

CHAPTER 91.

LYONS CITY.

AN ACT to incorporate the City of Lyons.

- Boundaries. SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that portion of the State of Iowa included within the following limits, to wit: The east three-fourths of sections thirty and thirty-one, and so much of sections twenty-nine and thirty-two as are in the State of Iowa, all being in township eighty-two north, range seven, east of the fifth principal meridian, according to the United States survey, be, and the same is hereby, declared a city; and the
- Incorporation. inhabitants thereof are created a body corporate and politic, by the name and style of "Lyons City," and by that name shall have perpetual succession, and shall have and use a common seal, which they may alter and change at pleasure.
- Wards. § 2. The said city is hereby divided into three wards, as follows: That part of the city which lies south of the middle of Exchange street, is the first ward; that part lying between the middle of Exchange street and the middle of Pearl street, is the second ward; and that part lying north of the middle of Pearl street, is the third ward: *Provided,* that the city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.
- Charter to be submitted. § 3. On the passage of this Act, the county Judge shall order an election for the purpose of submitting this charter to the citizens of said city; which election shall take place on the first Monday in March, A. D. 1855, and shall be conducted, in all respects, as now provided by law; the township trustees conducting said election, as in other cases. The returns of said election shall be made to the county Judge, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of the said Judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper
- Fine.

for the election of the officers, as provided in sections seven and eight; which election shall be held on the first Monday in April, A. D., 1855, and shall be conducted, in all respects, as now provided by law, and returns made to the county Judge, whose duty it shall be to notify the persons elected to the respective offices named in the seventh section of this charter, who shall enter upon their duties as prescribed by this Act.

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

§ 5. A person offering to vote may be challenged, as in the elections in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

§ 6. No person shall be eligible to the office of Mayor unless he be a citizen of the city as above defined, and have been a resident thereof one year next preceding his election. Nor shall any person be eligible to any other office mentioned in this Act, unless he be a citizen of the city, as above defined, and have been a resident thereof three months next preceding his election.

§ 7. The officers of the city shall be a Mayor, two Aldermen from each ward, a Marshal, Recorder, Treasurer, Assessor and Wharf master, for the choice of whom an election shall be holden annually on the first Monday in April, and each of whom will hold his office for the term of one year, (except in the case of Aldermen, as hereinafter provided,) and until their successors are elected and qualified.

§ 8. Two Aldermen shall be elected in each ward, and such one of the two as receives, at the first election, the highest number of votes, shall hold his office for the term of two years, and the other, one year, and thereafter one shall be elected each year, in each ward, to hold for the term of two years. If there be a tie in the above case, the matter to be determined by lot.

Duty of Mayor § 9. It is 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 keep the seal of the city, and to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties, and exercise such powers, as pertain to the office of Mayor of a city; and such as may be granted by the ordinances of the city, consistent with law.

Mayor Ex. off. J. P. § 10. He is, by virtue of his office, a Justice of the Peace, and is invested with exclusive original jurisdiction of cases arising under ordinances of the city, 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 same manner as that of Justices is, or may be limited to their townships, and he will not be disqualified to act in such judicial capacity, by any proceeding being in the name, or in behalf of the city. He will be entitled to demand and receive, in civil actions, and in actions for the breach of the laws of the State, such fees as are, at the time, allowed by law to Justices of the Peace.

Fees. § 11. Appeals to the District Court in the same county, shall be allowed from the judgement and decisions of the Mayor, in the same cases, time and manner, as they are at the time allowed by law, from those of other Justices, and they shall be tried in the same manner.

Appeals. § 12. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie. In his absence, the council may appoint a President for the time being, who shall have authority to sign ordinances and orders on the Treasurer, and to administer oaths, and to do all other things pertaining to the office of Mayor, (except as a Justice of the Peace,) stating, in connection with his signature, the absence or inability of the Mayor.

Preside. § 13. In case of the absence of the Mayor from the city, or in case of his inability to act as a Justice, any Justice of the Peace in the township of Lyons, may take cognisance of cases arising under ordinances of the city, such absence or inability being made to appear upon the docket of the Justice.

Pro tem.

Absence &c., J. P. to act

§ 14. The Recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council. Recorder's duty.

§ 15. The Marshal is made a conservator of the peace, he is the executive officer of the Mayor's court, and shall execute and return all process directed to him by the Mayor, and in cases for the violation of the criminal laws of the State and of the ordinances of the city, may execute such process in any part of the county. He is invested with the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the Sheriff has within his county. He shall perform such other duties as the council prescribe, and, with its approval, may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a Constable, and for service required by the council, such compensation as it may allow. Marshal, duty and authority.

§ 16. The legislative authority of the city is vested in a city council, consisting of the Mayor and a board of Aldermen, composed of two from each ward of the city. Legislative authority.

§ 17. The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances, for the manner of calling them. Its meetings shall be public. Meetings of council.

§ 18. A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings, in such manner, and by such penalties as it may adopt; and it shall cause a record of its proceedings to be kept. Quorum. Rules. Record.

§ 19. The council is invested with the following powers: Powers of council. Ordinances.
 First. To make ordinances to secure the inhabitants against fire, against violations of the law and public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety,

good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

Penalties.

SECOND. 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 the case of complaint before a Justice of the Peace, and the laws of the State in relation to carrying into effect a judgment of a Justice of the Peace, under a complaint, shall be applied to judgment in the above cases; but the charges thereof must be born by the city.

Fire companies.

THIRD. To establish and organize fire companies, and to provide them with engines and other fire apparatus.

Powder.

FOURTH. To regulate the keeping of gunpowder within the city, and to provide that no building of wood shall be erected within such parts of the city as may be designated, and to declare such buildings a nuisance, and cause their removal.

Buildings.

Landing:

Wharves.

FIFTH. To remove obstructions from, and have entire control of, the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things landed at, or taken from, the same: *Provided*, nothing in this section shall be so construed as to affect the rights of the State or counties, or to prevent the county of Clinton from granting ferry charters in said county.

Ferries.

Licenses.

SIXTH. To exercise, exclusively, the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a properly literary, scientific, or artistical character, and when the laws of the State permit license for the sale of intoxicating liquor, that subject shall be within the exclusive authority of the council, and it may, at all times, prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the State, at the time existing; and it may revoke or suspend any of the licenses above mentioned, when

Liquor.

May revoke.

it considers that the good order and welfare of the city require it.

SEVENTH. To make all requisite ordinances in relation to ^{Health.} the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or ^{Stagnant wa-} fill up the same, and in default thereof, after reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes, but the owner may redeem the same, as in that case.

EIGHTH. To regulate cartage and drayage within the city, ^{License drays} and may license therefor, and may also make a prohibition ^{&c.} of animals running at large within the city. ^{Animals.}

NINTH. To provide for the establishment and support of ^{Schools.} public schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

TENTH. To audit all claims against the city; to provide ^{Audit claims.} for the keeping of the public money of the city, and the manner of drawing the same from the treasury; and all officers of the city are accountable to the council in such manner as it directs; and it is the duty of the council to publish, annually, a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same. ^{Disbursements.} ^{Receipts and expenditures.}

ELEVENTH. To establish the grade of the streets, alleys ^{Grades.} and wharves, and to change that of the wharves at pleasure, and that of a street or alley, upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.

TWELFTH. To prescribe the manner of calling the meetings of the citizens, except for the election of officers. ^{Calling meetings.}

THIRTEENTH. To appoint, in such manner as it determines, and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for any of those officers by the citizens. ^{Street commissioners.} ^{Other officers.}

FOURTEENTH. To cause the streets and alleys of the city ^{Payments.}

to be paved, and the pavement to be repaired, and in that end, it may require the owners of lots adjacent to which it is to be done, to pave and repair one half in width of the street contiguous to their respective lots, and in case of neglect, after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor as for a tax, subject to the same right of redemption.

Borrow money.
Vote. FIFTEENTH. To borrow money for any object in its discretion, if at a regular notified meeting, under a notice stating, distinctly, the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

Vacancies SIXTEENTH. To fill vacancies occurring in any of the city offices, by appointment of record, to hold, in the case of elective officers, until the next regular election, and the qualification of the successor.

Streets and alleys. SEVENTEENTH. To establish and locate streets and alleys, and to vacate the same upon the petition of two-thirds the value of the real property on both sides the street or alley where the change is desired.

Attestation of ordinances of § 20. Ordinances passed by the city council shall be signed by the Mayor, and attested by the Recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, or be posted in each ward for fifteen days. They shall be recorded in a book kept for that purpose, and signed by the Mayor and attested by the Recorder. An affidavit made by the Recorder, Marshal or Mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the Mayor or any Justice of the Peace in the county of Clinton, and filed in the Recorder's office, made and signed on the face of the record of ordinances, shall be *prima facie* evidence of the publication therein stated.

§ 21. The elections of the officers shall be conducted in a

manner as similar to that in which the elections are conducted in the township, as the nature of the case permits. Elections, how conducted.

§ 22. A person offering to vote, may be challenged, as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualification herein prescribed. Challenge.

§ 23. No member of the city council shall be eligible to any office in the gift of the council, during the term for which he is elected, nor shall he be interested, directly or indirectly, in the profits of any contract or job for work, or service to be performed for the city. Disqualification.

§ 24. For all elections for city officers, the Mayor is directed to issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time and place, or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days before the election, or instead thereof, he may cause a copy to be published in a newspaper printed in the city, the same length of time. Proclamation.

§ 25. The polls shall be opened (the council having appointed judges and clerks,) between the hours of eight and ten 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 city council, which shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose. Polls opened Returns. Record.

§ 26. The Mayor, Aldermen, Marshal, Treasurer, Recorder and Assessor, shall take an oath to support the Constitution of the United States and the State of Iowa, and faithfully and impartially to perform their duty to the best of their ability. The oath of office may be administered by the Mayor 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 be of the same effect as if administered by other officers authorized thereto. Qualification.

§ 27. Such of the officers as the council determine, shall give bond in such penal sum, and with such condition as may be prescribed, and to be approved as required. Bonds.

- Duties of officers.** § 28. The duties of all the officers (in addition to the duties herein prescribed) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for violation of duty, (except as herein provided,) as the ordinances may prescribe.
- Compensation.**
- Taxes.** § 29. The city council is further authorized to levy and collect taxes, not exceeding one-half of one per cent. on the value of all property within the city which is liable for State and county taxes, including improvements on real property. The council may also levy a tax on dogs, or prohibit their being kept in the city.
- Assessment roll.** § 30. The latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself.
- Collector.** § 31. The Marshal, or such person as, in case of his absence or disability, the council may appoint of record, 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 terms, without names or the description of the property, in a newspaper printed in the city, if there be one, and if none, then by two written notices posted in public places in each ward.
- Collection.**
- Notice.**
- Aggrieved.** § 32. During the thirty days, any person aggrieved by his assessment or taxation, may appear before the council, which may correct the same if found erroneous.
- Correct.**
- Warrant.** § 33. The Mayor shall affix his warrant to the tax list in general terms, requiring the collector to collect the taxes therein according to law; and such warrant and list shall be a justification to the collector.
- Sale of property.** § 34. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases.
- Lien.** § 35. Taxes on real property shall be a lien thereon, and it may be sold therefor, (if no personal property be found) when the taxes remain unpaid for four months after the publication of the notice of the tax; but demand of the tax must be
- May be sold.**

made a reasonable time before sale, if the supposed owner be found in the city.

§ 36. Such sales must be at public auction, and there must be thirty day's notice prior thereto, given as above provided for, notifying the assessment and tax, and in such sale, he who bids to pay the amount due for the least quantity of the land, will be the highest bidder; and the manner of ascertaining the portion purchased, shall be as directed in the State revenue law, now or hereafter existing.

§ 37. The collector shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect of the deed of the Treasurer of the county on sale for county and State taxes, under the law existing at the time. The lands may be redeemed within one year from the day of sale, by the payment of the purchase money and ten per cent. thereof, with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent, or the Treasurer of the city.

§ 38. This act may be taken and may be pleaded as a public act.

§ 39. This act shall take effect from and after its publication in the Iowa Republican and Clinton Mirror.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa Republican Feb. 7th, and Clinton Mirror Feb. 14th, 1855.

G. W. McCLEARY, Sec'y of State.

CHAPTER 92.

MILL DAMS.

AN ACT authorizing Mill Dams.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person owning lands on one, or both sides, of a stream or water course, and being desirous of building a mill, or erecting other machinery, to be propelled by water power, on said stream, and of erecting a