

road districts and appoint a street commissioner in each of said districts who shall act as supervisor in their respective districts.

SEC. 3. This act shall take effect from and after its publication in the Lyons Mirror and Lyons City Advocate, the expense of said publication to be paid by said Lyons City. Take effect.

APPROVED, July 14th, 1856.

CHAPTER 23.

OTTUMWA CITY.

AN ACT to incorporate the City of Ottumwa, Wapello County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the town of Ottumwa, situated in Wapello county, Iowa, as recorded upon the records of said county, together with the various additions, which have been made thereto, and are now of record, are hereby declared to be a city, by the name of Ottumwa. Ottumwa declared a city.

SEC. 2. The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation. Corporation.

SEC. 3. The Legislative authority of the city is vested in a City Council, consisting of a Mayor and Board of Aldermen, composed of three from each ward of the city. Legislative authority.

SEC. 4. The said city shall be divided into wards by the Council thereof, from time to time, as they may deem proper. Wards.

SEC. 5. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his vote, ten days, next preceding a city election, is declared a citizen of the said city, and is entitled to a vote at all the elections thereof. Citizens.

SEC. 6. The elections of the city (for officers) shall be conducted in a manner as similar to that in which the elec- Conducting elections.

tions are conducted in the townships, as the nature of the case permits.

Challenge. SEC. 7. A person offering to vote may be challenged as in other elections in the townships; and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

Who eligible. SEC. 8. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and has been resident thereof for over one year next preceding his election.

Election. SEC. 9. That the qualified electors of said city shall, on the first Monday of September, 1856, and on the first Monday in March annually thereafter, elect a Mayor, and at

Officers. the same time nine Aldermen, a Recorder, Assessor, Treasurer and Marshal; and the Mayor and Aldermen so elected, when assembled together, and duly organized, shall constitute the City Council, a majority of whom shall be necessary to constitute a quorum for the transaction of business.

City Council. They shall be elected for the term of one year, and until their successors are elected and qualified. The Mayor, Recorder, Assessor, Treasurer and Marshal shall be elected by the legal voters of said city.

Term. SEC. 10. Three Aldermen shall be elected in each ward by the legal voters thereof.

Aldermen. SEC. 11. It shall be the duty of the Mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all commissions, licences and permits, granted by the City Council, and to perform such duties and exercise such powers, as pertain to the office of the Mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

Mayor's duty. SEC. 12. He shall be a conservator of the peace within the city, and ex-officio a Justice of the Peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the State, committed within the city, and with civil jurisdiction, limited to the city, in the

Judicial function.

same manner as that of Justices is or may be limited to their townships; he shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or behalf of the city.

SEC. 13. Appeals to the District Court in the same Appeals. county shall be allowed from the judgments and decisions of the Mayor, in the same cases, time and manner as may at any time be allowed by law from those of other Justices, and they shall be tried as in other cases. He will be enti-Fees. tled to demand and receive the same fees as are at the time allowed by law to Justices of the Peace. He shall be the Preside. presiding officer of the City Council when present, and shall give the casting vote when there is a tie, and in his absence the Council may appoint a president for the time being Pres. P. T. from their own body.

SEC. 14. The Council shall be the judge of the qualifi-Council Judge cations and election of its own members; it may determine of election and the rules of its own proceedings, and shall keep a record qualification thereof, which shall be open to the inspection of every citi- members. zens, and may compel the attendance of its members in such manner, and by such penalties as it may adopt.

SEC. 15. The Marshal shall be a conservator of the peace Marshal's du- and is the executive officer of the Mayor's Court, and shall ty. execute and return all process directed to him by the Mayor; and in cases for the violation of the city ordinances, and of the criminal laws of the State, may execute the same in any part of the county; and he shall have the same Keep Peace. authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the Sheriff has within his county; and may, in the same cases and under the same penalties, require the aid of the citizens, and perform all duties imposed by the Council. He may with the approval of the Council appoint one or more deputies, and Deputies. discharge them, and he shall be responsible for their doings when acting officially, for the service of legal process he shall be entitled to the same fees as a Constable, and for Fees. services required by the Council, such compensation as it may allow.

SEC. 16. The Treasurer, Recorder, Assessor, and Mar-Bonds.

shal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances, not inconsistent with law.

Proclamation. SEC. 17. In all elections for city officers, the Mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of holding election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the City Council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

Ineligible. SEC. 18. No member of the City Council shall be eligible to any office within the gift of the City Council, during the time for which he is elected; nor shall he be interested directly or indirectly in the profits of any contract, or job of work, or services to be performed for the city.

Ordinances. SEC. 19. Ordinances passed by the City Council, shall be signed by the Mayor, attested by the Recorder, and before they take effect, be published in one or more newspapers, published in the city, at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose, and signed by the Mayor, and attested by the Recorder.

Recorder's duty. SEC. 20. It is the duty of the City Recorder to keep a true record of all the official proceedings of the City Council, and such record shall at all times be open to the inspection of any citizen.

Oath. SEC. 21. The Mayor, Aldermen, Marshal, Treasurer, Recorder and Assessor, shall take an oath to support the Constitution of the United States, and of the State of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the Coun-

cil. The oath of office may be administered by the Mayor ^{Who may administer.} or Recorder, when he is qualified; and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. The Recorder, Marshal and Assessor shall receive such fees as the City Council deem right, not exceeding the amount allowed county or township officers for such services. ^{Fees.}

SEC. 23. The Council may hold its meetings as it sees fit, ^{Meeting of Council.} having fixed stated times, or provide the manner of calling them by ordinance; and its meetings shall be public.

SEC. 24. The Council may appoint in such manner as it determines, and during its pleasure, Street Commissioners, ^{Council may appoint certain officers.} a Clerk of the Market, City Surveyor, Health Officers, and such other officers as it deem advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of any such officers by the citizens.

SEC. 25. When a vacancy occurs in any of the elective city officers, the Council may fill the vacancy by appointment of record until the next election, and the qualification of the successor. ^{Vacancy.}

SEC. 26. The City Council is invested with authority to make ordinances to secure the inhabitants against fire, ^{Ordinances.} against violations of the law and the public peace; to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the Mayor as in criminal proceedings before a justice of the peace, and the laws of the State relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charge thereof must be borne by the city. ^{Fines.}

- Fire compa-
nies.** **SEC. 27.** The Council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus; and it has the control of the landing on the Des Moines River, and may regulate the landing, wharfage, and dockage of all water crafts, goods, lumber, and other things landed or taken from the same.
- Wharf.**
- Powder.** **SEC. 28.** The Council may regulate the keeping and sale of gunpowder within the city.
- License.** **SEC. 29.** The Council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances; billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character—
- Shows, &c.**
- Gaming ta-
bles.**
- Exceptions.** when the laws of the State permit or refuse licenses for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said Council, and it may at all times prohibit the retail of such liquors, unless such prohibiting would be inconsistent with the laws of the State, at the time existing; and the said Council is authorized to revoke or suspend any of the above licenses, when it deems that the good order and welfare of the city require it.
- Liquors.**
- Health.** **SEC. 30.** The Council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots and cause them to be sold by the Collector of the City, as in the case of taxes; and the owner may redeem from such sale as in case of a sale for tax.
- Drains.**
- Drayage, &c.** **SEC. 31.** It may regulate the system of cartage and drayage within the city, and may issue license therefor; and may prohibit hogs from running at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.
- Moneys.** **SEC. 32.** The Council shall provide by ordinance for the keeping of the public moneys of the city, and the manner of disbursing the same, and shall audit all claims against

the city, and all officers of the city are accountable to the Council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city and of all debts owing to and from the same. Publish.

Sec. 33. The City Council shall have power to vacate streets and alleys, and re-locate the same, and extend the same to the corporation line; but whenever the exercise of this power shall in any way injure the property of any person, the corporation of said city shall be liable to the person so injured, in such sum as may be adjudged proper, by three disinterested persons, to be selected by the Marshal of said city. Streets and alleys.

Sec. 34. Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city. Imprisonment

Sec. 35. The City Council is authorized to levy and collect taxes, not exceeding one-half of one per cent. on all property within the city, which is liable for State and county taxes, including improvements on such property; and it may exempt such improvements, when it is so determined by a vote of a majority of all the voters of the city; but when such an exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half of one per cent. on the valuation; the Council may also levy a tax on dogs, or may prohibit their running at large in the city; *Provided*, that the tax thus levied and collected, when improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city, at an annual election or a special election, held for that purpose. Taxes.
Exempt improvements by vote.
Limit.
Dogs.
Limitation of tax.

Sec. 36. The Marshal, or in case of his absence or disability, such person as the Council may appoint in his stead, shall be the Collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax, and the rate thereof, in general Collector.

terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months' notice in the most public places in each ward.

Appeal. SEC. 37. During the thirty days, any person aggrieved by this assessment or taxation, may appear before the Council, which may correct the same if found erroneous.

Destrain. SEC. 38. The marshal may destrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demanded, as constables may sell personal property on execution.

Sell. Lien. Sale. SEC. 39. Taxes on real property shall be a lien thereon, and it may be sold therefor, when the taxes remain unpaid for six months after posting the notice of the tax.

Notice of sale. SEC. 40. Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided for, notifying the assessment and tax. In such sale, he who bids to pay the amount due for the least quantity of land will be the highest bidder; and the manner of ascertaining the portion bid for, shall be as in the State revenue law.

Purchaser. Deed. SEC. 41. The marshal shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

Powers of Council. Pavements. Road tax. SEC. 42. The Council have the control of the streets and alleys and public grounds of Ottumwa City, and may cause sidewalks to be paved in the same, and to this end, it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Ottumwa City, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets thereof;

any person being a resident of said city, subject by the laws of this State to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The City Council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 43. The City Council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or receive from the school fund for distribution therein, within the limits of said city.

SEC. 44. The Council are authorized to borrow money for any object in its discretion, if at a regular notified meeting, under notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the election, and said loan can in no case be diverted from the specified object.

SEC. 45. On the passage of this act the trustees of the town of Ottumwa, shall cause a vote to be taken on the acceptance of this charter, in the manner in which township elections are now called and holden; in which, the vote shall be "for the charter," or "against the charter, and shall be by ballot, and at the same time and place, and by said trustees, an election shall be held for the election of a Mayor and nine Aldermen, three Aldermen from each ward; also, for a Recorder, Treasurer, Marshal and Assessor; if said vote result in favor of said charter, the result shall be so declared and entered of record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Ottumwa, on the first Monday of September, A. D., 1856, shall be opened between the hours of nine and ten o'clock, A. M., and kept open until 4 o'clock, P. M., of said day.

SEC. 46. This act to take effect from and after its passage.

APPROVED, July 15, 1856.