proper books showing all moneys collected by him as Tax and License Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which books shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this Charter or by the ordinances of the city. He shall pay all moneys collected by him as Tax and License Collector into the city treasury daily and report to the Auditor all licenses issued and license charges collected.

(Section 10, amendment of 1909.)

Original Section. Sec. 10. The City Treasurer shall be Ex-officio Tax and License Collector, and as such Tax and License Collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall keep proper books, showing all moneys collected by him as Tax and License Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this Charter or by the ordinances of the city. He shall pay all moneys collected by him as Tax and License Collector into the city treasury daily.

City Clerk.

Sec. 11. The City Clerk shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

[*Note: Section 1 of Article 2 as amended in 1913 makes the office of City Clerk appointive, the appointing power being vested in the Commission.*]

Sec. 12. The City Clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by

special provision committed to their custody. He shall be present at each meeting of the Council and of the Board of Equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall perform such other duties as are or shall be imposed by this Charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the City Hall, and of all personal property, the custody of which has not been otherwise provided for.

(Section 12, amendment of 1909.)

Original Section. Sec. 12. The City Clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the Council and of the Board of Equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the City Auditor all licenses other than building permits, and perform such other duties as are or shall be imposed by this Charter, or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the City Hall, and of all personal property, the custody of which has not been otherwise provided for.

City Attorney.

Sec. 13. The City Attorney shall be a citizen of the State and a resident and qualified elector of the city. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor, with the consent of the Council, at any time.

(Amendment adopted Feb. 20, 1905.)

[Note: The appointing power herein given to the Mayor and Council by Section 5 of Article 22 is vested in the Commission. The qualifications of City Attorney have been modified and fixed by Ordinance No. 1357.]

Sec. 14. The City Attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this Charter and the ordinances of the city, and shall attend to all suits, and proceedings in which the city may be legally interested; provided, the City Council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein. He shall be in attendance at every regular meeting of the Council and shall give his advice or opinion in writing whenever requested so to do by the City Council or any of the boards or officers of the city. He shall approve the form of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. He shall, whenever required by the City Council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the City Council or the Mayor may require of him. On vacating the office he shall surrender all books, papers, files, and documents pertaining to the city business to his successor.

City Auditor and Assessor.

Sec. 15. The City Auditor shall be Ex-officio City Assessor. He shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for a period of three years next preceding the day of his appointment. He shall be appointed

by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

[*Note: The appointing power herein given to the Mayor and Council by Section 5 of Article 22 is vested in the Commission.*]

Sec. 16. As City Auditor he shall number and keep a record of all demands approved by him, showing the date of approval, amount, and name of original and present holder, on what account allowed and out of what fund payable and by what officer or board it has been previously approved. He shall be always acquainted with the exact condition of the City Treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall upon the order of the City Treasurer directing him to issue a receipt for money paid into the City Treasury, charge the City Treasurer with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the City Treasury, not otherwise by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment. He shall countersign all licenses or permits issued by any city officer or board whereon money is to be paid to such officer or board for the use of the city and shall charge such officer with the proper amount. No such license or permit shall be valid unless countersigned by him. He shall, at the first meeting of the Council every month, and oftener, if required, report to the Council the condition of each fund in the treasury. He shall make a similar report to the Mayor at any time when requested by the Mayor, in writing, so to do. He shall keep a complete set of books for the city in which shall be set forth in a plain and business-like manner every money transaction of the city so that he can tell at any time the exact condition of the city's finances. He shall make an annual report to the City Council showing the sources from which the city's revenue was derived and how expended. He shall approve and sign all warrants and demands upon the City Treasury, except as otherwise in this Charter provided. He shall keep in his office in a place accessible and open at all times during office hours to the public a book containing a list of the names of all persons or corporations who are bondsmen for the officers of the city, giving the names of the officers for whom they are bondsmen and the amounts for which they are severally holden. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salaries or wages received by each opposite his name, which list shall be revised and corrected by him monthly. He shall prescribe a system of books and records to be kept by each department of the city government and a form of monthly reports to be made by each department to the City Auditor showing the business transactions of such departments and all receipts and distributions of material, supplies, tools, etc., to the end that the Auditor may have a complete and accurate knowledge of the business transactions of the city and of the several departments and be able to keep full and accurate records of the same and report them to the Council and the Mayor as herein provided. Such system of books and records and such form of reports shall be submitted to the Council, and, on approval by the Council, shall at once be put in force by the several officers and departments of the city, and shall thereafter not be changed except after the proposed changes have been submitted by the Auditor to and have been approved by the Council. He shall discharge such other duties as may be required of him by law, by this Charter, or by the ordinances of the city. He shall have authority to take affidavits and administer oaths necessary to the transaction of the city business.

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Sec. 17. As Assessor he shall perform all the duties prescribed by this Charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this Charter are required to be collected by him.

City Engineer.

Sec. 18. The City Engineer shall be a citizen of the State and a resident and qualified elector of the city. He shall have had not less than five years' practical experience as a Civil Engineer, next preceding the day of his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

[*Note: The appointing power herein given to the Mayor and Council by Section 5 of Article 22 is vested in the Commission.*]

Sec. 19. The City Engineer shall perform all the engineering and surveying required in the carrying on of the public works and improvements done under the direction of the Council or any department of the city government. All maps, plats, profiles, filed notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be and continue to be the property of the city. He shall be the custodian of, and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indexes thereto. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telephone, telegraph, electric light and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroad tracks.

Superintendent of Streets.

Sec. 20. The Superintendent of Streets shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for a period of three years next preceding the day of his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

[*Note: The appointing power herein given to the Mayor and Council by Section 5 of Article 22 is vested in the Commission.*]

Sec. 21. It shall be his duty to see that the laws, ordinances, orders and regulations relative to the public streets and highways are fully carried into execution, and the penalties for a breach thereof are rigidly enforced. He shall superintend and direct the sweeping, cleaning and sprinkling of the streets and the cleaning and flushing of all sewers, and keep himself informed of the condition of all public streets and highways. He shall have the general care of and frequently inspect the streets and highways of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances and laws pertaining to street obstruction. He shall frequently inspect all public works pertaining to street improvement while the same are in course of construction, inspect and approve or reject all material used in such construction whether done by contract or otherwise, and shall at once report to the Council all deviations from contracts, and use of improper material and bad workmanship in such construction. He shall perform such other duties as are required by him by this Charter, by the ordinances of the city or the general laws of the State.

ARTICLE 6.

PARK, POLICE, AND FIRE DEPARTMENTS.

[*Note: The powers and duties herein vested in the Board of Park, Police and Fire Commissioners are vested in the Commission by Section 4 of Article 22.*]

Section 1. The Park, Police and Fire Departments of the city shall be under the control and management of a Board of Commissioners consisting of five members, four of whom shall be appointed by the Mayor and their appointment confirmed by the Council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this Charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

(Amendment adopted Feb. 20, 1905.)

Sec. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The City Clerk shall act as Secretary of the Board and keep the minutes thereof.

Sec. 2½. All articles, supplies and materials for the use of the Park, Police and Fire Departments shall be purchased only on recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this Charter.

(Section 2½, amendment of 1909.)

Sec. 3. The board shall have the exclusive management of all lands and real property which may be acquired, set apart or dedicated as public parks or pleasure grounds.

The board shall have authority to cause, direct and regulate the planting, removal, trimming, pruning and care of shade and ornamental trees and shrubbery and grass in any and all of the streets, alleys, public places and grounds of the city. Provided, however, that the provisions of this section shall not be deemed to abridge or supersede any of the powers elsewhere in this Charter conferred upon the Council or upon the officers or officer of the city.

The board shall have authority to establish rules and regulations for the use and government of the parks and pleasure grounds of the city and to provide for the amusement and recreation of the people in such parks and pleasure grounds, and to prohibit the use of drives and ways in any of said parks or pleasure grounds for teaming or other purposes determined by said board to be injurious thereto.

For the purposes declared by this section the board shall upon terms and for compensations fixed by the City Council have power to appoint, remove, discharge and suspend all necessary superintendents, laborers and other employees.

(Section 3, amendment of 1909.)

Original Section. Sec. 3. The board shall have the exclusive control and management of all lands and real property which may be acquired, set apart, or dedicated for the use of the people of the city as public parks or pleasure grounds, and of any boulevard that may be acquired, dedicated, or constructed as a portion of the park system of the city. The board shall have the authority to purchase all articles and materials for and have all work and labor performed upon said parks, pleasure grounds, and boulevards; and to that end may appoint, remove, discharge, or suspend Superintendents, laborers, and all other persons employed upon or about said parks, pleasure grounds, and boulevards. The board shall have authority to establish rules and regulations for the use and government of such parks, pleasure grounds, and boulevards, and shall have the right to prohibit the use of the drives in any of said parks or pleasure grounds or the said boulevards for teaming or other purposes which may be injurious to them.

The board shall have the authority to direct and regulate the planting, trimming, pruning, and care of shade and ornamental trees and shrubbery in any and all of the streets, alleys, public places, and grounds of the city, and to cause the removal of objectionable trees and shrubbery from such streets and public places.

Sec. 4. (Repealed Feb. 20th, 1905.)

Sec. 5. The board shall have the exclusive control and management of the Police Department of the city, and shall have power:

First. To organize the said department, and change the organization from time to time, as in the judgment of the board shall seem best.

Second. To appoint, promote, suspend, reduce, or dismiss any officer or member thereof; provided, however, that no such officer or member shall be suspended, reduced, or dismissed without the reasons for such action being set out at length in the minutes of the board.

Third. To prescribe rules and regulations for the government, discipline, equipment and uniform of the members and officers of the department, to fix their compensation, powers and duties and to prescribe and enforce penalties for violations of any of such rules and regulations.

Fourth. To appoint, upon the application of any person, firm or corporation, Special Police Officers who shall receive no pay from the city and who may be removed at any time by the board; provided, however, that such Special Police Officers shall be subject to all the rules and regulations of the board.

Fifth. To appoint, at times of public emergency, Special Policemen who shall serve for such time as is designated in their appointment and who shall receive such compensation as may be fixed by the board.

Sixth. To provide for the care, restitution, sale or destruction of such unclaimed property as may come into the possession of the department.

Seventh. To do any other acts which shall be necessary to the efficient equipment and operation of the Police Department of the city.

Sec. 6. In the organization of the Police Department the said board shall appoint a Chief of Police who shall keep a public office to be provided by the City Council, which office shall be open day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall, under the direction of the board, have control of the police force of the city. He shall have power to suspend any member of the police force for disobedience of any lawful order, for the violation of any rule or regulation adopted by the board, for the neglect of duty or for any conduct unbecoming a member of the police force, but shall immediately notify the board of such suspension by leaving a written notice of such suspension, giving his reasons therefor, with the Mayor, and thereupon the matter shall be in the hands of the board for its action thereon. The Chief of Police shall discharge all duties required of him by this Charter, by the ordinances of the city or by the rules and regulations of the board.

Sec. 7. In addition to the Chief of Police the board, in the organization of the Police Department, shall provide for a permanent Police Force which shall consist of such number of Policemen as the board shall from time to time deem necessary to preserve the peace, protect the lives and property of the citizens, and enforce all laws and ordinances within the city.

Sec. 8. The board shall have the exclusive control and management of the Fire Department of the city, and shall have power:

First. To organize the said department and change the said organization from time to time as in the judgment of the board seems best.

Second. To appoint, promote, suspend, reduce, or dismiss any officer or member of the department; provided, that no such officer or member shall be suspended, reduced, or dismissed without the reasons for such action being set out at length in the minutes of the board.

Third. To prescribe rules and regulations for the government, discipline, equipment, and uniform of the members and officers of the department, to fix their compensation, powers, and duties, and to prescribe and enforce penalties for violations of any of such rules and regulations.

Fourth. To do any other act that shall be necessary to the efficient operation and operation of the Fire Department of the city.

Sec. 9. It shall be the duty of the board to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires, to order the placing of hydrants and fire-alarm boxes for said purposes and to provide means for the proper care, handling, hauling and houseing of all apparatus belonging to the Fire Department.

Sec. 10. In the organization of the Fire Department the board shall provide for a Chief Engineer, who shall devote his whole time to the discharge of the duties of his office and shall, under the direction of the board, have control of the officers and men employed in the Fire Department. He shall have power to suspend any officer or employe of the department for disobedience of any lawful order, for the violation of any rule or regulation adopted by the board, for neglect of duty or for any conduct unbecoming a member of the department, but shall immediately notify the board of such suspension by leaving a written notice of such suspension, giving his reasons therefor, with the Mayor, and thereupon the matter shall be in the hands of the board for its action thereon. The Chief Engineer shall see that all the rules and regulations of the board relating to the Fire Department are enforced and shall be charged with the especial duty of superintending the extinguishment of fires and seeing that all property imperiled thereby is protected and guarded.

ARTICLE 6½.

WATER, WATER RIGHTS AND WATER WORKS.

[*Note: The powers and duties herein vested in the Board of Water Commissioners are vested in the Commission by Section 4 of Article 22.*]

Section 1. The Water Department of the city shall be under the control and management of a Board of Water Commissioners consisting of five members, four of whom shall be appointed by the Mayor and their appointment confirmed by the Council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this Charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

Sec. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The City Clerk shall act as Secretary of the board and keep the minutes thereof.

Sec. 3. All machinery, supplies and materials for the use of this department shall be purchased only on the recommendation or approval of said board, and contracts therefor shall be made only as provided by Article 10 of this Charter.

(Section 3, amendment of 1909.)

Original Section. Sec. 3. The board shall have authority to purchase all machinery, pumps, supplies, articles and materials for the use of the Water Department.

Sec. 4. The board shall have the exclusive control and management of all water and water works that now belong, or may hereafter be acquired by the city; the construction, maintenance, and improvement of such works; the management, rental, sale, and distribution of such water; the collection of rates for the same, and the general charge thereof. The board shall annually recommend to the Council the rates to be charged for such water, but such rates shall be fixed by the Council. The board may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about

said water works, or in the management, rental, sale, and distribution of such water, and the collection of rates for the same, and may prescribe and fix their duties, compensation, and authority; provided, however, that the board must adopt such Civil Service Regulations as to them may be deemed wise, subject to the approval of the City Council.

Sec. 5. All moneys received by the board from the collection of rates or otherwise shall be deposited in the treasury of the city to the credit of a fund to be known as the "Water Fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demand previously approved by vote of three members of the board, taken with ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the Mayor as the presiding officer of said board, and by the Clerk thereof, except that the City Council, at the time of fixing the general tax levy, may in its discretion by resolution, apportion and set apart out of the moneys then in said "Water Fund," an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time of fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment and for no other purpose; and if there shall be a surplus remaining the same shall forthwith be transferred into the said "Water Fund."

Sec. 6. None of the money in said "Water Fund," shall be apportioned or used for any purpose or purposes other than the following, to-wit:

First. For the necessary expenses of conducting the Water Department, operating the water works, and making all current and ordinary extensions, betterments and repairs.

Second. For the extraordinary improvement of and betterment to the property, works and systems of supply and distribution of the water controlled by the Water Department, including purchase of necessary lands, water rights and other property.

Third. The payment as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

Sec. 7. The Board of Water Commissioners shall present to the City Council annually in each year a detailed report for the year ending the 30th day of June, which shall show the amount of money received from all sources and purposes for which such money has been expended and amount so expended and balance on hand; also, the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the first Tuesday of each month, make out and present a similar statement of all the expenses and expenditures during the preceding calendar month.

(New article adopted Feb. 20, 1905.)

ARTICLE 7.

MISCELLANEOUS DEPARTMENTS.

Section 1. All departments of the public service and public works, not in this Charter otherwise provided for, shall be under the direction and control of the City Council, and the City Council may organize the same, and change such organization from time to time as to the City Council shall seem best. The City Council shall have power to appoint, promote, suspend, reduce or dismiss all officers or employes of such departments, fix the powers, duties and compensation of such officers and employes, prescribe rules and regulations for the government, discipline and equipment of such departments and to enforce penalties for the violation of any such rules and regulations; and shall have power to do anything that may be necessary to maintain said departments in a high state of efficiency.

ARTICLE 8.

LEGISLATIVE DEPARTMENT.

[*Note: The powers and duties herein given to the Council and Mayor are vested in the Commission by Section 4 of Article 22.*]

Section 1. The legislative power of the city shall be vested in a Council of seven members; provided, however, that such legislative power shall be exercised subject to the veto power of the Mayor as in this Charter provided.

(Amendment adopted February 20, 1905.)

Sec. 2. One of the members of the Council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be elected at large, by the qualified electors of the city. Each of the members of the Council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three (3) years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

(Amendment of 1909.)

Sec. 2. One of the members of the Council shall be nominated from each of the wards of the city and two from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the Council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years, immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated. (Amendment adopted Feb. 20th, 1905.)

Sec. 3. The members of the City Council first elected under this Charter shall so classify themselves by lot that two of their number shall hold office for two years and three of their number shall hold office for four years and thereafter their successors shall hold office for four years until their successors are elected and have qualified.

Sec. 3½. The Councilman from the Fifth Ward and the Councilman at Large to be elected on the first Monday of April, 1905, shall so classify themselves by lot that one shall hold office for two years, and one shall hold office for four years, thereafter their successors shall hold office for four years, and until their successors are elected and qualified.

(New section adopted Feb. 20, 1905.)

Sec. 4. The Mayor shall preside at all meetings of the Council and may take part in the deliberations thereof, but shall not have the right to vote.

In the absence of the Mayor the Council shall choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration and shall have the same power to disapprove any order made by the Council, and with like effect, as the Mayor would have had if present at the meeting. The member thus appointed shall be designated the President of the Council and in the event that the Mayor, for any reason, is temporarily unable to perform his official duties, the President of the Council shall act as Mayor Pro Tempore.

Sec. 5. Four of the members of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the Council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative votes of four members.

(Amendment adopted Feb. 20, 1905.)

Sec. 6. Ordinances and resolutions are the formal acts of the Council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by the Council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the Mayor. In the case of orders

the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the Council, must be submitted to the Mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and every ordinance and resolution to be valid must be passed by a vote of not less than four members of the Council and approved by the Mayor; provided, however, that if the Mayor disapproves any order or does not approve any resolution or ordinance within the time herein provided, it may be passed by vote of not less than five members of the Council and shall then be as valid as if approved by the Mayor.

(Amendment adopted Feb. 20, 1905.)

Sec. 7. The enacting clause of all ordinances shall be, "The Commission of the City of Pasadena ordains as follows."

This section shall go into effect upon the election and qualification of the Commissioners provided for in Article 22.

(Section 7, Amendment of 1913.)

Original Section. Sec. 7. The enacting clause of all ordinances shall be "The Mayor and City Council of the City of Pasadena do ordain as follows."

Sec. 8. All ordinances adopted under this Charter shall be published, in the English language, at least once in a newspaper published in the City of Pasadena, and until such publication no ordinance shall take effect.

Sec. 9. All meetings of the City Council shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on the final action of the City Council in the granting of franchises, in the authorization of contracts, in the ordering work to be done or supplies furnished, in the ordering of assessments for street improvements, or the building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

Sec. 10. The City Council shall have power:

First. To fix the time and place of its meetings, to compel the attendance before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer, by a fine of not exceeding Fifty Dollars, for disorderly or contemptuous behavior in its presence.

Second. To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this Charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this Charter. The power of the City Council, however, to enact General Penal Ordinances (except Rate Ordinances) in the exercise of the police power vested in the city shall be limited to the months of September and March of each year, provided, however, such ordinances may be passed at other times by unanimous vote of all members of the City Council when imperatively demanded for the immediate preservation of the public peace, health or safety. The limitation herein made upon the power of the City Council shall be confined strictly to the ordinances last referred to and shall not apply to the enactment of other ordinances which the City Council is empowered to enact.

(Subdivision 2, amendment of 1913.)

Original Section. Second. To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this Charter, necessary for the

municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this Charter.

Third. To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for State and County purposes.

Fourth. To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting.

Fifth. To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all gas and electric light meters within the city, and to provide for the inspection of such meters.

Sixth. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connections within the city.

Seventh. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.

Eighth. To regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city.

Ninth. To license and regulate the keeping of dogs, and to prevent the same from running at large, and to authorize the destruction thereof.

Tenth. To establish pounds and pound districts which shall be under the supervision and control of a Poundmaster, and restrain the running at large of poultry, horses, mules, cattle, swine, sheep and other animals, and to authorize the destruction and sale of the same.

Eleventh. To establish, license or regulate markets and market houses.

Twelfth. To provide for and regulate the inspection by the Health Officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome products.

Thirteenth. To provide for the inspection of and to regulate the sale of bread within the city and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

Fourteenth. To provide for and regulate the manner of weighing hay, straw and coal and the selling of the same, and the measuring and selling of firewood within the city.

Fifteenth. To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Sixteenth. To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for light-

ing, power or other purposes, and the manner and materials used for piping buildings or other structures, for the purpose of supplying same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

This subdivision shall not and nothing in this Charter shall, be taken or construed as exempting or withdrawing any public school buildings from regulations made by the City Council pursuant to this and other similar grants of power, but such buildings and the electrical wiring and plumbing installations therein shall be subject to any such regulations equally and to the same extent as other buildings.

(Subdivision 16, amendment of 1913.)

Original Section. Sixteenth. To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

Seventeenth. To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fires.

Eighteenth. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fire.

Nineteenth. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within said fire limits.

Twentieth. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein.

Twenty-first. To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses and other structures, apparatus and operations hazardous to life and property and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos and other apparatus generating steam or electricity.

Twenty-second. To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.

Twenty-third. To regulate lodging, tenement and apartment houses and to prevent the over-crowding of the same and to require the same to be put and kept in proper sanitary condition.

Twenty-fourth. To provide for and regulate the inspection of all dairies either within or without the city limits that offer for sale or sell any of their products in the city.

Twenty-fifth. To provide for the naming of streets and the numbering of houses, and to regulate or prohibit the exhibition of banners,

flags, placards or signs across the streets, sidewalks or public places of the city.

Twenty-sixth. To regulate or prohibit the loading or storing of gunpowder and other combustible and explosive materials in the city and the transportation of the same through the streets of the city.

Twenty-seventh. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as it may deem proper, to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive, or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Twenty-eighth. To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons, and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

Twenty-ninth. To regulate street railroads, their tracks and cars; to compel the owners of two or more such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Thirtieth. To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

Thirty-first. To grant the right to erect or lay telegraph, or telephone wires, to construct and operate street railroads to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; provided, however, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this Charter contained relating to the granting of franchises.

Thirty-second. To make arrangements for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the Police Court, and to provide that all such persons shall work upon the streets, or do other public work.

Thirty-third. To restrain or punish vagrants, mendicants, street beggars, and lewd persons, and prevent diseased, maimed, injured, or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness and all obnoxious, offensive, immoral, indecent, and disorderly conduct and practices in the city.

Thirty-fourth. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious, or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control, and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious disease.

Thirty-fifth. To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

Thirty-sixth. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

Thirty-seventh. To set apart and dedicate as a boulevard or

boulevards any street or streets or portions of a street or streets in the city.

Thirty-eighth. To maintain Police and Fire Departments.

Thirty-ninth. To suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the Mayor shall appoint a substitute for such officer during suspension. In voting upon the suspension or removal of officers the Council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

Fortieth. To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this Charter made, as the Council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

Forty-first. To pass ordinances upon any other subject of municipal control, or to carry into force or effect any other powers of the municipality.

Forty-second. To adopt by ordinance at any time any provisions made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the County.

Forty-third. To prescribe by ordinance the duties of all officers whose duties are not defined by this Charter, and it may be ordinance prescribe for any officer duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this Charter, and may fix the hours during which the public office of any city officer shall remain open, if not otherwise herein provided for.

Sec. 11. If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the Council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the Council, his office shall thereupon be declared vacant by the Council, if the office is an elective one, and by the Mayor, if the office is an appointive one; and the vacancy shall thereupon be filled by the Council if the office is an elective one, and by the Mayor, with the approval of the Council, if the office be an appointive one, unless otherwise provided for in this Charter.

INITIATIVE.

Sec. 12. Whenever there shall be presented to the Council a petition signed by a number of city electors equal to ten per centum of the votes cast in the city at the last preceding State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city, such proposed ordinance must be submitted to the vote of the electors at the next general city election, unless the said ordinance shall have been adopted more than thirty days prior to such election.

Sec. 13. Whenever there shall be presented to the Council a petition signed by a number of city electors which shall equal thirty per centum of the votes cast at the last preceding State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city at a special election to be called for that purpose, such special election shall be called, and such proposed ordinance must be submitted to the vote of the electors at

such special election, unless the Council shall within thirty days after having received said petition duly adopt such ordinance.

Sec. 14. The Council may, at such general or special election, submit an alternative ordinance for the choice of the electors, and any number of proposed ordinances may be voted on at the same election.

Sec. 15. The signatures to such petitions need not all be appended to one paper, but each signer shall add to his name his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Sec. 16. The tickets used at such elections in voting on such ordinances shall contain the words, "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance).

Sec. 17. If a majority of the votes cast upon the question of such ordinance shall be in favor of the adoption thereof, the Council shall, within twenty days from the time of such election, proclaim such fact by publishing such proclamation attached to a copy of such ordinance at least once, in the English language, in a newspaper published in the city, and thereupon such ordinance shall have the same force and effect as an ordinance passed by the City Council and approved by the Mayor, and the same shall not be repealed by the Council.

The Council may submit a proposition for a repeal of such ordinance or for amendments thereto, to be voted upon by the electors of the city at any general election, and should such proposition so submitted receive a majority of the votes cast thereon at such election such ordinance shall, by the Council, be repealed or amended accordingly.

Sec. 18. All resolutions and ordinances of the city now in force and not inconsistent with the provisions of this Charter shall remain in force until amended or repealed.

ARTICLE 9.

STREETS.

Section 1. Whenever the City Council shall deem it expedient to establish the grade of the whole or any part of any street, avenue, lane, alley, court, or place in said city, the same shall be done by ordinance.

Sec. 2. Whenever the City Council shall deem it expedient to alter the established grade of the whole or any part of any street, avenue, lane, alley, court, or place in said city, said Council shall by ordinance declare its intention to alter such established grade, in which ordinance must be specified the grade that is proposed to be established; and shall publish such ordinance at least ten days in a daily newspaper published and circulated in the City of Pasadena.

Sec. 3. Within ten days after the first publication of such ordinance, any owner of property fronting on such street, or part thereof whereon said change is proposed, may make and file with the City Clerk a written remonstrance against the proposed change of grade, setting forth in detail the damage which will arise to him by reason of the proposed change of grade, and thereupon the same shall not be further proceeded with or made without compensation to such owner for any damage which may be occasioned to him by said change. The said damage shall be ascertained, if possible, by agreement between such owner and the Council, and in case such agreement cannot be reached with such owner, the amount of damage justly payable to such owner shall be determined by an action in the name of the city against him, and in case there is remonstrance from more than one, all said remonstrants may be joined as defendants in said action and all of their damages determined therein.

Sec. 4. The cost of providing crosswalks, and of improving all

intersections of streets, including the cost of constructing sewers therein, and of space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, except the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in the special assessment for the proposed work. When a sewer is to be constructed within said last mentioned space, half of the cost of said sewer shall be assessed against the property abutting against said space extended, and one-half of said cost shall be paid out of the general or other appropriate fund of the city.

Sec. 5. Except as otherwise herein or by ordinance of the city provided, the general law or laws of the State of California now in force, or which may hereafter be adopted by the Legislature of this State, providing for the laying out, opening, extending, widening, straightening, or closing up, in whole or in part, of any street, square, lane, alley, court or place within municipalities, for condemning and acquiring any and all land and property necessary or convenient for such purposes, for the paving, curbing, guttering, sidewalking and other improvement of streets, squares, lanes, alleys, courts or places, for the construction of sewer, water, storm water or other mains, ditches, pipes or conduits, for the planting, maintenance or care of shade trees or shrubbery upon or along streets, lanes, alleys courts, rights of way and places within municipalities, and for the eradication of weeds and removal of rubbish within municipalities, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent such assessment, are hereby made a part of this Charter; provided, however, that the Council shall have power at any time by ordinance to abandon or re-adopt the modes or systems so provided for, or relative to, or adopt or provide or change different modes or systems for, or relative to, said work and purposes, or any of them, and for the levying and collection of assessments upon property for the doing of said work or carrying out of said purposes, and for the issue of improvement bonds to represent assessments for the cost of doing said work or carrying out said purposes.

(Section 5, amendment of 1909.)

Original Section. Sec. 5. Except as provided herein, the general law of the State of California relative to the improvement of, and the work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and for providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this State, is hereby made a part of this Charter, and shall govern the City Council in such matters.

Sec. 6. Upon a petition of the owners of a majority of the frontage abutting upon any street or part thereof, the Council shall have power by ordinance to require, or provide, or adopt general law or laws, for the planting, maintenance or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provision of enforcement of such lien by the sale of property or otherwise.

(New section added 1909.)

Sec. 7. The Council shall have power by ordinance to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien

or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise.

(New section added 1909.)

Sec. 8. The Council shall have power by ordinance to require or provide for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provision for the enforcement of such lien by the sale of such lots or lands, or otherwise.

(New section added 1909.)

Sec. 9. The Council shall have power by ordinance to require the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to construct sewer, water or gas, or other mains or conduits, to connect their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provision for the enforcement of such lien by the sale of property or otherwise.

(New section added 1909.)

Sec. 10. The performance of any act or work by this article authorized to be done by the Council may be delegated to, or done through or by the aid of the Board of Park, Police and Fire Commissioners or other officers or officer of the city.

(New section added 1909.)

ARTICLE 10.

CONTRACTS.

Section 1. The City of Pasadena shall not be, and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the Council and signed by the Mayor or by some other person in behalf of the city, authorized so to do by the Council; provided, that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the Council shall have power to order the same to be entered into in behalf of the city; but the Council may authorize any officer, board, commission or agent of the city to bind the city, without a contract in writing, and without advertising, for the payment for supplies, labor or other valuable consideration furnished to the city, in an amount not exceeding One Hundred Dollars, and by motion duly passed by five Councilmen, and approved by the Mayor, may authorize any officer to so bind the city for said purposes in a larger amount, not exceeding Five Hundred Dollars; provided, however, that the respective manager or superintendent of the Electric Lighting or Water Departments of the city may contract for the sale of electricity and water respectively by the city upon general forms of contract approved, and at rates fixed, by the City Council.

Provided further, that the restrictions and provisions of this section shall not apply to labor or services rendered by persons in the employ of the city at salaries or wages fixed by ordinance or by this Charter.

[Note: Section 3 of Article 22 provides that "whenever more than a majority vote of the City Council is required to adopt any measure, then an affirmative vote of four of the Commission shall be necessary to adopt such measure." therefore a vote of four of the Commission is necessary and sufficient to authorize any officer of the city to bind the city in an amount larger than \$100.00 and not exceeding \$500.00.]

Sec. 2. Except as otherwise provided in this Charter, all contracts for goods, merchandise, stores, supplies, materials, substance

or printing for the city or for any of the departments or public institutions thereof, must be made by the City Council with the lowest bidder offering adequate security for the faithful performance of the contract after the publication for at least three days in a newspaper published in said city of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice.

Sec. 3. All bids must be accompanied by a certificate of deposit or certified check or draft or a cashier's check or draft of or on some responsible bank in the United States for an amount equal to ten per cent. of the bid; the said certificate of deposit or certified check or draft or cashier's check or draft must be in favor of and payable at sight to the City Clerk. If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check or draft and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Sec. 4. The Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the City Attorney, as to form, shall be approved by the Mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the Mayor.

Sec. 5. All bids must be placed in a sealed envelope and delivered to the City Clerk and opened by the Council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this Charter or are not in accord with the terms of the notice calling for bids must be rejected. The Clerk shall return to the unsuccessful bidders their certificates of deposit, drafts or checks. He shall retain the certificate of deposit, check or draft of the successful bidder until after the approval by the Mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit, check or draft to such successful bidder.

(Sections 1, 2, 3, 4 and 5, amendment of 1909.)

Original Sections 1, 2, 3, 4 and 5. Section 1. The City of Pasadena shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the Council and signed by the Mayor or by some other person, in behalf of the city, authorized so to do by the Council; provided, that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the Council shall have power to order the same to be entered into in behalf of the city; but the Council, by an ordinance duly adopted, may authorize any officer, board or Commission or agent of the city to bind the city without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the city in an amount not exceeding one hundred dollars.

Sec. 2. All contracts for goods, merchandise, stores, supplies, materials, subsistence or printing, except as otherwise provided in this Charter, for the city or for any of the departments or public institutions thereof, must be made by the City Council with the lowest bidder offering adequate security for the faithful performance of the contract, after the publication of a notice calling for bids in a newspaper published in said city for at least ten days before the day upon which the said bids are to be opened by the Council.

Sec. 3. All bids must be accompanied by a certificate of deposit issued by or a certified check drawn on a solvent bank doing business in the City of Pasadena for an amount equal to ten per centum of the bid; the said certificate of deposit or certified check must be payable at sight to the City Clerk. If the bidder to whom the contract is awarded shall for five days after such award, fail or neglect to enter into the contract and file the required bond, the Clerk shall draw the money due on such certificate or check and pay the same into the treasury, and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

Sec. 4. The Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the City Attorney as to form, shall be approved by the Mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the Mayor. The City Clerk shall furnish printed blanks for all such bids, contracts and bonds.

Sec. 5. All bids must be placed in a sealed envelope and delivered to the City Clerk and opened by the Council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this Charter or are not in accord with the terms of the notice calling for bids

must be rejected. The Clerk shall return to the unsuccessful bidders their certificates of deposit or checks. He shall retain the certificate of deposit or check of the successful bidder until after the approval by the Mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit or check to such successful bidder.

Sec. 6. All contracts for official advertising shall be let annually in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city; provided, that the said newspaper shall have been in existence at the time of awarding said contract at least two years.

Sec. 7. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided herein in the first instance. When the Council believes that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby, they may reject any and all bids and cause the notice calling for bids to be readvertised.

Sec. 8. No contract for removing garbage, sweeping, sprinkling, or lighting the streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer be valid.

ARTICLE 11.

CLAIMS AND DEMANDS.

[Note: The following extract from Ordinance No. 1348 should be read in connection with the provisions of this article.]

Section 12. All claims and demands whatever against the City of Pasadena, except interest coupons on bonds, and bonds of the funded debt, shall be on forms to be supplied by the City Clerk, and before being presented to the commission shall be presented for approval to the officer authorizing the expenditure, and to the commissioner in whose department the claim or demand arose, who shall each endorse his action thereon with the date thereof. Where a claim or demand does not arise in any of the five departments, it shall be so presented to and be acted on by the Commission of Public Affairs. In the matter of claims and demands, the Commissioner of Public Finance shall have and exercise the powers and duties conferred on the Mayor by Article 11 of the Charter, provided, that as to claims and demands arising in Department of Public Finance the Commissioner of Public Affairs shall have and exercise such powers and duties. In the matter of claims and demands the Commission shall have and exercise the powers and duties conferred on the City Council, the Board of Water Commissioners, and the Library Board by Article 11 of the Charter.

Section 1. Except as otherwise provided in this Charter all demands payable out of the treasury must, before they can be approved by the Auditor or paid by the Treasurer, be approved by the Council and the Mayor.

Sec. 2. All claims and demands whatever against the City of Pasadena, except interest coupons on bonds, and bonds of the funded debt, shall be paid only on demands as herein provided for.

Sec. 3. Said demands, except demands payable out of the school fund, water fund and library fund, shall be presented to the Council on forms to be supplied by the City Clerk. The Council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determines, approve in part or reject the whole. The action of the City Council shall be endorsed thereon, with the date of such action and certified by the signature of the City Clerk.

(Amendment adopted Feb. 20, 1905.)

Sec. 4. Any such demand, approved by the Council, in whole or in part, shall be delivered to the Mayor, who shall approve the same, in whole or in part, or reject the same and endorse such approval of rejection thereon, with the date of such action; provided that the Mayor shall have no power to approve a demand for a sum larger than the

sum for which it is approved by the Council. If the Mayor approves only in part, or for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

Sec. 5. Any demand approved by the Mayor for the same amount as approved by the Council must, before it can be paid, be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. After such examination, he shall approve or reject the claim in whole or in part, and endorse on such demand his approval or rejection, over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim is rejected in whole or as to any part of it (unless the party presenting it is willing to accept and receipt for it in full of the entire demand the sum offered), the Auditor shall return it, with his reasons for rejecting it, to the Council, board or other body which originally authorized it. No demand upon the city treasury shall be considered presented for action, or acted upon, allowed or approved by the Council, or any board or commission of said city, unless it specifies on its face each item composing such demand; and the amount and date thereof.

Sec. 6. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed, either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

Sec. 7. All demands payable out of the school fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand, and signed by the presiding officer, and the Clerk thereof. After the approval of said demands, they shall be delivered to the City Auditor, who shall have the same powers, and shall perform the same duties in reference to demands payable out of the school fund as is provided for other demands; provided, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Education, instead of the Council.

[*Note: By the adoption of Article 22, Section 7½ and 8 hereof have become inapplicable.*]

Sec. 7½. All demands payable out of the "Water Fund" must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Water Commissioners by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demand and signed by the Mayor as the presiding officer of such board, and by the Clerk thereof. After the approval of said demands, they shall be delivered to the City Auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the "Water Fund" as is provided for other demands; provided, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part he shall return the same to the Board of Water Commissioners, instead of the Council.

(New section adopted Feb. 20, 1905.)

Sec. 8. All demands payable out of the library fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Library Trustees by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes of the board, and the action of said board, with the date of such action

endorsed on said demands, and signed by the Mayor, as presiding officer, and by the Clerk of said board.

After the approval of said demands, as herein provided, they shall be delivered to the City Auditor, who shall have the same powers, and perform the same duties in reference to demands payable out of the library fund as are provided for other demands; provided, that in case the City Auditor shall reject any such demands, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Library Trustees.

Sec. 9. Any demand returned to the Council, with the objections of either the Mayor or the Auditor, shall again be considered by the Council, and if it shall again be approved by the Council and endorsed and certified as required by Section Three of this Article, the said objection shall thereby be over-ruled. Any demand returned to the Board of Education, the Board of Water Commissioners, or to the Board of Library Trustees with the objection of the City Auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the City Auditor shall thereby be over-ruled. Any demand, the objection of the Mayor to which has been over-ruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand, the objection of the City Auditor to which has been over-ruled by the City Council, the Board of Education, the Board of Water Commissioners or the Board of Library Trustees, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand as in the case of demands approved by the Mayor.

(Amendment adopted Feb. 20, 1905.)

Sec. 10. No demand can be approved by any board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

Sec. 11. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this Charter, nor unless the demand which is paid be duly audited as in this Charter provided. The term "audited," as used in this Charter, with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers, as required by this Charter, or the objections of the Mayor or City Auditor, or both, as the case may be, have been over-ruled, as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited.

Sec. 12. No demand shall be approved by the City Auditor in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this Charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law or this Charter, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this Charter or ordinances of the city, or any act of the legislature regulating the duties of such officer on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this Charter or by ordinance, and the City Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

Sec. 13. The City Auditor must number and keep a record of all demands on the treasury approved by him, or his objections to which have been over-ruled, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the City Auditor to deliver any demand with his approval thereon, or otherwise until this requisite has been complied with.

Sec. 14. Every lawful demand upon the treasury, audited and allowed as in this Charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and the demand cancelled with a punch cutting the word "cancelled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Council or other authority, and also by the Auditor to each demand presented; also when presented, the date, amount, name of original holder, and on what account allowed, and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand, upon being so registered, shall be returned to the party presenting it, with the endorsement of the word "registered," dated and signed by the Treasurer; but the registration of any demand shall not operate to recognize or make valid such demand, if incurred contrary to law or any of the provisions of this Charter.

Sec. 15. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of the bonded indebtedness of the city, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Sec. 16. Before any demand which originates in the Fire, Police, or Park Departments of the city government can be approved by the Council it must first be approved by the Board of Commissioners having charge of such departments by a vote of at least three members thereof, and the approval of such Board of Commissioners, with the date of such approval, must be endorsed on such demand and must be evidenced by the signature of the Mayor as the presiding officer of such board, and by the Clerk of the said board.

(Amendment adopted Feb. 20, 1905.)

Sec. 17. All public moneys collected by any officer or employe of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employe, or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited, and paid.

Sec. 18. No suit shall be brought upon any claim for money or damages against the City of Pasadena, its Board of Education, Board of Water Commissioners, or the Board of Library Trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

(Amendment adopted Feb. 20, 1905.)

ARTICLE 12.

REVENUE AND TAXATION.

Section 1. On or before the first Monday in July in each year the several heads of departments, offices, board and commissions shall send to the City Council an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards and commissions during the year. Duplicates of these estimates shall be sent to the Auditor.

Sec. 2. On or before the first Monday of July of each year, the Assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all the original lists of property given to him to the City Auditor, and the Auditor shall thereupon notify the City Council and the City Clerk shall thereupon notify the taxpayers of the fact and of the time the City Council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps and other papers accompanying the same must remain in the office of the City Auditor for the inspection of all persons interested.

Sec. 3. The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

Sec. 4. The Council shall, at the time and in the manner required by the ordinances of the city relative thereto, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists powers similar to those conferred by law upon the Board of Supervisors of Los Angeles County as a Board of Equalization of State and County taxes.

Sec. 5. The meetings of said Board of Equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property; provided, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned by the Council to the Auditor.

Sec. 6. On or before the first Monday in August in each year, the Auditor shall prepare and transmit to the Council an estimate of the probable expenditure of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

Sec. 7. The Council shall, annually between the fifteenth day of August and the twenty-second day of August and by a vote of a majority of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Council may determine.

Sec. 8. The budget shall, when completed by the Council, be delivered to the Mayor who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and City Clerk, and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the Auditor.

(Amendment adopted Feb. 20, 1905.)

Sec. 9. The Council must cause to be raised annually according

to law and collected by tax, the amounts so appropriated less the amounts received from fines, licenses and other sources of revenue.

Sec. 10. The Council may appropriate in the aggregate during each year not to exceed Twenty-five Hundred Dollars (\$2,500.00) for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least five members of the Council and approved by the Mayor.

(Amendment adopted Feb. 20, 1905.)

Sec. 10 (a). The Council shall appropriate in the aggregate during each year not less than Five Thousand Dollars (\$5,000.00) or more than Fifteen Thousand Dollars (\$15,000.00) to be expended for promotion, publicity and entertainment purposes.

(New Section added 1913.)

Sec. 10 (b). The Council shall appropriate in the aggregate during each year not less than Five Thousand Dollars (\$5,000.00) or more than Ten Thousand Dollars (\$10,000.00) to be expended for the care of the sick and helpless.

(New Section added 1913.)

Sec. 11. The Council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of the tax levy shall be named for each fund, and the whole amount of the taxes and revenue of the city apportioned accordingly, and no transfers shall be made, except of balances in excess of requirements or from the general fund to meet deficiencies in any fund, unless otherwise provided in this Charter.

Sec. 12. The Council shall, on or before the first Monday of September, in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; provided, that the rate of taxes so levied shall not exceed, in any one year, one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest of the bonded indebtedness of the city or for school purposes.

Sec. 13. As soon as the City Council has fixed the rate of taxes for the year, the Auditor must complete, and enter in a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the Collector with the full amount of the taxes levied.

Sec. 14. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

Sec. 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and County taxes levied in Los Angeles County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter,

shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and County taxes in said County; provided, however, that the Council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of State and County taxes in said County.

Sec. 16. All sales for delinquent taxes shall be made to the City of Pasadena unless otherwise regulated by ordinance.

Sec. 17. The Council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

Sec. 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State and County taxes, and the Council shall have the same powers and duties in relation to such property as are given by law to the State Board of Equalization in case of a sale to the State, but no certificate or receipt need be delivered to the State Controller.

Sec. 19. No officer shall be required to send or transmit any statement or report to any State officer or board.

Sec. 20. All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue or taxation laws of this State, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the County Recorder of Los Angeles County.

Sec. 21. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high-school building, sewer, property, water right, bridge, or other public improvement, or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in Section Eighteen of Article Eleven of the Constitution of this State and general law or laws thereof; provided, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

Sec. 22. It shall be the duty of the Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Sec. 23. Immediately after fixing the assessment of such property he shall serve on its owner or owners a notice in writing, which shall certify the assessed valuation of the property, the rate of taxation, and the amount of tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so

assessed. Upon the expiration of three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure of any personal property owned by the delinquent.

Sec. 24. The said sale shall be made by him in the manner provided in Sections Thirty-seven Hundred and Ninety-one, Thirty-seven Hundred and Ninety-two, Thirty-seven Hundred and Ninety-three, Thirty-seven Hundred and Ninety-four, Thirty-seven Hundred and Ninety-five, and Thirty-seven Hundred and Ninety-six of the Political Code of the State of California; provided, that the newspaper referred to in Section Thirty-seven Hundred and Ninety-two shall be published in the City of Pasadena.

Sec. 25. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Sec. 26. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

Sec. 27. The Assessor shall carefully note upon his assessment list, and also in a book to be kept for the purpose, all collections made by him under this section, and shall turn over to the City Treasurer all money received immediately upon its receipt.

Sec. 28. In case the Assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond to recover the same.

ARTICLE 13. FRANCHISES.

Section 1. Plenary control over all primary and secondary uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than twenty (20) years, unless there be reserved to the city the right to take over at any time the works, plant and property constructed under the grant at their physical valuation and without compensation for franchise or good will. The City Council may by ordinance adopted by unanimous vote of all its members provide a method whereby franchises may be granted and from time to time in like manner change the method so provided. Until such provision is made the method provided by the general laws of the State shall apply.

[*Note: Following is an excerpt from Ordinance No. 1320.*]

Section 1. No application for a franchise shall be considered by the City Council unless the application shall be accompanied with the sum of One Hundred Dollars (\$100.00), which sum shall be returned to the applicant in the event that the City Council shall determine that neither the public necessity nor the public interest requires the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of One

Hundred Dollars (\$100.00) shall be retained by the City in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise, and granting the same.

(Article amended 1913.)

Original Article. Section 1. No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

Sec. 2. No application for a franchise shall be considered by the Council unless the application shall be accompanied with the sum of Three Hundred Dollars (\$300.00), which sum shall be returned to the applicant in the event that the City Council shall determine that neither the public necessity nor the public interest requires the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of Three Hundred Dollars (\$300.00) shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise and the granting of the same.

Sec. 3. In granting franchises the City Council shall, subject only to the provisions of the Constitution of the State of California impose such conditions, restrictions and limitations as in their judgment may best subserve the public interest and welfare, but no franchise shall be granted for a longer period than twenty years; provided, however, that franchises to construct and maintain street railways upon streets in or over which at the time the franchise is applied for or granted or within two years theretofore are or were constructed, no street railway or railways under franchise from the city, may be granted for a period not exceeding thirty years. (Section 3, Amendment of 1909.)

Sec. 3. In granting a franchise the City Council shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare; provided, however, that no franchise shall be granted for a longer term than twenty years. (Amendment adopted Feb. 20th, 1905.)

Sec. 4. In the granting of franchises the city and City Council shall be governed by the general law of the State in force at the time, which is hereby declared to be, and is hereby made, a part of this Charter, so far as it is or may be applicable to the class of cities to which this municipality may belong.

Sec. 5. No franchise for the operation of any street railroad along or upon any street or portion of a street which has, by the City Council, been set apart and dedicated as a boulevard, shall be granted by the City Council unless the owners of a majority of the frontage of the property fronting on such boulevard shall file with the council a petition asking that such franchise be granted.

ARTICLE 14.

ALCOHOLIC LIQUORS.

Section 1. No person, either as principal, agent, servant, or employe, shall open, establish, keep, maintain or carry on within the corporate limits of Pasadena any tipping house, dram shop, cellar, saloon, bar, bar-room, sample room, buffet or other place where spirituous, vinous malt or other alcoholic liquors are sold or given away; provided, however, that it shall be lawful:

(a) For any hotel having at least one hundred (100) sleeping rooms, to furnish such liquors in its dining rooms, with its regular service of meals to its bona fide registered guests (except minors); except as permitted by the following subdivision, no resident of Pasadena shall be deemed a bona fide guest unless he be a permanent resident guest of such hotel.

(b) For any hotel, boarding house or restaurant under such restrictions and regulations as may be adopted by the Council to furnish vinous or malt liquors to its guests (except minors) in the dining rooms thereof with and as a part of a regular meal costing not less than twenty (20) cents, exclusive of such vinous or malt liquors, and served and consumed between the hours of 11:30 A. M. and 2:00 P. M., and between the hours of 5:30 P. M. and 8:00 P. M., and at no other time or place.

(c) For any regularly licensed druggist (1) to sell such liquors upon the written prescription of a practicing physician regularly licensed in the State of California, and (2) to sell alcohol for scientific and mechanical uses.

Sec. 2. The City Council shall have power to grant a permit to any person to furnish liquors as provided in Section 1 hereof, and may revoke any such permit when the person to whom it has been granted shall have been proven to such Council guilty to a violation of any of the provisions of this article or the ordinances adopted pursuant thereto, or shall have been convicted in any court of competent jurisdiction of such violation. Such permit shall be issued without charge,

and without it, no person shall engage in the business of selling or furnishing liquor.

(For provisions relating to issuance and revocation of permits hereunder see Ordinance No. 1322.)

Sec. 3. It shall be lawful to deliver any such liquors to the hotel, boarding house, restaurant or drug store for which a permit has been issued, or to any resident at his home, provided that such liquors shall be delivered in receptacles effectively concealed from view, in vehicles without any advertisement thereof or any mark or designation of any manufacturer thereof; any other delivery shall be unlawful.

Sec. 4. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable for a first offense by a fine of not more than Five Hundred Dollars (\$500.00) nor less than One Hundred Dollars (\$100.00) at the discretion of the court in which such conviction is had; and for any subsequent conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) nor less than Two Hundred Dollars (\$200.00) and by imprisonment for not more than six (6) months nor less than ninety (90) days.

Sec. 5. All provisions of Ordinance No. 1157 prohibiting sales to minors, soliciting, advertising, screens and pool room connections and regulating the filing and inspection of prescriptions not in conflict herewith are continued in full force and effect.

(Amendment No. 10, amendment of 1913.)

Original Article. Section 1. No person either as principal, agent, servant or employe, shall open, establish, keep, maintain or carry on within the corporate limits of Pasadena, any tipping house, dram shop, cellar, saloon, bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; provided, that this section shall not apply to hotels, boarding-houses or restaurants furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the Council; and provided further, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Sec. 2. Any person violating Section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) and not less than One Hundred Dollars (\$100.00), or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE 15.

JUDICIAL DEPARTMENT.

Section 1. There is hereby created and established in and for the City of Pasadena a Police Court, which is hereby vested with the judicial power of the city.

Sec. 2. The Police Court shall be presided over by a Judge, who shall be appointed by the Mayor and his appointment confirmed by the Council, and who may be removed by the Mayor at any time with the consent of the Council.

Sec. 3. The Judge of the Police Court shall be a citizen of the State, and a resident and qualified elector of the city. He shall have been duly admitted to practice as an Attorney-at-Law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of two years next preceding his appointment.

(Amendment adopted Feb. 20, 1905.)

Sec. 4. The said Police Court shall have jurisdiction of the following offenses committed within the corporate limits of said city:

First. Petit larceny.

Second. Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.

Third. Breaches of the peace, routs, riots, affrays, committing

a wilful injury to property, and all misdemeanors punishable by fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment not exceeding six months, or by both such fine and imprisonment.

The said Police Court shall have exclusive jurisdiction:

First. Of all proceedings for the violation of any ordinance of the city, both civil and criminal.

Second. Of any action for the collection of any taxes or assessments levied for any city purposes when the amount of the tax or assessment sought to be collected against the person assessed is less than Three Hundred Dollars (\$300.00), but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action.

Third. Of any action for the collection of money payable to the city or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than Three Hundred Dollars (\$300.00).

Fourth. For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than Three Hundred Dollars (\$300.00).

Fifth. For the recovery of personal property belonging to the city when the value of the property, exclusive of the damages for the taking or detention, is less than Three Hundred Dollars (\$300.00).

Sec. 5. In the exercise of his jurisdiction the Police Judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venires, executions and all other process necessary and proper and may administer oaths.

Sec. 6. In all cases in which the Judge of the Police Court is interested or in which he is related to a party to the action or proceeding either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any Justice of the Peace of the County of Los Angeles may, at the written request of the Judge, act in his place and stead.

Sec. 7. The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said Court, and shall pay weekly into the City Treasury all fines, and other money received by him belonging to the city. He shall, on the first Monday of each month, file with the Auditor an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city.

Sec. 8. The city shall furnish a suitable room for said Police Court, and shall also furnish the necessary dockets and blanks for the use of said Court.

Sec. 9. All fees received or collected by the said Court shall be the property of the city.

Sec. 10. The rules of practice and mode of proceeding in the Police Court shall be the same as are, or may be, prescribed by law for Justices' Courts in like cases; and appeals may be taken to the Superior Court of the County from all judgments of said Police Court in like manner, and with like effect as in cases of appeals from Justices' Courts.

Sec. 11. The Council shall have power to provide for the separate detention and trial of, and a probation system for, juvenile offenders against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this Court has jurisdiction.

(New section added 1913.)

Sec. 12. The Judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this

Court; provided, that said parole so granted may be revoked at any time by the Judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

(New section added 1913.)

ARTICLE 16.

DEPARTMENT OF EDUCATION.

Section 1. The School Department of the said city shall comprise all the schools within the City of Pasadena or within the territory that is now, or may hereafter be, annexed thereto for school purposes, and shall be known as the Pasadena City School District, which shall succeed to all the property, rights and privileges of the former Pasadena City School District and shall consist of primary, grammar and high schools, as now established, and kindergartens, and may, at the discretion of the Board of Education, include technical or industrial schools and night schools; provided, that no school money shall be used for technical or industrial schools or night schools when such use will prevent the board from maintaining free kindergarten, primary, grammar and high schools for nine months in each year.

Sec. 2. The government of the schools of the said district is hereby vested in a Board of Education consisting of five members to be elected from the school district at large, who shall serve without compensation.

The members of this board shall be elected on the first Friday in June, following the first and each subsequent regular election held under this Charter, and shall hold office for the term of four years, and until their successors are elected and duly qualified; provided, however, that said members so elected at the first election of members of the Board of Education held after the adoption of this Charter shall so classify themselves by lot that the term of two of them shall be for two years, and of three for four years, and thereafter alternately, on the first Friday in June following the regular municipal election, there shall be elected, respectively, two and three members of said Board of Education.

The officers of the election for members of the Board of Education shall receive the sum of Three Dollars (\$3.00) each as compensation for their services.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State regulating elections for Trustees in school districts.

Sec. 3. The Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the board shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. No business shall be transacted at such special meeting that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of at least three members shall be necessary to pass an order or elect teachers. The sessions of the board shall be public, and its minutes open to inspection. The board may determine the rules of its proceeding, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the board. Any vacancy occurring on the board shall be filled by the remaining members of the board, and if there be no members, then by the City Council.

Sec. 4. The powers and duties of the Board of Education are as follows:

First. To establish and maintain public schools as herein provided, and to change, consolidate and discontinue the same.

Second. To manage and control the school property.

Third. To employ and dismiss teachers, janitors, school-census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter and allow, and order paid, their salaries or compensations, and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fourth. To make and enforce all necessary rules and regulations for the government and progress of the public schools, and to carry into effect the laws relative to education.

Fifth. To establish and regulate the grade of schools and determine the courses of study, the mode of instruction, and what text books, other than those published by the State, shall be used in said schools.

Sixth. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seventh. To select plans for and supervise and control the construction of school buildings, to alter, repair, or rent the same, and to furnish them with proper school furniture, apparatus and appliances, and to insure any and all school property.

Eighth. To take charge of any and all real and personal property that may have been or may hereafter be acquired for the use and benefit of the public schools of the said district.

Ninth. To grade, fence and improve all school lots.

Tenth. To sue or defend suits when necessary in administering the affairs of the School Department, and to require the services of the City Attorney therefor, without compensation, in all such cases.

Eleventh. To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age, not less than four years, at which they may attend the kindergarten schools.

Twelfth. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the board may direct, of tuition fees, to be fixed by the board.

Thirteenth. To furnish books for children whose parents are unable to furnish them; and all books so furnished shall belong to the school district and shall be kept in the libraries of the schools when not in use.

Fourteenth. To visit every school in the district at least once in each term, and examine carefully into its management, condition and wants.

Fifteenth. To dispose of at public or private sale such personal property as shall be no longer required by the department, and when directed by the qualified electors of the district, at a meeting duly called for that purpose, to dispose of any real property belonging to the district and no longer necessary or convenient for its use, and to make, in the name of the district, conveyances of all real property sold under the provisions hereof.

School Meetings.

Sixteenth. The Board of Education may, and upon a petition signed by a majority of the heads of families residing in the district, as shown by the last preceding school census, must call meetings of the qualified electors of the district for determining or changing the location of one or more school-houses, or for consultation in regard to any litigation in which the district may be engaged, or in regard to any affairs of the district.

Such meetings shall be called by posting three notices in public places in the district, one of which shall be in a conspicuous place on what is known as the Wilson School building, for not less than ten days previous to the time for which such meeting shall be called, which notice shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meeting.

District meetings shall be organized by choosing a chairman from the electors present, and the District Clerk shall be the Clerk of the meeting, and shall enter the minutes thereof on the records of the district.

A meeting so called shall be competent to instruct the Board of Education:

(1) In regard to the location or change of location of one or more school-houses, and the use of the same for other than school purposes.

(2) In regard to the purchase and sale of school sites, or other real property of the district.

(3) In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged.

The Board of Education shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

Seventeenth. To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same; and the amount so determined by said Board of Education shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required in addition to State and County school money to maintain grammar and primary schools, the amount required for high school, and the amount required for such other public schools of the district as are then established, and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing, enlarging, or improving old ones.

The City Council is hereby authorized and required to levy and collect as school tax the amount reported by the Board of Education, when said amount does not exceed the sum of fifteen cents on each one hundred dollars' valuation, as shown by the assessment roll of the said school district. When the amount reported exceeds the sum of fifteen cents on each one hundred dollars' valuation, as shown by the assessment roll of the said district, the Mayor and the City Council may, in their discretion, levy and collect as a tax a sum not to exceed twenty-five cents on the one hundred dollars' valuation, as shown by the said assessment roll, but there shall be levied and collected not less than fifteen cents on the hundred dollars' valuation, as shown by the said assessment roll.

Eighteenth. The Board of Education may, prior to the fifteenth day of August in any year, when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school-houses, or for any or all of these purposes. Such election shall be called and moneys employed in accordance with the general laws of the State governing elections for District School Tax.

Nineteenth. The Board of Education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture and necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

Twentieth. All moneys collected for school purposes by the provisions of this Charter shall be paid into the city treasury, to be disbursed upon the proper demands signed by the President and Clerk of the Board of Education and approved by the City Auditor.

Twenty-first. All demands payable out of the school fund shall be filed with the Clerk of the board and shall be approved by the Board of Education by a vote of three members thereof taken with the ayes and noes and spread on the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the Clerk thereof.

Sec. 5. The Board of Education shall, at the first meeting in each year, or at such other time as shall be fixed by the board, appoint a Clerk, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such Clerk.

Sec. 6. The Board of Education may, at its discretion, appoint a Superintendent of Schools, and prescribe the duties and fix the salary of such Superintendent.

Sec. 7. In all matters not specifically provided for in this Charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE 17.

PUBLIC LIBRARY.

[*Note: The powers and duties here vested in the Board of Library Trustees are vested in the Commission by Section 4 of Article 22 See Ordinance No. 1355 for provisions relating to Advisory Library Board.*]

Section 1. The public library and the reading rooms connected therewith shall be under the control and management of a Board of Library Trustees, consisting of five members, four of whom shall be appointed by the Mayor, and their appointment confirmed by the Council; each of the four thus appointed shall be at least thirty years of age and shall have been a resident of the city for a period of three years next preceding his or her appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this Charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

Sec. 2. The City Council shall, at the request of the Board of Library Trustees, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than five cents nor more than fifteen cents on the hundred dollars' assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals, and other supplies therefor.

Sec. 3. If the payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the Board of Trustees shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms and conditions of such donation or bequest.

Sec. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purposes of said library, when not inconsistent with the terms of this acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

Sec. 5. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members Secretary, who shall keep the minutes of the board and shall keep a full record of all its business transactions. He shall serve for one year and until his successor is elected.

Sec. 6. The board by a majority vote of all its members to be recorded in its minutes, with the ayes and noes, shall have power:

First. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading-rooms, and all property belonging thereto.

Second. To administer any trust declared or created for such library or reading-rooms and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto.

Third. To purchase books, journals, publications and other supplies and personal property for the use of the said library.

Fourth. To appoint a Librarian and such other employes as may be necessary to properly conduct the said library and the reading-rooms connected therewith, to dismiss the Librarian or any other employe of the said library, to prescribe the duties and authority of the Librarian and employes and to fix their compensation.

Fifth. To do all that may be necessary to carry into effect the provisions of this Charter with reference to said library.

Sec. 7. The members of the Board of Library Trustees appointed as in this Charter provided shall receive no compensation for their services.

ARTICLE 18.

HEALTH DEPARTMENT.

[Note: The powers and duties here vested in the Board of Health are vested in the Commission by Section 4 of Article 22. For provisions relating to Advisory Board of Health see Ordinance No. 1364.]

Section 1. The Board of Health shall consist of five members, four of whom shall be appointed by the Mayor and their appointment confirmed by the Council; each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for a period of three years next preceding his appointment, and three of the four thus appointed shall be practicing physicians who shall have practiced their profession for at least three years preceding the day of their appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this Charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

Sec. 2. Three of the members of the board shall constitute a quorum for the transaction of business.

Sec. 3. The board shall at its first meeting and annually thereafter appoint one of its members, who is a practicing physician, as Secretary of the board. The Secretary shall be ex-officio health officer of the city.

Sec. 4. The Board of Health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to the board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, and the abatement of all nuisances prejudicial to the health of the citizens or any of them. The board shall exercise a general supervision over and be the custodian of all death and cemetery records now owned or hereafter acquired by the city, and shall cause to be kept in books prepared for that purpose complete records of all deaths and births occurring in said city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure

reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendants and supplies for any pesthouse which may be in use.

Sec. 5. The City Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and this Charter shall be provided for by the Board of Trustees, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

Sec. 6. The Secretary shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records pertaining thereto, and issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein, unless said health officer is satisfied of the correctness and reliability of the certificate of death, presented for his inspection. He shall have the power of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary conditions of the city as he may deem proper.

Sec. 7. The health officer shall visit, once in each quarter, all public buildings and school-houses in said city. During such visit he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

The health officer shall promptly report in writing to the Superintendents or governing authorities of all schools the name and residence of every person sick with cholera, small-pox, scarlatina, diphtheria, or any contagious or infectious disease. Said Superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the health officer, or from the health officer, that there is no longer any danger from contagion. When a case of contagious disease is reported to the health officer, he may visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

The health officer may cause to be removed to a small-pox hospital any person in said city affected with small-pox. When a case of small-pox exists in any house, and the person so affected is not removed to said hospital or pesthouse, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

Every member of the Board of Health may administer oaths on matters connected with the Health Department.

Sec. 8. The health officer shall receive such compensation as may be fixed by the City Council. The other members of the board, appointed as in this Charter provided, shall receive no compensation for their services.

ARTICLE 19. ELECTIONS.

Section 1. Elections to be held in the city shall be either general or special.

Sec. 2. On the first Thursday of April, 1913, and biennially there-

after, there shall be held in the city a general municipal election at which shall be elected the successors in office of the elective officers, provided for by this Charter, whose terms expire on the first Monday of May next succeeding such election, and which successors shall take office at noon on the first Monday of May after their election. Provided, however, that if Proposed Charter Amendment No. 1 providing for the amendment of the Charter by adding a new article to be known as Article 22, be adopted and ratified, (said proposed amendment being submitted at the same time that this proposed amendment is submitted), no persons shall be elected to fill the offices of City Clerk or City Treasurer, but said two offices shall be filled by appointment by the Commissioners as provided in said Article 22.

The provisions of this section shall not apply to the members of the Board of Education, whose election is provided for in Article 16 of this Charter.

(Section 2, amendment of 1913.)

Original Section. Sec. 2. On the first Monday of April, nineteen hundred and one, and biennially thereafter, there shall be held in the city a general municipal election, at which shall be elected by the electors of the city the elective officers, provided for by this Charter, who shall take office at noon on the first Monday of May after their election. The provisions of this section shall not apply to the members of the Board of Education, whose election is provided for in Article 16 of this Charter.

Sec. 3. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

(Section 3, amendment of 1913.)

Original Section. Sec. 3. The provisions of the general law of the State governing municipal elections, where the same are held separate from the general State elections, are hereby adopted as the law governing city elections.

Sec. 3 (a). The primary nominating election shall be held on the third Thursday preceding such general election, unless said Thursday shall fall on a legal holiday, in which case such election shall be held on the next succeeding day. The officers of election who shall be appointed for the primary nominating election shall be, so far as possible, appointed as the officers of such general election, and such general election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours as may be provided for the primary nominating election.

Sec. 3 (b). Any person desiring to become a candidate for any office to be filled at such general election shall at least ten days prior to the primary election file with the City Clerk a statement of such candidacy in substantially the following form:

“State of California, County of Los Angeles, City of Pasadena—ss.

“I,, being first duly sworn, say that I reside at Street in the City of Pasadena, County of Los Angeles, State of California; that I am a candidate for nomination to the office of to be vote upon at the primary election to be held on the Thursday of, 19.., and am legally qualified to fill said office, and I hereby request that my name be printed upon the primary ballots for nomination at such primary election for such office.

(Signed)

Subscribed and sworn to before me this day of, 19..

.....”

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

“PETITION ACCOMPANYING NOMINATING STATEMENT.

“The undersigned, duly qualified electors of the City of Pasadena,

residing at the places set opposite our respective names, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election of, 19.. We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualified Electors.....Number..... Street

.....”

.....”

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the City Clerk shall cause to be published at least once in a daily newspaper, published and circulated in the city, the names of the offices to be filled and of the persons as they are to appear upon the primary ballots.

Sec. 3 (c). The City Clerk shall cause ballots to be printed and numbered and bound. Each ballot shall contain the list of candidates and the respective offices as published with the following caption:

“PRIMARY NOMINATING ELECTION.

City of Pasadena.

(Insert date thereof).

To vote, stamp a cross opposite the name of the candidate except when the name of the candidate is written in by voter.”

The names of the offices to be filled shall be arranged on the ballot in the order in which the officers of the city to be elected are named in this Charter and the names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or the support of any candidate.

Sec. 3 (d). Each ballot shall contain a blank space underneath the printed names of each office wherein the voter can write the name of any candidate whose name is not printed on the ballot, and for whom he may wish to vote.

Sec. 3 (e). The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election, provided that where more than one office of the same kind is to be filled candidates therefor equalling in number twice the number of such offices, and who received the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballots to be used at such general election.

Sec. 3 (f). The ballots at such general election shall be in the same general form as for such primary nominating election so far as applicable, and without any indication as to the party affiliation source of candidacy, or support of any candidate.

Sec. 3 (g). The provisions of the general law of the State governing municipal elections, where the same are held separate from the general State elections, except as otherwise herein provided, shall govern in the holding of said elections.

Sec. 3 (h). No election, either general or special shall be set aside for any error, irregularity or defect in the proceedings, leading up to said election or in said election when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

(Sections 3A to 3H, amendment of 1913.)

Sec. 4. The conduct and carrying on of all city elections shall be under the control of the City Council, and the Mayor and City Council

shall, by ordinance, provide for the holding of all municipal elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and County officers at the last general election preceding the city election. Sample ballots and instructions to voters may be sent out to the registered electors entitled to vote at any municipal election but the sending of such ballots and instructions shall not be necessary, and no notice of any such election other than the publication of the ordinance calling the same shall be necessary.

(Section 4, amendment of 1913.)

Original Section. Sec. 4. The conduct and carrying on of all city elections shall be under the control of the City Council, and the Mayor and City Council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and County officers at the last general election preceding the city election.

Sec. 5. At all general city elections each of the election officers shall receive for his services the sum of \$6.00, unless the City Council, by ordinance, shall provide a less amount, and at all special city elections each of the election officers shall receive for his services the sum of \$5.00, unless the City Council, by ordinance, shall provide a less amount.

(Section 5, amendment of 1913.)

Sec. 5. At all city elections each of the election officers shall receive for his services the same amount as provided by the general law for like services at general elections.

(Section 5, Amendment of 1909.)

Original Section. Sec. 5. At all city elections each of the election officers shall receive Three Dollars (\$3.00) for his services.

Sec. 6. The provisions of the general laws of the State governing elections for State and County officers, not inconsistent with the provisions of this Charter, shall govern city elections in matters for which no provision is made in this Charter, and the City Council and City Clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on Boards of Supervisors and County Clerks concerning elections.

Sec. 7. Every person who resides within the exterior boundaries of any of the municipal election precincts of the city at the time of the holding of any municipal election, and who was a qualified elector at the general State election immediately preceding such municipal election, and who, at the time of the holding of such general State election, was upon the Great Register of the County of Los Angeles as a qualified elector of any one of the precincts which comprise such municipal election precinct, shall be entitled to vote at such municipal election without other or additional registration.

Sec. 8. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Los Angeles as an elector of and within one of the precincts comprising the municipal election precinct wherein he claims the right to vote, at least twenty-five days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of such municipal election.

Sec. 9. The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with

the same until canvassed by the City Council. After having canvassed, they shall be sealed up and kept by the City Clerk for six months, and no person shall have access to them, except on the order of a Court of General Jurisdiction.

Sec. 10. On the first Monday after the election and at their usual time and place of meeting, the City Council shall meet and canvass the returns and declare the result.

Sec. 11. After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by depositing such certificate, with the postage prepaid, in the United States Post-office in Pasadena, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this Charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

ARTICLE 20.

MISCELLANEOUS PROVISIONS.

Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the Council and the City Engineer for their approval, and if such Council and Engineer approve the same, such approval shall be indorsed upon said map or plat, the approval of the Council being evidenced by the certificate of the Clerk thereof, and a duplicate copy of such map or plat as approved shall be placed on file in the office of the City Engineer, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the Council as a public street, alley or place or be subject to any public improvement, without such approval and endorsement.

(Section 1, amendment of 1909.)

Original Section. Section 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the Council and the City Engineer for their approval, and if such Council and Engineer approve the same, such approval shall be endorsed upon said map or plat, the approval of the Council being evidenced by the certificate of the Clerk thereof, and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the Council as a public street, alley or place or be subject to any public improvement, without such approval and endorsement.

Sec. 2. No Councilman or other city officer or employe shall be interested, directly or indirectly, in any contract in which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which any such Councilman, officer or employe is interested shall be void. Any violation of this section by any such Councilman, officer or employe shall be a misdemeanor and be punishable as such and upon conviction, the office of such Councilman, officer or employe shall be declared vacant by the Council. And such vacancy shall be filled as is herein provided for the filling of other vacancies.

Sec. 3. No recourse shall be had against the City of Pasadena for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer, nor shall there be any recourse against the city for damage to person or property

suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by the falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street, or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for damages sustained.

Sec. 4. In any action, suit or proceeding in any court concerning an assessment of property or levy of taxes authorized by this Charter, or the collection of such taxes, or in the proceedings 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 by this Charter committed or left to the discretion of the Mayor or Council or other authorities of the city such discretion or judgment, when expressed or declared, is final and cannot be reviewed or called in question elsewhere.

Sec. 5. In all prosecutions for violations of city ordinances, rules or other regulations, whether in the court of original jurisdiction or in any Appellate Court, it shall not be necessary to plead the contents of such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule or regulation and of the contents thereof; and in any civil action in which the city is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, rule or regulation of said city may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the Council, or by a copy of such entry certified to by the City Clerk under the seal of the city to be a full, true and correct copy of such original entry.

Sec. 6. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

Sec. 7. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers or employes, which are in force at the time of the taking effect of this Charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

Sec. 8. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this Charter, and not inconsistent therewith are hereby preserved, and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Sec. 9. In all matters pertaining to municipal affairs, concerning which special provision is not made in this Charter, the general laws of the State in force at the time are hereby declared to be, and shall be, a part of this Charter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

Sec. 10. Whenever the word "city" occurs in this Charter it means the City of Pasadena, and wherever any department, board or officer is mentioned in this Charter it means such department, board or officer, as the case may be, of the City of Pasadena.

Sec. 11. The Board of Trustees of the City of Pasadena, in office at the time this Charter is approved by the legislature, shall provide for the holding of the first election of officers under this Charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

Sec. 12. The officers of the city in office at the time of the approval of this Charter by the legislature shall continue to hold office and discharge their duties until the first Monday in May, nineteen hundred and one. The School Trustees of the Pasadena City School

District in office at the time of the approval of this Charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the members of the first Board of Education elected under this Charter.

Sec. 13. No person shall be appointed to, or removed from, any office under this Charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

Sec. 14. This Charter shall go into effect for all election purposes on the day of its adoption by the legislature, and for all other purposes, unless otherwise herein provided, on the first Monday of May, nineteen hundred and one.

ARTICLE 20½.

RECALL.

The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the Council and filed with the City Clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the Council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Council without delay and the Council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than

the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

(New article adopted Feb. 20, 1905.)

ARTICLE 21.

AMENDMENTS.

Section 1. This Charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the City Council to the qualified electors of the city, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three-fifths of the qualified electors voting thereat, and approved by the legislature, as provided in the Constitution of the State of California for the approval of this Charter in the first instance. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

Sec. 2. The proposals for the amendment of this Charter referred to in the preceding section may be submitted by the City Council on its own motion, but must be submitted by the City Council in the manner provided in said section, whenever a petition is presented to such Council, signed by a number of the qualified electors of the city equal to thirty per centum of the votes cast at the preceding general city election, asking that an amendment or amendments to this Charter be set out in such petition be submitted to the vote of the electors of the city. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Sec. 3. The City Council must make all necessary provisions for submitting the proposed amendment or amendments to the electors, and shall canvass the votes in the same manner as in other elections.

Sec. 4. The tickets used at such elections shall contain the words "For the Amendment" (stating the nature of the proposed amendment) and "Against the Amendment" (stating the nature of the proposed amendment.)

ARTICLE 22.

(Added by amendment of 1913.)

Section 1. At the general city election in April, 1913, there shall be elected five Commissioners, who shall take office at noon on the first Monday in May after their election. The Commissioners first elected shall so classify themselves by lot that two shall hold office for four years and three for two years, and until their respective successors are elected and qualify. Their respective successors shall hold office for four years and until their successors are elected and qualify. Said officers shall be nominated and elected at large. If any vacancy occurs in any such office, the remaining Commissioners shall appoint a person to fill such vacancy during the balance of the unexpired term.

Sec. 2. Each Commissioner shall receive a salary of Three Thousand Dollars (\$3,000.00) per annum, payable monthly, shall have an office at the City Hall, and shall devote his time to the city's business.

Sec. 3. The city shall be governed by a Commission consisting of five Commissioners elected as herein provided, each of whom shall have the right to vote on all questions coming before the Commission.

Three Commissioners shall constitute a quorum and the affirmative vote of three Commissioners shall be necessary (and shall be sufficient) to adopt any ordinance, resolution or motion, or pass any measure unless a greater number is specifically required. Whenever more than a majority vote of the City Council is required to adopt any measure then an affirmative vote of four of the Commission shall be necessary to adopt such measure. Upon every vote the yeas and nays shall be called and recorded. Every ordinance or resolution adopted by the Commission must be signed by the Chairman (whom the Commission shall select), or by three Commissioners.

Sec. 4. The Commission shall have and possess all legislative and judicial power had, vested in or possessed by the Mayor, City Council, Board of Commissioners, Board of Water Commissioners, Board of Health and Board of Library Trustees; also said Commission and said Commissioners shall have and possess and shall exercise all executive and administrative powers, functions and duties, had, vested in, possessed or exercised by, the Mayor, City Council, Board of Commissioners, Board of Water Commissioners, Board of Health and Board of Library Trustees. Said Commission and said Commissioners shall be the successors of the officers bodies and boards respectively herein in this section specified. The Commission shall apportion and assign the executive and administrative powers, functions and duties of the city among five departments, shall determine the powers and duties to be exercised and performed by said departments, and shall assign a Commissioner to be the head of each such department. The performance of administrative or executive acts may be delegated to the departments so created.

Sec. 5. The Commission shall have the power of appointment and removal of all officers and employes of the city (except members of the Board of Education), and may fix the qualifications, compensation, powers and duties of officers and employes. Until different provision is made, the offices provided for in this Charter (except those offices and boards hereinbefore specified, the powers and duties of which are vested in the Commission and which are superseded hereby) shall continue, but the Commission may at any time abolish or consolidate such offices or change the compensation, qualifications, powers and duties of the incumbents thereof and provide for other offices, boards and employes.

Sec. 6. This article shall be liberally construed to carry out the purposes hereof, and there shall be no presumption that it is not intended to change or supersede other provisions of the Charter at variance or inconsistent herewith. Nothing contained in this article, however, shall affect the Department of Education provided for in Article 16. So far as this article is inconsistent with the provisions of Sections 1 and 2 of Article 3 Sections 1, 4, 6, 7 and 11 of Article 5, and Sections 1, 2, 3, 3½, 4, 5 and 6 of Article 8, they shall be deemed to have been superseded hereby, to the extent of such inconsistency, but the specific reference to said sections shall not be deemed to be exclusive. This article shall go into effect for all election purposes on the day of its ratification by the legislature, and for all other purposes on the first Monday in May, 1913, upon the qualification of the Commissioners first elected hereunder.

ARTICLE 23.

(Added by amendment of 1913.)

REFERENDUM.

Section 1. The Commission may submit to a referendary vote of the qualified electors of the city at any general or special election any proposed ordinance that the Commission itself might adopt. If a majority of the qualified electors voting on such proposed ordinance vote in favor of the same, it shall be deemed to be adopted and shall

take effect upon the declaration of the result of such election by the Commission, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

Sec. 2. No general penal ordinance passed by the Commission in the exercise of the police power vested in the city, and no ordinance granting any franchise shall go into effect until the expiration of thirty days from its publication, except an ordinance required for the immediate preservation of the public peace, health or safety which shall contain a specific statement showing its urgency, and which is passed by a unanimous vote of the Commission, and except ordinances fixing the rates to be charged by public utilities. No grant of any franchise, however, shall ever be construed as an emergency measure, but all grants of franchises shall be subject to a referendary vote as hereinafter provided. All other ordinances shall go into effect upon their publication or at such time as may be provided therein, and shall not be subject to the referendum.

Sec. 3. At any time within the thirty days mentioned in the preceding section a petition addressed to the Commission and signed by the qualified electors of said city equal in number to at least fifteen per cent of the number of votes cast at the last general municipal election, may be filed with the City Clerk, demanding the submission of any such ordinance passed, by the Commission to a vote of the qualified electors of such city. Any such petition shall be known as a Referendary Petition and shall contain the ordinance in full, the submission of which to a vote is thereby demanded. Such petition as to form and verification shall be governed by the provisions of Section 15 of Article 8.

Sec. 4. Within ten days from the date of filing a Referendary Petition, the City Clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the Commission shall allow him extra help for that purpose. He shall attach to said petition his certificate showing the result of such examination. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Commission without delay.

Sec. 5. If the City Clerk shall be unable to make a certificate to the sufficiency or insufficiency of any Referendary Petition within thirty days after the publication of the ordinance, the submission of which to a referendary vote is thereby demanded, such ordinance shall be suspended from taking effect within the expiration of said thirty days and until the date of the certificate of the City Clerk to the sufficiency or insufficiency thereof.

Sec. 6. If by certificate of the City Clerk such petition is certified to be sufficient, such ordinance shall not go into effect until it shall be adopted by vote of the electors of the city, as hereinafter provided, but if by such certificate such petition is certified to be insufficient, such ordinance shall go into effect upon the date of such certificate, provided, however, that no such ordinance shall take effect until the expiration of the said thirty days.

Sec. 7. Upon the presentation to the Commission by the City Clerk of a Referendary Petition, the ordinance, the submission of which to a referendary vote is thereby demanded, must be either repealed by the Commission without delay or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such Referendary Petition to the Commission, provided that if before such general election, and subsequent to said forty days, a special election shall be held for any other purpose, then such ordinance shall be so submitted at such special election, or in the discretion of the Commission at any special election called for that purpose.

Sec. 8. Whenever any ordinance is submitted to a referendary

vote, as herein provided there shall be printed on the ballots to be used at such election the words "Shall the Ordinance (stating the nature of the ordinance) be adopted," and opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed in separate lines in voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. The provisions of this section shall apply where an ordinance is submitted to a referendary election at the initiative of the Commission, as provided in Section 1 of this article.

Sec. 9. No ordinance that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof, and if such ordinance so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted and shall take effect upon the declaration by the Commission of the result of the election at which it shall have been so submitted, provided, however, that any ordinance so adopted shall be subject to amendment or repeal by the Commission at any time after one year from the date of its adoption by unanimous vote of the Commission, but such amendment or repeal shall be subject to a referendary vote.

Sec. 10. Any number of ordinances proposed by initiative petitions, or referred by Referendary Petition or upon the initiation of the Commission may be voted upon at the same election, either general or special, provided, that there shall not be held at any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if an election be called for any other purpose within said period, said ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances adopted at the same election by vote of the qualified electors of the city conflict, then the ordinance receiving the highest affirmative vote shall prevail.

Sec. 11. After an election based on a Referendary Petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec. 12. This article shall go into effect upon the election and qualification of the Commissioners provided for in Article 22.

ACT 1285.

**DEPOSIT OF PUBLIC MONEYS, OTHER THAN STATE, IN BANKS
SECURITY REQUIRED.**

An Act to Provide for and Regulate the Deposit of County and Municipal Moneys in Banks and Banking Corporations, Limiting the Amount of Public Moneys That May be Deposited Therein, and Providing a Penalty for the Illegal Deposit and Use Thereof.

(Approved March 23, 1907, Stats. 1907, page 974.)

Section 1. All moneys belonging to any County or municipality within the State, may be deposited by any officer of such County or municipality having the legal custody of such County or municipal funds in any licensed national bank, or banks, within this State, or in any bank, banks or corporations authorized and licensed to do a banking business, and organized under the laws of this State, provided that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State, or of any County, municipality or school district within this State, approved by the officer making the deposit and the District Attorney for the County or City Attorney for the municipality to which

the deposit belongs. The market value of the bonds furnished as security, shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor; and provided that such bank or banks, shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited.

Rate of Interest to be Fixed, When.

Sec. 2. The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits to be made for such year; provided, that the rate of interest for the year ending December 31, 1907, may be fixed as herein provided within ninety days after this act goes into effect. The rate of interest shall be fixed in the case of Counties, by the Treasurer, Auditor, and Chairman of the Board of Supervisors, and in the case of municipalities by the Treasurer, Auditor, (or Clerk in municipalities having no Auditor) and Chairman of the Council or other governing body of such municipality. Said rate of interest shall be a reasonable rate and not less than two per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided, shall be the uniform rate of interest required from all banks receiving deposits from the County or municipality, for that year.

Interest on all moneys deposited as herein provided for shall belong to the County or municipality represented by the officer making such deposit and shall be paid quarterly into the general fund of such County or municipality except where the law otherwise directs.

Receipt for Deposit.

Sec. 3. It shall be the duty of the officer making the deposit, to receive from the bank in which the deposit is made, a receipt or receipts in duplicate showing the date and amount of deposit and rate of interest to be paid thereon, one copy of which said officer shall keep on file in his office, and he shall file one copy with the Auditor of the County or Auditor of the municipality (or Clerk in municipalities having no Auditor) as the case may be.

Record of Deposits.

Sec. 4. Every Treasurer shall keep a record in his office which shall be open to public inspection, showing at all times the amount of money on deposit and all banks in which the same is deposited, and dates of deposit. Also a record of all banks making application for the deposit of the public funds.

Amount That May be Deposited.

Sec. 5. The total amount of public moneys on deposit in any bank, shall not at any time exceed fifty per cent of the paid up capital stock of such depository bank or banks. No officer shall have on deposit at any one time more than ten per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits; provided, that no Treasurer of a County or municipality, shall be required to deposit public moneys in any bank outside of the County owning the money or in which the municipality is situated.

Receipts to be Counted As Cash.

Sec. 6. The receipt issued by any bank for deposits made therein, together with the bonds held as security therefor, shall be held by the Treasurer making the deposit and be recognized and counted as cash to the amount recited in the receipt by the officers, required by law to count the same.

Deposits Subject to Call.

Sec. 7. Deposits, with interest thereon, shall be subject to withdrawal on demand of the Treasurer, making the same, or his successors in office, and any bank receiving the deposit of public moneys, may at any time return the same to the public officer making such deposit,

together with interest to date of return, and it shall be the duty of the public officer upon receiving the return of such deposit, to immediately return to such bank all bonds held as security for the deposit returned. When any officer withdraws his deposit he shall return, on demand of the bank, such bonds as were held as security for the deposit or portion thereof withdrawn.

On Failure of Bank to Repay, Security to be Sold.

Sec. 8. Should any bank fail to pay any public moneys held on deposit as herein provided, the officer making such deposit may, after ten days' written notice to such bank, proceed to sell at public or private sale, such of the bonds held by him as security as he may see fit; provided, however, that he shall sell no bonds for less than their face value except at public sale after ten days' notice in some newspaper of general circulation published in the County where the sale is to take place. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank which deposited the bonds as collateral. Any bank failing to make payment, may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense that may have been incurred by the officer making such deposit, as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action of law in the name of the officer making the deposit.

Public Officials Not Responsible for Loss.

Sec. 9. Public officials shall not be responsible for any loss of public moneys resulting from the deposit thereof when made in accordance with the provisions of this act. It shall be the duty of the officer making the deposit to safely keep all evidence of indebtedness issued by banks for deposits made therein, and bonds deposited for security and such public officer shall be responsible for such evidence of indebtedness, and for bonds held as security therefor, together with the interest thereon and the proceeds of any sale of such bonds; and the city, County or municipality for which said officer acts, shall be responsible to such bank for the safe return of the securities furnished by it to such officer.

Transportation of Moneys.

Sec. 10. The expense of transportation of moneys to or from the State, County or municipal treasuries to such depositaries shall be borne by such depositaries.

Violation of Act a Felony.

Sec. 11. The making of profit out of County, city, town or other public moneys, or using the same for any purpose not authorized by law by any officer having possession or control thereof, shall be a felony. Any violation of the provisions of this act by a bank or a banking corporation, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) for each offense and the officers of such bank or banking corporation and officer receiving such deposit shall be guilty of a felony.

Present Laws Not Abrogated.

Sec. 12. Nothing in this act contained shall prevent any County or municipality within this State from buying bonds or otherwise investing its money in any manner now provided by law and nothing herein contained as to the disposition of interest on public moneys deposited shall apply to any money received or held by any County or municipality wherein any law provides for the payment of interest or profit thereon, into any particular fund.

Sec. 13. All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 14. This act shall take effect immediately. Citations. Cal. 152-6.

ACT 2894.
AN ACT FIXING THE MINIMUM RATE OF COMPENSATION FOR
LABOR ON PUBLIC WORK.

(Approved March 9, 1897, Stats. 1897, page 90.)

Citations. Cal. 119-578; 127-102; 136-532.

Section 1. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this State, or of any officer thereof acting as such, is hereby fixed at Two (\$2.00) Dollars per day; and a stipulation to that effect must be made a part of all contracts to which the State, or any municipal corporation therein is a party; provided, however, that this act shall not apply to persons employed regularly in any of the public institutions of the State, or any city, city and County, or County.

Sec. 2. This act shall take effect immediately.

SECTION 653 OF PENAL CODE.

Unlawful for State Officer, Agent of the State, Contractor, or Sub-contractor, to Permit Workmen Upon Public Works to Work More Than Eight Hours Per Day. Exception. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said State, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said State, or of any political subdivision thereof, or for any contractor or sub-contractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war.

(Contract to Contain Certain Stipulation—Penalty for Violation of Stipulation). Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the State or political subdivision in whose behalf the contract is made and awarded, Ten (\$10.00) Dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act:

(Collection of Money Forfeited in Violation of Stipulation—Penalty for Violation of This Act by State Officer or Agent). And it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the State or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipula-

tion. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

653 (d). **Retaining Wages of Employee.** Every person who employs laborers upon public works, and who takes, keeps, or receives for his own use any part or portion of the wages due to any such laborers from the State or municipal corporation for which such work is done, is guilty of a felony.

ACT 2895.

An Act to Secure the Payment of the Claims of Material Men, Mechanics, or Laborers, Employed by Contractors Upon State, Municipal, or Other Public Work.

(Approved March 27, 1897, Stats. 1897, page 201.)

Citations. Cal. 129-394; 133-23, 24; 135-637.

Section 1. Every contractor, person, company or corporation, to whom is awarded a contract for the execution or performance of any building, excavating, or other mechanical work, for this State, or by any County, city and County, City, town, or district therein, shall before entering upon the performance of such work, file with the Commissioners, Managers, Trustees, Officers, Board of Supervisors, Board of Trustees, Common Council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers, or board, in a sum not less than one-half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and at least two sureties, in an amount not less than the sum specified in the bond, and must provide that if the contract, person, company, or corporation, fails to pay for any materials or supplies furnished for the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same, in an amount not exceeding the sum specified in the bond; provided, that such claims shall be filed as hereafter required.

Sec. 2. Any material men, person, company, or corporation, furnishing materials or supplies used in the performance of the work contracted to be executed or performed, or any person who performed work or labor upon the same or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, shall, within thirty days from the time such work is completed, file with the Commissioners, Managers, Trustees, Officers, Board of Supervisors, Board of Trustees, Common Council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within ninety days after the filing of such claim, the person, company or corporation filing the same may commence an action against the sureties on the bond, specified and required by Section 1 hereof.

Sec. 3. This act shall take effect immediately.

An Act to Provide for the Payment by the State or Counties, or Cities, or Cities and Counties, of the Premium or Charge on Official Bonds When Given by Surety Companies.

(Approved March 25, 1903.)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The premium or charge for bonds given by surety companies for State Officials, County Officials, City Officials, or City and County Officials, shall be paid by the State, County, city, or city and County respectively; provided, however, that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond; and provided further, that this act shall not apply to Notaries Public.

Sec. 2. This act shall take effect from and after its passage.

ORDINANCE NO. 490.

An Ordinance of the City of Pasadena to Provide a System for Assessment, Levy and Collection of City Taxes.

The Mayor and City Council of the City of Pasadena do ordain as follows:

Section 1. The fiscal year of the City of Pasadena commences on the 1st day of July of each year and concludes at the end of the 30th day of June, following of each succeeding year.

Sec. 2. All property not exempt by law from taxation within the corporate limits of the City of Pasadena must be assessed at its full cash value.

Sec. 3. It shall be the duty of the City Auditor and Ex-officio City Assessor, between the first Monday of March and the first Monday of July in each year, to make out lists of all taxable property within the city limits and the limits of the Pasadena City School District, for school purposes. And he must access such property to the persons who are the owners thereof on the first Monday of March preceding when known, and when the owner is unknown, then to unknown owners.

Sec. 4. He must exact from each person a statement under oath setting forth specifically all the real and personal property owned by such person or in his possession, or under his control at twelve o'clock M. on the first Monday in March. Such statement shall be in writing showing separately:

First. All property belonging to, claimed by or in the possession of or under the control or management of such person.

Second. All property belonging to, claimed by, or in the possession of or under the control or management of any firm of which such person is a member.

Third. All property belonging to, claimed by, or in the possession or under the control or management of any corporation of which such person is President, Cashier, Secretary or Managing Agent.

Fourth. An exact description of all lands, improvements and personal property, and deposits of money, gold dust or bullion, and the names of the person with whom such deposits are made, and the place in which they may be found. All mortgages, deeds of trust, contracts and other obligations by which any debt is secured, and the property in the city affected thereby, and any exemptions claimed.

Fifth. All solvent credits unsecured by deed of trust, mortgage or other lien on real or personal property due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is President, Secretary, Cashier, or Managing Agent, deducting from the sum total of such credits such debts only unsecured by trust deed, mortgage or other lien on real or personal

property as may be owing by such person, firm or corporation to bona-fide residents of this State. No debt shall be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate, provided in case of banks the statement is not required to show the debt in detail, or to whom it is owing, but the City Assessor shall have the privilege of examining the books of said bank to verify said statement. Whenever one member of a firm, or one of the proper officers of a corporation has made a statement showing the property of the firm or corporation, another member of the firm, or another officer need not include such property in the statement made by him, but his statement must show the name of the person or officer who made the statement in which such property is included. The City Council must furnish the City Assessor with blank forms for the statements provided for in this section, affixing thereto an affidavit which must be substantially as follows:

"I,, do swear that the foresaid list contains a full and correct statement of all property subject to taxation which I, or any firm of which I am a member, or any corporation, association or company of which I am President, Secretary, Cashier or Managing Agent, owned, claimed, possessed or controlled at twelve o'clock M. on the first Monday in March last, and which is not already assessed this year, and that I have not in any manner whatsoever transferred or disposed of any property, or placed any property out of the City of Pasadena or my possession, for the purpose of avoiding any assessment upon the same, or of making this statement; and that the debts therein stated as owing by me are owing to bona-fide residents of this State, or to firms or corporations doing business in this State."

The affidavit to the statement on behalf of a firm or corporation must state the principal place of business of the firm or corporation, and in other respects must conform substantially to the preceding form. The statement herein required must be furnished by the owner when in the city.

Sec. 5. The City Assessor must fill out the statement at the time he presents it, or he may deliver it to the person and require him within an appointed time to return the same to him properly filled out.

Sec. 6. The City Assessor shall have the same power and shall be vested with the same authority within the limits of said city, and the limits of the Pasadena School District for school purposes as is provided in Section 3632 of the Political Code in reference to making assessments, provided, however, that all money received by the Assessor under the provisions of said Section 3632, must be by him paid to the City Treasurer.

Sec. 7. If any person under demand of the City Assessor neglects or refuses to give under oath the statement herein provided for, or to comply with the requirements of this ordinance, the City Assessor must note the refusal in the assessment book opposite the name of such person, and must make an estimate of the value of such property of such person, and the value so fixed by the City Assessor must not be reduced by the City Council sitting as a Board of Equalization, but it may increase same after notice, as per Section 20 of this ordinance.

Sec. 8. Whenever the City Assessor deems it necessary to obtain an accurate description of any tract or lot of land in the corporate limits of said city or School District, he may require the owner or his agent to furnish the same, with any title papers he may have in his possession, and if on demand the owner or agent neglects or refuses to furnish the same, the City Assessor may employ a surveyor or engineer to make out a description of the boundaries and location thereof, and a statement of the quantity of the land therein and the expense of such survey must be returned to the City Auditor of said

City, who must add the amount of the taxes assessed upon the property, which amount so added must be when collected by the City Tax Collector, paid over by said Collector to said surveyor or engineer, taking duplicate receipts thereof, one of which he shall return to the City Auditor, accompanied by a statement in writing setting forth the name of the owner, and a general description of the property such special tax was collected from.

Sec. 9. If the owner or claimant or any person not listed by another person is absent or unknown, the City Assessor must make an estimate of the value of said property. If the name of the absent one is known to the City Assessor, the property must be assessed to such name; if unknown, the property must be assessed to unknown owner.

Sec. 10. All personal property consigned for sale to any person within the city from any place outside the city, must be assessed as other property.

Sec. 11. When any person is assessed as trustee, agent, bailee, guardian, executor or administrator, his representative designation must be added to his name, and the assessment entered on a separate line from his individual assessment.

Sec. 12. All property wilfully concealed, removed, transferred or misrepresented by the owner or agent thereof to evade taxation, upon discovery must be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the Board of Equalization, and property discovered by the Assessor to have escaped assessment for the last preceding year, if such property is in the ownership or under the control of the same person who owned it or controlled it for such preceding year, may be assessed for double its value.

Sec. 13. The City Council shall furnish the City Assessor an assessment book with appropriate headings, and alphabetically arranged, in which said Assessor must list all property within said city, and which must be specified in separate columns under appropriate heads.

First. The name of the person to whom the property is assessed.

Second. Lands by metes and bounds or other descriptions sufficient to identify it, giving an estimate of the number of acres, or the number of feet front to each owner in any block or lot, in accordance with the system of numbering as the same may appear upon official maps of the city, and the improvements thereon.

Third. All personal property showing the number, kind, amount and quality, but a failure to enumerate in detail such personal property does not invalidate the assessment.

Fourth. The cash value of the real estate.

Fifth. The cash value of the improvements on such real estate.

Sixth. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Seventh. The cash value of all personal property other than money.

Eighth. The amount of money.

Ninth. The assessment of franchises, roadway, roadbed, rails and rolling stock of any railroad as apportioned to said city by the State Board of Equalization, as provided in Section 3665 of the Political Code of the State of California.

Taxable improved property owned by a firm, person, association, or corporation, located upon land exempt from taxation, shall as to the manner of assessment be assessed as other real estate upon assessment rolls. No value shall, however, be assessed against exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessments made against taxable improvements located thereon.

Tenth. The total value of all property.

Eleventh. When any property except that owned by railroads or other quasi-public corporations is subject to or affected by a mortgage,

deed of trust, contract or other obligation by which debt is secured, the City Assessor must enter in the proper column the value of such security, and deduct the same, when requested by owner.

In entering assessments containing solvent credits subject to deduction as provided by the State Constitution, the City Assessor must enter in the proper column the value of the debts entitled to exemption and deduct the same.

In making the deduction from the total value of the property assessed as above directed, he must enter the remainder in the column provided for the total value of all property for taxation, the total value of all property after equalization by the Board of Equalization. Said Assessor and his deputies shall have power to administer all oaths, and affirmations necessary in the performance of his duties.

Sec. 14. The Assessor must prepare an index to the assessment book, which must show the name of the tax-payer, each page whereon his assessment appears, the postoffice address, or the postoffice address of his agent, secretary or managing agent when known.

Sec. 15. On or before the first Monday in July of each year, the Assessor shall complete his list or assessment roll, and shall verify same with his oath, and deliver it and the books and maps he may have accompanying the same, and all the original lists of property given to him, to the City Auditor, and the Auditor shall thereupon notify the City Council, and the City Clerk shall thereupon notify the tax-payers of the fact, and of the time the City Council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the mean time the assessment roll, books, maps, and other papers accompanying the same must remain in the office of the City Auditor for the inspection of all persons interested.

The oath required to be subscribed by said Assessor and his deputies, and annexed to his assessment list in said assessment book will be substantially as follows:

"I,, Assessor, or Deputy Assessor (as the case may be), of the City of Pasadena, do swear that between the first day of April and the first day of July, 19. ., I have made diligent inquiry and examination to ascertain all property within the city subject to assessment by me, and that the same has been assessed on the assessment book equally and uniformly according to the best of my judgment, information and belief, at its full cash value, and that I have faithfully complied with all the duties imposed on the City Assessor under the provisions of the Revenue laws and the Ordinances of this city in reference thereto, and that I have not imposed any unjust or double assessment through malice, ill-will or otherwise, nor allowed anyone to escape a just and equal assessment through favor or reward, or otherwise."

But failure to take or subscribe such affidavit, or any affidavit will not in any manner affect the validity of the assessment.

The City Assessor must when directed so to do by the Council of said city, upon a map-book which must be supplied by the City Council as required make a plan of the various blocks within the city, and mark thereon under each subdivision, the name of the person to whom it is assessed.

Sec. 16. The lands once described on the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

Sec. 17. The Assessor and his sureties are liable on his official bonds for all taxes on property within the city which, through his wilful failure or neglect is unassessed.

Sec. 18. Any tax-payer who shall have knowledge of any property that has escaped taxation as provided in the preceding sections may file with the City Council an affidavit setting forth the fact that such property through the wilful failure or neglect of the Assessor escaped

taxation, together with the description of the property as near as such tax-payer may be able to give; whereupon said Council shall direct the City Attorney to commence an action on the Assessor's bond for the amount of taxes lost from such wilful failure or neglect.

Sec. 19. The City Council will meet at the room fixed for holding its meetings, on the second Monday of July in each year, as a Board of Equalization to examine the assessment books and equalize the assessment of the property in the city, and School District, commencing at ten o'clock A. M. of said day, and will continue in session for that purpose from time to time until the business of equalization is disposed of, but not later than the fourth Monday of July. The meetings of the Board of Equalization shall be public. The City Clerk shall be the Clerk of the Board of Equalization, and the Mayor of said city shall be the Chairman thereof.

Sec. 20. The said Board of Equalization shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property, provided, that before any such assessment shall be increased, two full days' notice shall be given to the owner or owners, or in case of non-residence, the agent of the owners of the property, the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board under oath. When such assessment list or roll has been equalized it shall be returned by the Council to the Auditor.

Sec. 21. No reduction must be made on the valuation of the property, unless the party affected thereby, or his agent, makes and files with the Board of Equalization, a written application thereof, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Before the Board of Equalization grants the application or makes any reduction applied for, it must first examine on oath the person or agent making the application touching the value of the property in question. No reduction must be made unless such person or his agent making the application attends and answers all questions pertaining to the inquiry. Upon hearing the application, the Board of Equalization may subpoena such witnesses, hear and take such evidence in relation to the subject pending as in its discretion it may deem proper, and during the session of the Board of Equalization the City Assessor and any deputy whose testimony is needed, must be present and make any statement or introduce and examine witnesses on questions before the board.

Sec. 22. The Board of Equalization may require the City Assessor to enter in the assessment book any property which has not been assessed, and any assessment made as prescribed in this section has the same force and effect as if made by the City Assessor before the deliverance of the assessment book to the Clerk of the board.

Sec. 23. Whenever property has been sold for taxes and remains unredeemed, upon each subsequent assessment the Assessor shall enter upon the assessment book immediately after the description of the property, the fact that said property has been sold for taxes, and the date of said sale. Upon all bills or statements of or for taxes accruing on said property subsequent to the date of said sale, and prior to the redemption of said property, or the execution to the city of a deed therefor, shall be distinctly and legibly written, printed, or stamped, the words, "Sold for Taxes," and also the date of such sale.

Sec. 24. During the session of the board it may direct the said Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property when any false or incomplete list has been rendered, and to make and enter such assessments (at the same time cancelling previous entries) when any assessment made by him is deemed by the board so incomplete as to render doubtful the collection of the tax. But the Clerk of the board must notify all persons interested by letter deposited in the

postoffice, or express, post paid, and addressed to the person interested at least five days before action is taken, or the day fixed when the matter will be investigated.

Sec. 25. The Clerk of the board must record in a book kept for that purpose, all changes, corrections, and orders made by the board during its session, or as soon as possible after its adjournment, must enter in the assessment book all changes, and corrections made by the board, and on or before the first Monday of August, must deliver the assessment so corrected, to the City Auditor, and accompany the same with an affidavit thereto affixed by him as follows:

"I,, do swear that as Clerk of the Board of Equalization of the City of Pasadena, I have kept correct minutes of all the acts of the board touching alterations in the assessment book; that all alterations directed to have been made, have been made and entered in the book, and that no changes or alterations have been made therein except those authorized."

Sec. 26. The City Auditor, as soon as the assessment book is delivered to him by the Clerk of the Board of Equalization, must proceed to add up the valuations, and enter the total valuation of each kind of property, and the total valuation of all property on the assessment book.

Sec. 27. On or before the first Monday of July in each year, the several heads of departments, officers, boards and commissioners shall send to the City Council an estimate in writing of the amount of expenditures, specifying in detail the objects thereof required in their respective departments, offices, boards and commissions during the year. Duplicates of these estimates shall be sent to the Auditor, and on or before the first Monday in August, in each year, the Auditor shall prepare and transmit to the City Council an estimate of the probable expenditures of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amount needed for salaries and the wants of all the departments of the municipal government in detail, specifically showing the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines and licenses, and all other sources of revenue exclusive of taxes upon property, and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city and in the Pasadena City School District to meet the requirements of such fiscal year. The Council shall annually, between the 15th and 22nd days of August, and by vote of the majority of the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum, and the items thereof allowed to each department, office, board or commission as the Council may determine. The budget shall, when completed by the Council be delivered to the Mayor, who may within five days after such delivery to him, veto any item in such budget, in whole or in part, and it shall require the vote of at least four members of the Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and City Clerk, and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the Auditor.

On or before the first Monday in September in each year, the Council shall by ordinance fix the rate of taxes to be levied and levy the tax upon all property, real and personal, in the city and City School District, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year, provided that the rate of tax

so levied shall not exceed in any one year \$1.00 per each \$100.00 upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest of the bonded indebtedness of the city, or for school purposes.

Sec. 28. As soon as the City Council has fixed the rate of taxes for the year, the Auditor must complete and enter in a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns showing the total amount of taxes, allowing the City Tax Collector to copy therefrom as convenient, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the Collector with the full amount of the taxes levied, (and take a receipt for the amount of the taxes due thereon), and within five days after receipt of the assessment book the City Tax Collector must publish a notice specifying in substance:

First. That all taxes on real property, and such personal property as may be secured by real property, are due and payable on a date to be fixed in said notice, but not later than fifteen days after the reception of the completed assessment book by the City Tax Collector.

Second. That taxes will be delinquent on the last Saturday of December next thereafter, at six o'clock P. M., and unless paid prior thereto, five per cent will be added to the amount thereof.

Third. The time and place at which such payment of taxes may be made. Said notice must in every case be published for five days in some daily newspaper printed and published in said City of Pasadena.

Sec. 29. The taxes on any particular lot, piece or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation on the assessment roll, by paying the amount of city taxes due on such lot, piece, or parcel of land all tax on personal property, penalties if any, and a proper proportion of the tax due to the Pasadena City School District. The Tax Collector shall make an entry on the margin of the assessment book showing what certain property has been released by the payment of the taxes as herein provided, together with the amounts of such taxes separately and specifically set forth.

Sec. 30. The Tax Collector must mark the date of payment of any tax, or of the several partial payments, as the case may be, in the assessment book opposite the name of the person paying.

Sec. 31. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situate in said city or City School District so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property. When assessed to unknown owner, the judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

Sec. 32. It shall be the duty of the City Tax Collector to pay into the city treasury at the end of each day, all money collected for the city during the day. He must deliver to and file with the City Council at or before the first monthly meeting of said Council a written monthly statement under oath, showing:

First. An account of all his transactions and receipts since his last settlement.

Second. That all money collected by him as Tax Collector, has been paid into the treasury.

If the City Tax Collector refuses or neglects for the period of five days to make the payment and settlement required in this ordinance,

he is liable for the full amount of the taxes charged upon the assessment roll.

Sec. 33. On the last Saturday of December of each year, at six o'clock P. M., all unpaid taxes shall be delinquent, and thereafter the City Tax Collector must collect for the use of the city an addition of five per cent.

Sec. 34. On the third Tuesday of February of each year, the City Tax Collector must deliver to the City Auditor a complete delinquent list of all persons and property then owing taxes, and at the same time also return to the City Auditor the assessment roll. In the list so delivered must be set down in numerical and alphabetical order all matter and things contained in the assessment book, and relating to delinquent persons or property.

Sec. 35. The City Auditor of said city must carefully compare the list with the assessment book, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid and credit the said City Tax Collector therewith and make a final settlement with him of all taxes charged against him on the assessment book. The Auditor shall require of the City Tax Collector an immediate account of any existing deficiencies, and report the same to the Council.

Sec. 36. After the settlement described in the previous section, the City Auditor must charge the City Tax Collector with the amount of taxes on the delinquent list with five per cent added thereto, and the cost of advertising and collecting, and within five days thereafter deliver the list to the said City Tax Collector.

Sec. 37. On or before the first Tuesday of March of each year, the City Tax Collector must publish the delinquent list, which must contain the names of the persons and the description of the property delinquent, and the amount of taxes and costs due opposite each name, with the taxes due on personal property added to the taxes due on real estate where the real estate is liable therefor, or where the several taxes are due from the same person.

Sec. 38. The City Tax Collector must append and publish with the delinquent list, a notice that unless the taxes delinquent together with the costs and penalties are paid, the real property upon which such taxes are a lien will be sold. Such publication must be made once a week for three successive weeks in some newspaper or supplement thereto, published in said city, and such notice must designate the day and hour when the property will by operation of law be sold to the city, which sale must not be less than twenty-one, nor more than twenty-eight days from the time of the first publication, and the place shall be in the City Tax Collector's office.

Sec. 39. On or before the hour of the day fixed by the Tax Collector for the sale of the property delinquent for taxes, the Auditor must furnish such Tax Collector a report in condensed form of all property redeemed since the date of the tax sale for the preceding year. The Tax Collector must use such report in the enforcement of the provisions of this ordinance.

Sec. 40. The City Tax Collector as soon as he has made the publications required by Sections 37 and 38, must file in the office of City Clerk, a copy of the publications, with an affidavit attached thereto that it is a true copy of the same; that the publication was made in a newspaper or supplement thereto, stating its name, and place of publication, and the date of each issuance therein, which said affidavit shall be and is primary evidence of all facts stated therein.

Sec. 41. The City Tax Collector must collect in addition to the taxes due on delinquent list, and five per cent added thereto fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property so delinquent, which amount must be paid into the city treasury as the taxes are paid.

actual fraud), conclusive evidence of the regularity of all proceedings, from the assessment by the Assessor inclusive up to the execution of

Sec. 42. On the day and hour fixed for the sale, all property delinquent upon which the taxes of all kinds, penalties and costs have not been paid, shall by operation of law and the declaration of the City Tax Collector, be sold to the City of Pasadena, and said Tax Collector shall make an entry, "Sold to the City," on the delinquent assessment list opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to the provisions of this ordinance, provided, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties and costs due.

Sec. 43. The City Tax Collector must make out duplicate certificates of delinquent tax sale for each piece or tract of land sold, dated on the day of sale stating (when known), the name of the person assessed and description of the land sold; that it was sold for delinquent taxes to the city, and giving the amount and year of the assessment, and specifying when the city will be entitled to a deed. Such certificate must be signed by the City Tax Collector, and filed with the City Auditor. The City Tax Collector before filing the same must enter in a book, amount and description of the land sold corresponding with the description in the certificate, the day of sale, and the amount of taxes sold for, and regularly number the sale on the margin of the book, putting a corresponding number on the certificate. Such book must be open to public inspection without fee during office hours when not in use. In case of any redemption or subsequent sale of any of said property to the city, the City Auditor must enter on the margin of the certificate describing such property in said certificate book of record in his office, the fact of such redemption or sale, giving the date thereof and by whom redeemed.

Sec. 44. A redemption of property sold may be made by the owner or any person in interest, within five years from the date of sale to the city, or at any time prior to the entry of sale of said land by the city, in the manner provided in Section 3817 of the Political Code of the State of California. Redemption must be made to the City Treasurer on an estimate furnished by the Auditor, in lawful money of the United States, and the Treasurer must account to the Auditor for all money received under such redemption.

Sec. 45. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make the city a deed of the property, reciting in such deed the name of the person assessed (when known), the date of sale, the description of the land sold, the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment; the time when the right of redemption had expired, and that no person had redeemed the property in the time allowed by law for its redemption. All of said deeds will be recorded in the office of the County Recorder of the County of Los Angeles.

Sec. 46. Matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is primary evidence that

First. The property was assessed as required by law.

Second. The property was equalized as required by law.

Third. The taxes were levied in accordance with law.

Fourth. The taxes were not paid.

Fifth. At a proper time and place the property was sold as prescribed by law, and by the proper officer.

Sixth. The property was not redeemed.

Seventh. The person who executed the deed was the proper officer.

Eighth. Where the real estate was sold to pay taxes on personal

property, that the real estate belonged to the person liable to pay the taxes.

Such deed duly acknowledged or proved is (except as against the deed. Such deed conveys to the city the absolute title to the property described therein, free of all incumbrances, except when the land is owned by the United States, the State, County, or the city, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the city.

Sec. 47. The assessment book or delinquent list, or copy thereof, certified by the City Auditor showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid; and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Sec. 48. The City Tax Collector shall annually within ten days after the completion of the sale of property for delinquent taxes, make a final report to the City Auditor of the collection of taxes and costs on the delinquent list. Such report shall show the amount of taxes and cost paid without sale, the amount sold to the city, the amount remaining uncollectable on said delinquent list, specifying each of said delinquent assessments so remaining unpaid. The City Auditor shall thereupon proceed to consider the same, and if found correct shall approve the same, and upon approval thereof the City Auditor shall make the proper entry in his book in regard thereto.

Sec. 49. Any taxes, penalties or costs thereon paid more than once, or erroneously or illegally collected, or any taxes paid on any assessment in excess of the actual cash value of the property so assessed by reason of a clerical error of the Assessor, as to the excess in such cases, or any taxes paid upon an erroneous assessment of improvements on real estate not in fact in existence, when said taxes become a lien, may, by order of the City Council be refunded.

Sec. 50. When the City Tax Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts by his certificate to the City Auditor, who shall when directed to do so by the City Council, cancel one of said erroneous or double assessments by an entry on the margin of the assessment book, as also on the delinquent list, should such erroneous or double assessment be carried therein.

Sec. 51. When real property has been correctly assessed and sold to the city for delinquent taxes, any misstatement of facts or clerical errors occurring or appearing in the certificate of sale, or in the deed issued thereon, may be corrected by the Tax Collector or his successor in office upon an order of the City Council entered upon its minutes directing correction, by the issuance of a new or amended certificate of sale, or tax deed, when it can be determined by the assessment and subsequent proceeding what was originally intended. Such new or amended certificate of sale or tax deed shall contain a statement giving reasons for issuance of new or amended certificate or deed.

Sec. 52. If the City Tax Collector discovers before the sale that on account of an irregular assessment or other error, any land must not be sold, he must not offer the land for sale, but must report the fact to the City Assessor, who must enter uncollected taxes upon the assessment book of the next succeeding year, to be collected as other taxes entered thereon.

Sec. 53. When land is sold for taxes correctly imposed upon the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Sec. 54. In case property assessed for taxes is purchased by the city pursuant to the provisions of this ordinance, it shall be assessed

each subsequent year for taxes until a deed is made to the city therefor in the same manner as if it had not been purchased.

Sec. 55. In case an assessment is made under the provision of Section 54 of this ordinance, and the land is not redeemed from the previous sale had under the provisions of this ordinance, no sale shall be had under the assessment authorized by Section 54.

Sec. 56. In case property is sold to the city pursuant to the provisions of this ordinance, and is subsequently assessed pursuant to Section 54 of this ordinance, no person shall be permitted to redeem from such sale except upon payment also of the amount of such subsequent assessment, costs, fees, penalties and interest.

Sec. 57. Whenever property sold to the city pursuant to the provisions of this ordinance, shall be redeemed as herein provided, the moneys received on account of such redemption shall be paid into the city treasury.

Sec. 58. A partial redemption may be made separately from the whole assessment of any lot, piece or parcel of land contained in any assessment, if such lot, piece or parcel has a separate valuation on the assessment roll.

Sec. 59. At any time after the assessment book has been received by the Tax Collector, and the taxes have become payable, the owner of any property assessed therein who may claim that the assessment is void in whole or in part, may pay the same to the Tax Collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void, or if a part only, what portion, and in either case the grounds upon which such claim is founded, and when so paid under protest, the payment shall in no case be regarded as voluntary payment, and such owner may at any time within six months after such payment recover same as provided in Section 3819 of the Political Code of California.

Sec. 60. The City Assessor must collect the taxes on all personal property when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said tax.

Sec. 61. The Assessor is governed as to the amount of tax to be by him collected on personal property by the tax levy for the preceding year. When the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of the said rate has been collected, the excess must be re-paid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns, and if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected, by the Tax Collector.

Sec. 62. Immediately after fixing the assessment of such property, he shall serve on its owner or owners, notice in writing which shall certify the assessed valuation of the property, the rate of taxation, and the amount of said tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence or place of business of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

Sec. 63. Said sale must be at public auction, and of a sufficient amount of property to pay the tax, percentage and costs. The sale must be made after one week's notice of the time and place thereof; said notice shall be given by publication in a newspaper published in the City of Pasadena, or by posting in three public places. On

payment of the price bid for any property sold the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. All excess taxes, per cent and costs of the proceedings in any such sale, must be returned to the owner of the property sold, and until claimed, must be deposited in the city treasury subject to the order of the owner, heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner. It is provided, however, that the Assessor shall make no seizure and sale in any year after the assessment book shall have been placed in the hands of the City Tax Collector for the collection of the taxes thereon.

Sec. 64. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or his assigns. And if the valuation of said property should be increased by said board, then the deficiencies must be collected as other taxes on personal property are collected, by the Tax Collector.

Sec. 65. The Assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this ordinance, and shall turn over to the City Treasurer all money received, immediately upon its receipt.

Sec. 66. In case the Assessor shall fail to demand, and through his fault to collect any and all taxes which by this ordinance he is directed to collect, he shall be personally liable to the City for the amount of said delinquent taxes, with interest from the date of their assessment, and the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond, to recover the same.

Sec. 67. Omissions, errors or defects in form of any original assessment book when it can be ascertained therefrom what was intended, may on the order in writing of the City Council of said city, be supplied by the Assessor at any time prior to the sale of delinquent taxes, and after the original assessment was made, and when the omission, error or defect has been carried into a delinquent list or any publication, the list or publication may be published as amended, or notice of the correction may be given in a supplemental publication to be made in the same manner as in the original publication, and for not less than one week.

Sec. 67½. If at any time during the current fiscal year, or during any other year, the publication of any notice, the sale or declaration of sale of any property to the City of Pasadena or otherwise, the issuance, execution or recording of any certificate, deed or other instrument or writing, the making of any entry or demand, or the performance of any other act by this ordinance required to be done or performed, has been or shall be at the time provided by or pursuant to this ordinance, prevented or postponed by reason of any order, injunction, decree or judgment of any court, then any of such acts or things so prevented or postponed may be done and performed by the officer or board in the first instance charged with the doing of such act or thing, immediately after the vacation, setting aside or reversal of such order, injunction, decree or judgment, and upon a day or days selected by such officer or board charged with the doing or performance of such act or thing, unless another time therefor be fixed by order of the Council.

Sec. 68. The City Council may by an order entered upon its journal, extend for not exceeding thirty (30) days, the time fixed in this ordinance for the performance of an act; provided that the provisions of this section or any section of this ordinance shall not be construed so as to invalidate or avoid the performance of any act or duty of any officer or officers of said city which has been or is or may be done or performed after the time or times mentioned in this ordinance or

fixed by such order, and done pursuant to the objects thereof. All provisions of this ordinance shall be liberally construed so as to give full force and effect to the objects and purposes thereof.

Sec. 69. No assessment or act relating to assessment or collection or city taxes is illegal on account of informality, nor because the same was not completed within the time required by law.

Sec. 70. Taxes must be paid in legal coin of the United States of America.

Sec. 71. Ordinance No. 185, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed. But all proceedings had under said Ordinance No. 185, are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunto.

(Adopted May 13, 1902.)

ORDINANCE NO. 1348.

An Ordinance of the City of Pasadena Apportioning and Assigning the Executive and Administrative Powers, Functions and Duties of the City Among Five Departments, Assigning a Commissioner to be the Head of Each of Said Departments, Determining the Powers and Duties to be Exercised by Said Commissioners, and Delegating to Such Departments and Commissioners the Performance of Certain Executive and Administrative Acts.

The Commission of the City of Pasadena ordains as follows:

Section 1. The five executive and administrative departments of the city are hereby designated as the Department of Public Affairs, the Department of Public Finance, the the Department of Public Safety, the Department of Public Works, and the Department of Public Utilities.

Sec. 2. The five elected Commissioners constituting the Commission of the City of Pasadena are hereby assigned to said departments as follows:

Commissioner R. L. Metcalf, to be the head of the Department of Public Affairs.

Commissioner A. L. Hamilton, to be the head of the Department of Public Finance.

Commission W. B. Loughery, to be the head of the Department of Public Safety.

Commissioner T. D. Allin, to be the head of the Department of Public Works.

Commissioner M. H. Salisbury, to be the head of the Department of Public Utilities.

Sec. 3. Each Commissioner shall see that all laws and ordinances within the jurisdiction of his department are strictly enforced. He shall vigilantly observe the official conduct of all public officers and employes assigned to his department, or employed under his direction or control and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall, at all times be open to the inspection and examination of each Commissioner. Any defalcations or wilful neglect of duty, or official misconduct which any Commissioner may discover, or which may be reported to him shall be laid by him before the said Commission in order that the public interests may be protected and the person in default be proceeded against according to law.

✓ Each Commissioner shall, from time to time, give to the Commis-

sion information in writing relative to the functions, powers and duties assigned to his department, and shall recommend such measures as he may deem beneficial to the city in the exercise thereof. ✓

The Commissioner of Public Affairs shall nominate, and the Commission appoint or remove the City Attorney, the Police Judge and the City Clerk, who shall exercise the powers and perform the duties of their respective offices under the direction of the Commission.

Each Commissioner shall appoint, with the approval of the Commission, the officers of the city assigned to his department, and each Commissioner may, with the consent of the Commission first had and obtained, remove any officer appointed by him.

Sec. 4. The following executive and administrative powers and duties of the city are hereby delegated, assigned and apportioned to the Department of Public Affairs, under the direction of the Commissioner of Public Affairs.

The Commissioner of Public Affairs shall be chairman of the Commission, and as such shall have charge of all civic functions, celebrations, receptions and courtesies; shall preside at all meetings of the Commission, and sign on behalf of the Commission every ordinance or resolution adopted by the Commission. As Chairman he shall sign, on behalf of the city, contracts not otherwise provided for, and sign and approve all bonds not otherwise authorized to be signed or approved, and shall approve and sign all demands payable out of the City Treasury not by ordinance otherwise directed to be signed and approved. He shall act as executive in performing all acts required to be performed by the executive of the city under the terms of general laws of the State authorizing the incurring of indebtedness by the city for municipal improvements and the issuance of bonds therefor. In the absence of the Chairman, every ordinance or resolution adopted by the Commission shall be signed by three Commissioners.

The Department of Public Affairs shall include, and the Commissioner of Public Affairs shall have charge and supervision of all relations between the city and its inhabitants with all persons, firms or corporations furnishing or providing any public service, or public utility to the city or the inhabitants thereof, and it shall be his duty to enforce the provisions of all laws, franchises or permits under which such persons, firms or corporations furnishing public service or public utilities to the city or its inhabitants are operating, and to compel due observance of all standards of service or other regulations affecting the same prescribed by law or the ordinances of the city.

The Department of Public Affairs shall include, and the Commissioner of Public Affairs shall have charge and supervision of all public libraries, public playgrounds, public concerts, public charities, promotion, publicity, entertainment and city planning, and of all officers and employes of the city assigned thereto, and of all property and departments of the city not herein or by ordinance otherwise specifically assigned.

The Commissioner of Public Affairs shall, as Chairman of the Commission, execute, on behalf of the city, and sign all deeds and other instruments conveying real property of the city, or any interest therein, and all leases, which, by resolution or motion, are ordered by the Commission to be executed.

(Paragraphs added by Ordinance 1347, adopted July 15, 1913.)

(Section 1. The Commissioner of Public Affairs shall grant and sign all permits and permissions authorized and required to be obtained from, and granted and signed by, the Mayor under the provisions of Ordinances Number 479 and 539.)

(Excerpt from Ordinance 1354.)

Sec. 5. The following executive and administrative powers and duties of the city are hereby delegated, assigned and apportioned to

the Department of Public Finance, under the direction of the Commissioner of Public Finance:

The Department of Public Finance shall include, and the Commissioner of Public Finance shall have charge and supervision of the finances and accounts of the city. He shall devise and recommend to the Commission, a general system of accounts for the city and after the Commission shall adopt a system of accounts he shall adjust said system to the special needs of each of the several departments in such manner as to promote the economical and efficient management of the said departments, and shall supervise the same in detail. He shall devise and recommend to the Commission a system for purchasing supplies and materials for the city and use and supervise the enforcement of the system adopted by the Commission. He shall exercise supervision over the offices of the City Auditor and Assessor, Treasurer and Tax and License Collector. He shall take special care to see that the books and records of the city and of all departments and boards, and of all officers and persons employed by the city are kept in legal and proper form. He shall be ex-officio a member and chairman of the Board of Efficiency and Economy and Manager of the Bureau of Efficiency and Economy.

The Commissioner of Public Finance shall be Vice-Chairman of the Commission, and in the absence of the Chairman or his inability to act, shall preside at meetings of the Commission, sign all contracts, bonds and other papers to be signed by the Chairman, and perform all other duties of the Chairman. In the absence or other inability of the Chairman to act, he shall sign all ordinances and resolutions adopted by the Commission which shall thereupon be signed by two other Commissioners.

Sec. 6. The following executive and administrative powers and duties of the city are hereby delegated, assigned and apportioned to the Department of Public Safety, under the direction of the Commissioner of Public Safety:

The Department of Public Safety shall include, and the Commissioner of Public Safety shall have charge and supervision of the Police Department, Fire Department, Health Department, food inspection, animal inspection, hospitals, cemeteries, sumps, pounds, sewers, garbage and rubbish collection and disposal, the maintenance and operation of the city incinerator and city farm, and of all officers and employees engaged in said departments or employments.

He shall have supervision of all other matters affecting the health, safety and morals of the inhabitants of the city not herein, or by ordinance otherwise specifically assigned.

He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

He shall appoint, upon application of any person, firm or corporation, special police officers who shall receive no pay from the city and who may be removed at any time by the Commission; provided, however, that such special police officers shall be subject to all the rules and regulations and ordinances of the Commission. He shall appoint at times of public emergency, special policemen who shall serve for such time as is designated in their appointment and who shall receive such compensation as may be fixed by the Commission. He shall provide for the care, restitution, sale or destruction of such unclaimed property as may come into possession of the Police Department.

Sec. 7. The following executive and administrative powers and duties of the city are hereby delegated, assigned and apportioned to the Department of Public Works, under the direction of the Commissioner of Public Works:

The Department of Public Works shall include, and the Commissioner of Public Works shall have charge and supervision of the construction of all public buildings belonging to, or used by the city;

of the construction, supervision and improvement, and the opening, extending, widening and vacating of streets, alleys and other public places, and the construction, repair and maintenance of streets, sidewalks, bridges, sewers, storm drains, culverts and all other public improvements not herein or by ordinance otherwise assigned. He shall also supervise and direct all work done on, in, under or above all streets, alleys and parkings along streets and other public ways and places of the city in connection with the construction, maintenance or repair of any and all structures, or installation of every kind and nature authorized by law or by ordinance to be erected, constructed, installed, laid, done, maintained or repaired on, in, under or above any such street, alley or other public way or place within the city. It shall be his duty to prevent the unlawful use or occupation of, or damage to any portion of any street, alley or other public way or place within the city, whether in, on, above or below the surface thereof. He shall have charge and be Manager of the Municipal Oil Pit and of the purchase and sale of oil in connection therewith. He shall be in charge of and have supervision over the offices of City Engineer, Superintendent of Streets, Building Inspector, Plumbing Inspector, City Electrician and City Chemist.

(Section 1. The Commissioner of Public Works shall countersign all warrants for the collection of street assessments required by law or ordinance to be countersigned by the Mayor, and shall, as payee thereof, accept for the city all checks or bonds accompanying bids for street improvements made by law or ordinance payable to the order of the Mayor).

(Excerpt from Ordinance 1353.)

Sec. 8. The following executive and administrative powers and duties of the city are hereby delegated, assigned and apportioned to the Department of Public Utilities, under the direction of the Commissioner of Public Utilities:

The Department of Public Utilities shall include, and the Commissioner of Public Utilities shall have charge and supervision of the Municipal Water Department, the Municipal Electric Lighting Works Department, and all other public utilities and public service now owned or hereafter acquired or operated by the city and not otherwise assigned. He shall have the control and management of water and waterworks, and all lands, works and equipment for the production, sale and distribution of water and light that now belong or may hereafter be acquired by the city; the construction maintenance and improvement of such works; the management, rental, sale and distribution of such water and light; the collection of rates from the sale thereof, and the general charge of such works, and of all officers and employees of the city engaged in such service. He shall recommend to the Commission the rates to be charged for such water and light, but such rates shall be fixed by the Commission.

He shall prepare and present to the Commission all reports required by the Charter of the city to be prepared and presented to the City Council by the Board of Water Commissioners.

He shall have charge, supervision and management of all lands and real property which have been or may be acquired, set apart or dedicated for the use of the people of the city as public parks, and of any boulevard parking which has been or may be acquired, dedicated or constructed as a portion of the park system of the city.

He shall have charge and supervision of the Gravel Pit, the El Monte Ranch, and the Narrows property of the city.

Sec. 9. All meetings of the Commission shall be held in what is known as the Council Chamber in the City Hall of the City of Pasadena.

Regular meetings of the Commission shall be held at 9 o'clock in the morning of each Tuesday and each Friday, provided that when any

Tuesday or Friday shall fall on a legal holiday, no regular meeting of the Commission shall be held on such day.

Special meetings of the Commission may be held on any day except Sundays, upon call and notice issued by the Chairman or by three or more members of the Commission. Such call and notice shall be in writing, signed by the Chairman or three or more members of the Commission and shall state in general terms the subjects and matters to be considered and acted upon at such special meeting, but the business transacted at such special meeting shall not be limited to the subjects and matters mentioned in such notice. Notice of the call of each special meeting shall be served by exhibiting the original and delivering a copy of such call and notice to each member of the Commission who is in the County of Los Angeles, except those signing such call and notice, at least twenty-four hours prior to the time of such meeting. Presence at any special meeting shall constitute a waiver of notice thereof and of all defects and irregularities therein. Special meetings regularly called and special meetings at which all members of the Commission are present shall be regular and valid meetings for the transaction of all business.

Any meeting herein provided for may be adjourned from time to time and to any day except Sunday, and at such adjourned meeting any proceeding or business may be had or done which could be had or done at the original meeting, including the passage of ordinances and resolutions read for the first time at the original meeting.

Sec. 10. Ordinances Nos. 926, 1122, 1121, 1125, 1127, 1129 and 1130, are hereby repealed.

Sec. 11. All ordinances and resolutions of the city, and all articles or rules prescribed by or for the government of any of its departments, officers or employes, which are in force at the time of the taking effect of this ordinance, and which are not repealed hereby, or inconsistent herewith, shall continue in force until altered, amended or repealed by the Commission.

Sec. 12. All claims and demands whatever against the City of Pasadena, except interest coupons on bonds, and bonds of the funded debt shall be on forms to be supplied by the City Clerk, and before being presented to the Commission shall be presented for approval to the officer authorizing the expenditure, and to the Commissioner in whose department the claim or demand arose who shall each endorse his action thereon with the date thereof. Where a claim or demand does not arise in any of the five departments it shall be so presented to and be acted on by the Commissioner of Public Affairs. In the matter of claims and demands, the Commissioner of Public Finance shall have and exercise the powers and duties conferred on the Mayor by Article 11 of the Charter, provided, that as to claims and demands arising in the Department of Public Finance, the Commissioner of Public Affairs shall have and exercise such powers and duties. In the matter of claims and demands the Commission shall have and exercise the powers and duties conferred on the City Council, the Board of Water Commissioners, and the Library Board by Article 11 of the Charter.

The Commission shall have the books and records of all officers and departments pertaining to the finances of the city, expeted at least once in every year by a competent person not in the regular employ of the city and to be selected by the Commission.

Sec. 13. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published once in The Pasadena Star.

I hereby certify that the foregoing ordinance was adopted by the

Commission of the City of Pasadena at its meeting held May 6th, 1913, by the following vote:

Ayes: Commissioners Allin, Hamilton, Loughery, Metcalf and Salisbury.

Noes: None.

HEMAN DYER,

Clerk of the City of Pasadena.

Signed and approved this 6th day of May, 1913.

R. L. METCALF,

Chairman of the Commission of the City of Pasadena.

ORDINANCE NO. 1355.

An Ordinance of the City of Pasadena Creating and Establishing a Public Library Advisory Board.

The Commission of the City of Pasadena ordains as follows:

Section 1. There is hereby created and established a board of the City of Pasadena to be known as the Public Library Board. Said board shall consist of four members, one of whom shall be the Commissioner of Public Affairs, who shall be Ex-officio Chairman of the said board. The remaining members of said board shall be appointed by the Commissioner of Public Affairs subject to the approval of the Commission, and may be removed at any time by the Commissioner of Public Affairs with the consent of the Commission.

Sec. 2. Said board shall meet once a month or oftener upon call of the Chairman, and the duty of the appointed members thereof shall be to advise and confer with the Commissioner of Public Affairs in the matter of the selection of books and magazines for said libraries, the qualifications of employes therein, and all other matters relating to the management of the public libraries of the City. The members of said board shall serve without compensation.

(Adopted May 20, 1913.)

ORDINANCE NO. 1364.

An Ordinance of the City of Pasadena Creating and Establishing an Advisory Board of Health, Fixing Its Powers and Duties and Creating and Establishing the Office of Health Officer and Fixing the Powers and Duties of Such Office.

The Commission of the City of Pasadena ordains as follows:

Section 1. There is hereby created and established a board to be known as the Advisory Board of Health, which shall consist of five (5) members, four of whom shall be appointed by the Commissioner of Public Safety and their appointment confirmed by the Commission. Each of the four thus appointed shall be at least thirty (30) years of age, and three of the four thus appointed shall be practicing physicians, who shall have practiced their profession for at least three years preceding the day of their appointment. The fifth member of the board shall be the Commissioner of Public Safety, who shall be the presiding officer of the board. Those members of the said board first appointed under this ordinance shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years and one at the end of four years. Their successors shall hold office for four years and until their successors are appointed. Members of the board shall serve without compensation therefor. Three of the members of the board shall constitute a quorum for the transaction of business.

Sec. 2. It shall be the duty of the Advisory Board of Health to

make recommendations and to advise the Commission either at the request of the Commission, the Commissioner of Public Safety, or on the initiative of the board, in all matters concerning the health of the inhabitants of the city or pertaining to the performance of the duties of the Commission as successor to the Board of Health heretofore existing by virtue of Article 18 of the Charter of the city.

Sec. 3. There is hereby created and established the office of Health Officer. The Health Officer shall be at least thirty (30) years of age and a practicing physician, and shall have practiced his profession for a period of three years next preceding his appointment. He shall be one of the members of the Advisory Board of Health appointed pursuant to the terms of this ordinance. Said office shall be filled by appointment by the Commissioner of Public Safety and his appointment confirmed by the Commission. He shall receive such salary as is now or may be fixed by ordinance. He shall perform the duties and possess the powers assigned and granted to the Health Officer and the Secretary of the Board of Health as said offices heretofore existed under and by virtue of Article 18 of the Charter, and also the duties and powers assigned and granted to the Health Officer by Ordinances Nos. 486, 574, 595, 596 and 674. The term, "Health Officer," as used in said article of the Charter and in said ordinances shall be deemed to mean and refer to the Health Officer appointed pursuant to the terms of this ordinance.

(Adopted June 10, 1913.)

ORDINANCE NO. 1322.

An Ordinance of the City of Pasadena Relating to the Sale and Furnishing of Alcoholic Liquors and Prescribing a Method of Applying for Permits Under Article 14 of the Charter of the City, and Prescribing the Procedure for the Revocation of Such Permits.

The Mayor and City Council of the City of Pasadena do ordain as follows:

PART I.

Section 1. That every person applying for a permit to furnish or sell vinous and malt liquors, or to furnish or sell, or furnish and sell, spirituous, vinous, malt or other alcoholic liquors, under the provisions of Article 14 of the Charter of the City of Pasadena, shall do so by filing with the City Clerk an application therefor, and a statement, which statement shall contain answers to questions stated in substantially the following order and form. If it is impossible to answer such questions, or any of them, or if the applicant does not desire the answers thereto to be made public, he shall state his reason for his failure to so answer.

The following are the questions to be answered in such statement:

- (a) What is the nature and extent of the permit desired?
- (b) What is the name of the applicant?
- (c) What is the nature and extent of the applicant's interest in the place of business for which a permit is desired?
- (d) If any person, firm or corporation other than the applicant is, or is expected to become during the continuance of the permit, entitled to share in the profits of the place of business for which a permit is desired, state the name or names of such persons, firms or corporations and the interest of each.
- (e) When did applicant assume control of the place for which the permit is desired?
- (f) In what capacity does applicant control said place?
- (g) Was applicant ever an employe in said place prior to assuming control thereof? If so, when and for how long?

(h) What was applicant's business prior to assuming control of said place?

(i) Has applicant ever been in control of or employed in a place where alcoholic liquors were sold, furnished or given away? If so, when and where?

(j) Has the permit or license of any such place, of which applicant has had control, been forfeited, revoked or annulled during the continuance of his control? If so, why and when?

(k) Has the applicant ever been convicted of a violation of liquor law? If so, when and where?

(l) Has the applicant ever been refused a permit to sell alcoholic liquors in the City of Pasadena?

(m) What is the business of the place for which such permit is desired?

(n) What is the location, street and number of such place?

(o) Have alcoholic liquors ever been sold in said place heretofore? If so, were such liquors sold under permit?

(p) Why and when was such permit revoked?

(q) Have females been heretofore employed as waitresses in said place?

(r) Will females be employed as waitresses in said place during the continuance of the desired permit?

(s) Has any form of entertainment or amusement been heretofore provided for guests? If so, state the nature of such entertainment or amusement.

(t) Is it the intention of the applicant to provide any form of entertainment or amusement for guests? If so, state the nature of such entertainment or amusement.

(u) Is the applicant familiar with the terms and provisions of Article 14 of the City Charter and Ordinance No. 1157?

Sec. 2. When the applicant is a regularly licensed druggist, questions lettered (q), (r), (s) and (t) need not be answered. Each application and statement shall be verified by the applicant. Excepting regularly licensed druggists each applicant shall file as part of his application a written expression from the occupant of each ground floor front in the block in which the place of business for which the permit is desired is located, showing the opinion of each of such occupants with reference to the advisability of granting the desired permit, or a statement that such occupants have refused to express themselves in the matter. The term "block" as herein used shall be deemed to include both sides of the street whereon such place of business fronts between the two cross streets nearest thereto.

(Section 2 amended by Ordinance 1329, March 18, 1913.)

"Sec. 2 (a). At the time of filing an application for a permit to furnish vinous and malt liquors in the dining rooms of any hotel having less than one hundred sleeping rooms, or any boarding house or restaurant, the applicant shall file, as a part of his application, a plan or diagram of the dining rooms of said hotel, boarding house or restaurant, drawn to scale, showing all places of ingress or egress, the location in respect to streets, alleys and other public places; the floor of the building in which the same are situated, the location of the partitions, enclosures, fixed screens and curtains therein; the location of tables and counters, and the number of guests which can be accommodated at one time at each table or counter. Any permit granted on such application shall authorize the furnishing of vinous and malt liquors in such of the dining rooms shown on said plan or diagram as shall be approved by the Commission, but shall not authorize the furnishing of vinous or malt liquors in any dining rooms not shown thereon."

(Section 2A added by Ordinance 1352, May 16, 1913.)

Sec. 2 (b). The terms hotel, boarding house and restaurant as used in Article 14, of the Charter of the City of Pasadena, in Ordinance

No. 1157, and in Ordinance No. 1322, of the City of Pasadena, are hereby defined as follows:

"An 'hotel' is defined as a public house for the entertainment of transient guests, having dining rooms equipped and furnished for the service and accommodation of at least thirty guests at one time.

"A 'boarding house' is defined as a house where table board is furnished by special contract with each guest, for a fixed period of not less than one week and having dining rooms equipped and furnished for the service and accommodation of at least twenty guests at one time.

"A 'restaurant' is defined as a public eating house having dining rooms equipped and furnished for the service and accommodation of at least thirty guests at one time."

(Section 2B added by Ordinance 1352, May 16, 1913.)

Sec. 3. Upon the filing of the application and statement herein required, the City Clerk shall present the same to the City Council at its next regular meeting at which time the matter shall be referred to the proper committee for investigation. Such committee shall return the same with its recommendation endorsed thereon within fifteen (15) days from the time of such reference. In no case shall the action of the Council thereon be delayed more than thirty (30) days after the time of filing the application and statement unless the applicant shall acquiesce in such delay. At the time of filing his application, the applicant may file therewith a request that he be given a hearing in the matter before final action thereon is taken by the Council. If no such request is made, such hearing shall be deemed waived. If such request is made, the Council shall at the time when the application is returned by the committee to which it was referred, set a time for hearing thereon which shall be not less than five (5) days thereafter, and shall cause notice thereof to be served upon the applicant. Service of such notice shall be made at least three (3) days before the time set for such hearing. Appearance of the applicant at the time of hearing shall be deemed a waiver of such notice and all defects and irregularities in such notice, if any there be. At the time so fixed, or at any time to which the matter may be continued, the Council shall hear and determine the matter of granting the permit applied for.

Sec. 4. The matters recited in the application and statement herein required, are intended, and shall be used to assist the Council in its judgment, and shall not be conclusive, but the Council or its committee may investigate, and the Council shall determine whether or not the applicant is a fit and proper person to conduct a place of business in which alcoholic liquors are furnished or sold, and whether or not the place in which such permit is to be exercised is a fit and proper place for the exercise of such permit. If the Council shall find that the person and place are fit and proper, the permit shall be granted.

Sec. 5. Every permit issued pursuant to the terms of Article 14 of the Charter shall recite that it is to be exercised in a certain designated place and by a certain designated person who shall be the person directly in control of and responsible for the conduct of the business of the place so designated. Permits so issued shall not be transferable from one place to another, nor from one person to another. Any change in the location of the place of business, or the person in control thereof, shall, thirty (30) days from the time such change takes effect, operate as a revocation of such permit. If the matter of granting a permit for the new location or person in control shall be pending, such time may be extended by the Council, but such extensions in the aggregate shall not exceed thirty (30) days on any one permit.

PART II.

Sec. 6. All permits issued pursuant to the terms of Article 14 of the Charter, shall be subject to revocation by the Council in the following manner:

Whenever it shall appear to the satisfaction of the Temperance Committee of the Council (or its successor) that any person furnishing or selling alcoholic liquors under a permit issued pursuant to the terms of Article 14 of the Charter, has violated any of the provisions of law relating to the furnishing or sale of alcoholic liquors, or that for any reason the further exercise of such permit is inconsistent with the maintenance of the peace, health, comfort, safety or good morals of the community, there shall be served upon the holder of such permit a complaint stating in ordinary language the matters and things wherein it is charged that the holder of said permit has violated such law, or why the further exercise of such permit is inconsistent with the peace, health, comfort, safety or good morals of the community, together with an order to show cause why such permit should not be revoked, returnable at a time and place therein stated. At the time and place fixed in said order, or at a time and place to which the matter may be continued, the Council shall hear and determine the matter of the revocation of such permit. The Council shall not be bound by the ordinary rules of evidence applying to the trial of civil or criminal cases, but shall be the judge of the competency, relevancy and materiality of all evidence offered or required at such hearing.

Sec. 7. If any of the representations, statements or answers contained in the application or statement herein required, shall be found to be untrue, any permit issued pursuant thereto may be revoked. Violation of the Charter or ordinance provisions relating to the sale of alcoholic liquors, or the continued presence of any drunken or intoxicated person or persons, in or about any place operating under a permit for the sale of furnishing of alcoholic liquors, or the continued presence of any disorderly or boisterous person or persons in or about any place operating under a permit for the sale or furnishing of alcoholic liquors, shall be sufficient ground for the revocation of such permit. The grounds of revocation herein specified shall not be deemed exclusive, but whenever it shall appear to the Council that any condition, reason or cause necessitates the revocation of such permit in order to protect the peace, health, comfort, safety or good morals of the community, it may revoke the same. The finding of the Council in any such matter shall be conclusive.

(Adopted March 4, 1913.)

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